

Meeting of Council

Monday 14 December 2015

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Monday 14 December 2015 at 6.30 pm, and you are hereby summoned to attend.



Sue Smith
Chief Executive

Friday 4 December
2015

AGENDA

1 **Apologies for Absence**

2 **Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

3 **Communications** (Pages 1 - 2)

To receive communications from the Chairman and/or the Leader of the Council.

4 Petitions and Requests to Address the Meeting

The Chairman to report on any requests to submit petitions or to address the meeting.

5 Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

6 Minutes of Council (Pages 3 - 14)

To confirm as a correct record the Minutes of Council held on 19 October 2015.

7 Minutes

- a) Minutes of Executive, Lead Member Decisions and Executive Decisions not included in the 28 day notice

The Leader of the Council to formally propose that the minutes of the meetings of the Executive and Lead Member Decisions as set out in the Minute Book (circulated separately) be received and to report that since the last meeting 4 decisions, relating to the Weston on the Green Application for Designation as a Neighbourhood Area, the Award of Liquid Fuel Contract, Safeguarding and South West Bicester Update, have been taken by the Executive which were not included in the 28 day notice.

- b) Minutes of Committees

The Leader of the Council to formally propose that the minutes of committees as set out in the Minute Book (circulated separately) be received.

8 Questions (Pages 15 - 16)

- a) Written Questions

At the time of agenda publication, one written question had been received in accordance with the Constitution.

A written response to the question will be circulated at the meeting.

A supplementary question by the Member who submitted the written question provided it is related to the reply and does not introduce any new matter is permitted.

- b) Questions to the Leader of the Council

The Chairman to invite questions to the Leader of the Council (including any matters arising from the minutes).

Following a response to their question being provided members will be entitled to a follow up or supplementary question.

c) Questions to Committee Chairmen on the minutes

The Chairman to invite questions to Chairmen of Committees on any matter arising from the minutes of their committee (if any).

9 Motions

To debate a motion which has been submitted with advance notice, in accordance with the constitution.

Car Parking

This Council notes with concern the decline in revenues to the authority from district council car parks and from commercial rental income in particular at Castle Quay, Banbury.

This Council also notes the feedback from businesses and the general public on the impact that parking charges has on visitor footfall into our town centres.

So noted, this council asks the Executive to implement a month-long suspension of parking charges in its car parks from 9.30am on Thursdays in February 2016 excepting ultra short stay car parks and drop-off points.

This temporary suspension of charges should be accompanied by a detailed study on the effect that it does, or does not, have on visitor numbers to our town centres. In doing so this Council believes it will restore public confidence in its commitment to prosperous town centres.

Proposer: Councillor Sean Woodcock

Council Business Reports

10 Licensing Act 2003: Review of Statement of Licensing Policy (Pages 17 - 46)

Report of Shared Interim Public Protection & Environmental Health Manager

Purpose of report

To consider a revised Statement of Licensing Policy as part of the Licensing Act 2003.

Recommendations

The meeting is recommended:

- 1.1 To approve and adopt the revised Cherwell District Council Statement of Licensing Policy.

11 Gambling Act 2005: Review of Statement of Licensing Principles
(Pages 47 - 98)

Report of Shared Interim Public Protection and Environmental Health Manager

Purpose of report

To consider a revised Statement of Licensing Principles as part of the Gambling Act 2005.

Recommendations

The meeting is recommended:

- 1.1 To approve and adopt the revised Cherwell District Council Statement of Licensing Principles.

12 Council Tax Reduction Scheme 2016-2017 (Pages 99 - 106)

Report of Head of Finance and Procurement

Purpose of report

To enable Council to approve the Council Tax Reduction Scheme for 2016-17.

Recommendations

The meeting is recommended:

- 1.1 To approve the current Council Tax Reduction Scheme (CTRS) for the year 1 April 2016 to 31 March 2017 as indicated in the report.
- 1.2 To delegate authority to the Council's section 151 officer in consultation with the Lead Member for Financial Management to determine if any further amendments to the CTRS are required by 31 January 2016 and, if so, to make them.

13 Calendar of Meetings 2016/17 and Draft Calendar of Meetings 2017/18
(Pages 107 - 120)

Report of Head of Law and Governance

Purpose of report

Council is asked to consider the calendar of meetings for the municipal year 2016/17 and the municipal year 2017/18.

Recommendations

The meeting is recommended:

- 1.1 To approve the calendar of meetings for Cherwell District Council (CDC) for the municipal years 2016/17 (Appendix 1) and 2017/18 (Appendix 2).
- 1.2 To approve the joint calendar of meetings 2016/17 (Appendix 3) and 2017/18 (Appendix 4), subject to similar agreement by South Northamptonshire Council.

14 Notification of Urgent Action: Councillor Dispensation (Pages 121 - 124)

Report of Chief Executive

Purpose of report

To inform the Council of a decision taken under urgency powers by the Chief Executive in relation to the granting of a dispensation to Councillor Melanie Magee from 19 November to 14 December 2015.

Recommendations

The meeting is recommended:

- 1.1 To note the decision taken under urgency powers by the Chief Executive in consultation with the Vice Chairman of the Council in relation to the granting of a dispensation to Councillor Melanie Magee from 19 November to 14 December 2015.

15 Exclusion of the Press and Public

The Chairman, will if necessary, move the exclusion of the press and public if members have indicated (under the relevant agenda item) they wish to ask a question on any matter arising from an exempt minute.

In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their decision members should also be mindful of the advice of Council Officers.

Should members decide not to discuss the issue in public, they are recommended to pass the following recommendation:

“That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the likely disclosure of exempt information as defined in paragraphs of Schedule 12A of that Act, as set out in the Minute Book.”

16 Questions on Exempt Minutes

Members of Council will ask questions on exempt minutes, if any.

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to natasha.clark@cherwellandsouthnorthants.gov.uk or 01295 221589 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Natasha Clark, Democratic and Elections
natasha.clark@cherwellandsouthnorthants.gov.uk, 01295 221589

Agenda Item 3

CHAIRMAN / VICE CHAIRMAN'S ENGAGEMENTS

19 October – 13 December 2015

Date	Event
20 October	<i>The Vice Chairman attended the annual St. Frideswide Civic Service at Oxford's Christ Church Cathedral. This year's theme was 'Responsible Business' with the aim to celebrate the best that local businesses can bring to the communities in which they work. St. Frideswide Civic Service (Vice Chairman).</i>
8 November	<p>The Chairman attended Bicester Town Council's Remembrance Service and Parade. The service took place at St. Edburg's Church, followed by lunch at St David's Barracks, Officers' Mess.</p> <p><i>The Vice Chairman attended the Banbury Town Council Remembrance Parade and Service at St. Mary's Church, Banbury in the morning and then the Bodicote Royal British Legion Service at Bodicote Church in the afternoon.</i></p> <p>Cllr Gibbard kindly represented the council at the morning service held in Kidlington.</p>
11 November	<i>The Vice Chairman chaired the Parish Liaison Meeting held in the Council Chamber at Bodicote House.</i>
12 November	<i>At the invitation of Banbury Rotary Club, the Vice Chairman attended one of the Children Singing for Children Concerts at St. Mary's Church, Banbury which were held over 4 nights. This was the fourteenth year of the annual concerts which have already enabled the Club to donate in excess of £54,000 to children's charities over the years.</i>
19 November	At the invitation of the Chairman and Committee Members of the ABF The Soldiers' Charity, Oxfordshire, the Chairman attended their Autumn Curry Lunch at St. George's Barracks, Graven Hill. The event was held to support the Charity and to formally introduce Civic Leaders to the Regiment under the Civil Engagement Initiative.
20 November	The Chairman and her consort attended the Chairman of Vale and White Horse District Council's charity dinner at the Officers' Mess, Dalton Barracks, Abingdon. The evening was raising funds for the Royal British Legion Poppy Appeal and Helen and Douglas House.
24 November	The Chairman attended a Thanksgiving Service organised by RAF Croughton.
28 November	The Chairman and her consorts hosted their Winter Wonderland Charity Dinner at the Whately Hall Hotel. The event was held to raise funds for the Chairman's chosen charity which this year is SeeSaw, an Oxfordshire based charity, which provides grief support for children up to the age of 18 following the death of a parent or sibling. The event was supported by approx. 80 people plus Do-good the therapy dog from SeeSaw. The Chairman will report on how much money was raised in due course.

- 30 November The Chairman attended the annual Katharine House Hospice - Lights of Love Remembrance Service and participated in jointly switching on the lights on the Christmas tree in Horse Fair, Banbury. This was followed by a service in St. Mary's Church which was attended by over 500 people.
- 2 December
(exact date
unconfirmed at time
of printing) The Chairman made an early morning visit to Royal Mail's Bicester Sorting Office at the invitation of the Royal Mail Group. The visit was an opportunity to thank postal staff not just for their hard work during the busy Christmas period but also for the role they play in the community throughout the year.
- 9 and 10 December The Chairman, together with members of JMT delivered mince pies to staff at various offices and depots in Bodicote, Banbury and Bicester.
- 12 December The Chairman and her husband attended a Holiday Dinner and Dance at The Dairy at Waddesdon Manor at the invitation of the Embassy of the United States of America RAF Croughton Annex.

- **Correct at time of agenda publication, 4 December 2015**

Agenda Item 6

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 October 2015 at 6.30 pm

Present: Councillor Chris Heath (Vice-Chairman, in the Chair)

Councillor Ken Atack
Councillor Andrew Beere
Councillor Claire Bell
Councillor Maurice Billington
Councillor Norman Bolster
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor Michael Gibbard
Councillor Timothy Hallchurch MBE
Councillor Simon Holland
Councillor David Hughes
Councillor Shaida Hussain
Councillor Tony Ilott
Councillor Ray Jelf
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Alastair Milne Home
Councillor Nigel Morris
Councillor Richard Mould
Councillor James Porter
Councillor Lynn Pratt
Councillor Neil Prestidge
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Sandra Rhodes
Councillor Barry Richards
Councillor Dan Sames
Councillor Les Sibley
Councillor Lawrie Stratford
Councillor Rose Stratford
Councillor Lynda Thirzie Smart
Councillor Bryn Williams
Councillor Barry Wood
Councillor Sean Woodcock

Apologies
for
absence: Councillor Melanie Magee
Councillor Fred Blackwell
Councillor Carmen Griffiths

Councillor Russell Hurlle
Councillor Matt Johnstone
Councillor Mike Kerford-Byrnes
Councillor D M Pickford
Councillor Trevor Stevens
Councillor Nicholas Turner
Councillor Douglas Webb
Councillor Douglas Williamson

Officers: Sue Smith, Chief Executive
Calvin Bell, Director of Development
Ian Davies, Director of Community and Environment
Martin Henry, Director of Resources / Section 151 Officer
Kevin Lane, Head of Law and Governance / Monitoring Officer
Natasha Clark, Team Leader, Democratic and Elections

33 **Declarations of Interest**

Members declared interests with regard to the following agenda items:

10. Motions.

Councillor Claire Bell, Disclosable Pecuniary Interest, as she worked at East Street Centre, Calder Close, Banbury and was therefore an employee of Oxfordshire County Council.

Councillor G A Reynolds, Non Statutory Interest, as an Oxfordshire County Council Councillor, which was carrying out the consultation.

Councillor Kieron Mallon, Non Statutory Interest, as an Oxfordshire County Council Councillor, which was carrying out the consultation.

Councillor Lawrie Stratford, Non Statutory Interest, as an Oxfordshire County Council Councillor (OCC), which was carrying out the consultation and the OCC Cabinet Member for Finance and would therefore abstain from the vote.

Councillor Les Sibley, Non Statutory Interest, as an Oxfordshire County Council Councillor, which was carrying out the consultation.

Councillor Mark Cherry, Non Statutory Interest, as an Oxfordshire County Council Councillor, which was carrying out the consultation.

Councillor Maurice Billington, Non Statutory Interest, as an Oxfordshire County Council Councillor, which was carrying out the consultation.

Councillor Surinder Dhesi, Non Statutory Interest, as an Oxfordshire County Council Councillor, which was carrying out the consultation.

Councillor Timothy Hallchurch MBE, Non Statutory Interest, as an Oxfordshire County Council Councillor, which was carrying out the consultation.

16. Local Housing Company.

Councillor Nigel Randall, Non Statutory Interest, as Custodian Trustee of Cherwell Community Land Trust.

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Communications

The Vice-Chairman made the following announcements:

Councillor Ann Bonner

The Vice-Chairman referred to the sad passing of Councillor Ann Bonner on 3 August 2015. Councillor Bonner had served as a Conservative member for the Grimsbury and Castle ward of Cherwell District Council since 2004. She also represented residents on town and county councils, displaying a tireless commitment.

At Cherwell Councillor Bonner had been a member of many committees including: Standards, Personnel, Resources Select, Council and Employee Joint, Accounts Audit and Risk, Resources Select, Development, Customer Service, the Performance Related Pay and Appeals Panel, Overview and Scrutiny.

Councillor Bonner had also served as a councillor for Oxfordshire County Council and Banbury Town Council, serving as Mayor of Banbury and holding that position during the visit of Her Majesty, Queen Elizabeth II to the town.

Councillors Wood and Woodcock paid tribute to Councillor Bonner.

Council observed a period of silence in memory of Councillor Bonner.

Cllr Shaida Hussain

The Vice-Chairman welcomed Cllr Hussain to her first Council meeting following the recent by-election.

Recording at meetings

The Vice-Chairman advised Council that members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

Chairman's Engagements

The Vice-Chairman reported that a copy of the events attended by herself or the Chairman was included in the agenda pack.

Chairman's Dinner

The Vice-Chairman reminded Council that the Chairman's 'Winter Wonderland' would be held on Saturday 28 November 2015 at the Whately Hall Hotel in Banbury. Tickets were still available and the Chairman's PA, Liz Matthews, should be contacted for further information.

IRP Survey

The Vice-Chairman reminded Councillors that this year's Independent Remuneration Panel survey had been circulated the previous week. Members

were asked that, if they hadn't already, to ensure they completed the survey and return to Lesley Farrell in democratic services

Post

The Vice-Chairman reminded Members to collect post from pigeon holes

35 **Petitions and Requests to Address the Meeting**

The Vice-Chairman advised the meeting that no petitions had been received but there had been three requests to address the meeting from Jill Huish, Joanna Lovell and Amy Herbert on agenda item 10, the motion submitted by Councillor Woodcock. Each speaker will be able to speak for up to 5 minutes and the addresses would be taken at the start of agenda item 10.

36 **Urgent Business**

There were no items of urgent business.

37 **Minutes of Council**

The minutes of the meeting held on 20 July 2015 were agreed as a correct record and signed by the Chairman.

38 **Minutes**

a) **Minutes of the Executive, Lead Member Decisions and Executive Decisions made under Special Urgency**

Resolved

That the minutes of the meeting of the Executive and Lead Member decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council, three decisions relating to the Asset Management Plan 2015/16, Site Negotiations and Acquisitions and the Oxfordshire Devolution Bid had been taken by the Executive which were not included in the 28 day notice

b) **Minutes of Committees**

Resolved

That the minutes of Committees as set out in the Minute Book be received.

39 **Thames Valley Police - Address by Chief Constable**

The Chairman welcomed the Police and Crime Commissioner for Thames Valley, Anthony Stansfeld, the Chief Constable of Thames Valley Police,

Francis Hapgood, and the Cherwell Local Area Commander Superintendent, Kath Lowe, to the meeting.

The Police and Crime Commissioner and Chief Constable Hapgood addressed the meeting regarding policing in Thames Valley. A number of Members asked questions and answers were duly provided.

The Chairman thanked the Police and Crime Commissioner, the Chief Constable and Superintendent Lowe.

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Questions

a) Written Questions

There were no written questions.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Small Business Saturday: Councillor Lawrie Stratford
Statement of Accounts 2014-15: Councillor Hussain
Oxfordshire County Council consultation on Early Intervention Services:
Councillor Dhesi
London Road Crossing, Bicester: Councillor Sames

c) Questions to Committee Chairmen on the minutes

There were no questions to Committee Chairman on the minutes of meetings.

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Motions

a) Oxfordshire County Council consultation on the options for the future of the Children's Centres and Early Intervention Service

Prior to consideration of the motion, Jill Huish, Joanna Lovell and Amy Herbert addressed the Council.

It was moved by Councillor Woodcock, and seconded by Councillor Dhesi that the following motion be adopted:

"This Council notes the public consultation launched by the County Council on options for the future of the Children's Centres and Early Intervention Service with the aim of cutting the budget by a staggering £8m.

This Council states that these cuts are ideologically motivated as an attack on public services pursued by the government and by its forerunners in the Coalition. Having imposed reductions in local government funding which has led to atrocious cutbacks in these services, and also in youth services, services for those with learning disabilities, support for the homeless, and cuts

in adult social care; these cutbacks represent a comprehensive assault on the most vulnerable in our society.

This Council finds the proposals to close all 44 children's centres entirely unacceptable and asks the Leader to inform the County Council that this would have very serious impacts indeed, not only on the most vulnerable, but on all the users of the centres who find their support invaluable as well as on wider society within Cherwell District and beyond.

While this Council acknowledges the appalling cuts in local government funding, it asks that proper consultation with the centres and the public is done to develop alternative ways to achieve the savings without taking away what is for many a lifeline.

