

Joint Executive (Cabinet) Committee

Forest Heath & St Edmundsbury councils

West Suffolk
working together

Title:	Agenda																																		
Date:	Tuesday 2 October 2018																																		
Time:	6.00 pm																																		
Venue:	Council Chamber District Offices College Heath Road Mildenhall IP28 7EY																																		
Membership:	<p style="text-align: center;">Chairman James Waters</p> <p style="text-align: center;">Vice-Chairman John Griffiths</p> <table border="0"> <thead> <tr> <th style="text-align: left;"><u>Councillor</u></th> <th style="text-align: left;"><u>Portfolio</u></th> </tr> </thead> <tbody> <tr> <td>David Bowman</td> <td>Operations</td> </tr> <tr> <td>Ruth Bowman J.P.</td> <td>Future Governance</td> </tr> <tr> <td>Andy Drummond</td> <td>Leisure and Culture</td> </tr> <tr> <td>Stephen Edwards</td> <td>Resources and Performance</td> </tr> <tr> <td>Robin Millar</td> <td>Deputy Leader/Families and Communities</td> </tr> <tr> <td>Lance Stanbury</td> <td>Planning and Growth</td> </tr> <tr> <td>James Waters</td> <td>Leader</td> </tr> <tr> <td colspan="2"> </td> </tr> <tr> <td>Carol Bull</td> <td>Future Governance</td> </tr> <tr> <td>Robert Everitt</td> <td>Families and Communities</td> </tr> <tr> <td>Susan Glossop</td> <td>Planning and Growth</td> </tr> <tr> <td>John Griffiths</td> <td>Leader</td> </tr> <tr> <td>Ian Houlder</td> <td>Resources and Performance</td> </tr> <tr> <td>Sara Mildmay-White</td> <td>Deputy Leader/Housing/West Suffolk Lead for Housing</td> </tr> <tr> <td>Jo Rayner</td> <td>Leisure and Culture</td> </tr> <tr> <td>Peter Stevens</td> <td>Operations</td> </tr> </tbody> </table>	<u>Councillor</u>	<u>Portfolio</u>	David Bowman	Operations	Ruth Bowman J.P.	Future Governance	Andy Drummond	Leisure and Culture	Stephen Edwards	Resources and Performance	Robin Millar	Deputy Leader/Families and Communities	Lance Stanbury	Planning and Growth	James Waters	Leader			Carol Bull	Future Governance	Robert Everitt	Families and Communities	Susan Glossop	Planning and Growth	John Griffiths	Leader	Ian Houlder	Resources and Performance	Sara Mildmay-White	Deputy Leader/Housing/West Suffolk Lead for Housing	Jo Rayner	Leisure and Culture	Peter Stevens	Operations
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Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																																		
Quorum:	Six Members, to include at least three of the total number of Members of each Cabinet.																																		
Committee administrator:	Sharon Turner Democratic Services Officer Tel: 01638 719237 Email: sharon.turner@westsuffolk.gov.uk																																		

Public Information

Forest Heath & St Edmundsbury councils

West Suffolk

working together

Venue:	District Offices College Heath Road Mildenhall Bury St Edmunds Suffolk IP28 7EY	Tel: 01638 719237 Email: democratic.services@westsuffolk.gov.uk Web: www.westsuffolk.gov.uk
Access to agenda and reports before the meeting:	Copies of the agenda and reports are open for public inspection at the above and following address: West Suffolk House Western Way Bury St Edmunds Suffolk IP33 3YU at least five clear days before the meeting. They are also available to view on our website.	
Attendance at meetings:	The West Suffolk Councils actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.	
Public participation:	Members of the public who live or work in the Borough/District are invited to put one question or statement of not more than three minutes duration relating to items to be discussed in Part 1 of the agenda only. If a question is asked and answered within three minutes, the person who asked the question may ask a supplementary question that arises from the reply. A person who wishes to speak must register at least 15 minutes before the time the meeting is scheduled to start. There is an overall time limit of 15 minutes for public speaking, which may be extended at the Chairman's discretion.	
Disabled access:	The public gallery is on the first floor and is accessible via stairs. There is not a lift but disabled seating is available at the back of the Council Chamber on the ground floor. Please see the Committee Administrator who will be able to help you.	
Induction loop:	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.	
Recording of meetings:	The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded). Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming.	
Personal Information	Any personal information processed by Forest Heath District Council or St Edmundsbury Borough Council arising from a request to speak at a public meeting under the Localism Act 2011, will be protected in accordance with the Data Protection Act 2018. For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website: https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm or call Customer Services: 01284 763233 and ask to speak to the Data Protection Officer.	

Agenda

Procedural Matters

1. Apologies for Absence

2. Minutes

1 - 8

To confirm the minutes of the meeting held on 4 September 2018 (copy attached).

Part 1 - Public

3. Open Forum

At each Joint Executive (Cabinet) Committee meeting, up to 15 minutes shall be allocated for questions from and discussion with, non-Cabinet members. Members wishing to speak during this session should if possible, give notice in advance. Who speaks and for how long will be at the complete discretion of the person presiding.

4. Public Participation

Members of the public who live or work in the Borough/District are invited to put one question or statement of not more than three minutes duration relating to items to be discussed in Part 1 of the agenda only. If a question is asked and answered within three minutes, the person who asked the question may ask a supplementary question that arises from the reply.

A person who wishes to speak must register at least 15 minutes before the time the meeting is scheduled to start.

There is an overall time limit of 15 minutes for public speaking, which may be extended at the Chairman's discretion.

5. Reports of the Overview and Scrutiny Committees

**(a) St Edmundsbury Overview and Scrutiny Committee:
12 September 2018**

9 - 12

Report No: **CAB/JT/18/033**

Chairman of the Committee: SEBC Cllr Diane Hind

Lead Officer: Christine Brain

**(b) Forest Heath Overview and Scrutiny Committee:
13 September 2018**

13 - 16

Report No: **CAB/JT/18/034**

Chairman of the Committee: FHDC Cllr Simon Cole

Lead Officer: Christine Brain

NON-KEY DECISIONS

- 6. West Suffolk Gambling Act 2005: Statement of Policy 2019 to 2022** **17 - 84**

Report No: **CAB/JT/18/035**

Portfolio Holders: FHDC Cllr Lance Stanbury and SEBC Cllr Susan Glossop

Lead Officers: David Collinson and Peter Gudde

- 7. Review of Performance of Forest Heath District Council's Solar Farm - Year Two** **85 - 90**

Report No: **CAB/JT/18/036**

Portfolio Holder: FHDC Cllr Stephen Edwards

Lead Officer: Greg Stevenson

- 8. Western Way Development, Bury St Edmunds**

Portfolio Holder: SEBC Cllr Susan Glossop

Lead Officer: Alex Wilson

On 19 April, 2016, St Edmundsbury Borough Council adopted a revised masterplan for the Western Way Development in Bury St Edmunds. At the same meeting, the Council agreed ([Report No: COU/SE/16/006 refers](#)) to pursue a comprehensive development of the site identified by the new Masterplan which included the DHL/NHS distribution centre and the Council-owned land. A budget was also approved to progress the proposal that best achieves the Council's objectives for the site to deliverability and design stage to enable a preferred option to be formulated and presented to Cabinet. Subsequently, in October 2017, St Edmundsbury Borough Council agreed to acquire the DHL/NHS distribution centre ([Report No: COU/SE/17/015 refers](#)).

Work has been progressing since that time and it is planned to present an outline business case for the scheme to St Edmundsbury Borough Council meeting on 30 October 2018. To allow the latest position with partners' requirements and neighbouring sites to be taken into account in this report, which has significant strategic and financial implications, and following consultation with portfolio holders, it is proposed that the Joint Executive (Cabinet) Committee will waive its own opportunity to consider the matter first, and not make a recommendation to Council. This will mean that the report is presented directly to Council, with all Councillors receiving it at the same time.

Therefore, the Joint Executive (Cabinet) Committee is **RECOMMENDED** to **NOTE AND ENDORSE** the above proposal.