It therefore asks the Leader to respond in the strongest terms to the County's consultation imploring the County Council to save as many of the vital services in children's centres as it can, and also asking the Leader to consider any ways in which this authority (although it is also subject to similar government cutbacks) might support the retention of any services."

Councillor Wood proposed the following amendment to the motion, which was duly seconded by Councillor Reynolds:

"This Council notes the public consultation launched by the County Council on the options for the future of the children's centres and Early Intervention Service. This Council looks to respond to the consultation after receiving Officer advice. This Council believes that improving the outcomes for Cherwell children can form the basis of an innovative response."

Councillor Richards raised a point of order seeking to challenge the legitimacy of the amendment. With the leave of the meeting the Head of Law and Governance advised members that he did not consider that the amendment negated the original motion and that accordingly it was legitimate.

The motion, as amended, was debated and subsequently put to the vote. In accordance with the request that had been moved and seconded for a recorded vote, this was duly taken. Members voted as follows:

Councillor Chris Heath - For
Councillor Ken Atack – For
Councillor Andrew Beere – Against
Councillor Maurice Billington – For
Councillor Norman Bolster – For
Councillor Mark Cherry – Against
Councillor Colin Clarke - For
Councillor Ian Corkin - For
Councillor Surinder Dhesi – Against
Councillor John Donaldson – For
Councillor Michael Gibbard – For
Councillor Tim Hallchurch MBE – For
Councillor Simon Holland – For
Councillor David Hughes – For
Councillor Shaida Hussain – Against
Councillor Tony Ilott – For

Councillor Ray Jelf – For
Councillor James Macnamara – For
Councillor Kieron Mallon – For
Councillor Nicholas Mawer – For
Councillor Alistair Milne Home - For
Councillor Nigel Morris – For
Councillor Richard Mould - For
Councillor James Porter – For
Councillor Lynn Pratt – For
Councillor Neil Prestidge - For
Councillor Nigel Randall – For
Councillor G A Reynolds – For
Councillor Sandra Rhodes - For
Councillor Barry Richards - Against
Councillor Daniel Sames – For
Councillor Les Sibley – For
Councillor Lawrie Stratford – Abstain
Councillor Rose Stratford – For
Councillor Lynda Thirzie Smart – For
Councillor Bryn Williams - For
Councillor Barry Wood – For
Councillor Sean Woodcock – Against

The amendment was therefore adopted, becoming the substantive motion.

The substantive motion, was debated and subsequently put to the vote. In accordance with the request that had been moved and seconded for a recorded vote, this was duly taken. Members voted as follows:

Councillor Chris Heath - For
Councillor Ken Atack – For
Councillor Andrew Beere – For
Councillor Maurice Billington – For
Councillor Norman Bolster – For
Councillor Mark Cherry – For
Councillor Colin Clarke - For
Councillor Ian Corkin - For
Councillor Surinder Dhesi – For
Councillor John Donaldson – For
Councillor Michael Gibbard – For
Councillor Tim Hallchurch MBE – For
Councillor Simon Holland – For
Councillor David Hughes – For
Councillor Shaida Hussain – For
Councillor Tony Ilott – For
Councillor Ray Jelf – For
Councillor James Macnamara – For
Councillor Kieron Mallon – For
Councillor Nicholas Mawer – For
Councillor Alistair Milne Home - For
Councillor Nigel Morris – For
Councillor Richard Mould - For
Councillor James Porter – For

Councillor Lynn Pratt – For
Councillor Neil Prestidge - For
Councillor Nigel Randall – For
Councillor G A Reynolds – For
Councillor Sandra Rhodes - For
Councillor Barry Richards - For
Councillor Daniel Sames – For
Councillor Les Sibley – For
Councillor Lawrie Stratford – Abstain
Councillor Rose Stratford – For
Councillor Lynda Thirzie Smart – For
Councillor Bryn Williams - For
Councillor Barry Wood – For
Councillor Sean Woodcock – For

Resolved

That the following motion be adopted:

This Council notes the public consultation launched by the County Council on the options for the future of the children’s centres and Early Intervention Service. This Council looks to respond to the consultation after receiving Officer advice. This Council believes that improving the outcomes for Cherwell children can form the basis of an innovative response.

(Having declared a disclosable pecuniary interest, Councillor Bell left the meeting for the duration of this item)

42

Result of Banbury Grimsbury and Castle By-Election

The Chief Executive submitted a report to advise Council of the result of the Banbury Grimsbury and Castle by-election held on 1 October 2015 and to note changes to political balance and membership of Committees.

Resolved

- (1) That the result of the Banbury Grimsbury and Castle by election held on 1 October 2015 be noted.
- (2) That the constitution of the Council (40 Conservatives, 8 Labour, 1 Liberal Democrat and 1 Independent) following the by-election be noted.
- (3) That the allocation of seats on committees that are subject to the political balance requirements following the by-election be agreed.
- (4) That the following amendments to committee membership as necessitated by the changes to the proportional allocations following the by-election as requested by the Labour Group (appoint Councillor Shaida Hussain to the Licensing Committee and Councillor Andrew Beere to the Planning Committee) be agreed and authority be delegated to the Head of Law and Governance to confirm the

remaining amendments to committee membership on the direction of the Conservative Group Leader and Labour Group Leader.

- (5) That authority be delegated to the Head of Law and Governance to confirm the amendment to the membership of the Joint Councils and Employee Engagement Committee on the direction of the Conservative Group Leader.

43 **Transformation Governance**

The Chief Executive submitted a report to request Council to discontinue the Joint Arrangements Steering Group and amend the membership of the Joint Commissioning Committee on the recommendation of the Joint Commissioning Committee. The report also made recommendations to ensure governance arrangements remain effective and transparent

Resolved

- (1) That the Joint Arrangements Steering Group (JASG) be discontinued and that the Head of Transformation be delegated to update HR policies and procedures as necessary.
- (2) That the membership of the Joint Commissioning Committee be increased from 4 to 6 members from each council and that the frequency of meetings be increased to bi-monthly diarised meetings to ensure effective Member oversight of the transformation programme.
- (3) That, in accordance with the revised proportionality calculation, Councillors Barry Wood and Lynn Pratt be appointed to the Joint Commissioning Committee.

44 **Adoption ('Making') Of Hook Norton Neighbourhood Plan**

The Head of Strategic Planning and the Economy submitted a report to ask Council to formally 'make', i.e. to adopt, the Hook Norton Neighbourhood Plan (HNNP) following a successful referendum in Hook Norton Parish held on 3 September 2015. There was a majority vote in favour of adopting the neighbourhood plan so that it becomes part of the statutory development plan for Cherwell District Council under the provisions of Section 38A (4) and (6) the Town and Country Planning Act 2004 as amended by the Localism Act 2011. On 5 October 2015, the Executive resolved to recommend to Full Council that the Plan be 'made'.

Resolved

- (1) That the referendum result of the 3 September 2015 where 97% of those who voted were in favour of the Plan, which was above the required 50%, be noted.
- (2) That it be resolved that Cherwell District Council as local planning authority 'make' the Hook Norton Neighbourhood Plan (annex to the

Minutes as set out in the Minute Book) part of the statutory development plan for the District.

- (3) That the issuing and publication of a decision statement, under regulation 19 of the Neighbourhood Planning (General) Regulations 2012, that Cherwell District Council has resolved to make the Hook Norton Neighbourhood Plan (annex to the Minutes as set out in the Minute Book) be approved.
- (4) That authority be delegated to the Head of Strategic Planning and the Economy for the correction of any spelling, grammatical or typographical errors, and the undertaking of any minor presentational improvements, if required prior to the Plan being published by Council.

45 **New Woodgreen Leisure Centre Management Contract and Facility Improvements**

The Director of Community and Environment submitted a report to consider a supplementary capital estimate in order to undertake priority works prior to the new contract commencement.

Resolved

- (1) That a supplementary capital estimate of up to £130,000 for priority Woodgreen Leisure Centre building works prior to the new contract commencement be approved.

46 **Exclusion of the Press and Public**

Resolved

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraphs 3 and 5 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

47 **Local Housing Company**

The Head of Regeneration and Housing submitted an exempt report which followed on from the 5 October 2015 report to Executive, which recommended that Council approves the creation of a Local Housing Company as a vehicle to develop, own and manage affordable housing assets and ancillary activities including existing housing assets in the Council's ownership, both built (and occupied) and in development.

Resolved

- (1) That the creation of a Local Housing Company, registered with the Financial Conduct Authority (FCA) as a Community Benefit Society, HMRC as an exempt charity and the Homes and Communities Agency (HCA) as a registered provider be approved.
- (2) That the sale of existing affordable housing assets (both completed and occupied and in development) as itemised in the exempt annex to the Minutes (as set out in the Minute Book) at existing market value as certified by an independent valuer to the Local Housing Company (once incorporated and registered with the FCA and the HCA) be approved and it be noted that any proposed future disposals of Council owned assets to the Local Housing Company would form the subject of future reports to Executive or full Council as appropriate.
- (3) That the lending of finance from the Council to the Local Housing Company, as long as this is viable for both the Local Housing Company and the Council and is within the Council's peak borrowing limits and the legal requirements relating to the prohibition of unlawful State Aid, be approved.
- (4) That approval be given for the Council undertaking a key financial role in the Local Housing Company, subject to such role complying with the legal requirements in relation to the prohibition of unlawful State Aid, in particular:
 - i. Through the provision of loan finance on a formal loan arrangement with the Council
 - ii. Through providing a contingent guarantee for external finance and lease arrangements
- (5) That authority be delegated to the Director of Resources, in consultation with the Leader of the Council, to approve the business plan of the Local Housing Company and to appoint Council Directors to the Board of the Local Housing Company (if incorporated and registered with the FCA and the HCA) including such future appointments as are necessary to fill vacancies that might arise.
- (6) That delegated authority be granted to the Head of Regeneration and Housing, in consultation with:
 - The Leader of the Council
 - The Lead Member for Housing
 - The Lead Member for Estates and the Economy
 - The Lead Member for Financial Management
 - The Director of Resources
 - The Director of Development
 - The Head of Finance and Procurement
 - The Head of Law and Governance

to take the necessary operational, legal and financial steps to ensure effective implementation of the above, including the naming of the Local Housing Company and its subsidiary, subject to there being no conflict of interest arising for the Head of Regeneration and Housing between the Council and the Local Housing Company in respect of any actions to be taken following the Company's incorporation and registration with the FCA and HCA.

48 **Questions on Exempt Minutes**

There were no questions on exempt minutes.

The meeting ended at 9.55 pm

Chairman:

Date:



Council

Monday 14 December 2015

Agenda Item 8 (a), Written Questions

Question From: Councillor Sean Woodcock

Question To: Leader of the Council, Councillor Barry Wood

Topic: Children's centres in the Cherwell District

At our previous meeting, it was resolved that officers would provide advice on how this authority would respond to the threat to the district's children's centres.

Can the Leader of the Council provide an update on what has been done since for each of the children's centres in Cherwell?

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Cherwell District Council

Council

14 December 2015

<p style="text-align: center;">Licensing Act 2003 Review of Statement of Licensing Policy</p>

Report of Shared Interim Public Protection & Environmental Health Manager

This report is public

Purpose of report

To consider a revised Statement of Licensing Policy as part of the Licensing Act 2003.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve and adopt the revised Cherwell District Council Statement of Licensing Policy.

2.0 Introduction

- 2.1 This report refers to the Statement of Licensing Policy following the review required by the Licensing Act 2003.

3.0 Report Details

- 3.1 Section 5 of the Licensing Act 2003 requires all licensing authorities to prepare and publish a statement of the principles they propose to apply in exercising their functions under the Act.
- 3.2 The policy was last reviewed on the 9th of December 2010 and lasts 5 years. The Secretary of State has decreed that the policy must be reviewed at least every five years, although a Licensing Authority can review it at any time.
- 3.3 The draft policy is attached at Appendix 1. The policy was produced following guidance given in the LACORS Best Practice Framework for the Review of Licensing Policy Statements.

- 3.4 There are no key significant policy changes in the document but there are some sections which have been expanded to provide better guidance, for example, descriptions of early morning restriction orders and late night levies.
- 3.5 The deadline for publication of this policy is 6 January 2016.
- 3.6 The Act requires a consultation to be carried out with the persons/groups detailed below. This was carried out and no comments were received.

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is recommended that the revised licensing policy statement be approved.

5.0 Consultation

The Council's Licensing Committee

Chief Officer of Police

Party to developing the policy and no further comments received

The Fire Authority

Party to developing the policy and no further comments received

Each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area

No responses

Holders/representatives of premises licensees

No responses

Holders/representatives of club premises certificate holders

No responses

Holders/representatives of personal licence holders

No responses

Persons/representatives of businesses and residents

No responses

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: The policy must be reviewed so rejection is not a realistic option.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications

Comments checked by Brian Wallace, Interim Principal Accountant for Community and Environment, 01296 221737 brian.wallace@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 The Council is required to produce, publish and review at least every five years a 'statement of principles' – a policy which will be applied by the council in the exercise of its functions under the Licensing Act 2003. The policy must comply with Licensing Act 2003 and have regard to the statutory guidance issued in accordance with the Act.

Failure to comply with the legislation and / or give due consideration to the statutory guidance may result in a challenge to the policy being successful.

Subsequent failure to comply with the policy when exercising its functions under the Licensing Act 2003 may result in a challenge to the council's discharge of its statutory functions being successful.

Comments checked by Matt Marsh, Solicitor, 01295 221691,
matt.marsh@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

To deliver regulatory services that are efficient, and well regarded by business customers

Lead Member

Councillor Tony Ilott, Lead Member for Public Protection

Document Information

Appendix No	Title
1	Licensing Act 2003 Statement of Licensing Policy
Background Papers	
None	
Report Author	Nicholas Sutcliffe, Interim Licensing Manager
Contact Information	Jackie Fitzsimons, Shared Interim Public Protection & Environmental Health Manager Jackie.fitzsimons@southnorthants.gov.uk

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Statement of Licensing Policy

Licensing Act 2003

January 2016

Cherwell District Council Licensing Act 2003
Statement of Licensing Policy for
Regulated Entertainment, Late Night Refreshment and the Sale of Alcohol

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1. Executive Summary

- 1.1 The Licensing Act 2003 introduced a revised licensing system for alcohol, entertainment and late night refreshment.
- 1.2 Section 5 of the Licensing Act 2003 has imposed a statutory duty on the Licensing Authority to produce a statement of licensing policy for a five years period, beginning with such day as the Secretary of State may by order appoint.
- 1.3 This document sets out the Licensing Authority's policy, which will guide the Council when considering applications under the Act. The policy provides guidance on the general approach the Council, as the Licensing Authority within the meaning of the Act, will take in terms of licensing. However, each licence application will be considered separately on its individual merits.
- 1.4 The Licensing Authority in adopting this policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of safe and well run entertainment

premises to the local economy and vibrancy of the area. However, the Council also recognises that balancing these interests will not always be straightforward and it will be guided by the four licensing objectives as set out in this policy.

- 1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and as stated above each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, this Council in adopting the policy is indicating that a wide range of considerations will be taken into account.
- 1.6 The Council will use its powers to promote best practice in relation to the operation of licensed premises and is committed to partnership working with responsible authorities, local businesses, licensed trade, residents and others to ensure that they have a clear understanding of the legislation.
- 1.7 The Licensing Authority has had regard to the guidance issued by the Secretary of State under Section 182 of the Act when developing this statement of Licensing Policy. This Council may deviate from the guidance but will demonstrate good reasons for doing so.
- 1.8 The scope of this policy covers new applications, renewal of personal licences, transfers and variations of licences and certificates including temporary event licences. This includes the review of licences and certificates which could lead to a range of sanctions including the revocation of a licence or a certificate.

2. Purpose and Scope of the Licensing Policy

- 2.1 The Licensing Act 2003 makes it a duty for the local authority to carry out its functions under the Act with a view to promoting the four licensing objectives:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance, and
 - The protection of children from harm
- 2.2 The purpose of this Policy is to detail how this Authority will comply with that duty.
- 2.3 In determining its statement of licensing policy, this Authority will have regard to the guidance issued by central government and other regulatory bodies to ensure that its actions are consistent with those nationally.
- 2.4 Licensing decisions will be made in accordance with the current legislation, case law, relevant guidance and in accordance with this policy.
- 2.5 No decision will be made which undermines the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.
- 2.6 Authorised persons, interested parties and responsible authorities, as defined in the Act, will have the right to make representations to the Licensing Authority on any application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. This Authority recognises that in the absence of relevant representations it will grant licenses on the terms sought.
- 2.7 Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions will be focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
- 2.8 This authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area

concerned. However this Council recognises that licensing legislation is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

- 2.9 The Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the control of the licence holder. Nonetheless, it is a key aspect of such control and licensing laws will always be part of the holistic approach to the management of the evening and night-time economy.
- 2.10 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. This Licensing Authority wishes to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 2.11 This Licensing Authority recognises that the provision of entertainment is a major contributor to the economy of the area attracting tourists and visitors, and is a source of employment.
- 2.12 This Licensing Authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering, fouling, noise and street crime.
- 2.13 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its merits. Only mandatory conditions and conditions offered or agreed with by the applicant will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are appropriate, proportionate and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.
- 2.14 In considering licensing hours this Licensing Authority will place significant emphasis on the individual merits of an application. In addition, the views of the Police and other agencies will be important in this consideration.
- 2.15 Licensing hours will not inhibit the development of a thriving and safe evening and night-time local economy which is important for investment and employment locally and beneficial to tourism without compromising the ability to resource local services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration.
- 2.16 Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the community. Individual applicants should address the licensing objectives in their operating schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.
- 2.17 The purpose of this policy document is to assist the Licensing Authority in reaching a decision on a particular application, setting out those matters which will normally be taken into account. In addition, this policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the area with some measure of certainty.
- 2.18 Before determining its policy for any five-year period, this Authority will undertake full consultation as prescribed by the 2003 Act.
- 2.19 The views of all of those consulted will be given appropriate weight when the policy is determined together with those of any other persons or bodies which the Authority considers appropriate to consult with. When undertaking consultation exercises, this Authority will also have regard to cost and time.