9. Forest Heath and St Edmundsbury Decisions Plans

- (a) Forest Heath Decisions Plan: 1 October 2018 to 31 March 2019** **91 - 104**

To consider the most recently published version of Forest Heath's Cabinet Decisions Plan.

Report No: **CAB/JT/18/037**
Portfolio Holder: FHDC Cllr James Waters
Lead Officer: Ian Gallin

- (b) St Edmundsbury Decisions Plan: 1 October 2018 to 31 March 2019** **105 - 120**

To consider the most recently published version of St Edmundsbury's Cabinet Decisions Plan.

Report No: **CAB/JT/18/038**
Portfolio Holder: SEBC Cllr John Griffiths
Lead Officer: Ian Gallin

Part 2 – Exempt

None

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Joint Executive (Cabinet) Committee



Minutes of a meeting of the **Joint Executive (Cabinet) Committee** held on **Tuesday 4 September 2018** at **6.15 pm** in the **Council Chamber, District Offices, College Heath Road, Mildenhall, Bury St Edmunds, IP28 7EY**

Present: **Councillors**

Chairman James Waters (FHDC Leader of the Council)
Vice Chairman John Griffiths (SEBC Leader of the Council)

Forest Heath DC:

Robin Millar
David Bowman
Ruth Bowman J.P.
Andy Drummond
Stephen Edwards
Lance Stanbury

St Edmundsbury BC:

Sara Mildmay-White
Robert Everitt
Ian Houlder
Joanna Rayner

By Invitation:

Sarah Broughton

(Chairman of SEBC Performance and Audit
Scrutiny Committee)

In attendance:

Susan Glossop

(SEBC Member)

29. **Apologies for Absence**

Apologies for absence had been received from Councillors Carol Bull, Alaric Pugh and Peter Stevens.

30. **Minutes**

The minutes of the meeting held on 24 July 2018 were confirmed as a correct record and signed by the Chairman.

31. **Open Forum**

No non-Cabinet Members in attendance wished to speak under this item.

32. **Public Participation**

There were no questions/statements from members of the public.

33. Reports of the Performance and Audit Scrutiny Committees

The reports of the FHDC and SEBC Performance and Audit Scrutiny Committees were received and noted as contained in Minute Nos: 34(a), 34(b) and 34(c) below.

34. Forest Heath and St Edmundsbury (Informal Joint) Performance and Audit Scrutiny Committee's: 25 July 2018 (Report No: CAB/JT/18/022)

(a) The Joint Committee received and noted this report, which informed Members of the following substantive items discussed by the FHDC/SEBC Performance and Audit Scrutiny Committees at their informal joint meeting on 25 July 2018:

- (1) 2018-2019 Performance Report – Quarter 1.
- (2) West Suffolk Strategic Risk Register Monitoring Report – June 2018.
- (3) Work Programme Update.
- (4) Approach to Delivering a Sustainable West Suffolk Budget 2019-2020 and Medium Term Plan.
- (5) Appointment of Auditors for West Suffolk Council.

Items (4) and (5) above would be considered by the Shadow Executive (Cabinet), at its meeting on 18 September 2018.

Councillor Sarah Broughton, Chairman of SEBC's Performance and Audit Scrutiny Committee drew relevant issues to the attention of the Joint Committee.

(b) Forest Heath Performance and Audit Scrutiny Committee: 25 July 2018 (Report No: CAB/JT/18/023)

The Joint Committee received and noted this report, which informed Members of the following substantive items discussed by FHDC's Performance and Audit Scrutiny Committee on 25 July 2018:

- (1) Ernst and Young – Presentation of 2017-2018 ISA 260
- (2) West Suffolk Annual Governance Statement 2017-2018.
- (3) 2017-2018 Statement of Accounts.
- (4) Annual Treasury Management Report 2017-2018 and Investment Activity (April – June 2018).

On behalf of FHDC Councillor Simon Cole, Councillor Stephen Edwards, FHDC Portfolio Holder for Resources and Performance, drew relevant issues to the attention of Members, including that recommendations emanating from Item (4) above, would be the subject of a separate report later on the Joint Committee agenda.

(c) St Edmundsbury Performance and Audit Scrutiny Committee: 25 July 2018 (Report No: CAB/JT/18/024)

The Joint Committee received and noted this report, which informed Members of the following substantive items discussed by SEBC's Performance and Audit Scrutiny Committee on 25 July 2018:

- (1) Ernst and Young – Presentation of 2017-2018 ISA 260
- (2) West Suffolk Annual Governance Statement 2017-2018.
- (3) 2017-2018 Statement of Accounts.
- (4) Annual Treasury Management Report 2017-2018 and Investment Activity (April – June 2018).

Councillor Sarah Broughton, Chairman of the SEBC Performance and Audit Scrutiny Committee, drew relevant issues to the attention of Members, including that recommendations emanating from Item (4) above, would be the subject of a separate report later on the Joint Committee agenda.

35. **Recommendations of the Forest Heath Performance and Audit Scrutiny Committee: 25 July 2018 - Annual Treasury Management Report 2017/2018 and Investment Activity (1 April to 30 June 2018) (Report No: CAB/JT/18/025)**

The Joint Committee considered this report which sought consideration of the Annual Treasury Management Report for 2017-2018 prior to seeking its approval by Council.

The report also summarised the investment activities for the year 2017-2018 and provided a summary of the investment activities for the first three months of the 2018-2019 financial year.

RECOMMENDED TO FHDC COUNCIL: (26 September 2018)

That, subject to the approval of Council, the Annual Treasury Management Report for 2017-2018, attached as Attachment 1 to Report No: PAS/FH/18/028, be approved.

36. **Recommendations of the St Edmundsbury Performance and Audit Scrutiny Committee: 25 July 2018 - Annual Treasury Management Report 2017/2018 and Investment Activity (1 April to 30 June 2018) (Report No: CAB/JT/18/026)**

The Joint Committee considered this report which sought consideration of the Annual Treasury Management Report for 2017-2018 prior to seeking its approval by Council.

The report also summarised the investment activities for the year 2017-2018 and provided a summary of the investment activities for the first three months of the 2018-2019 financial year.

RECOMMENDED TO SEBC COUNCIL: (25 September 2018)

That, subject to the approval of Council, the Annual Treasury Management Report for 2017-2018, attached as Appendix 1 to Report No: TMS/SE/18/003, be approved.

37. **Mildenhall Hub (Report No: CAB/JT/18/027)**

The Joint Committee considered this report which reviewed the financial model for the Mildenhall Hub project before completion of the procurement of the main construction contract in Autumn 2018.

At the time of writing the report, the final cost plan was still under preparation, with market-testing of sub-contractor packages taking place and being appraised. However, it was intended that a cost plan would be available before the FHDC Council meeting on 26 September 2018. It was also intended to appoint the selected contractor at the end of September 2018, so that they could mobilise for a start on site in October 2018. These timings were important to maintain the programme in relation to completing works in 2020, with still some contingency around the school opening date.

RECOMMENDED TO FHDC COUNCIL: (26 September 2018)

That:-

1. On the basis set out in the exempt Appendix to Report No: CAB/JT/18/027, the final cost plan for the Mildenhall Hub project (including renewables and health facilities) be approved, and contractor appointments be made, subject to it still achieving at least the net revenue position previously agreed in 2017; and
2. The Council's Section 151 Officer make any necessary changes to the Council's prudential indicators as a result of recommendation 1. above.

38. Habitats Regulations Assessment (HRA) Report (Report No: CAB/JT/18/028)

The Joint Committee received this report which sought approval to the procedural changes to the Habitats Regulations Assessment (HRA) Report which supported the Forest Heath Local Plan. The changes were required following a new European Court legal ruling relating to the consideration of mitigation measures.

The implication of the CJEU Judgment was that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considered, at the screening stage, whether the plan or project was likely to have an adverse effect on a European Site. Such measures could, however, be brought into account at the Appropriate Assessment (AA) stage, provided there was sufficient certainty about their effects and deliverability.

The report explained that the HRA work that supported the Forest Heath Single Issue Review (SIR) and the Site Allocations Local Plan (SALP) reflected the approach that had been endorsed by the UK domestic courts and so had taken into account mitigation measures when determining whether potential adverse effect on the relevant European sites could be 'screened out' at the initial stage as having no likely significant effects on those sites. Following the CJEU Judgment, the work was then carefully reviewed in the HRA Addendum (June 2018) which had been produced by the Council's consultants and was attached at Appendix 1 to the report.

RECOMMENDED TO FHDC COUNCIL: (26 September 2018)

That:-

1. The Council, as competent authority, undertake an Appropriate Assessment.

2. The procedural changes required following the European court ruling, be confirmed.
3. The HRA Addendum to the HRAs of the Forest Heath SIR and SALP (modification stage) (June 2018), attached as Appendix 1 to Report No: CAB/JT/18/028, be endorsed.
4. Having regard to the HRA as a whole, the Council is satisfied that the FHDC Local Plan (SIR and SALP) will not have adverse effects on the integrity of any European site.

39. **Suffolk 100% Business Rates Retention Pilot - West Suffolk Place Based Projects Update (Report No: CAB/JT/18/029)**

The Joint Committee received and noted this report, which provided an update on the West Suffolk place based projects under the 2018/2019 100% Business Rates Retention (BRR) Pilot for Suffolk, along with an update on the Government's intentions regarding pilots for 2019/2020 and the new 75% retention scheme from 2020.

The West Suffolk 'Place Based' projects under the 2018/2019 pilot totalled £1.65m (as set out within paragraphs 4.3 to 4.18 of the report). Further project proposals from the fund were in development and an update would be provided to Members in due course.

On 24 July 2018, the Government published the 2019/2020 business rates retention pilot prospectus inviting local authorities in England to apply to become 75% business rates retention pilots in 2019/2020. The Government had previously announced the aim of introducing a 75% business rates retention of how local authorities could best transition into the new system in 2020.

Applications for the 2019/2020 piloting programme were now open and would close on 25 September 2018. West Suffolk continued to work across Suffolk looking at whether there was an opportunity to further extend the Suffolk Business Rates Pilot into 2019/2020.

40. **Exemption to Contract Procedure Rules: Compactors for West Suffolk Hospital Waste Contract: Purchase of Three Portable Waste Compaction Machines**

Section 4.3 of the West Suffolk Contract Procedure Rules stated that:

Between £50,001 and the EU Threshold any exemption must be approved by the Officer and the relevant Assistant Director in consultation with the Assistant Director for Resources and Performance. The Officer must produce evidence to support the request for any exemption and the relevant Assistant Director shall prepare a report for the next Cabinet to support the action taken, hence this agenda item.

The exemption, which was exercised on 30 July 2018, the reason for it (together with support evidence) had been be forwarded to the Assistant Director for Resources and Performance for approval.

The West Suffolk Councils had been successful in their bid to provide West Suffolk Hospital Trust with waste disposal services in a bespoke operation. Due to the short lead time between award of contract and commencement of operations, there was insufficient time to run the specified procurement process. An expeditious informal quotation exercise had been carried out to establish the best value option for the Council.

Three portable waste compaction machines had been purchased from supplier, Enviro-Tek Limited. This supplier was chosen on the basis of cost and their ability to provide the requisite number of machines in the timeframe necessary to commence servicing the contract. An evaluation had been undertaken based on information sourced from four suppliers taking into account not only the purchase price but ongoing service costs. The compactors would remain the property of the Council and their cost would be recovered from the customer through a hire charge over the lifetime of the contract (three years with an option to extend by a further two).

The estimated total value of the exemption was £68,000 and was made under the following exemption criteria, as stated in Section 4.5 of the Contract Procedure Rules:

Exemption category	
<i>The items to be supplied consist of goods or services which are currently in use and are required for the purposes of standardisation.</i>	The machines will provide the Trust with their own type specification and will be replacing the existing machines currently on site.
<i>The specialised nature of the goods, services to be supplied or the works to be executed means that only one suitable supplier has been identified or is available.</i>	This is partly correct in so much that the supplier has been selected based on their ability to supply the appropriate machines in the limited timescale available to the Councils and also the price has been taken into consideration.
<i>Unforeseen works where delay will adversely impact on the service delivery for the Councils.</i>	This is correct in so much as inability to mobilise for a new contract.

The Joint Executive (Cabinet) Committee noted this exemption to the West Suffolk Contract Procedure Rules, as contained in FHDC's and SEBC's Constitutions.

41. **Forest Heath and St Edmundsbury Decisions Plans**

The Forest Heath and St Edmundsbury Decisions Plans were received and noted as contained in Minute Nos: 42(a) and 42(b) below.

(a) **Forest Heath Decisions Plan: 1 September 2018 to 31 March 2019 (Report No: CAB/JT/18/030)**

The Joint Committee received this report, which was Forest Heath District Council's (FHDC) Executive Decisions Plan covering the period 1 September 2018 to 31 March 2019.

Members took the opportunity to review the intended forthcoming decisions of FHDC's Cabinet, its Joint Committees, Portfolio Holders and Officers under delegated authority. However, no further information or amendments were required on this occasion.

(b) **St Edmundsbury Decisions Plan: 1 September 2018 to 31 March 2019 (Report No: CAB/JT/18/031)**

The Joint Committee received this report, which was St Edmundsbury Borough Council's (SEBC) Executive Decisions Plan covering the period 1 September 2018 to 31 March 2019.

Members took the opportunity to review the intended forthcoming decisions of SEBC's Cabinet, its Joint Committees, Portfolio Holders and Officers under delegated authority. However, no further information or amendments were required on this occasion.

43. **Exclusion of the Public and Press**

See Minute No. 44. below.

44. **Mildenhall Hub (para 3) (Exempt Appendix to Report No: CAB/JT/18/027)**

The Joint Committee considered the Exempt Appendix to this report. However, no reference was made to specific detail and, therefore, this item was not held in private session.

The Meeting concluded at 6.36 pm

Signed by:

Chairman

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Joint Executive (Cabinet) Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Report of St Edmundsbury's Overview and Scrutiny Committee: 12 September 2018	
Report No:	CAB/JT/18/033	
Report to and date:	Joint Executive (Cabinet) Committee	2 October 2018
Chairman of the Committee:	Councillor Diane Hind Chairman of SEBC's Overview and Scrutiny Committee Tel: 01284 706542 Email: diane.hind@stedsbc.gov.uk	
Lead Officer:	Christine Brain Democratic Services Officer (Scrutiny) Tel: 01638 719729 Email: christine.brain@westsuffolk.gov.uk	
Purpose of report:	On 12 September 2018, the Overview and Scrutiny Committee considered the following items: (1) Annual Presentation by the Cabinet Member for Operations; (2) Joint Executive (Cabinet) Decisions Plan: 1 October 2018 to 31 March 2019 (3) Shadow Executive (Cabinet) Decisions Plan: 1 September 2018 to 6 May 2019 (4) Work Programme.	
Recommendation:	The Joint Executive (Cabinet) Committee is requested to <u>NOTE</u> the contents of Report CAB/JT/18/033, being the report of St Edmundsbury's Overview and Scrutiny Committee.	

Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>		<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/> Report for information only.	
Consultation:		<ul style="list-style-type: none"> See Reports listed under background papers below 	
Alternative option(s):		<ul style="list-style-type: none"> See Reports listed under background papers below 	
Implications:			
<i>Are there any financial implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See Reports listed under background papers below 	
<i>Are there any staffing implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See Reports listed under background papers below 	
<i>Are there any ICT implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See Reports listed under background papers below 	
<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See Reports listed under background papers below 	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See Reports listed under background papers below 	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
See Reports listed under background papers below			
Wards affected:		All Wards	
Background papers:		Please see background papers, which are listed at the end of the report.	
Documents attached:		None	

1. Key issues and reasons for recommendation

1.1 Annual Presentation by the Cabinet Member for Operations (Report No: OAS/SE/18/025)

- 1.1.1 The Cabinet Member for Operations, Councillor Peter Stevens was invited back to give an annual update on his portfolio. Report No: OAS/SE/18/025 set out the focus for the annual update.
- 1.1.2 Prior to the meeting taking place, the Cabinet Member was provided with some key questions from Scrutiny Members on what they would like included in the update, and responses were set out the report.
- 1.1.3 The Committee asked a number of follow-up questions relating to EU Regulations on waste; the Haverhill Waste Transfer Station; play areas and procurement; cemeteries (including headstone topple testing; closed churchyards); and RingGo payments for car parking, to which comprehensive responses were provided.
- 1.1.4 In response to a question raised regarding Civil Parking Enforcement (CPE), the Cabinet Member shared his disappointment that progress was not being made quicker, and suggested a letter from the Committee to local Members of Parliament might help in sharing the Councils and the Committee's frustration. Officers explained that our local Members of Parliament were meeting with Jesse Norman MP, Parliamentary Under Secretary of State for the Department for Transport on Wednesday 13 September 2018 to discuss CPE, and the Suffolk Public Sector Leaders Group were also meeting on 14 September to discuss the issue further.
- 1.1.5 The Committee then **Resolved**: That the Chairman of the Overview and Scrutiny Committee writes to Jesse Norman, MP Parliamentary Under Secretary of State for the Department of Transport, and to local Members of Parliament, setting out its concerns in the delay in processing the application to transfer Civil Parking Enforcement responsibilities to Local Authorities in Suffolk.

1.2 Joint Executive (Cabinet) Decisions Plan: 1 October 2018 to 31 March 2019 (Report No: OAS/SE/18/026)

- 1.2.1 The Committee considered the latest version of the Decisions Plan, covering the period 1 October 2018 to 31 March 2019.
- 1.2.2 There being no decision required, the Committee **noted** the contents of the Decisions Plan.

1.3 Shadow Executive (Cabinet) Decisions Plan: 1 September 2018 to 6 May 2019 (Report No: OAS/SE/18/027)

- 1.3.1 The Committee considered the Shadow Executive (Cabinet) Decisions Plan, covering the period 1 September 2018 to 31 March 2019.
- 1.3.2 There being no decision required, the Committee **noted** the contents of the Shadow Executive (Cabinet) Decisions Plan.

1.4 **Work Programme Update (Report No: OAS/SE/18/028)**

- 1.4.1 The Committee received and **noted** Report No: OAS/SE/18/028, which provided an update on the current status of the Committee's Work Programme for 2018-2019, which included current Joint Task and Finish Group(s).
- 1.4.2 The report also requested that Members identify questions they would like the Cabinet Member for Planning and Growth to cover in their annual report to the Committee on 7 November 2018.
- 1.4.3 The Chairman also reminder members of the Extraordinary Overview and Scrutiny Committee meeting scheduled for Wednesday 31 October 2018 at 4pm. The Suffolk County Council Cabinet Member for Highways had been invited to update the Committee on progress made in relation to recommendations made at its Extraordinary meeting held on 25 October 2017.

2. Background Papers

- 2.1.1 Report No: [OAS/SE/18/025](#) to the Overview and Scrutiny Committee: Annual Presentation by the Cabinet Member for Operations
- 2.1.2 Report No: [OAS/SE/18/026](#) and [Appendix 1](#) to the Overview and Scrutiny Committee: Decisions Plan: 1 October 2018 to 31 March 2019
- 2.1.3 Report No: [OAS/SE/18/027](#) and [Appendix 1](#) to the Overview and Scrutiny Committee: Shadow Executive (Cabinet) Decisions Plan: 1 October 2018 to 31 March 2019
- 2.1.4 Report No: [OAS/SE/18/028](#) and [Appendix 1](#) to the Overview and Scrutiny Committee: Work Programme Update

Joint Executive (Cabinet) Committee



Forest Heath
District Council

Title of Report:	Report of Forest Heath's Overview and Scrutiny Committee: 13 September 2018	
Report No:	CAB/JT/18/034	
Report to and date:	Joint Executive (Cabinet) Committee	2 October 2018
Chairman of the Committee:	Councillor Simon Cole Chairman of FHDC's Overview and Scrutiny Committee Tel: 07974 443762 Email: simon.cole@forest-heath.gov.uk	
Lead Officer:	Christine Brain Democratic Services Officer (Scrutiny) Tel: 01638 719729 Email: christine.brain@westsuffolk.gov.uk	
Purpose of report:	On 13 September 2018, the Overview and Scrutiny Committee considered the following items: (1) Annual Presentation by the Cabinet Member for Planning and Growth; (2) Joint Executive (Cabinet) Decisions Plan: 1 October 2018 to 31 March 2019 (3) Shadow Executive (Cabinet) Decisions Plan: 1 September 2018 to 6 May 2019 (4) Work Programme.	
Recommendation:	The Joint Executive (Cabinet) Committee is requested to <u>NOTE</u> the contents of Report CAB/JT/18/034, being the report of the FHDC Overview and Scrutiny Committee.	

Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>		<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/> Report for information only.	
Consultation:		<ul style="list-style-type: none"> • See Reports listed under background papers below 	
Alternative option(s):		<ul style="list-style-type: none"> • See Reports listed under background papers below 	
Implications:			
<i>Are there any financial implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • See Reports listed under background papers below 	
<i>Are there any staffing implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • See Reports listed under background papers below 	
<i>Are there any ICT implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • See Reports listed under background papers below 	
<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • See Reports listed under background papers below 	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • See Reports listed under background papers below 	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
See Reports listed under background papers below			
Wards affected:		All Wards	
Background papers:		Please see background papers, which are listed at the end of the report.	
Documents attached:		None	

1. Key issues and reasons for recommendation

1.1 Annual Presentation by the Lead Cabinet Member for Planning and Growth (Report No: OAS/FH/18/025)

1.1.1 The Cabinet Member for Planning and Growth, Councillor Lance Stanbury was invited back to give an annual update on his portfolio. Report No: OAS/FH/18/025 set out the focus for the annual update.

1.1.2 Prior to the meeting taking place, the Cabinet Member was provided with some key questions from Scrutiny Members on what they would like included in the update, and responses were set out the report.

1.1.3 The Committee asked a number of follow-up questions relating to building control (enforcement/breaches); tourism (promoting what's on offer in West Suffolk); the A11 Tech corridor (work in progress); growth and regeneration (dual electric train line between Newmarket and Cambridge); and town centres (reinventing our high streets), to which comprehensive responses were provided.

1.1.4 There being no decision required, the Committee **noted** the annual update.

1.2 Joint Executive (Cabinet) Decisions Plan: 1 October 2018 to 31 March 2019 (Report No: OAS/FH/18/026)

1.2.1 The Committee received the latest version of the Decisions Plan, covering the period 1 October 2018 to 31 March 2019.

1.2.2 The Committee considered the Decisions Plan and asked a question in relation to the "Annual Review of the Performance of the Council's Solar Farm", scheduled to be presented to Cabinet on 2 October 2018, to which the Assistant Director (Planning and Regulatory) duly responded.

1.2.3 There being no decision required, the Committee **noted** the contents of the Decisions Plan.

1.3 Shadow Executive (Cabinet) Decisions Plan: 1 September 2018 to 6 May 2019 (Report No: OAS/FH/18/027)

1.3.1 The Committee considered the Shadow Executive (Cabinet) Decisions Plan, covering the period 1 September 2018 to 6 May 2019. There being no decision required, the Committee **noted** the contents of the Decisions Plan.

1.4 Work Programme Update (Report No: OAS/FH/18/028)

1.4.1 The Committee received and **noted** Report No: OAS/FH/18/028, which provided an update on the current status of the Committee's Work Programme for 2018-2019, which included current Joint Task and Finish Group(s).