3. Duplication

- 3.1 The enforcement of licensing legislation will at all times be distinct from other regulatory regimes such as fire safety and health and safety so far as is practicable.
- 3.2 Conditions will only be attached to premises licences and club premises certificates that are necessary for the promotion of the licensing objectives detailed in the introduction to this policy, be they mandatory conditions, conditions made against the operating schedule and/or following relevant representations. Under normal circumstances where matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.
- 3.3 To ensure clarity of enforcement roles appropriate liaison with other enforcing authorities will take place and, where considered appropriate, joint inspections by enforcement agencies will be arranged.

4. Strategies

- 4.1 Where relevant representations are received, this Licensing Authority will attach conditions to premises licences and club premises certificates where appropriate to reflect local crime prevention strategies, for example, the provision of closed circuit television cameras in certain premises. The need for such conditions will be considered specifically as part of the application consultation process with Northamptonshire Police and more generally through Crime and Disorder Partnerships.
- 4.2 The Licensing Committee will be advised of any relevant information received either reactively or proactively indicating that this policy is having a detrimental impact on live music and dancing and other regulated activities, to ensure that broader cultural activities and entertainment are not being affected. Where indications are that there is a negative effect on such events then this policy will be reviewed in order to identify how the issues may be remedied. Advice will be sought from other relevant bodies as appropriate where such issues are identified. Every care will be taken to ensure that only necessary, proportionate and reasonable licensing conditions are applied.

5. Live Music Act

- 5.1 The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music.
- 5.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review. When considering whether an activity constitutes 'the provision of regulated entertainment' each case will be treated on its own merits.

6. Objectives

6.1 Prevention of crime and disorder

The essential purpose of the licence or certificate is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and his staff or agents. They can however directly impact on the behaviour of those under the licensee's direction when on their premises or in the immediate vicinity of the premises as they seek entry or leave.

There are a number of offences both within the Licensing Act 2003 and other legislation that relate to crime and disorder that a licensee should be familiar with. These offences stand in their own right and will not be duplicated as conditions on any licence/certificate.

Various 'Pubwatch' schemes operate in the Cherwell District which aim to counter individuals who damage property; are violent and cause disorder; or use or deal in drugs through exclusions. This Licensing Authority is supportive of such schemes and considers premises should join where it is

appropriate to do so. However this authority does not consider it appropriate to make it a condition of licence to be a member of Pubwatch.

6.2 Public safety

The public safety objective is concerned with the physical safety, including fire safety, of the people using the relevant premises and not with public health, which is dealt with in other legislation. Public safety includes the safety of performers appearing at any premises. The Authority has noted that from 1st October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Responsibility for complying with the order rests with the 'responsible person' who has control of premises.

The Licensing Authority is familiar with the "Safer Clubbing Guide" and its application to nightclubs and dance events. The guide contains a number of suggestions and safeguards, which appropriate premises should consider and include within their operating schedules as necessary. There are a number of other key publications that relate to public safety at entertainment events, which the Licensing Authority would recommend to applicants.

6.3 The prevention of public nuisance

The public nuisance objective is designed to deal with the impacts of licensable activities at specific premises on persons living and working (including doing business) in the vicinity that is disproportionate and unreasonable. The main issues for concern will be noise nuisance, light pollution, noxious smells and litter.

The provision of welfare facilities such as toilets within licensed premises is relevant to the prevention of public nuisance. Adequate welfare provisions may prevent nuisance activities taking place within the street, such as urination. Licensees should therefore ensure that adequate facilities are provided within the premises and include these details within their operating schedule.

Public nuisance is not defined within the Act but is given a broad common law definition. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbances affecting the whole community. This may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined) in the vicinity of the licensed premises.

This Licensing Authority will have regard to the powers available within the Anti-Social Behaviour Crime and Policing Act 2014. This provides that if noise from licensed premises is causing a public nuisance the local authority has powers to issue a closure order for up to 24 hours. This compliments the police powers under Part 8 of the 2003 Act.

6.4 The protection of children from harm

The Act has tightened up on the controls relating to the sale and supply of alcohol to children with new and further principle offences contained within the Act itself. However the intention of the Act is to make licensed premises accessible to families and only limit access to children where it is necessary in order to prevent physical, moral or psychological harm to them. This would include the protection of children from too early an exposure to strong language, sexual expletives, violence or frightening images, for example, in the context of film exhibitions, or where adult entertainment is provided.

When deciding where restrictions should be imposed, this Licensing Authority will examine the individual merits of each application and only impose conditions where the circumstances justify them.

Aspects of an application that would be likely to raise concerns in relation to access by children would include:

- Where entertainment or services of an adult or sexual nature are commonly provided;
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- With a known association with drug taking or dealing;

- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

It is not possible to provide an exhaustive list of the entertainment or services that are of an adult or sexual nature, therefore a common sense approach will be taken to interpretation. However such entertainment or services would also include entertainment involving strong and offensive language.

Where conditions are required for the prevention of harm to children, a range of alternatives will be considered as methods for limiting access. These could include:

- Limitations on hours when children may be present;
- Limitations of the presence of children under certain ages when particular specified activities are taking place;
- Limitations on the parts of the premises to which children might be given access;
- Age limitations (below 18);
- Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of those people under 18 from the premises when any licensable activities are taking place.

This Licensing Authority, Oxfordshire County Council Trading Standards Service and Thames Valley Police take a very serious view of the persistent and illegal sale of alcohol and other age-restricted goods to children. Together with Trading Standards, this Licensing Authority will continue to seek to ensure that illegal sales of alcohol and other age-restricted goods are reduced and ultimately eradicated.

The sale of alcohol to minors (under 18 years of age) is a criminal offence and Trading Standards Service has over time, worked to advise the off-licence trade on how to set up systems to avoid sales taking place.

The Licensing Authority will maintain close contact with the police, young offender's team and Trading Standards officers regarding unlawful activities and share actions and intelligence where appropriate.

7. The Licensing Authority as a responsible authority

- 7.1 This Licensing Authority acknowledges that it is now included in the list of responsible authorities. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. Therefore, it is for this Licensing Authority to determine when it considers it appropriate to act in its capacity as a responsible authority.
- 7.2 This Licensing authority will not normally act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for this licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and this licensing authority is aware of relevant grounds to make a representation, a choice may be made to act in its capacity as responsible authority.
- 7.3 This Licensing Authority expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance.

- 7.4 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention and may do so where the authority consider it appropriate without having to wait for representations from other responsible authorities.
- 7.5 In cases where this Licensing Authority is also acting as responsible authority in relation to the same process, there will be a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub-committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 7.6 Accordingly, the officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) will be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination by the licensing authority. Communication between these officers in relation to the case will remain professional and consistent with communication with other responsible authorities.

8. Health as a responsible authority

- 8.0 Oxfordshire County Council Directors of Public Health (DPH) are now responsible authorities with all of the powers and responsibilities this brings.
- 8.1 This Licensing Authority acknowledges that DPH will be useful in providing evidence of alcohol-related health harms when there is a revision of policy particularly in relation to cumulative impact policies or early morning restriction orders.
- 8.2 This Licensing Authority envisages that DPH's will also be useful in providing evidence such as alcohol-related A & E admissions or ambulance service data that might be directly relevant to an application under the Act.

9. Responsible Authorities

- 9.1 Thames Valley Police
Licensing Department
Thames Valley Police
E Block HQ South
165 Oxford Road
KIDLINGTON
Oxfordshire OX5 2NX
TEL: 0845 8505505

Licensing@thamesvally.pnn.police.uk

- 9.2 Oxfordshire Fire and Rescue Service:

Oxfordshire Fire and Rescue Service Headquarters
Sterling Road
Kidlington
Oxfordshire OX2 2DU
TEL: 01865 897789
Fire.service@oxfordshire.gov.uk

9.3 Child Protection:

Oxfordshire Safeguarding Children Board Officer
3rd Floor County Hall
New Road
Oxford OX1 1ND
TEL: 01865 328993

9.4 Trading Standards:

Oxfordshire County Council
Trading Standards Service
Electric Avenue
Ferry Hinksey Road
Off Botley Road
Oxford OX2 0BY
TEL: 0845 0510845

Trading.standards@oxfordshire.gov.uk

9.5 Local Health Authority:

Equality and Access Officer
South East and South West Localities
Jubilee House
5510 John Smith Drive
Oxford OX4 2LH

9.6 The Planning Authority:

Planning and Development Services
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire OX15 4AA
TEL: 01295221883

planning@cherwell-dc.gov.uk

9.7 Anti-Social Behaviour Team:

Anti-Social Behaviour Team
Public Protection & Development Management
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire OX15 4AA
TEL: 01295252535

asb@cherwell-dc.gov.uk

9.8 Health and Safety/ Public Protection
Public Protection Team –
Safer Communities & Community Development
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire OX15 4AA
TEL: 01295252353

Public.protection@cherwell-dc.gov.uk

9.9 Licensing Authority contact details are detailed in Annex 2 of this statement.

10. Planning

- 10.1 This Licensing Authority acknowledges that there must be proper separation of the planning and licensing regimes to avoid duplication and inefficiency. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority Planning Committee or following appeals against decisions taken by that committee.
- 10.2 The Licensing Committee may provide reports to the Planning Committee on the situation regarding licensed premises in the area to ensure proper integration, including the general impact of alcohol related crime and disorder, to provide background information to any planning applications for potential licensed premises under consideration.
- 10.3 The planning authority also has a duty to consider matters of crime and disorder at this stage. This will enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.
- 10.4 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority. There is no legal basis for this Licensing Authority to refuse a licence application because it does not have planning permission,
- 10.5 The strength of planning policies is that there is an obligation both on the council, as local planning authority, and the decision maker on any appeal to give considerable weight to them. This helps ensure consistency in the decision making process.

11. Licensing Hours

- 11.1 Consideration will always be given to the individual merits of an application in line with the four licensing objectives and any relevant representations. This Authority recognises that longer licensing hours with regard to the sale of alcohol need to be managed effectively to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which may lead to disorder and disturbance.
- 11.2 However, when issuing a licence with hours beyond 23.00 hours, higher standards may be expected to be included in Operating Schedules to address the Licensing Objectives especially premises which are situated near to residential properties.
- 11.3 In considering licence applications, where relevant representations are made, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.
- 11.4 Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place.
- 11.5 In general terms, this Authority supports the view that, with regard to shops, stores and supermarkets, they should be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. For example, a limitation may be appropriate following police representations in the case of isolated shops known to be a focus of disorder and disturbance.

12. Temporary Event Notices

- 12.1 The most important aspect of the system of permitted temporary activities is that no permission as such is required for these events from the Council. The system involves the notification of an event

to the Licensing Authority, Environmental Health and Thames Valley Police, subject to fulfilling certain conditions.

- 12.2 As many users giving TEN's will not have commercial backgrounds or ready access to legal advice, the Licensing Authority will ensure that guidance is clear and understandable and will aim to keep arrangements manageable and user friendly for these groups.
- 12.3 Cherwell District Council recommend that at least 28 days and no more than three months' notice be given to hold such events. This will allow it to help organisers plan their events safely. A longer period than this may mean that all relevant details are not available and any lesser time may mean that the planning may be rushed; this may increase the likelihood of Thames Valley Police objecting.
- 12.4 The Licensing Authority will also remind notice givers of relevant offences under licensing law, including:
- the sale of alcohol to minors,
 - the sale of alcohol to a person who is drunk,
- 12.5 The Licensing Authority will also advise notice givers of the police powers to close down an event with no notice on grounds of disorder or because of public nuisance caused by noise emanating from the premises. Where the application is not within the parameters described above, the Licensing Authority will issue a Counter Notice to the person giving the TEN.
- 12.6 The Licensing Authority would encourage event organisers not to rely on giving the minimum amount of notice given the possibility of police intervention. Event organisers are encouraged to contact local Thames Valley Police Licensing Officers as early as possible about their proposed event(s).

13. Sexual Entertainment

- 13.1 This Licensing Authority has adopted a policy in relation sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. With reference to this related policy standard conditions are attached to such licences and where there are similar conditions in the two regimes, the more onerous apply.
- 13.2 This Licensing Authority acknowledges there is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly,

14. Cumulative Impact and Special Policies

- 14.1 Commercial demand for additional licensed premises is not a matter for this Licensing Authority or its statement of policy but a matter for planning committees and for the market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Committee.
- 14.2 Conditions may only relate to matters that the licensee can be expected to control. These are likely to relate to the premises themselves and the immediate vicinity. Where the number, type and density of premises selling alcohol are unusual, serious problems of nuisance and disorder can sometimes arise or begin to arise outside or some distance from the licensed premises. This has been described as the cumulative effect of the increasing capacity of all premises taken together and is outside of the control of licence conditions. There may be circumstances where this Licensing Authority receives relevant representations from a responsible authority or interested party that the cumulative effect of new licences is leading to an area becoming saturated with premises, making it a focal point for large groups of people to gather and circulate, away from the licensed premises themselves. This might be creating exceptional problems of disorder and nuisance over and above the impact from the individual premises. In such circumstances this Licensing Authority may consider the question of whether the granting of any further premises licences or club premises certificates would undermine one of the licensing objectives. The Licensing Act 2003 allows for this, so long as cumulative impact is addressed in the context of the individual merits of any application.

- 14.3 However this Licensing Authority will not impose quotas that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas, either formally or informally.
- 14.4 However, it may be necessary for this Licensing Authority to adopt a special policy of refusing new licences because the area is already saturated with certain types of licensed premises. In such circumstances this policy is not absolute and will still allow for the circumstances of each application to be considered properly and for licences which are unlikely to add significantly to saturation to be approved provided all other requirements are met.
- 14.5 In deciding whether to adopt such a policy, the licensing authority will have regard to:
- a) Identification of serious and chronic concern about crime and disorder or public nuisance;
 - b) Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises and if so identify the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
 - c) Consultation with those persons and bodies identified in Section 5(3) of the 2003 Act.
- 14.6 Where this process identifies such a need, this Licensing Authority will consider adoption of a special policy relating to future licence applications from that area. Reference to any such special policy will be made in the Licensing Policy Statement and the special policy will be published as part of the statement of licensing policy.
- 14.7 A special policy cannot be used to set a terminal hour for premises in the identified area.
- 14.8 This Licensing Authority has duties under Section 17 of the Crime and Disorder Act 1998 to do all that it can to prevent crime and disorder in its locality and to promote the licensing objectives in the Licensing Act 2003.
- 14.9 In considering representations relating to a particular application, this Licensing Authority will have regard to the impact on the promotion of the licensing objectives in the area. In any representations, the onus will be on the objector to lay an evidentiary base for the assertion that the addition of the premises in question would produce the cumulative impact claimed. The impact can be expected to be different for premises with different styles and characteristics.
- 14.10 Any special policy adopted by this Licensing Authority will be reviewed regularly to assess whether it has had the effect intended, whether it is needed any longer or whether it needs extending.
- 14.11 A special policy on cumulative impact will not be used as grounds for removing a licence when representations are received about problems with an existing licensed premises. Nor can it justify rejecting variations to a licence except where those variations are directly relevant to the policy (as would be the case with an amendment significantly to increase the capacity limits of a premises).
- 14.12 This authority will not adopt quotas which pre-determine the individual merits of any application – even in respect of premises selling alcohol for consumption on those premises – as they have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they will have on the local community.
- 14.13 This authority recognises that once away from these premises, only a minority of consumers will behave badly and unlawfully. The licensing policy is part of a much wider strategy for addressing these problems. Other mechanisms which may be used to deal with such issues which fall outside of the scope of this licensing policy include:
- a) planning controls;
 - b) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
 - c) the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;

- d) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- e) police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
- f) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- g) the confiscation of alcohol from adults and children in designated areas;
- h) Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance;
- i) the power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

14.14 This Licensing Authority and Northamptonshire Police will continue to work closely together to ensure that these other mechanisms are used appropriately to deal with the issues of concern and where possible will supplement these with other local initiatives that similarly address these problems.

15. Early Morning Restriction Orders

15.1 The power for this licensing authority to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. Regulations prescribing the requirements in relation to the process for making an early morning restriction order (EMRO) were brought in force on 31st October 2012.

15.2 This Licensing Authority will have reference to the guidance that has been introduced which relates to:

- the EMRO process
- the evidence base
- introducing an EMRO
- advertising an EMRO
- dealing with representations
- hearings
- implementation
- limitations
- enforcement

15.3 The legislation provides this licensing authority with the discretion to restrict sales of alcohol by introducing an EMRO to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of this licensing authority's area and if relevant on specific days and at specific times. This licensing authority will be satisfied that such an order would be appropriate to promote the licensing objectives.

15.4 The only exemptions relating to EMROs are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.

15.5 The decision to implement an EMRO will be evidence based and will be considered by Full Council.

16. Children

16.1 This Authority recognises that there will be a considerable variety of premises for which licences may be sought. These include theatres, cinemas, restaurants, concert halls, cafes, take-away food businesses and fast food outlets as well as public houses and nightclubs. In addition, subject to the licensee's discretion and any conditions included in a premises licence or club premises certificate, the Licensing Act 2003 does not prohibit unaccompanied children in licensed premises except in the circumstances defined in Section 145 of that legislation.

- 16.2 This Authority will not limit the access of children to such premises unless it is necessary for the prevention of harm to children. No statement of policy can properly anticipate every issue of concern that could arise in respect of children with regard to individual premises and so general rules have not been included. Consideration of the individual merits of each application remains the best mechanism for judging such matters.
- 16.3 However, notwithstanding the above, this authority considers that the following premises give rise to particular concern in respect of children:
- a) where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
 - b) with a known association with drug taking or dealing;
 - c) where there is a strong element of gambling on the premises;
 - d) where entertainment or services of an adult or sexual nature are commonly provided.
- 16.4 In these circumstances the Authority will consider the appropriate option for the prevention of harm to children where relevant representations are made. While complete bans on access to children are likely to be rare, there may be circumstances when no other option is considered appropriate. However, in the majority of cases where limiting the access of children to licensed premises is considered necessary, the options which will be considered are:
- a) Limitations on the hours when children may be present;
 - b) Age limitations (below 18);
 - c) Limitations on the exclusion of the presence of children under a certain age when particular specified activities are taking place;
 - d) Requirements for an accompanying adult;
 - e) Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 16.5 This authority will not impose conditions requiring that children must be admitted to any premises. Where the above restrictions are not considered necessary, access to licensed premises by children will remain a matter for the discretion of the individual licence holder or club. Where the licence holder volunteers prohibitions and restrictions and no other relevant representations are made, the volunteered prohibitions and restrictions will be made into conditions and no other conditions in relation to the presence of children will be applied.
- 16.6 Thames Valley Police and Oxfordshire County Council Trading Standards Service are jointly responsible for the enforcement of ss146, 147, 147(a) and 147(b) of the Licensing Act 2003 (The sale of, and allowing the sale of alcohol to children). Trading Standards are mainly responsible for 'off licence' premises and the Police have the main responsibility for 'on licence' premises.
- 16.7 With regard to children in premises giving film exhibitions, this authority will impose conditions requiring that arrangements must be in place for restricting children from viewing age-restricted films or videos classified according to the recommendations of the British Board of Film Classification or the local authority itself.
- 16.8 The Portman Group operates a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks on behalf of the alcohol industry. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. A copy of the Code can be found at www.portman-group.org.uk.
- 16.9 In the case of premises giving film exhibitions, this Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film

Classification or the licensing authority itself. The 2003 Act also provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to be restricted in accordance with the recommendations given to films either by a body designated under section 4 of the Video Recordings Act 1984 (the British Board of Film Classification is the only body which has been so designated) or by the licensing authority itself. This Licensing Authority will expect Licensees to demonstrate the controls they have in place for the showing of recordings which have no age classification.

17. Conditions

- 17.1 A key concept underscoring the Licensing Act 2003 is for conditions to be attached to licences and certificates that are tailored to the individual style and characteristics of the premises and events concerned. Conditions may only be applied following the receipt of relevant representations where they have been agreed by all parties concerned or have been applied by the Licensing Committee. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.
- 17.2 This Licensing Authority agrees that any condition imposed must be:
- clear;
 - enforceable;
 - evidenced;
 - proportionate;
 - relevant; and be expressed in plain language capable of being understood
- 17.3 This authority will therefore avoid the general application of standardised conditions to licences and certificates.
- 17.4 However to ensure consistency, when it is necessary to apply conditions, this authority will draw from pools of model conditions where available, from which appropriate and proportionate conditions may be drawn in particular circumstances to suit individual cases. The model conditions will cover the following:-
- Crime and disorder
 - Public safety
 - Public nuisance
 - Protection of children from harm

18. Reviews

- 18.1 The Licensing Act 2003 makes provision for the Review of premises licenses where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.
- 18.2 At any stage following the grant of a premises licence or club premises certificate, a responsible authority or an interested party (such as a resident living in the vicinity of the premises), may request this Licensing Authority review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 18.3 A review of a premises licence will follow any action by Thames Valley Police exercising powers to close licensed premises under Sec 161 licensing Act 2003 on grounds of disorder or noise nuisance as a result of a Magistrates' Courts' determination sent to the Licensing Authority.
- 18.4 In all cases, the representation must relate to a particular premises for which a licence is in force and must be relevant to the promotion of the licensing objectives.
- 18.5 Representations must be made in writing and may be amplified at the subsequent review or may stand in their own right. Additional representations, which do not amount to an amplification of the original representation, may not be heard at the hearing.

- 18.6 Where the request for a review originates from an interested party e.g. a local resident or residents' association, this Licensing Authority will first to consider whether the complaint made is relevant, vexatious, frivolous or repetitious.
- 18.7 A repetitious complaint is one that is identical or substantially similar to:
- a) a ground for review made in respect of the same premises licence which has already been determined; or
 - b) representations considered by the Licensing Authority when the premises licence was granted; or
 - c) representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
 - d) in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of a licence.
- 18.8 This Licensing Authority recognises the need to prevent attempts to review licences, following the failure of representations on earlier occasions. The Licensing Authority will judge what is to be regarded as a reasonable interval in these circumstances. This Licensing Authority has regard to the recommendation in the guidance that more than one review originating from an interested party should not be permitted within a period of 12 months on similar grounds except in compelling circumstances or where it arises following a Closure Order.
- 18.9 This Licensing Authority also recognises that the promotion of the licensing objectives relies heavily on a partnership approach. The Council would encourage authorised persons and responsible authorities to give licence holders warning of their concerns about problems identified at premises and of the need for improvement. This Licensing Authority will advise licence holders that a failure to respond to such a warning may lead to a responsible authority requesting a Review.
- 18.10 This Licensing Authority will hold a hearing following a request for a Review from a responsible authority, interested party or after closure procedures described earlier. This Licensing Authority will make the licence holder fully aware of the representations received together with supporting evidence in order for the licence holder or his legal representatives to be able to prepare a response.
- 18.11 In determining a Review, this authority has a range of powers it may exercise where it considers them necessary for the promotion of the licensing objectives:
- a) no action necessary as no steps required to promote the licensing objectives;
 - b) issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. This Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder.
 - c) to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
 - d) excluding a licensable activity from the licence;
 - e) remove the designated premises supervisor,
 - f) suspend the licence for a period of three months;
 - g) to revoke the licence.
- 18.12 This Licensing Authority in determining what action to take will seek to establish the causes of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.

19. Minor Variations

- 19.1 The purpose of the minor variation process is to save time, money and regulatory resources by allowing small variations that could not impair the promotion of the licensing objectives to be made to premises licences and club premises certificates through a simplified and less costly procedure. Under this process, the applicant is not required to advertise the variation in a newspaper or copy it to Responsible Authorities. However, they must display it on a white notice at the premises. The notice must be displayed for a period of 10 working days starting on the working day after the minor variation application was given to the Licensing Authority.

- 19.2 The holder of a premises licence or a club premises certificate can apply to the licensing authority for a minor variation to the licence or the certificate using the prescribed form. In determining an application this licensing authority will consult such of the Responsible Authorities as it considers appropriate.
- 19.3 This Licensing Authority will take into account any relevant representations made concerning the application by Responsible Authorities or by an interested party, Relevant representations must be about the **likely effect** of the grant of the application on the promotion of the licensing objectives. This Licensing Authority will grant an application only if it considers that none of the variations proposed in the application could have an adverse effect on the promotion of any of the licensing objectives. In any other case the authority must reject the application. There is no right to a hearing in this process.
- 19.4 An application may not be made under the minor variation provision if the effect of the variations proposed in it would be to:
- extend the period for which a premises licence has effect;
 - to vary substantially the premises to which a premises licence/club premises certificate relates;
 - to specify (in a premises licence) an individual as the Designated Premises Supervisor (DPS);
 - to authorise the sale or supply of alcohol or to authorise the sale by retail or supply of alcohol at any time between 11pm and 7am or increase in the amount of time on any day during which alcohol may be sold by retail or otherwise supplied; or
 - to disapply the mandatory conditions concerning the supervision of alcohol sales by a personal licence holder and the need for a Designated Premises Supervisor who holds a personal licence at a community premises.
- 19.5 If an application is refused, the Authority must notify the applicant in writing, giving its reasons for the refusal. The Authority is required to reach its determination within a period of fifteen (15) working days starting on the first working day after the authority receives the application, otherwise the application is rejected and the Authority must return the application fee.
- 19.6 Minor variations will generally fall into four categories:
- minor changes to the structure or layout of a premises;
 - small adjustments to licensing hours;
 - the removal of out of date, irrelevant or unenforceable conditions or volunteered conditions;
 - the addition of certain licensable activities.

20. Enforcement

- 20.1 This Licensing Authority will establish protocols and have regular liaison with the local police, fire & rescue service, trading standards, other County local authorities and other agencies on enforcement issues. This will provide for a more efficient deployment of local authority staff and police officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises. There will also be regular liaison with other enforcement authorities.
- 20.2 In particular, these protocols will provide for the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run. The limited validity of public entertainment, theatre, cinema and late night refreshment house licences has in the past led to a culture of annual inspections regardless of whether such inspections are necessary.
- 20.3 The Licensing Act 2003 does not require inspections to take place save at the discretion of those charged with this role. The principle of risk assessment and targeting will prevail and inspections will not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises.

21. Licence Suspensions

- 21.1 This is a power brought as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. This Licensing Authority must suspend premises licences and club premises certificates on the non-payment of annual fees. This Licensing Authority will follow the relevant guidance in issuing suspensions for non-payment.

22. Administration, Exercise and Delegation of Functions

- 22.1 The Powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more Officers acting under delegated authority.
- 22.2 Many of the licensing procedures will be largely administrative with no perceived areas of contention. In the interests of efficiency and effectiveness officers will generally carry out these duties.
- 22.3 On applications where there are relevant representations these will be dealt with by a Committee or sub committee of the Licensing Authority, as will any application for review of a licence.
- 22.4 This Licensing Authority will expect applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 22.5 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their Operating Schedule.
- 22.6 The 2003 Act provides that decisions and functions may be taken or carried out by licensing committees or delegated to sub-committees or in appropriate cases, to officials supporting the Licensing Authority. In the interests of speed, efficiency and cost-effectiveness, as many of the decisions and functions will be purely administrative in nature, functions will be delegated to the appropriate level within the organisation where possible. See Annex 1.
- 22.7 Where applications are non-contentious, for example, no representations to the grant of a premises licence are received, applications will be delegated to officers in order to speed matters through the system. Any such matters passed in this way will then be listed for comment at the next Committee meeting. The Committee will not have the opportunity to reverse officers' decisions

23. Advice and Guidance

- 23.1 Advice can be obtained by contacting Licensing at South Northamptonshire Council. We will advise on the types of licence needed and can be contacted in the following ways:-

Website <http://www.cherwell.gov.uk/licensing.htm>

Email: licensing@cherwell-dc.gov.uk

Phone: 01295 753744

In person or writing to:

Cherwell District Council
Bodicote House
Bodicote
BANBURY
Oxfordshire OX15 4AA

24. Appendices

- Annex 1. Delegation of functions – page 20
Annex 2. Oxfordshire Licensing Authority contact details – page 21
Annex 3. Other policies, legislation and guidance sources – page 22
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25. Equal Opportunities

- 25.1 Over the last four decades, discrimination legislation has played an important role in helping to make Britain a more equal society. However, the legislation was complex and, despite the progress that has been made, inequality and discrimination persist and progress on some issues has been stubbornly slow.
- 25.2 [The Equality Act 2010](#) provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.
- 25.3 In implementing the Licensing Act 2003, associated legislation and guidance, this Licensing Authority is committed to ensuring that the obligations and duties within this legislation are met.

26. Review of the Policy

- 26.1 This licensing policy will be formally reviewed and published every five years (section 5 Licensing Act 2003). This review of the policy will be subject to the consultation process. Section 5(4) of the Act provides that the licensing authority must keep its policy under review **during** each five year period and make appropriate revisions. Again, any revisions must be subject to consultation.
- 26.2 Where a special policy relating to cumulative impact or early morning restriction orders is being adopted this will be reviewed regularly at least every five years, to assess whether it is needed any longer, or indeed needs expanding. Any cumulative impact policy will also be reviewed to ensure that it has had the intended effect. There will be on-going dialogue and consultation with local residents to consider whether any area is nearing the point where the concentration of premises has a cumulative impact.
- 26.3 This Licensing Authority will consider the most appropriate time to refresh policies, with a view to balancing businesses' need to be kept advised of changes with the additional burden that responding to frequent consultations can bring.

27. Late night levy

- 27.1 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31st October 2012.
- 27.2 Regulations have been brought into force setting out the way in which the levy must be applied and administered, and arrangements for expenses, exemptions and reductions.

Guidance has also been introduced in relation to:

- implementing the levy and the consultation process
- the design of the levy
- exemptions from the levy
- reductions in levy charges
- how revenue raised from the levy may be spent
- the levy charges
- the levy collection process

- 27.3 With regard to exemptions, this licensing authority retains discretion whether to exempt certain premises or not but only for those types of premises set out in paragraphs 1.24 to 1.31 of the guidance on the Late Night Levy.
- 27.4 This Licensing Authority also has the discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes.

- 27.5 Any revenue from a levy will be split between this licensing authority and Thames Valley Police, with at least 70% of the 'net' levy (after expenses) paid to the Police. A formal service level agreement will be established to ensure that this licensing authority and Northamptonshire Police are aware of responsibilities and undertakings, and to ensure that the use of levy funds can be clearly communicated to those businesses contributing to it.
- 27.6 These new powers enable licensing authorities to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. Any decision to introduce, vary or cease the requirement for a levy will be made by the full council. Other decisions in relation to how the levy is administered may be subject to delegation.

Annex 1 - Delegation of functions

Matter to be dealt with	Full Committee	Sub Committee or Panel	Officers
Application for personal Licence	-	If a police objection made	If no objection made
Application for personal licence with unspent convictions	-	All cases	-
Application for premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application for provisional statement	-	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	-	If a police objection	All other cases
Request to be removed as designated premises supervisor	-	-	All cases
Application for transfer of premises licence	-	If a police objection	All other cases
Applications for interim Authorities	-	If a police objection	All other cases
Application to review premises licence/club premises certificate	-	All cases	-
Decision on whether a complaint is irrelevant frivolous vexatious etc	-	-	All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	-	All cases	-
Determination of a police objection to a temporary event notice	-	All cases	-

Annex 2 – Cherwell District Council Licensing Authority Contacts

<p>Nicholas Sutcliffe Interim Licensing Manager Cherwell District Council Bodicote House Bodicote BANBURY Oxfordshire OX15 4AA</p> <p>Tel: 01295 753744</p> <p>Email: nicholas.sutcliffe@southnorthants.gov.uk</p>	<p>Jackie Fitzsimons Interim Public Protection and Environmental Health Manager Cherwell District Council Bodicote House Bodicote BANBURY Oxfordshire OX15 4AA</p> <p>Tel: 01295 753744</p> <p>Email: jackie.fitzsimons@southnorthants.gov.uk</p>

Annex 3 Other policies, legislation, and guidance sources

There are a number of other local and national policies, strategies, responsibilities, and guidance documents which should be taken into account in order to complement this authority's licensing policy. In particular the policy should provide a clear indication of how the licensing authority will secure the proper integration of the licensing policy and other local policies such as the local crime prevention, planning, transport, tourism, cultural strategies and the local alcohol policy.