1.4.2 The report also requested that Members identify questions they would like the Cabinet Member for Operations to cover in his annual report to the Committee on 8 November 2018.

1.4.3 The Committee was also invited to observe the St Edmundsbury Overview and Scrutiny Committee's Extraordinary meeting on 31 October 2018 when the Suffolk County Council Cabinet Member for Highways and Transport would be attending to update members on progress made in relation to recommendations made at the SEBC Extraordinary Overview and Scrutiny Committee meeting held on 25 October 2017.

2. Background Papers

- 2.1.1 Report No: [OAS/FH/18/025](#) to the Overview and Scrutiny Committee: Annual Presentation by the Cabinet Member for Planning and Growth
- 2.1.2 Report No: [OAS/FH/18/026](#) and [Appendix 1](#) to the Overview and Scrutiny Committee: Joint Executive (Cabinet) Decisions Plan: 1 October 2018 to 31 March 2019
- 2.1.3 Report No: [OAS/FH/18/027](#) and [Appendix 1](#) to the Overview and Scrutiny Committee: Shadow Executive (Cabinet) Decisions Plan: 1 September 2018 to 6 May 2019
- 2.1.4 Report No: [OAS/FH/18/028](#) and [Appendix 1](#) to the Overview and Scrutiny Committee: Work Programme Update

Joint Executive (Cabinet) Committee



Title of Report:	West Suffolk Gambling Act 2005: Statement of Policy 2019 to 2022	
Report No:	CAB/JT/18/035	
Report to and date/s:	Joint Executive (Cabinet) Committee	17 October 2018
	St Edmundsbury Council	30 October 2018
	Forest Heath Council	31 October 2018
Portfolio holders:	Lance Stanbury FHDC Portfolio Holder for Planning and Growth Tel: 07970 947704 Email: lance.stanbury@forest-heath.gov.uk	Susan Glossop SEBC Portfolio Holder for Planning and Growth Tel: 01284 728377 Email: susan.glossop@stedsbcc.gov.uk
Lead officer:	David Collinson Assistant Director (Planning and Regulatory Services) Tel: 01284 757306 Email: david.collinson@westsuffolk.gov.uk	
Purpose of report:	To consider the results of a public consultation and seek approval for adoption of a revised joint West Suffolk Councils Statement of Policy in accordance with the Gambling Act 2005 2016-2019.	
Recommendation:	It is <u>RECOMMENDED</u> that subject to the approval of Forest Heath District and St Edmundsbury Borough Councils, the revised West Suffolk Gambling Act 2005: Statement of Policy for the period 2019 to 2022, as contained in Appendix 2 to Report No: CAB/JT/18/035, be adopted.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	

<i>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i>			
Consultation:		16 July to 11 September 2018 (statutory consultees only)	
Alternative option(s):		None applicable	
Implications:			
<i>Are there any financial implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<i>Are there any staffing implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<i>Are there any ICT implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> See body of report. A Statement of Principles is required under the Gambling Act 2005 – see report body and Appendix 2	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • No impact identified	
Risk/opportunity assessment: <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>			
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Failure to consult on a revised statement of principles – resulting in weak and challengeable policy	High	Planned consultation and further review of feedback prior to finalising and process of adoption	
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		Gambling Commission Guidance to Local Authorities (updated September 2015) https://www.gamblingcommission.gov.uk/PDF/GLA5.pdf	
Documents attached:		Appendix 1 – Consultation response summary Appendix 2 – Revised West Suffolk Gambling Act 2005: Statement of Policy (incorporating consultation changes) 2019-2022 Appendix 3 – New Local Area Profile (previously part of policy above)	

1. Key issues and reasons for recommendation

1.1 Background

1.1.1 The West Suffolk Statement of Gambling Policy sets out how Forest Heath District Council and St Edmundsbury Borough Council, in their role as licensing authorities, will carry out their functions under the Gambling Act 2005. It recognises the importance of responsible gambling within the entertainment industry whilst seeking to balance this with the key objectives of the Act. The objectives are:

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

1.1.2 The objective of the statement of policy is to provide a vision for the local area and a statement of intent that guides practice. Licensing authorities must have regard to their statement when carrying out their licensing functions. The statement cannot create new requirements for applicants outside of the Act, and cannot override the right of any person to make an application under the Act, make representations or seek a review of a licence. However, it can invite people and operators in particular to consider local issues and set out how they can contribute towards positively addressing them.

1.1.3 A statement of policy typically runs for a period of three years, although there is nothing to prevent the authority from updating more frequently if it wishes to. The current policy expires on 30 January 2019 and a revised version has been consulted on with statutory consultees. This will then require review in 2021 for re-adoption by January 2022.

1.1.4 Subject to adoption by January 2019, by both Forest Heath District Council and St Edmundsbury Borough Council, the Gambling Act 2005 Statement of Policy will then be one of a number of policies needing to be 'rolled forward' to the new single council. This will require non-substantive changes limited to rebranding and technical wording changes, for example: "councils" to "council".

1.2 **Changes to the Gambling Act 2005 Statement of Policy**

1.2.1 There were no legislative changes in the 2016-2019 period to reflect in the revised policy. The only changes (outlined in red in Appendix 2) were structural and updating facts and figures, as set out in the table below:

Section	Page no.	Change
2.2 About the area	4	Removing key facts and figures about West Suffolk and it's gambling activity, for inclusion in the Local Area Profile (appendix 3)
2.3 Policy development	5	Updating dates for consultation and decision on re-adoption of the policy
10.5 Local Area Profiles	11	Adding in rationale for having a separate local area profile and where it can be found

1.2.2 Local Area Profile

As required by the Gambling Act 2005, a local authority's statement of policy requires operators to prepare a local area risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated. In undertaking their local area risk assessments, they must take into account relevant matters identified in the local authority's Statement of Policy and they can reference the council's Local Area Profile. A licensing authority can request that the licensee share a copy of its own local area risk assessment which will set out the measures the licensee has in place to address specific concerns.

1.2.3 In contrast to the current policy, the revised information about the effect of gambling on areas of West Suffolk is now set out in the Local Area Profile, as in Appendix 3. We recommend this is kept as a separate document according to new Gambling Commission best practice guidance. On a national level, the ambition is that the added detail in these separate profiles will contribute to reducing the current evidence gap surrounding who may be vulnerable and where they are likely to be, which will help better inform local area risk assessments. Having it as a separate document allows it to be updated on a more regular basis, ensuring operator local area risk assessments reflect the most up accurate locality characteristics as possible.

1.2.4 Appendix 3 is the first draft of our Local Area Profile document which we will review following single council. This review will ensure we are providing enough helpful information for operators and directing them to more information about the area they are based in at ward or settlement level.

1.2.5 It should be noted that, at the time of preparing this edition of the Statement of Policy, there has been no evidence to support the assertion that any part had or is experiencing problems from gambling activities. This position will be kept under review, however, as the councils see this as best practice to compile and regularly update a basic guidance document outlining ward profiles and licensing figures.

1.3 **Community Impact**

1.3.1 **Equality and Diversity Impact**

There are no substantive local policy changes as part of the review.

1.3.2 **Other Impact** (*any other impacts affecting this report*)

This work supports the Councils' public health and wellbeing responsibilities and we recommend the 2022 review incorporates considering a more 'whole council' approach as gambling is increasingly recognised as a complex public health issue, where other aspects of regulation could play a part.

In the meantime, current and prospective licensees will now have access to more detailed information about the gambling activity in the local area, which should inform their statutory local area risk assessments.

1.4 **Consultation**

1.4.1 Given that no substantive local policy changes were proposed in the revised version of the Gambling Act 2005 Statement of Policy, we carried out proportionate engagement with key stakeholders. This involved requesting comments from the following statutory consultees:

- the chief officer of police for the area;
- representatives of gambling businesses; and
- representatives of those people likely to be affected by the authorities gambling licensing activity.

A list of key stakeholders can be found in Schedule A of the draft policy.