(i) Legislation

- Policing and Crime Act 2009
- Crime and Disorder Act 1998
- Crime and Security Act 2010
- Human Rights Act 1998
- Criminal Justice and Police Act 2001
- Private Security Industry Act 2001
- Equalities Act 2010
- Anti-Social Behaviour Crime and Policing Act 2014
- Violent Crime Reduction Act 2006
- The Health Act 2006
- The Clean Neighbourhoods and Environment Act 2005
- Live Music Act 2012

Note: These and other relevant pieces of legislation can be found at www.opsi.gov.uk

(ii) Strategies and Policies

- Alcohol Strategy
- Alcohol Harm Reduction Strategy for Northamptonshire
- Best Bar None
- British Beer and Pub Association Partnerships Initiative
- Community Alcohol Strategy
- Community Safety Strategy
- Compliance Code
- Crime & Disorder Reduction Strategy
- Council's Enforcement Policy
- Cultural and Tourism Strategies including promotion of live music and community events
- Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries
- Local Development Framework
- Local Transport Plan
- National and local PubWatch schemes
- [Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks](#).
- Purple Flag (ATCM)
- Safer Socialising

(iii) Guidance Documents

- [Home Office 'Practical Guide for Preventing and Dealing with Alcohol Related Problems](#)
- [Home Office Safer Clubbing Guide](#)
- [Home Office Designated Public Place Order \(DPPO\) Guidance](#)
- [Home Office s182 Guidance](#)
- [LACORS/TSI Code of Practice on Test Purchasing](#)
- [The Event Safety Guide](#)

- [Licensing large scale events \(music festivals etc\)](#)
- [Managing Crowds Safely](#)
- [5 Steps to Risk Assessment](#)
- [The Guide to Safety at Sports Grounds](#)
- [Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Performances](#)
- [UK BIDS: Business Improvement Districts\(national BIDS advisory service\)](#)
- [BIS Code of Practice on Consultation](#)
- [The Plain English Campaign](#)

(iv) Relevant case law regarding policy statements

- Limits of licensing policy:
[BBPA & Others v Canterbury City Council \[2005\] EWHC 1318 \(Admin\)](#)
- “Strict” licensing policies and exceptions to policy:
[R \(Westminster City Council\) v Middlesex Crown Court and Chorion plc \[2002\] LLR 538](#)
- Cumulative impact policies and hours
[R \(JD Wetherspoon plc\) v Guildford Borough Council \[2006\] EWHC 815 \(Admin\)](#)
- Duplication and conditions:
[R \(on the application of Bristol Council\) v Bristol Magistrates’ Court \[2009\] EWHC 625 \(Admin\)](#)
- Extra-statutory notification by the licensing authority:
[R \(on the application of Albert Court Residents Association and others\) v Westminster City Council \[2010\] EWHC 393 \(Admin\)](#)
- The prevention of crime and disorder: ambit of the objective
[Blackpool Council, R \(on the application of\) v Howitt \[2008\]](#)
- Crime and disorder: sanctions on review: deterrence
[Bassetlaw District Council, R \(on the application of\) v Workshop Magistrates Court \[2008\]](#)

Note: This list is not exhaustive

Annex 4 Useful References (organisations)

Local Government Association:

<http://www.local.gov.uk/regulatory-services-and-licensing>

Association of Convenience Stores (ACS)

<http://www.acs.org.uk/>

Association of Licensed Multiple Retailers (ALMR)

Now incorporating Bar, Entertainment and Dance Association (BEDA)

<http://www.almr.org.uk/>

Association of Town Centre Managers (ACTM and Purple Flag)

<http://www.atcm.org/>

Better Regulation Delivery Office (BRDO)

<http://www.bis.gov.uk/brdo>

British Beer and Pub Association (BBPA)

<http://www.beerandpub.com/>

British Board of Film Classification (BBFC)

<http://www.bbfc.co.uk/>

British Institute of Innkeeping (BII)

<http://www.bii.org/home>

British Retail Consortium (BRC)

http://www.brc.org.uk/brc_home.asp

Cinema Exhibitors' Association (CEA)

<http://www.cinemauk.org.uk/>

Department for Culture, Media and Sport

www.culture.gov.uk

Home Office

www.homeoffice.gov.uk

Institute of Licensing (IoL)

<http://www.instituteoflicensing.org/>

Licensed Victuallers Associations (LVAs)

<http://www.flva.co.uk/>

National Association of Licensing and Enforcement Officers (NALEO)

<http://www.naleo.org.uk/>

The Portman Group

<http://www.portmangroup.org.uk/>

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Cherwell District Council

Full Council

14 December 2015

<p style="text-align: center;">Gambling Act 2005 Review of Statement of Licensing Principles</p>
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Report of Shared Interim Public Protection and Environmental Health Manager

This report is public

Purpose of report

To consider a revised Statement of Licensing Principles as part of the Gambling Act 2005.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve and adopt the revised Cherwell District Council Statement of Licensing Principles.

2.0 Introduction

- 2.1 This report refers to the Statement of Licensing Principles following the review required by the Gambling Act 2005.

3.0 Report Details

- 3.1 Section 349 of The Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act and in particular the following 3 licensing objectives:
 - Keeping gambling crime free
 - Making sure that gambling is fair and open
 - Protecting children and vulnerable adults
- 3.2 The statutory period for the statement is three years. The last statement was approved on the 17 December 2012 and came into effect on the 31 January 2013. A new statement must be prepared and published with a view to it coming into effect on the 31 January 2016.

- 3.3 The draft policy is attached at Appendix 1.
- 3.4 The Licensing Committee were included in the consultation exercise and also considered the policy on 2 November 2015. It was recommended that the policy be submitted to Council for approval.
- 3.5 The deadline for publication of this policy is 6 January 2016.
- 3.6 The Act requires a consultation to be carried out with the persons/groups detailed below.

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is recommended that the revised Statement of Licensing Principles be approved.

5.0 Consultation

- 5.1 The following were consulted with between the 23rd of September and the 2nd of November 2015. We received 2 representations and these are detailed in Appendix 2. This resulted in Paragraphs 1.4 and 1.5 being removed and 1.16 (now 1.14) being amended. These changes are outlined in Appendix 3.

- The Council's Licensing Committee
- Chief Officer of Police
- The Fire Authority
- One or more persons who appear to the authority to represent the business interests of persons carrying on gambling business 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

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: It is a statutory requirement that the policy must be reviewed so rejection is not an option.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications

Comments checked by Brian Wallace, Interim Principal Accountant for Community and Environment, 01296 221737 brian.wallace@cherwellandsouthnorthants.gov.uk

Legal Implications

7.2 The Gambling Act 2005 requires the council to prepare and publish a 'statement of licensing principles' – a policy to be applied in the managing of local gambling provision. The policy must comply with the Gambling Act 2005 and secondary legislation, and have due regard to the statutory guidance and codes of practice issued by the Gambling Commission. The policy is required to be reviewed at least every three years.

Failure to comply with the legislation and give due consideration to the guidance and codes of practice may result in a challenge to the policy being successful.

Subsequent failure to comply with the policy when undertaking the management of local gambling provision may result in a challenge to the council's discharge of its statutory functions being successful.

Comments checked by Matt Marsh, Solicitor, 01295 221691, matt.marsh@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

To deliver regulatory services that are efficient, and well regarded by business customers

Lead Member

Councillor Tony Ilott, Lead Member for Public Protection

Document Information

Appendix No	Title
1	Gambling Act 2005 Statement of Licensing Principles
2	Details of representations received
3	Summary of changes post consultation
Background Papers	
None	
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Cherwell District Council Gambling Act 2005 Policy Statement

This Statement of Principles was adopted by **Cherwell District Council** at its Council meeting on **[Insert date]**

Revisions

Version	Date	Author
Dv01	13 July 2015	EC Draft
Dv02	20 August 2015	EC/RH Draft
Dv03	3 September 2015	EC
Dv04	23 September 2015	NS final CDC draft
Dv05	19 November 2015	NS

Cherwell District Council Statement of Principles Gambling Act 2005

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PART A

1. The Licensing Objectives

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

2. Introduction

- 2.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.
- 2.2 The Council consulted widely upon this statement before finalising and publishing it. A list of Cherwells partners is provided in Annex 1. A list of the persons/organisations that we consulted is provided in Annex 2.
- 2.3 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; and
 - 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.
- 2.4 Our consultation took place between 21st September and 2nd November 2015 and we followed the HM Government Code of Practice on Consultation (published July 2008), which is available at www.bis.gov.uk/files/file47158.pdf
- The full list of comments made and consideration given is available by request from the relevant contacts detailed in Annex 1.
- 2.5 The policy was approved at a meeting of the Full Council on [Insert date] and was subsequently published on our website.

- 2.6 Should you have any comments about this policy statement, please send them by email to licensing@cherwell-dc.gov.uk
- 2.7 The area for which Cherwell District Council is responsible is detailed in Annex 3.
- 2.8 It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

- 3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

- 4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.2 This authority designates the Oxfordshire Safeguarding Children Board for this purpose.
- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website, please see Annex 1.

5. Interested Parties

- 5.1 Interested parties can 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:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) Has business interests that might be affected by the authorised activities, or
- c) Represents persons who satisfy paragraph (a) or (b)"

- 5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are as follows.
- 5.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 5.4 Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 5.5 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Cherwell District Council Licensing department.

6. Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - **Consistent:** rules and standards must be joined up and implemented fairly;
 - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
 - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 7.3 This licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on:
- the licensing objectives

- relevant codes of practice
- guidance issued by the Gambling Commission
- the principles set out in this statement of principles.

- 7.5 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission, the Primary Authority (if applicable) and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.
- 7.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- 7.7 This licensing authority also keeps itself informed of developments as regards the work of the Department for Business Innovation & Skills in its consideration of the regulatory functions of local authorities.
- 7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing team (see Annex 1 for relevant contact details).

8. Licensing authority functions

8.1 Licensing authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- issue Provisional Statements
- regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issue Club Machine Permits to Commercial Clubs
- grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register *small society lotteries* below prescribed thresholds
- issue Prize Gaming Permits
- receive and Endorse *Temporary Use Notices*
- receive Occasional Use Notices
- provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- maintain registers of the permits and licences that are issued under these functions

- 8.2 It should be noted that licensing authorities are not to be involved in licensing remote gambling as this is regulated by the Gambling Commission via operating licences.

PART B: PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

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

(i) Decision-making

- 1.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- 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.
- 1.3 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" (with the exception of the casino resolution powers).

(ii) Definition of "premises"

- 1.4 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 1.5 This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:
- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
 - entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
 - customers should be able to participate in the activity names on the premises licence.
- 1.6 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include whether:

- the premises have a separate registration for business rates;
- the premises' neighbouring premises are owned by the same person or someone else?
- the premises can be accessed from the street or a public passageway?
- the premises can only be accessed from any other gambling premises?

1.7 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

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

Casinos

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

Adult Gaming Centre

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

Betting Shops

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

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

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

(iii) Premises "ready for gambling"

- 1.9 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 1.10 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 1.11 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:
- first, whether the premises ought to be permitted to be used for gambling;
 - second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 1.12 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 1.13 More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

(iv) Location

- 1.14 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. This authority has the option of adding conditions to a premises licence to address any such concerns.

(v) Planning:

- 1.15 This authority will not take into account irrelevant matters as per the Gambling Commission guidance.

(vi) Duplication with other regulatory regimes

- 1.16 This licensing authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 1.17 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

1.18 Licensing Objectives

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

1.19 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

1.20 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section of this document.

1.21 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

1.22 This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

1.23 Conditions

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

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

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

1.25 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

These matters are in accordance with the Gambling Commission's Guidance.

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

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

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

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

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

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

1.29 Door Supervisors

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

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

2. Adult Gaming Centres

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

access to the premises.

2.2 This licensing authority may consider measures to meet the licensing objectives such as:

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

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

3. (Licensed) Family Entertainment Centres

3.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

3.2 This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.
- measures / training for staff on how to deal with suspected truant school children on the premises

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

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

4. Casinos

4.1 Cherwell District Council has not adopted a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council

5. Bingo premises

- 5.1 This licensing authority will satisfy itself that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 5.2 This authority also notes the Guidance regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted.

6. Betting premises

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

7. Tracks

- 7.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 7.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 7.3 This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare

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

- 7.4 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 7.5 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

- 7.6 The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.
- 7.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 7.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 7.9 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 7.10 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan.

8. Travelling fairs

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

9. Provisional statements

- 9.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 9.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

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

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

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

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

10. Reviews

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

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

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

10.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

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

application within 7 days of receipt.

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

PART C: PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

1. Unlicensed family entertainment centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.

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

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

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

Automatic entitlement: 2 machines

- 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 and pay the prescribed fee.
- 2.2 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.

Permit: 3 or more machines

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

- 2.4 This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 2.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize gaming permits

- 3.1 The Gambling Act 2005 states that a licensing authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit".
- 3.2 This Licensing Authority has not prepared a statement of principles. Should it decide to do so it will include details in a revised version of the policy statement.
- 3.3 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

4. Club gaming and Club Machines Permits

- 4.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. The permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

- 4.2 Members clubs and miners' welfare institutes – and also commercial clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB commercial clubs may not site category B3A gaming machines offering lottery games in their club.
- 4.3 The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.
- 4.4 Licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 4.5 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.
- 4.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary use notices

- 5.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 5.2 The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 5.4 There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 5.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional use notices (OUNs)

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

7. Small society lotteries

- 7.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:
- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
 - submission of incomplete or incorrect returns;
 - breaches of the limits for small society lotteries.
- 7.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:
- by, or on behalf of, a charity or for charitable purposes
 - to enable participation in, or support of, sporting, athletic or cultural activities.
- 7.3 Charities and community groups should contact Cherwell District Councils licensing department.

PART D: ANNEXES

Annex 1: List of Local Authorities and other Partners

Cherwell District Council

Bodicote House
Bodicote
Banbury
OX15 4AA
TEL: 01295 753738

licensing@cherwell-dc.gov.uk

Oxfordshire Safeguarding

Oxfordshire Safeguarding Board
Officer
3rd Floor County Hall
New Road
Oxford OX5 2NX

<http://www.oscb.org.uk/>

H M Revenue & Customs

St James House
Mansfield Road
Derby
DE1 3TU

www.hmrc.gov.uk

Oxfordshire Fire and Rescue Service

Oxfordshire Fire and Rescue Service
Headquarters
Sterling Road
Kidlington
Oxfordshire OX2 2DU
TEL: 01865 891189

<https://www.oxfordshire.gov.uk/cms/public-site/fire-and-rescue-service>

Thames Valley Police

Licensing Department
Thames Valley Police
E Block HQ South
165 Oxford Road
Kidlington
Oxfordshire OX5 2NX
TEL: 0845 8505505

<http://www.thamesvalley.police.uk/>

The Planning Authority

Bodicote
Banbury
OX15 4AA
TEL: 01295 753738

planning@cherwell-dc.gov.uk

The Anti-Social Behaviour Team

Anti-Social Behaviour Team
Public Protection & Development
Management
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire OX15 4AA
TEL: 01295252535

asb@cherwell-dc.gov.uk

Public Protection Team

Public Protection Team –
Safer Communities & Community
Development
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire OX15 4AA

Public.protection@cherwell-dc.gov

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP
TEL: 01212306666

info@gamblingcommission.gov.uk

Annex 2: List of Consultees on the Statement of Principles

All Parish Councils
In the Cherwell District

All District Council Neighbouring
Cherwell District Council

All Gambling Act License Holders
In the Cherwell District

The Portman Group
4th Floor
20 Conduit Street
London
W1 2XW

British Beer & Pub Association
Ground Floor
Brewers Hall
Aldermanbury Square
London
EC2V 7HP

The British Institution of Innkeeping
Wessex House
80 Park Street
CAMBERLEY
Surrey
GU15 3PT

CAMRA Head Office
230 Hatfield Road
ST ALBANS
Hertfordshire
AL1 4LW

The Arts Council
14 Great Peter Street
LONDON
SW1P 3NQ

The Publican
Quantum Business Media
Quantum House
19 Scarbrook Road
CROYDON
CR9 1LX

Berwin Leighton Paisner
Adelaide House
London Bridge
London
EC4R 9HA

Osborne Clarke
2 Temple Back East
Temple Quay
Bristol
BS1 6EG

Poppleston Allen
37 Stoney Street
The Lace Market
Nottingham
NG1 1LS

James Button & Co
7 Devonshire Drive
Rowsley
Matlock
Derbyshire
DE4 2HB

Banbury Citizens Advice Bureau
Cornhill House
26 Cornhill
BANBURY
OX16 5NG

Lockett & Co
Lockett House
13 Church Street
KIDDERMINSTER
Worcestershire
DY10 2AH

Bicester Citizens Advice Bureau
The Garth
Launton Road
BICESTER
OX26 6PS

North Oxfordshire Magistrates
Court House
Warwick Road
Banbury
Oxon
OX16 2AW

Security Industry Authority
PO Box 9
NEWCASTLE-UPON-TYNE
NE82 6YX

Department for Culture, Media &
Sport
2-4 Cockspur Street
LONDON
SW1Y 5DH

Social & Health Care Team
PO Box 780
Oxford
OX1 9GX

Trading Standards
Electric Avenue
Ferry Hinksey Road
Oxford
OX2 0BY

South Central Ambulance Service NHS
Foundation Trust
Unit's 7&8 Talisman Business Centre
Talisman Road
Bicester
OX26 6HR

Oxfordshire Family Information
Service
Third Floor Clarendon House
52 Cornmarket Street
Oxford
OX1 3HJ

Collector of Customs & Excise
Betting & Gaming Officer
Compass House
Romsey Road
Maybush
SOUTHAMPTON
SO16 4HP

Alcohol Concern
Waterbridge House
32-36 Loman Street
LONDON SE1 0EE

Association of Councils in Thames
Valley Region
ACTVaR Director
Wycombe DC Council Offices
Queen Victoria Road
HIGH WYCOMBE
Buckinghamshire HP11 1BB

Samaritans (Banbury)
33 Albert Street
BANBURY
OX16 8DG

Cherwell Vale Primary Care Trust
Chair of Executive Committee
Oxford Road
BANBURY
OX16 9GE

Oxfordshire Economic Partnership
Partnership Co-Ordinator
c/o Oxford Innovation
Oxford Centre for Innovation
New Road
OXFORD OX1 1BY

North East Oxfordshire Primary Care
Trust
Cocker Close
BICESTER
Oxon
OX26 6AT

Bar, Entertainment & Dance
Association
5 Waterloo Road
STOCKPORT
Cheshire SK1 3BD

Banbury & District Racial Equality
Council
Chair
Suite 3
Borough House
Marlborough Road
BANBURY OX16 5TH

Age Concern (Oxford & County)
St Edmund House
39 West St Helen Street
ABINGDON OX14 5BT

Oxfordshire Ethnic Minority Business Service
Development Officer
56 Orchard House
Parsons Street
BANBURY OX16 5NB

NSPCC
Weston House
42 Curtain Road
London
EC2A 3NH

Ben Jackson
Bicester & District Chamber of Commerce
2B Management Consultancy Ltd
2nd Floor, Rowood House
Murdock Road
Bicester
OX10 1BB

Banbury and District Chamber of Commerce
The Colin Sanders Innovation Centre,
Banbury
Mewburn Road
Banbury
Oxon
OX16 8PT

Oxfordshire Drug & Alcohol Action Team
Jubilee House
5510 John Smith Drive
Oxford Business Park South
Cowley
OXFORD OX4 2CH

Energy & Vision – Drug & Alcohol Training Services
Osney House
Osney Mead
Oxford
OX2 0FA

Environment Agency
Isis House
Howberry Park
WALLINGFORD OX10 8BD

Heart of England Business Link
The Quadrant
Abingdon Science Park
ABINGDON OX14 3YS

LACORS
Wahkwong House
10 Albert Embankment
LONDON
SE1 7SP

Equity
Guild House
Upper St Martin's Lane
LONDON WC2H 9EG

Department for Environment, Food & Rural Affairs
Nobel House
17 Smith Square
LONDON
SW1P 3JR

Association Licensed Multiple Retailers
9b Walpole Court
Ealing Studios
London
W5 5ED

Thames Valley Strategic Health Authority
Jubilee House
5510 John Smith Drive
Oxford Business Park
South Cowley
OXFORD OX4 2LH

Federation of Licensed Victuallers
126/128 Bradford Road
BRIGHOUSE
West Yorkshire
HD6 4AU

Association of Chief Police Officers
The President
25 Victoria Street
LONDON
SW1H 0NN

British Retail Consortium
Second Floor
21 Dartmouth Street
LONDON
SW1H 9BP

Business in Sport & Leisure
Brigid Simmonds
17a Chartfield Avenue
Putney
LONDON SW15 6DX

Guild of Master Victuallers
19 Warren Drive
Hornchurch
Essex
RM12 4QZ

British Hospitality Association
Queens House
55-56 Lincoln's Inn Fields
LONDON
WC2A 3BH

Health & Safety Executive
Priestley House
Priestley Road
BASINGSTOKE
Hants RG24 9NW

Charles Wells Pub Company
Lakeview House
Fraser Road
Priory Business Park
Bedford MK44 3WH

Barracuda Pubs and Bars Ltd
Lunar House
Globe Park
Fieldhouse Lane
Marlow
SL7 1LW

Belhaven Pubs Division
Atrium House
6 Back Walk
Stirling
Scotland FK8 2QA

Brakespear Pub Co
The Bull Courtyard
Bell Street
Henley on Thames RG9 2BA

Punch Taverns
Jubilee House
Second Avenue
Burton upon Trent
Staffordshire DE14 2WF

County Estate Management Ltd
9 Harley Street
London
W1G 9QF

Eldridge Pope & Co Ltd
Brewery Square
21 Weymouth Avenue
Dorchester
Dorset DT1 1QT

Enterprise Inns Plc
3 Monkspath Hall Road
Solihull
West Midlands B90 4SJ

Fuller Smith & Turner Plc
Griffin Brewery
Chiswick Lane
SouthChiswick
London W4 2QB

George Gale & Co Ltd
The Hampshire Brewery
Horndean
Waterlooville
Hants PO8 0DA

Greene King Plc
Westgate Brewery
Bury St Edmunds
Suffolk
IP33 1QT

Harvey & Son (Lewes) Ltd
Bridge Wharf Brewery
6 Cliffe High Street
Lewes
East Sussex BN7 2AH

Heritage Pub Company Ltd
Donington House
Riverside Road
Pride Park
Derby DE24 8HY

Hook Norton Brewery Co Ltd
The Brewery
Brewery Lane
Hook Norton
Banbury OX15 5NY

InnSpired Pubs Plc
Wiltshire Drive
Trowbridge
Wiltshire BA14 0TT

J D Wetherspoon Plc
Wetherspoon House
Reeds Crescent
Central Park
Watford WD24 4QL

J T Davies & Sons Ltd
7 Aberdeen Road
Croydon
Surrey CR0 1EQ

Laurel Pub Company
Porter Tun House
500 Capability Green
Luton LU1 3LS

London & Edinburgh Inns
4 Clarendon Place
King Street
Maidstone
Kent ME14 1BQ

McMullen & Sons Ltd
The Hertford Brewery
26 Old Cross
Hertford
SG14 1RD

Mill House Inns Plc
Berkeley House
Falcon Close
Quedgeley
Gloucester GL2 4LY

Mitchells & Butlers Plc
27 Fleet Street
Birmingham
West Midlands B3 1JP

Pubmaster Limited
Greenbank
HARTLEPOOL
Cleveland TS24 7QS

Shepherd Neame Ltd
Faversham Brewery
17 Court Street
Faversham
Kent ME13 7AX

Spirit Pub Company
Sunrise House
Ninth Avenue
Burton on Trent
Staffordshire
DE14 3JZ

Thorley Taverns Ltd
The Old Police Station
60 Gladstone Road
Broadstairs
Kent CT10 2HZ

T D Ridley & Sons Ltd
Hartford End Brewery
Chelmsford
Essex CM3 1JZ

Wadworth & Company Ltd
Northgate Brewery
Devizes
Wiltshire SN10 1JW

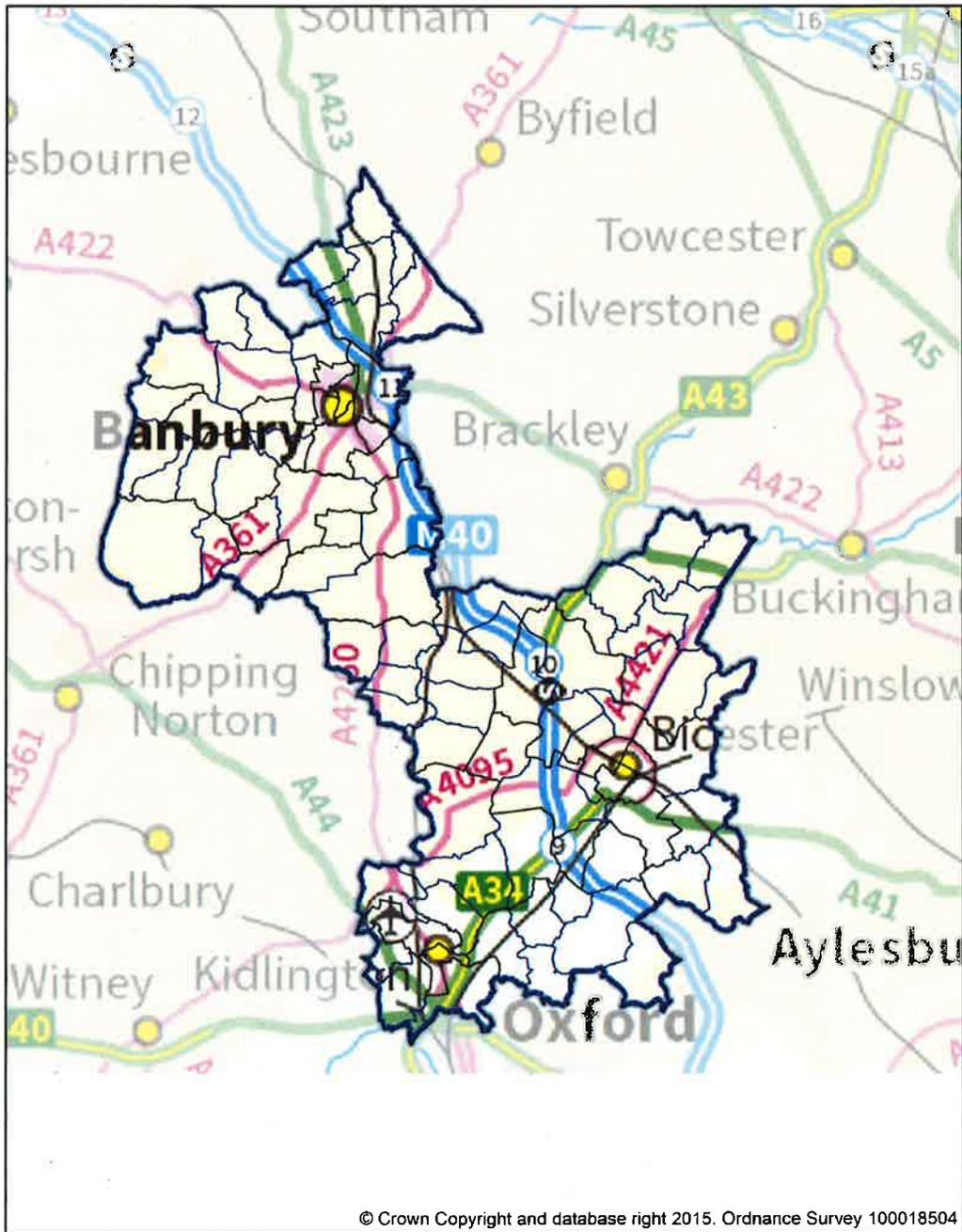
Whitbread
Oakley House
Oakley Road
Luton
Bedfordshire
LU4 9QH

Young & Co Brewery Plc
Riverside House
26 Osiers Road
Wandsworth
London
SW18 1NH

Association of British Bookmakers Ltd
Ground Floor
Warwick House
25 Buckingham Palace Road
LONDON
SW1W 0PP

BACTA
134-136 Buckingham Palace Road
London
SW1W 9SA

The Cherwell District



Cherwell District Council borders Oxford City, South Oxfordshire, Vale of White Horse, West Oxfordshire, Aylesbury Vale, South Northamptonshire and Stratford on Avon Districts. The District is at a number of major cross-roads; the M40 passes through Cherwell and has strategic connections to the A34 and A43, while there are good rail connections to both London and Birmingham, with new investment bringing new rail connections to Oxford, Reading, Milton Keynes and Bedford.

Approximately 142,252 people live in the District with over half of the population living in the principal centres of Banbury, Bicester and Kidlington; the remainder in more than 70 smaller settlements. Cherwell's population has increased significantly over the past 20 years and this trend is set to continue with the population predicted to reach 155,650 by 2021.

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Appendix 2

Gambling Act 2005 Statement of Licensing Policy

Table of Proposed Changes to the existing 2013 Policy

Post consultation

Page/Section	Proposed Amendment
<p>Part B: Paragraphs 1.4 and 1.5</p> <p><i>Namely:</i></p> <p>1.4 This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licenses.</p> <p>1.5 In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity:</p> <ul style="list-style-type: none"> • the offer of established core products (including live event pictures and bet range) • the provision of information on products and events • the promotion of gambling opportunities and products • the actual use made of betting facilities • the size of premises • the delivery of betting facilities 	<p>Delete both paragraphs.</p> <p>The consultation process threw doubt on these paragraphs being lawful. Having taken advice from the Gambling Commission, they confirmed that they intend to consult on this issue (i.e. Primary Gambling Activity) shortly and that it is currently covered in their recently revised Guidance to Licensing Authorities (5th edition - September 2015) which will facilitate robust decision making by the Council. As such, it is proposed that Paragraphs 1.4 and 1.5 of Part B of the draft Policy Statement are removed and Officers will duly monitor the aforementioned consultation.</p>
<p>Part B: Paragraph 1.16</p> <p><i>Namely:</i></p> <p>(iv) Location</p> <p>1.16 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.</p>	<p>Delete the last two sentences of Paragraph 1.16 of Part B of the draft Policy Statement</p> <p>The consultation process threw doubt on the last two sentences of this paragraph being lawful. Having taken advice from the Gambling Commission, they suggested that the two sentences in question could be removed and replaced with a sentence stating that the Licensing Authority has the option of adding conditions to a premises licence to address any such concerns. It is proposed that this is actioned as suggested by the Gambling Commission.</p> <p><i>NB. This can be seen as Paragraph 14 in the revised draft Policy Statement due to re-numbering of the paragraphs following the above paragraph deletions.</i></p>

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Appendix 3: Summary of responses received.

Respondent Details	Comments made	Response
<p>Coral Racing Limited One Stratford Place Montfichet Road London E20 1EJ</p>	<p>Consultation on Central Licensing Admin Unit Statement of Principles – Gambling Act 2005 – on behalf of:-</p> <ul style="list-style-type: none"> • Corby Borough Council • Kettering Borough Council • Daventry District Council • Northampton Borough Council • East Northamptonshire Council • Borough Council of Wellingborough <p>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.</p> <p>Coral Racing Limited are supportive of the document. It again notes that the Board when considering applications are still required to ‘aim to permit gambling’ where this is ‘reasonably consistent with the licensing objectives’, additionally noting that it should not take into account of any moral objections to gambling.</p> <p>Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion</p>	<p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>(requirement is from 6th April 2016) and whilst this detail is not currently included within the Statement, we would be pleased to contribute to a consultation when it is.</p> <p>Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these 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. A number of Council's have created long lists of locations which by inclusion are required to be risk assessed & strict templates to be completed. Coral are of the opinion that as there is no evidence that the proximity of such locations causes harm to the licensing objectives, it is best left to the operators to provide their own risk assessments. Naturally, if these do not meet the level desired by the Council, we would adjust to suit.</p> <p>If we can provide any further information, we would be pleased to do so.</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comment noted.</p>
<p>Gosschalks Solicitors Queens Gardens Hull HU1 3 DZ (Note: Two slightly differently worded responses were received from the above (28 October 2015 and 05 November 2015) - the 28 October 2015 submission is quoted)</p>	<p>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.</p> <p>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.</p> <p>This response will explain the ABB approach to partnership working with local authorities, it will detail its</p>	<p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>As far as problem gambling is concerned, successive</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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."</p> <p>Describing the project, Glasgow's City Treasurer and</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>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.”</p> <p>Primary Authority Partnerships in place between the ABB and local authorities</p> <p>All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Local area risk assessments</p> <p>With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>risks posed to the licensing objectives and how these would be mitigated.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Local Area Profiles – Need for an evidence based approach</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Concerns around increases in the regulatory burden on operators</p> <p>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</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>planning use class changes which require all new betting shops in England to apply for planning permission.</p> <p>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.</p> <p>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.</p> <p>Employing additional licence conditions</p> <p>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.</p> <p>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.</p> <p>Specific Policy Comments</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>In Part B Under the 'General Principles' heading at paragraph 1.1, there is a statement that 'licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate'. The statement of policy should be clear throughout that conditions in addition to the mandatory and default conditions will only be imposed where there is evidence of a risk to the licencing objectives in the circumstances of a particular case.</p> <p>Paragraph 1.3 of the draft statement of principles indicates that moral objections and unmet demand are not criteria for a licencing authority when considering an application for a premises licence. It is respectfully submitted that this paragraph be expanded to state that issues of nuisance and the likelihood of the grant of planning permission or building regulation approval are not issues that can be taken into account when considering an application for a premises licence.</p> <p>Paragraph 1.4 refers to the concept of primary gambling activity and indicates, in the final sentence, "Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licences." The statement of principles introduces in Paragraph 1.5 indicators of primary gambling activity as outlined by the Gambling</p>	<p>The Gambling Commission Guidance to Licensing Authorities (5th edition - September 2015) guides licensing authorities on the use of conditions. Paragraph 1.2 of Part B of the draft Policy Statement makes it explicit that relevant decisions will be taken in accordance with, <i>inter alia</i>, that guidance document. As such, no alterations are considered necessary.</p> <p>The wording of Paragraph 1.3 of Part B of the draft Policy Statement reflects Paragraph 5.34 of the Gambling Commission Guidance to Licensing Authorities (5th edition - September 2015). As such, no alterations are considered necessary.</p>