1.4.2 We only received one response as part of this engagement, as set out in Appendix A. We suspect the low response is due to the limited nature of the changes proposed.

1.4.3 **Response from GamCare**

The response received was from the problem gambling support service GamCare. They are the leading national provider of information, advice, support and free treatment for anyone affected by problem gambling. This was a standard reply and they explained they didn't have the time to reply individually to local authority policy consultations. However it did include helpful recommendations based on best practice.

1.4.4 Officers reviewed the need for this and recommend that licensing officers complete relevant online training provided by the gambling commission to keep up to date on recommendations such as this.

In terms of the specific recommendations we have already taken the following action to improve our policy:

- The existing 2016-2019 Gambling Act 2005 Statement of policy recommends that gambling premises make leaflets and other advertising materials for gambling support services, such as GamCare.

- We have updated the local area profile to include reference to the support services available in section 3 of the local profile.

Separate to the re-adoption of the policy, we will also undertake the following:

- Continue to recommend operators provide advertising materials for problem gambling support services, such as GamCare, as set out in our current policy;
- Ensure licensing officers recommend operators attend relevant GamCare training; and
- Regularly review our local area profile

1.4.5 The policy already recommends operators and licensed establishments provide leaflets or advertisements about the help available for problem gambling, such as those for GamCare. Section 3 of The Local Area Profile defines problem gambling and we recommend referencing the NHS advice on problem gambling help services available at the end of this section.

Consultation Response

Organisation	Received	Response
GamCare	26/07/18	<p>While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the Gambling Commission.</p> <p>The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council’s wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.</p> <ul style="list-style-type: none"> • A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/ • Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities. • A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the

		<p>challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.</p> <ul style="list-style-type: none">• Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?• Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.• Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.• Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so. <p>We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk</p> <p>For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures. If there is anything else we can assist with please do let us know.</p>
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West Suffolk Gambling Act 2005 Statement of Policy

**Effective 30 January 2019 to 31 January 2022
(Unless revised sooner)**

Preface

Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of policy that they propose to apply in exercising their functions under the act during the three-year period to which the policy applies.

Working together, Forest Heath District Council and St Edmundsbury Borough Council have developed this document with due regard to all available regulations, conditions, codes of practice, statutory guidance, practical experience of legislation and any consultee responses. Should anything in future publications, legislative/regulatory changes or case law impact upon the content of this 'statement of policy' document, then it will be taken into account and the document may be updated at a later stage and with due consideration to the resource implications for the licensing authority.

All references made within this document to the Gambling Commission Guidance for Licensing Authorities, and any extracts quoted thereof.

Throughout this statement of policy the term 'the councils' and 'the licensing authority' should be read as jointly applying to both councils' licensing authority functions, that is, Forest Heath District Council and St Edmundsbury Borough Council. Where the statement applies to only one of the councils, it will be stated which one.

For more information refer to:

- www.gamblingcommission.gov.uk
- www.culture.gov.uk
- www.westsuffolk.gov.uk

If you require this information in another format or language, phone 01284 758050 or email licensing@westsuffolk.gov.uk to discuss your need.

Gambling Act 2005: Statement of policy

Effective 30 January 2019 until 31 January 2022

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Part A – General

1.0 The licensing objectives

1.1 In exercising most of its functions under the Gambling Act 2005, the licencing authority must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005 ('the Act'). The licensing objectives are:

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

The Gambling Commission has stated, with limited exceptions, the intention of the Gambling Act 2005 is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The objective refers to protecting children from being 'harmed or exploited' by gambling. This means preventing them from taking part in gambling activities except limited authorised activities (see schedule D), and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children excepting category D machines.

1.2 In accordance with section 153 of the act, in making decisions about premises licenses and temporary use notices the licensing authority should **aim to permit** the use of the premises for gambling purposes in so far as it thinks it:

1. in accordance with any relevant code of practice issued by the Gambling Commission
2. in accordance with any relevant guidance issued by the Gambling Commission
3. reasonably consistent with the licensing objectives, and
4. in accordance with the authority's statement of policy.

2.0 The West Suffolk councils

2.1 Background

2.1.1 Forest Heath District Council and St Edmundsbury Borough Council are both district councils in terms of their functions and in 2011 both councils agreed to build on several years of informally sharing services by creating a West Suffolk partnership. The partnership is designed to retain each council's individual identity while having a single staff team working across the councils' boundaries (and beyond, through working with other partners). This partnership will be maintained when the two councils become West Suffolk Council on the 1 April 2019.

2.1.2 Since 2011 the West Suffolk councils have adopted several joint policies and strategies and also a shared constitution for West Suffolk which allows the

councils to maintain their own local identity where appropriate whilst simplifying how meetings are conducted, decisions are made decision-makers are held to account. The constitution is considered the foundation of every council and the shared document ensures there is a consistent decision-making process throughout all areas of both councils.

2.1.3 The West Suffolk councils have also adopted a joint Strategic Framework which sets out the vision, priorities and key actions for West Suffolk. The specific actions for the shared vision and strategic priorities are contained in the West Suffolk Strategic Framework, available at:
<https://www.westsuffolk.gov.uk/strategicframework>

2.1.4 More information about the services provided by the West Suffolk partnership can be found at <https://www.westsuffolk.gov.uk/civicleadership>.

2.2 About the area



2.2.1 The area of West Suffolk comprises the council areas of Forest Heath and St Edmundsbury, two predominantly rural districts in the heart of East Anglia. Well-connected with London, the rest of East Anglia and the Midlands, West Suffolk is a safe and comparatively prosperous place in which to live. It also has some beautiful and accessible countryside areas, including grassland, heath and forest.

2.2.2 Forest Heath has three main market towns, Brandon, Newmarket and Mildenhall. St Edmundsbury has two: Bury St Edmunds and Haverhill.

2.2.3 Bury St Edmunds, the largest settlement in West Suffolk, has been a prosperous town for centuries, with people drawn to its market and Georgian architecture, shops, leisure and cultural facilities.

2.2.4 Newmarket is known as the 'home of horseracing'. It has more racehorses, trainers, stable staff, stud farms and racing organisations in and around the town than anywhere else in the world, with racing accounting for a significant

number of local jobs.

- 2.2.5 Haverhill, Mildenhall and Brandon expanded significantly in the 1970s due to the construction of new housing to accommodate families moving as part of the Greater London Council's expansion programme.
- 2.2.6 Today, West Suffolk has a thriving, diverse economy, embracing a number of business sectors. These include tourism, food and drink, life sciences and advanced manufacturing, including a number of businesses trading with the two major US Air Force bases in West Suffolk.
- 2.2.7 In all of West Suffolk's towns and rural areas, many of the residents benefit from a good quality of life. However, some areas have suffered more than others from the impact of the economic downturn, and others are facing issues such as: rural isolation, a lack of skills or qualifications amongst young people, an ageing population with some in need of more specialist housing or care, poverty, or health deprivation.

2.3 Policy development

- 2.3.1 Licensing authorities are required by the act to publish a statement on 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 must be re-consulted upon. Following any amendment and consultation, the revised statement will then be re-published.
- 2.3.2 West Suffolk councils consult widely upon this statement of policy before it is finalised and published. The Gambling Act 2005 requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

A list of the persons to be consulted by the licensing authority is attached to this document as **Schedule A**.

- 2.3.3 This policy will be consulted upon with key stakeholders between 10 July and 28 August 2018 and will be presented to Cabinet on 2 October 2018 and full Council 18 and 19 December 2018 for consideration of re-adoption.
- 2.3.4 It should be noted that this statement of policy document shall **not** override the rights 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.

2.4 Licensing Service contact details

Forest Heath District Council

Environmental Health
District Offices
College Heath Road
Mildenhall
Suffolk
IP28 7EY

St Edmundsbury Borough Council

Environmental Health
West Suffolk House
Western Way
Bury St Edmunds
Suffolk
IP33 3YU

or

Telephone: 01284 758050

email: licensing@westsuffolk.gov.uk

website: www.westsuffolk.gov.uk

3.0 Declaration

- 3.1 In producing this statement of policy the licensing authority declares that it has had due regard to the licensing objectives of the Gambling Act 2005 (see 1.1 of this document), the guidance issued by the Gambling Commission, and any responses from those consulted on the statement of policy.

4.0 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 licensing authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area;
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.2 In accordance with Gambling Commission Guidance for Licensing Authorities. This authority intends to designate the **Suffolk Local Safeguarding Children Board** for this purpose. The Suffolk Local Safeguarding Children Board has an arrangement with the Suffolk Constabulary for the Constabulary to act as their nominated agent in relation to Gambling Act 2005, when considering applications with a view to protecting children from harm.
- 4.3 The contact details of all the responsible bodies under the Gambling Act 2005 are available via the West Suffolk councils' website at or available upon request to the Licensing Service.

5.0 Interested parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. The Gambling Act 2005 defines interested parties as persons who:
- a. live sufficiently close to the premises to be likely to be affected by the authorised activities
 - b. have 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:
- Each case will be decided upon its merits; and
 - The licencing authority will not apply a rigid rule to its decision making. It may have regard to a number of factors, for example:
 - The size of the premises
 - The nature of activities the applicant proposes to provide at the premises, and
 - Guidance from the Gambling Commission that 'business interests' should be given the widest possible interpretation (see paragraph 24 of the Gambling Commission guidance).
- 5.3 Interested parties can include persons who are democratically elected such as county, parish and town councillors and MPs. Other than these persons, the licensing authority will normally require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities.
- 5.4 If individuals approach councillors to ask them to represent their views then care should be taken that the councillors are not subsequently appointed as part of a licensing sub-committee who may be involved with the determination of dealing with the licence application. If any further guidance is required, generally or in individual cases, then please contact the Licensing Section at Forest Heath District Council.

6.0 Exchange of information

- 6.1 This licensing authority will, when exchanging information which it holds relating to gambling premises, permits and temporary permissions, apply the following principles:
1. Act in accordance with the provisions of the Gambling Act 2005.
 2. Comply with the Data Protection Act 1998 and any subsequent or supplementary guidance provided by the Information Commissioner.
 3. Comply with any relevant requirements of the Freedom of Information Act 2000.

4. Have regard to Part 13 of the Guidance issued by the Gambling Commission on this matter.
5. The Gambling Commission's publication 'Advice to Licensing Authorities on information exchange with the Gambling Commission' (as may be periodically updated).
6. 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 pursuant to section 350 of the Act concerning information exchange with the other bodies as listed in Schedule 6(1) of the act then these will be made available by the licencing authority.

7.0 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. West Suffolk councils corporate enforcement policy will be applied when considering, managing and taking enforcement action. A copy is available on the councils' website.

7.2 This licensing authority's principles are that it will be guided by the Gambling Commission Guidance (in particular Part 36), the Regulators' Compliance Code, shall endeavour to regulate in the public interest and be:

- **proportionate:** regulators should only intervene when necessary and 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 In accordance with the Gambling Commission guidance, the licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 Any inspection programme, which may be adopted by the licensing authority, shall be risk-based. This would include targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises, so that resources are more effectively concentrated on problem premises. Further detail are available upon request.

7.5 The enforcement and compliance role for the licencing authority under the Gambling Act 2005 is to ensure compliance with the Premises licenses and other permissions, which it authorises. The Gambling Commission is the enforcement body for operator and personal licences. Manufacture, supply or

repair of gaming machines is dealt with by the Gambling Commission and not by the licensing authority.

- 7.6 This licensing authority will also endeavour to work in partnership with and support local businesses, having due regard to the stated principles and any best practice guidelinesⁱ published by the Better Regulation Executive, in respect of its responsibilities under the Gambling Act 2005 and other regulatory functions of the local authority.
- 7.7 With due regard to the principle of transparency, any enforcement/compliance protocols or written agreements developed by the licencing authority shall be made available upon request to the Licensing Team.
- 7.8 In considering applications, and taking enforcement action, under the Gambling Act 2005 the licencing authority shall duly consider any Human Rights Act 1998 implications (in particular Article 1, Protocol 1 and Articles 6, 8 and 10).

8.0 licencing authority functions

- 8.1 The Act gives Licensing Authorities a number of important regulatory functions in relation to gambling, the main functions of which are to:
- consider **notices** given for the temporary use of premises for gambling
 - grant **permits** for gaming and gaming machines in **clubs and miners' welfare institutes**
 - regulate gaming and gaming machines in **alcohol-licensed premises;**
 - grant **permits** to **family entertainment centres** (FEC's) for the use of certain lower stake gaming machines
 - grant permits for **prize gaming**
 - consider **occasional use notices** for betting at tracks
 - register small societies' lotteries
 - consider applications for **provisional statements**
 - provide information to the Gambling Commission regarding details of licences, permits, notices and registrations issued (see section 6 above on 'Exchange of information')
 - maintain registers of the permits, notices and licences that are issued under these functions, and
 - prepare and publish, every three years (or sooner if required), a **statement of the policy** it proposes to apply when exercising its functions under the Gambling Act 2005.

Additions or amendments to the list above notified by the Gambling Commission will be published on the council's website or upon request direct to the Licensing Service.

- 8.2 The councils' summary of delegations adopted under the Gambling Act 2005 is available separately via the council's website at www.westsuffolk.gov.uk or upon request to the Licensing Service.
- 8.3 It should be noted that local licensing authorities are not responsible for licensing remote gambling. This is the responsibility of the Gambling Commission.

9.0 Appeals

- 9.1 Appeals relating to premises licensing and other decisions by licensing authorities are covered within the relevant legislation and regulations and are referred to in Part 12 of the Gambling Commission guidance.

10.0 Risk assessment and local area profile

- 10.1 The Gambling Commission issue codes of practice under section 24 of the Gambling Act 2005, about the manner in which facilities for gambling are provided to ensure that:

- gambling is conducted in a fair and open way
- children and other vulnerable people are protected from being harmed or exploited by gambling
- assistance is made available to people who are, or may be, affected by problems related to gambling.

- 10.2 Codes of practice are either:

- social responsibility code provisions - which must be adhered to by all licence holders
- ordinary code provisions – these do not have the status of licence conditions but failure to take account of them can be used as evidence in criminal or civil proceedings.

- 10.4 Operators will be required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated.

Assessing local risk

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

Sharing local risk assessments

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

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

10.5 **Local area profiles:** Such risk assessments can make reference to the councils' area profile which may be compiled with respect to reported gambling-related problems in an area. At the time of preparing this edition of the statement of licensing policy there has been no evidence presented to the West Suffolk councils to support the assertion that any part had or is experiencing problems from gambling activities.

10.6 This position will be kept under review, however, as the council sees this as best practice has compiled a basic guidance document using ward profiles and licensing figures. This document is available on our website https://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Gambling_and_lotteries/index.cfm.

Part B – Premises licences

1.0 General principles

- 1.1 Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations. The act provides that conditions may be attached to licences, in a number of ways:
1. automatically, having been set out on the face of the act
 2. through regulations made by the Secretary of State
 3. by the commission, to operating and personal licences
 4. by the licensing authority, to premises licences and some permits, and
 5. by the licensing authority, by excluding certain default conditions on a premises licence.
- 1.2 When determining an application, this licencing authority **aims 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 principles.
- 1.3 **Definition of 'premises':** Premises is defined in the act as 'any place'. A particular premises cannot be granted more than one premises licences under the gambling act at any one time. It is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being separate premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can be properly regarded as different premises.
- 1.4 The licencing authority takes particular note of the Gambling Commission Guidance, which states that licensing authorities should take particular care when considering applications for multiple licenses for more than one premises licences for a single building, applications for a premises licence where part of the premises is used for non-gambling purposes. In particular the licencing authority will consider whether:
- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people cannot 'drift' into a gambling area
 - premises are configured so that children are not invited to participate in, have accidental access to, or able to closely observe gambling where they are prohibited from participating, and

- customers are able to participate in the principal gambling activity authorised by the premises licence.