Respondent Details	Comments made	Response
	<p>Commission in its October 2013 Advice Note but ignores, however, subsequent case law. The case of <i>Luxury Leisure v The Gambling Commission</i> – May 2014 held that condition 16 (primary gambling activity) does not require a contest between over the counter betting and the use of machines. There must be sufficient facilities for betting (as described in paragraph 1.5) if gaming machines are to be utilised. The requirement, however, is simply that these facilities are available. The actual use of those facilities is not an issue. For that reason, the final sentence of paragraph 1.4 should be removed from the statement of principles as this appears to require evidence of actual use.</p> <p>Paragraph 1.16 deals with location. The final two sentences of this paragraph cause the ABB significant concern. Any policy that a specific area is an area where gambling premises should not be located may be unlawful. This paragraph appears to implement a cumulative impact type policy as exists within the licencing regime under Licencing Act 2003. Such a policy is contrary to the overriding principles of ‘aim to permit’ contained within s153 of the Gambling Act 2005. Similarly, the reversal of the burden of proof in the final sentence that requires the applicant to demonstrate why an application should be granted is contrary to that principle. These two sentences should be removed and replaced with a simple statement that each case will be determined on its own merits.</p>	<p>Having taken advice from the Gambling Commission, they have since confirmed that they intend to consult on this issue shortly and that it is currently covered in their <i>Guidance to Licensing Authorities</i> (5th edition - September 2015). As such, it is proposed that Paragraphs 1.4 and 1.5 of Part B of the draft Policy Statement are removed and Officers will duly monitor the aforementioned consultation.</p> <p>Having taken advice from the Gambling Commission, they suggested that the two sentences in question could be removed and replaced with a sentence stating that the</p>

Respondent Details	Comments made	Response
	<p>Paragraph 1.21 explains the first licencing objective – preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. This paragraph indicates that the licensing authority is aware of the distinction between nuisance and disorder but we suggest that it should be expanded to make it clear that issues of nuisance are not relevant considerations and that the Gambling Commission has defined disorder as intending to mean activity that is more serious and disruptive than mere nuisance.</p> <p>Paragraphs 1.25 to 1.32 outline the policy relating to conditions. The statement of principles would be assisted by an indication that the starting point for consideration of any application is that it will be granted subject only to the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licencing objectives. The draft statement of principles should make it clear that additional conditions will only be imposed where there is clear evidence of a risk to the licencing objectives that requires that the mandatory and default conditions be supplemented and not simply where there is ‘perceived need’ or where there are ‘concerns’.</p> <p>Paragraph 6 of Part B would benefit from a clear</p>	<p>Licensing Authority has the option of adding conditions to a premises licence to address any such concerns. If is proposed that this is actioned as suggested by the Gambling Commission.</p> <p>The Gambling Commission Guidance to Licensing Authorities (5th edition - September 2015) includes guidance on this issue. As such, no alterations are considered necessary.</p> <p>No alterations are considered necessary due to the existing clarity of the wording of paragraphs 1.25 to 1.32 of Part B of the draft Policy Statement and the guidance included in the Gambling Commission Guidance to Licensing Authorities (5th edition - September 2015).</p>

Respondent Details	Comments made	Response
	<p>distinction between betting machines and gaming machines in order that applicants, potential representors and the licensing committee may be aware that whilst the number of betting machines may be limited by condition, there is no power to impose conditions relating to the number of gaming machines. A betting premises licence authorises the holder to make use of up to 4 machines of categories B,C, or D as long as sufficient facilities for over the counter betting are provided.</p> <p>Conclusion</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>No alterations are considered necessary due to the existing clarity of the wording of paragraph 6 of Part B of the draft Policy Statement and the guidance included in the Gambling Commission Guidance to Licensing Authorities (5th edition - September 2015).</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>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.</p>	<p>Comments noted.</p>
<p>The Farming Community Network Manor Farm West Haddon Northants NN6 7AQ</p>	<p>Thank you for providing the opportunity to contribute to the process of consultation. The Farming Community Network is registered under the Small Society Lotteries of the Act.</p> <p>As you appreciate, we use lotteries for the sole purpose of raising funds to enable us to continue with our charitable aims and not for any commercial purpose. Like many small charities, we rely on the efforts of volunteers and a small number of part-time employees and, as a consequence, we hope to spend as little time as possible on the necessary administration tasks which are required. The initial process of registration ran quickly and smoothly and the demands placed on us by the Act are fair and not unduly onerous. Ideally, we would like this to continue.</p> <p>It will be of considerable benefit to charities and to other associations if the procedural requirements and the demands of regulations are kept to a minimum; ideally, no more than at present.</p> <p>I hope these comments may be of use within the scope of the consultation.</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>This consultation is highly unlikely to lead to the change of any existing small society lottery administrative procedures. Of course, the Licensing Authority does not have the gift to alter Regulations.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
Oundle Town Council	Further to your letter dated 22.09.2015 (copy attached), I can confirm that Oundle Town Council has reviewed the document and has no comment to submit.	Comments noted.

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Cherwell District Council

Council

14 December 2015

Council Tax Reduction Scheme 2016-2017

Report of Head of Finance and Procurement

This report is public

Purpose of report

To enable Council to approve the Council Tax Reduction Scheme for 2016-17.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the current Council Tax Reduction Scheme (CTRS) for the year 1 April 2016 to 31 March 2017 as indicated in the report.
- 1.2 To delegate authority to the Council's section 151 officer in consultation with the Lead Member for Financial Management to determine if any further amendments to the CTRS are required by 31 January 2016 and, if so, to make them.

2.0 Introduction

- 2.1 The Executive, at its meeting on 5 October 2015, fully considered the Council Tax Reduction Scheme 2016-17 as part of the report on the Budget Strategy. The Executive agreed that the current scheme for 2015-16 should remain for 2016-17 as the impact was broadly cost neutral for Cherwell. This current scheme has previously been approved by Council at its meeting of 14 December 2014.
- 2.2 The full scheme can be accessed through the Council's website:
<http://www.cherwell.gov.uk/index.cfm?articleid=1185>.
- 2.3 The scheme is being brought to Council for approval as this is a requirement of the legislation and needs to be fulfilled before 31 January 2016.

3.0 Report Details

Council Tax Reduction Scheme

- 3.1 The cost of CTRS is largely met through a fixed grant from the Department for Communities and Local Government (DCLG) based on approximately 90% of the Council Tax Benefit subsidy previously paid.
- 3.2 For 2015-16 the shortfall between the reductions awarded and the grant is approximately £54,000. This is offset by the changes to Council Tax discounts and exemptions.
- 3.3 As the funding for CTRS is a fixed cash grant the cost of any increase in the level of demand would be borne by the Council. The CTRS caseload has been monitored and, between 1 April 2015 and 1 November 2015, there has been a decrease in the number of claims from 7,513 to 7,290 and a consequent reduction in expenditure.
- 3.4 A consultation was undertaken during October 2015. The consultation included detailed information and a response form on the website. Targeted consultation also took place with 1,000 households across the district who were invited to take part in the survey. Consultation has also taken place with the major preceptors.
- 3.5 A total of 44 responses were received although not all questions were answered by the respondents. A summary report of the results can be found at Appendix A of this report. The key findings are as follows:
- A majority of respondents thought that the current scheme should continue unchanged
 - A significant number were also amenable to the scheme for working age applicants being changed so that everybody would have to pay a percentage of their Council Tax. Percentages ranging from 10% to 50% were suggested
 - The majority of respondents were opposed to an increase in Council Tax or a reduction in services. Respondents did think that the Council should draw on its reserves if necessary
 - 18 respondents thought that our local Council Tax Reduction scheme regulations should reflect the changes to Housing Benefit proposed in the Budget.
- 3.6 The only changes made from the CTRS scheme for 2014-15 to that for 2015-16 were made to reflect amending regulations issued by DCLG and to mirror changes in benefit rates made by the Department for Work and Pensions. Neither department has yet announced changes that they intend to make for 2016-17. Thus there is a need for delegated authority so that the Council's scheme can be updated to reflect any changes when they are announced

4.0 Conclusion and Reasons for Recommendations

4.1 It is recommended that:

- the Council Tax Reduction scheme remains the same as the current scheme
- authority is delegated to the Council's section 151 officer in consultation with

the Lead Member for Financial Management to determine if any further amendments are required by 31 January 2015 preceptors and to make them if so determined.

5.0 Consultation

Cllr Ken Attack – Lead member for Financial Management

Cllr Attack is content with the report and supportive of the recommendations contained within it.

6.0 Alternative Options and Reasons for Rejection

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To disagree with the recommendations set out above. This is rejected as it will delay the formulation of the detailed budget for 2016-17.

7.0 Implications

Financial and Resource Implications

7.1 These are contained in the body of the report. There are no direct costs or other direct financial implications arising from this report.

Comments checked by:

Martin Henry, Director of Resources, 0300 003 0102

martin.henry@cherwellandsouthnorthants.gov.uk

Legal Implications

7.2 The Council is required to approve a Council Tax Reduction Scheme on an annual basis. Failure to do so will affect the reputation of the Council and will have a financial implication for residents. The Council must take due account of any responses to a consultation process before determining its position.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107

kevin.lane@cherwellandsouthnorthants.gov.uk

Risk management

7.3 No risk management implications

Comments checked by: Louise Tustian, Acting Corporate Performance Manager
01295 221786 Louise.tustian2@cherwellandsouthnorthants.gov.uk

Equality and Diversity

- 7.4 An Equality Impact Assessment was undertaken prior to setting the scheme for 2013-14. As the proposal is to continue with an unchanged scheme for 2016-17 no new assessment has been undertaken.

Comments checked by: Louise Tustian, Acting Corporate Performance Manager
01295 221786 Louise.tustian2@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

All

Lead Councillor

Councillor Ken Atack, Lead Member for Financial Management

Document Information

Appendix No	Title
Appendix A	Consultation results
Background Papers	
None	
Report Author	Ryszard Filipiak, Service Assurance Team Leader
Contact Information	01295 227067 ryszard.filipiak@cherwell-dc.gov.uk

Appendix A – Council Tax Reduction Scheme Consultation

A consultation exercise was undertaken from 12 October 2015 to 30 October 2015. The consultation was posted on the authority’s website and publicised on Facebook and Twitter. Additionally a random sample of 500 current recipients of Council Tax Reduction and 500 taxpayers who are not in receipt of Council Tax Reduction were written to inviting them to take part in the consultation. Respondents were encouraged to complete the online consultation. However, a paper form was also made available and a few respondents did complete this.

A total of 44 responses were received. Not all respondents answered every question. Respondents answered as follows.

Q1) Are you responding on behalf of yourself or an organisation?

Yourself	40 (95.45%)
An organisation	2 (4.55%)

One of the organisations was a “household of two liable persons”. The other was Oxfordshire County Council.

Q2) Do you agree that the Council should continue with the current scheme which provides the same level of financial support as was provided by Council Tax Benefit?

Yes, I agree	29 (69.05%)
No, I don’t agree	10 (23.81%)
Don’t know	3 (7.14%)

Q3) Do you agree that the Council should change the Council Tax Reduction scheme so that everybody has to pay a percentage of the Council Tax?

Yes, I agree	21 (51.22%)
No, I don’t agree	17 (41.46%)
Don’t know	3 (7.32%)

Q4) Do you think the Council should choose any of the following options to help pay for the Council Tax Reduction scheme?

a) Increase Council Tax

Yes	13 (30.95%)
No	21 (50.00%)
Don’t know	8 (19.05%)

b) Reduce funding for other services`	
Yes	13 (34.21%)
No	17 (44.74%)
Don't know	8 (21.05%)
c) Use financial resources	
Yes	20 (52.63%)
No	6 (15.79%)
Don't know	12 (31.58%)

Q5) Under its Welfare Reform agenda the Government are proposing a number of changes to Housing Benefit from April 2016. Details are shown in the Consultation Guidance document. Do you agree that our Council Tax Reduction scheme should be amended to reflect the proposed changes?

Yes, I agree	18 (42.86%)
No, I don't agree	7 (16.67%)
Don't know	17 (40.48%)

Respondents also made the following additional comments:

“Council tax banding needs updating, it seems to me that some properties are paying too little.”

“When considering any reductions to areas of funding I welcome and strongly suggest that Councillors and Council employees should see a freeze on all allowances. Indeed I served for many years on several committees at Oxford City Council and never once did I see a vote for no increase in councillors allowances. Councillors are privileged to serve their communities and should therefore show good example by a significant reduction in their over-inflated and over-generous allowances before hitting on the poorest families in our community.”

“I currently like how the scheme works alongside housing benefit. It allows people on a very low income to feel like they can keep a roof over their families' heads.”

“Persons of "working age" have the OPPORTUNITY to increase their income to accommodate the payment of Council Tax or to move location if unwilling to do that. Pensioners usually have ZERO opportunity to do either so it is essential that any changes made by the Council fully protect the Government mandate that "the scheme for pension-age applicants ... will not be directly affected by any changes.”

It is our view that all taxing-authority Councils must be REQUIRED to use ALL but the statutory minimum reserves whenever situations of reduced funding occur. Further; It is our view that persons of pensionable age must have ZERO liability for Council Tax due to the fact that they have ZERO opportunity to increase their income which will always be under permanent downward pressure due to inflation.”

“I believe the council should take a hard and serious look at things they currently pay for, which are, "nice to have" but are not essential, one example might be the large number of expensive plants that are planted and have to be maintained at "a cost" around the town. Perhaps Bicester Village could contribute to this as a small recompense for the horrendous traffic congestion they bring to our town each and every weekend and bank holiday through the year - just a thought!”

“All residents, regardless of income, should be expected to pay a contribution to the services they receive & benefit from. Average income households have exactly the same financial challenges & constraints as low income households, and it is unfair to expect 'average' households to continually fund the excesses of low income households - low income households should be expected to make the same saving adjustments as other households to meet they financial responsibilities (such as council tax).”

“Collecting small amounts of council tax from people on benefits is likely to increase their difficulties and is unlikely to raise much income compared to the administrative efforts needed. We think the Council should consider increasing council tax or finding reasonable savings from other services to fund the CT reduction scheme. Use of reserves is not a long term solution. We think you should make the changes to reflect changes in the Welfare Reform agenda. These do not seem to be major changes.”

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Cherwell District Council

Council

14 December 2015

<p>Calendar of Meetings 2016/17 and Draft Calendar of Meetings 2017/18</p>

Report of Head of Law and Governance

This report is public

Purpose of report

Council is asked to consider the calendar of meetings for the municipal year 2016/17 and the municipal year 2017/18.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the calendar of meetings for Cherwell District Council (CDC) for the municipal years 2016/17 (Appendix 1) and 2017/18 (Appendix 2).
- 1.2 To approve the joint calendar of meetings 2016/17 (Appendix 3) and 2017/18 (Appendix 4), subject to similar agreement by South Northamptonshire Council.

2.0 Introduction

- 2.1 It is necessary for the Council to agree a Calendar of Meetings to enable the business of the Council to be programmed appropriately in conjunction with its statutory requirements and the Executive's and Committee's work programmes and to enable the Joint Management Team and Officers to programme key dates into their work plans.
- 2.2 The draft Cherwell District Council 2016/17 calendar of meetings was approved by Council in February 2015. The calendar has been slightly amended from the draft version and a revised 2016/17 calendar of meetings is attached at Appendix 1. The draft 2017/18 calendar of meetings is attached at Appendix 2.
- 2.3 The calendars of meetings have been prepared in conjunction with the calendars of meetings for South Northamptonshire Council (SNC) to ensure that the Joint Management Team and shared officers are able to attend relevant meetings at either authority.

- 2.4 Following the establishment of the Joint Commissioning Committee, Joint Councils Employee Engagement Committee and the Joint Scrutiny Committee, the proposed joint calendar of meetings for 2016/17 and 2017/18 are attached as appendix 3 and 4 respectively.

3.0 Report Details

- 3.1 The Cherwell District Council calendars of meetings have been prepared on the basis of the considerations set out below:

- Meeting dates for Committees reflecting the dates in previous years as far as possible.
- Meeting dates are set to ensure linked committees follow in a timely manner for items that will be considered by more than one Committee.
- Council meetings being held on Mondays with the exception of the AGMs:
 - The 2016/17 AGM will be held on Tuesday 17 May 2016. This is to allow for the inclusion of proportionality calculations following the local elections on Thursday 5 May 2016.
 - The 2017/18 AGM will be held on Tuesday 16 May 2017. This is to allow time for political groups to consider appointments to committees.
- Meetings of Executive being held on the first Monday of each month with the following exceptions: August and May when no meetings are scheduled.
- Planning Committee meetings every four weeks with the exception of December /January and April/May/June in both years when the cycle varies between three weekly and five weekly due to the festive season and elections respectively. In all cases the four weekly cycle is reinstated as soon as possible.
- Meetings of the Overview and Scrutiny Committee and the Budget Planning Committee are scheduled to tie in with key activities undertaken by each Committee e.g. performance monitoring, budget preparation, business plan review and will assist with work programme planning.
- The Accounts, Audit and Risk Committee meeting five times plus an informal meeting prior to the June meeting to review the accounts.
- Licensing Committee, Licensing Sub-Committee, Personnel Committee, Standards Committee and Appeals Committee meetings will be arranged as business requires.
- Two Parish Liaison meetings being held in each municipal year:

2016/17
Wednesday 8 June 2016
Wednesday 9 November 2016

2017/18
Wednesday 7 June 2017
Wednesday 8 November 2017

These meetings are arranged by the Countryside and Communities Manager.

- Executive Business Planning Meetings (BPM) are administered by the PA to the Leader. Dates will be advised in due course.

Joint Committees with South Northamptonshire Council (SNC)

3.2 The joint committee calendars of meetings have been prepared on the basis of the considerations set out below:

- Meetings held on Thursdays and rotating between the CDC and SNC council offices as far as practicable.
- Meetings of the Joint Councils Employee Engagement Committee (JCEEC) and the Joint Commissioning Committee (JCC) held bi-monthly on the same date.
- The Joint Appraisal Sub-Committee will meet in March and October each municipal year to carry out the Chief Executive's appraisal (March meeting) and mid-year appraisal (October meeting).

2016/17
Thursday 6 October 2016, SNC Council Offices
Thursday 2 March 2017, CDC Council Offices

2017/18
Thursday 5 October 2017, SNC Council Offices
Thursday 1 March 2018, CDC Council Offices

- The Joint Scrutiny Committee (JSC) will meet quarterly.
- Joint Appeals Committee meetings will be arranged as required. No meetings are currently scheduled.

3.3 In addition to the above joint committees, the following informal sub-groups of the JCC are administered by the Business Transformation Team.

- Transformation Joint Working Group (TJWG): This sub-group oversees the detail of the transformation programme, the development of business cases and any other proposals relating to transformation and organisational change. Meetings are held at 9am on the first Wednesday of the month at Bodicote House.
- Commercial Development Panel: This Panel oversees any developmental work that is undertaken on commercial ideas, including the detailed oversight of workstream 11 (commercial development) and any opportunity for

commercialising existing services. The group consists of 3 members from SNC and three members from CDC. Meeting dates will be notified to Panel members.

- Transformation Reference Group: This is an informal group consisting of 12 members from each council, but open to any Members. The Group will meet twice a year and provide an opportunity for questions and answers and any updates around the transformation programme.

2016/17

Monday 20 June 2016, The Forum

Monday 23 January 2017, Bodicote House

2017/18

Monday 19 June 2017, The Forum

Monday 22 January 2018, Bodicote House

- 3.4 In addition to the above joint committees/informal groups, ad hoc Member and group briefings take place for matters of significance. Members will be notified of dates when these are arranged.

Amendments to the Calendars of Meetings

- 3.8 Members are reminded that the Council's Constitution sets out that no alterations to the dates and times of meetings shall take place unless Council, the Committee or Sub-Committee agrees an ad-hoc change or the Chairman of the relevant Committee or Sub-Committee, after consultation with the Head of Law and Governance, concurs with either a cancellation, or an alternative date or time.
- 3.9 Once agreed, all meeting dates will be added to the Council's website. If there are any changes to meeting dates Members will be notified and the website updated accordingly.

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is believed that the proposed calendars of meetings for the municipal years 2016/17 and 2017/18 as set out in the appendices will provide a suitable decision making framework for Cherwell District Council.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To amend dates in the proposed calendar. It should be noted that any changes to the calendar of meetings may have a knock-on effect to the meeting cycle or performance targets / statutory deadlines which may in turn require the whole calendar to be redrafted.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising directly from this report.

Comments checked by:
Paul Sutton, Head of Finance and Procurement,
0300 003 0107 paul.sutton@cherwellandsouthnorthants.gov.uk

Legal Implications

7.2 There are no legal implications arising directly from this report.

Comments checked by:
Kevin Lane, Head of Law and Governance, 0300 003 0106,
kevin.lane@cherwellandsouthnorthants.gov.uk

Risk Implications

7.3 The Council needs to have in place a programme of meetings to ensure effective and efficient decision making.

Comments checked by:
Kevin Lane, Head of Law and Governance, 0300 003 0106,
kevin.lane@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

Agreement of a calendar of meetings has significant implications for the Council's business planning and the programming of work.

Lead Councillor

None

Document Information

Appendix No	Title
1	Proposed CDC calendar of meetings for the municipal year 2016/17
2	Proposed CDC calendar of meetings for the municipal year 2017/18
3	Proposed joint committee calendar of meetings for the municipal year 2016/17
4	Proposed joint committee calendar of meetings for the municipal year 2016/17
Background Papers	
None	
Report Author	Natasha Clark, Team Leader – Democratic & Elections
Contact Information	01295 221589 Natasha.clark@cherwellandsouthnorthants.gov.uk

Cherwell District Council Calendar of Meetings 2016/17¹

Council	Executive	Planning Committee	Accounts, Audit & Risk Committee	Overview & Scrutiny Committee	Budget Planning Committee
<i>Mon, 6.30pm</i>	<i>Mon, 6.30pm</i>	<i>Thurs, 4pm</i>	<i>Weds, 6.30pm</i>	<i>Tues, 6.30pm</i>	<i>Tues, 6.30pm</i>
2016 Tuesday 17 May AGM 18 July 17 October 19 December 2017 20 February 2017/18 Tuesday 16 May 2017 AGM	2016 6 June 4 July 5 September 3 October 7 November 5 December 2017 9 January 6 February 6 March 3 April	2016 19 May 9 June 7 July 4 August 1 September 29 September 27 October 24 November 17 December 2017 19 January 16 February 16 March 13 April	2016 22 June 5pm - <i>informal review of accounts</i> 22 June 21 September 30 November 2017 25 January 22 March	2016 31 May 12 July 6 September 11 October 22 November 2017 10 January 21 February 4 April	2016 24 May 26 July 30 August 27 September 1 November 29 November 2017 17 January 28 February
Democratic Contact Officer: Natasha Clark 01295 221589	Democratic Contact Officer: Natasha Clark 01295 221589	Democratic Contact Officer: Aaron Hetherington 01295 227956	Democratic Contact Officer: Sharon Hickson 01295 221554	Democratic Contact Officer: Emma Faulkner 01327 322043	Democratic Contact Officer: Lesley Farrell 01295 221591

¹ Meetings are subject to change and cancellation. Members will be notified and the website updated accordingly.

NOTES: Chairman and Vice-Chairman for all Committees for the municipal year 2016/17 will be appointed at the first meetings of Committees held at the conclusion of the Annual Council meeting on Tuesday 17 May 2016.

Licensing Committee, Licensing Sub-Committees, Personnel Committee, Appeals Panel and Standards Committee meetings will be arranged as required.

Executive BPM meeting dates: 2016/17: TBC

Please note that this the Informal Executive is administered by the PA to the Leader of the Council

Democratic Contacts:

Licensing Committee and Licensing Sub-Committee: Louise Aston – 01295 221601 / Aaron Hetherington – 01295 227956

Standards Committee: Natasha Clark – 01295 221589

Appeals Panel: James Doble – 01295 221587

Parish Liaison Meeting: Wednesday 8 June 2016
Wednesday 9 November 2016

Parish Liaison Meeting Contact: Kevin Larnar, Countryside and Communities Manager – 01295 221706

Cherwell District Council Calendar of Meetings 2017/18¹

Council	Executive	Planning Committee	Accounts, Audit & Risk Committee	Overview & Scrutiny Committee	Budget Planning Committee
<i>Mon, 6.30pm</i>	<i>Mon, 6.30pm</i>	<i>Thurs, 4pm</i>	<i>Weds, 6.30pm</i>	<i>Tues, 6.30pm</i>	<i>Tues, 6.30pm</i>
2017 Tuesday 16 May AGM 17 July 16 October 18 December 2018 19 February 2018/19 Tuesday 15 May 2018 AGM	2017 5 June 3 July 4 September 2 October 6 November 4 December 2018 8 January 5 February 5 March 3 April (Tuesday, due to Bank Holiday)	2017 18 May 8 June 6 July 3 August 31 August 28 September 26 October 23 November 14 December 2018 18 January 15 February 15 March 12 April	2017 21 June 5pm - <i>informal review of accounts</i> 21 June 20 September 29 November 2018 24 January 21 March	2017 30 May 11 July 5 September 10 October 21 November 2018 16 January 20 February 27 March	2017 23 May 25 July 29 August 26 September 31 October 28 November 2018 23 January 27 February
Democratic Contact Officer: Natasha Clark 01295 221589	Democratic Contact Officer: Natasha Clark 01295 221589	Democratic Contact Officer: Aaron Hetherington 01295 227956	Democratic Contact Officer: Sharon Hickson 01295 221554	Democratic Contact Officer: Emma Faulkner 01327 322043	Democratic Contact Officer: Lesley Farrell 01295 221591

¹ Meetings are subject to change and cancellation. Members will be notified and the website updated accordingly.

NOTES: Chairman and Vice-Chairman for all Committees for the municipal year 2017/18 will be appointed at the first meetings of Committees held at the conclusion of the Annual Council meeting on Tuesday 16 May 2018.

Licensing Committee, Licensing Sub-Committees, Personnel Committee, Appeals Panel and Standards Committee meetings will be arranged as required.

Democratic Contacts:

Licensing Committee and Licensing Sub-Committee: Louise Aston – 01295 221601 / Aaron Hetherington – 01295 227956

Personnel Committee: Lesley Farrell – 01295 221591

Standards Committee: Natasha Clark – 01295 221589

Appeals Panel: James Doble – 01295 221587

Executive BPM meeting dates: 2017/18: TBC

Please note that this the Informal Executive is administered by the PA to the Leader of the Council

Parish Liaison Meeting: Wednesday 7 June 2017
 Wednesday 8 November 2017

Parish Liaison Meeting Contact: Kevin Larner, Countryside and Communities Manager – 01295 221706

CDC/SNC Joint Meetings Calendar of Meetings 2016/17¹

Transformation Joint Working Group (TJWG) ²	Joint Councils Employee Engagement Committee (JCEEC)	Joint Commissioning Committee (JCC)	Joint Appraisal Sub-Committee	Joint Scrutiny Committee (JSC)
First Wednesday of the month, 9am Bodicote House	Thursday, 5pm The Forum or Bodicote House	Thursday, 6.30pm The Forum or Bodicote House	Thursday, 6.30pm The Forum or Bodicote House	Thursday, 6.30pm The Forum or Bodicote House
1 June 2016 6 July 2016 3 August 2016 7 September 2016 October 2016 November 2016 December 2016 January 2017 1 February 2017 1 March 2017 5 April 2017	26 May 2016 – The Forum 21 July 2016 – Bodicote House 15 September 2016 – The Forum 1 December 2016 – Bodicote House 26 January 2017 – The Forum 30 March 2017 – Bodicote House	26 May 2016 – The Forum 21 July 2016 – Bodicote House 15 September 2016 – The Forum 1 December 2016 – Bodicote House 26 January 2017 – The Forum 30 March 2017 – Bodicote House	6 October 2016 – The Forum 2 March 2017 – Bodicote House	16 June 2016 – Bodicote House 22 September 2016 – The Forum 8 December 2016 – Bodicote House 23 March 2017 – The Forum
Contact Officer: Tina Brain, Business Transformation Project Support Officer 01789 260505	Democratic Contact Officer: Lesley Farrell, 01295 221591	Democratic Contact Officer: Natasha Clark, 01295 221589	Democratic Contact Officer: Natasha Clark, 01295 221589	Democratic Contact Officer: Lesley Farrell, 01295 221591 Natasha Clark, 01295 221589

¹ Please note that meeting dates are subject to change and cancellations. Members will be advised accordingly and the websites updated.

² The TJWG is an informal sub-group of JCC to oversee the detail of the transformation programme, the development of business cases and any other proposals relating to transformation and organisational change.

NOTES: Joint Appeals Committee meetings will be arranged as required. No meetings are currently scheduled.

Commercial Development Panel: This is an informal sub-group of the JCC to oversee any developmental work that is undertaken on commercial ideas, including the detailed oversight of workstream 11 (commercial development) and any opportunity for commercialising existing services. The group consists of 3 members from SNC and three members from CDC. The Panel is administered by the Business Transformation Team and meeting dates will be notified to Panel members.

Transformation Reference Group: This is an informal group consisting of 12 members from each council, but open to any Members. The Group will meet twice a year and provide an opportunity for questions and answers and any updates around the transformation programme.

Dates for 2016/17: Monday 20 June 2016, 6pm, The Forum
Monday 23 January 2017, 6pm, Bodicote House

In addition to the above joint committees/groups, ad hoc Member and group briefings take place for matters of significance. Members will be notified of dates when these are arranged.

CDC/SNC Joint Meetings Calendar of Meetings 2017/18¹

Transformation Joint Working Group (TJWG) ²	Joint Councils Employee Engagement Committee (JCEEC)	Joint Commissioning Committee (JCC)	Joint Appraisal Sub-Committee	Joint Scrutiny Committee (JSC)
First Wednesday of the month, 9am Bodicote House	Thursday, 5pm The Forum or Bodicote House	Thursday, 6.30pm The Forum or Bodicote House	Thursday, 6.30pm The Forum or Bodicote House	Thursday, 6.30pm The Forum or Bodicote House
7 June 2017 5 July 2017 2 August 2017 6 September 2017 October 2017 November 2017 December 2017 January 2018 7 February 2018 7 March 2018 4 April 2018	25 May 2017 – The Forum 20 July 2017 – Bodicote House 14 September 2017 – The Forum 30 November 2017 – Bodicote House 1 February 2018 – The Forum 22 March 2018 – Bodicote House	25 May 2017 – The Forum 20 July 2017 – Bodicote House 14 September 2017 – The Forum 30 November 2017 – Bodicote House 1 February 2018 – The Forum 22 March 2018 – Bodicote House	5 October 2017 – The Forum 1 March 2018 – Bodicote House	15 June 2017 – Bodicote House 21 September 2017 – The Forum 7 December 2017 – Bodicote House 5 April 2018 – The Forum
Contact Officer: Tina Brain, Business Transformation Project Support Officer 01789 260505	Democratic Contact Officer: Lesley Farrell, 01295 221591	Democratic Contact Officer: Natasha Clark, 01295 221589	Democratic Contact Officer: Natasha Clark, 01295 221589	Democratic Contact Officer: Lesley Farrell, 01295 221591 Natasha Clark, 01295 221589

¹ Please note that meeting dates are subject to change and cancellations. Members will be advised accordingly and the websites updated.

² The TJWG is an informal sub-group of JCC to oversee the detail of the transformation programme, the development of business cases and any other proposals relating to transformation and organisational change.

NOTES: Joint Appeals Committee meetings will be arranged as required. No meetings are currently scheduled.

Commercial Development Panel: This is an informal sub-group of the JCC to oversee any developmental work that is undertaken on commercial ideas, including the detailed oversight of workstream 11 (commercial development) and any opportunity for commercialising existing services. The group consists of 3 members from SNC and three members from CDC. The Panel is administered by the Business Transformation Team and meeting dates will be notified to Panel members.

Transformation Reference Group: This is an informal group consisting of 12 members from each council, but open to any Members. The Group will meet twice a year and provide an opportunity for questions and answers and any updates around the transformation programme.

Dates for 2017/18: Monday 19 June 2017, 6pm, The Forum
Monday 22 January 2018, 6pm, Bodicote House

In addition to the above joint committees/groups, ad hoc Member and group briefings take place for matters of significance. Members will be notified of dates when these are arranged.

Cherwell District Council

Council

14 December 2015

<p>Notification of Decision Taken Under Urgency Powers: Councillor Dispensation</p>
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Report of Chief Executive

This report is public

Purpose of report

To inform the Council of a decision taken under urgency powers by the Chief Executive in relation to the granting of a dispensation to Councillor Melanie Magee from 19 November to 14 December 2015.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the decision taken under urgency powers by the Chief Executive in consultation with the Vice Chairman of the Council in relation to the granting of a dispensation to Councillor Melanie Magee from 19 November to 14 December 2015.

2.0 Introduction

- 2.1 The Chief Executive, in consultation with the Vice-Chairman of the Council, used her urgency powers to grant a dispensation to Councillor Melanie Magee from 19 November to 14 December 2015.

3.0 Report Details

- 3.1 Section 85 of the Local Government Act 1972 provides that where a council member fails throughout a period of six consecutive months from the date of their last attendance to attend a meeting of the authority, then, subject to certain exceptions, they cease to be a member of the authority unless the failure was due to some reason approved before the expiry of that period.
- 3.2 Councillor Magee attended the Annual Council meeting of 19 May 2015. Due to ill health, Councillor Magee has not been in attendance at any meeting since.

- 3.3 The expiration of the six consecutive months from Councillor Magee's last attendance is 19 November 2015.
- 3.4 Councillor Magee has not been in attendance at any meeting of the authority during this six month period but has confirmed she would be in attendance at the 14 December 2015 meeting of Council. As this falls after expiration of the six month period, the Chief Executive agreed to grant a dispensation to ensure she remains a member.
- 3.5 The Chief Executive, in consultation with the Vice-Chairman of the Council, used the provisions within the Constitution to take an urgent decision to grant the dispensation.

4.0 Conclusion and Reasons for Recommendations

- 4.1 In line with the constitution this report is informing full council of a decision that was taken under urgency powers in relation to the granting of a councillor dispensation.

5.0 Consultation

Vice-Chairman of the Council, Councillor Chris Heath

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to note the report. This is not recommended as the urgent action has been taken and it is a constitutional requirement for it to be reported to Council.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising directly from this report as it is reporting urgent action already taken.

Comments checked by: Paul Sutton, Head of Finance and Procurement, 0300 003 0106 paul.sutton@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 There are no legal implications arising directly from this report as it is reporting urgent action already taken.

Comments checked by: Kevin Lane, Head of Law and Governance, 0300 0030107 kevin.lane@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

Bicester North

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

N/A

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Natasha Clark, Team Leader – Democratic and Elections
Contact Information	01295 221589 Natasha.clark@cherwellandsouthnorthants.gov.uk

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