1.5 The licencing authority takes particular note of the Gambling Commission guidance, which states that licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises, whether licensed or unlicensed. The licencing authority will consider whether:

- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people cannot 'drift' into a gambling area
- 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 and
- customers are able to participate in the principal gambling activity authorised by the premises licence.
- children can gain access to the premises
- the two establishments are compatible and
- The proposed licence holder would be able to comply with the requirements of the act, for example, mandatory operating licence conditions, and
- Gambling Commission guidance in relation to division, separation or splitting of premises and primary gambling activity (Part 7 of statutory guidance).

In addition an overriding consideration for the licencing authority is whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the act.

1.6 Where an application is made in respect of a premises to be constructed or altered the licencing authority will consider each application on its own merits having due regard to the advice given by the Gambling Commission in its Guidance. The licencing authority will consider:

- if a future effective date on the licence is appropriate; or
- the licence should be issued subject to a condition that trading shall not commence until the premises have been completed in all respects and in accordance with the scale plans provided with the application.

The licencing authority may require inspection of the completed works or written confirmation from the applicant, their agent or surveyor to satisfy the authority that the completed works comply with the original, or changed, plan attached to the premises licence.

1.7 **Primary gambling activity:** The licensing authority takes particular note of the Gambling Commission guidance which states that licensing authorities exercise care when considering applications to ensure that the primary gambling activity of the premises should be that described by the premises

licence type. For example, in a bingo premises, the primary activity should be bingo, with gaming machines as an ancillary offer on the premises.

- 1.8 **Location:** Demand or need for licensed premises cannot be considered with regard to the location of premises. In accordance with the Gambling Commission guidance, the licencing authority will pay particular attention to 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 concerning areas where gambling premises should not be located, this policy 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 possibility for the applicant to show how any concerns can be overcome.
- 1.9 **Duplication with other regulatory regimes:** The licencing authority seeks to avoid any duplication with other statutory/regulatory systems wherever possible, including planning, building control, health and safety and fire safety.

Should it come to the attention of the licencing authority that planning conditions or other regulatory restrictions/controls may impact on a premises operator's ability to comply with mandatory or default conditions then it may alert the applicant accordingly. The grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

- 1.10 The premises operators are normally responsible for compliance with any other statutory requirements which may apply (for example, Regulatory Reform (Fire Safety) Order 2005).
- 1.11 The licencing authority will seek to avoid duplication with other regulatory regimes when dealing with the licensing function. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence (or, in certain circumstances, permit) holder. Once the discretion of the licencing authority is engaged, it is only where additional and supplementary measures are necessary to promote the licensing objectives that necessary and proportionate conditions will be attached to a licence.
- 1.12 Other local authority and government policies, strategies, responsibilities, and guidance documents may also refer to the licensing function, and the licencing authority may liaise with the relevant authorities or its directorates with regard to these. While some of these may not be directly related to the promotion of the licensing objectives, they can indirectly impact upon them. For example, the licencing authority will liaise closely with Local Police to ensure that the Local Authority can develop effective strategies that take full account of local crime and disorder issues.

It is the licencing authority's intention that it will, through its licensing committee, monitor how the matters set out in this paragraph impact on the licencing authority's licensing and other functions in order to integrate its licensing function with other relevant strategies.

The licencing authority will maintain a list of those strategies and policies with which it seeks to integrate its aims and objectives on the website, at www.westsuffolk.gov.uk.

1.13 **Licensing objectives:** Premises Licenses granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the licencing authority has considered the Gambling Commission Guidance and provides some commentary below:

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

The Gambling Commission takes the leading role in preventing gambling from being a source of crime. Where a particular area is associated with criminal activity the licencing authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be appropriate, for example the provision of door supervisors. There is a distinction between disorder and nuisance, and licencing authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed when determining applications under the Gambling Act 2005.

2. **Ensuring that gambling is conducted in a fair and open way:**

The Gambling Commission stated in its guidance that it would, with the exception of tracks (see Part B section 7 of this document) generally not expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this is addressed via operator and personal licensing requirements. If the licencing authority suspects that gambling is not being conducted in a fair and open way then this will be brought to the attention of the Gambling Commission for its further consideration.

3. **Protecting children and other vulnerable persons from being harmed or exploited by gambling:**

The Gambling Commission has stated, with limited exceptions, that the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The objective refers to protecting children from being 'harmed or exploited' by gambling. This means preventing them from taking part in gambling activities except limited authorised activities (see schedule D), and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children (excepting category D machines). With the exception of bingo clubs, tracks on race-days and licensed family entertainment

centres, children should not be permitted to enter licensed gambling premises.

The licensing authority will therefore consider, as suggested in the Gambling Commission Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include such matters as supervision of entrances/machines or segregation of areas.

The licensing authority will also have due regard to any relevant codes of practice issued by the Gambling Commission concerning this licensing objective in relation to specific premises.

This section refers to 'vulnerable persons' but for regulatory purposes assume that this group includes people who:

- gamble more than they want to
- gamble beyond their means
- who may not be able to make informed or balanced decisions about gambling due to a mental health needs, alcohol or drugs."

The licensing authority will consider this licensing objective on a case by case basis.

1.14 **Conditions:** Since the licensing authority must aim to permit the use of premises for gambling, it will not attach conditions which limit the use of the premises for gambling, except where that is necessary as a result of the requirement to act:

- in accordance with the Gambling Commission guidance, the commission's codes of practice or this licensing authority's statement of policy; or
- in a way that it is reasonably consistent with the licensing objectives.

This licensing authority notes that conditions on premises licences should only relate to gambling, and it is not necessary, proportionate or appropriate to impose conditions on a premises licence where the Gambling Commission's Licence Conditions and Codes of Practice, or other legislation, places the same or similar duties, responsibilities or restrictions on an employer or the operator of gambling premises.

This licensing authority shares the view of the Gambling Commission that the mandatory and default conditions set by the Secretary of State will normally be adequate for the general good conduct of gambling premises. However, where there are specific, evidenced risks or problems associated with a particular locality, specific premises, or class of premises in its area then the licensing authority may be able to attach individual conditions to address this.

Any conditions attached by the licensing authority to a premises licence shall be:

- carefully considered in view of the matters mentioned above
- proportionate

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

Sections 169 to 172 of the Act set out certain matters that may not be the subject of licensing authority conditions, as set out below:

- any condition on the premises licence which makes it impossible to comply with an operator 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.

The licensing authority will have due regard to these when considering the need for conditions.

- 1.15 The licencing authority will also consider specific measures, which may be required for buildings, which are the subject of more than one Premises Licence.

In considering these matters the licensing authority shall have due regard to:

- any mandatory or default conditions of licence;
- any relevant codes of practice (particularly social responsibility provisions linked to operator licences) issued by the Gambling Commission; and
- Gambling Commission guidance.

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 specific non-adult gambling premises in order to promote the licensing objectives.

- 1.16 The licensing authority must be satisfied that where category C or above machines are available 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 may apply to premises including buildings where more than one Premises Licence is applicable.

- 1.17 Tracks may be subject to one, or more than one, premises licence provided each licence relates to a specified area of the track. In accordance with the Gambling Commission guidance, the licensing authority will consider the impact upon the protection of children and vulnerable adults 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.
- 1.18 In accordance with Gambling Commission guidance, the licensing authority may consider whether door supervisors are necessary and appropriate in the particular circumstances in order to:
- prevent premises from becoming a source of crime or disorder, or
 - protect children and vulnerable persons from being harmed or exploited by gambling.

Should the licensing authority consider that door supervisors are necessary and appropriate in the particular circumstances to promote the licensing objectives for a particular premises, it will normally expect that any person employed as a door supervisor at that premises will either:

- meet the minimum requirements necessary for that individual to be licensed by the Security Industry Authority (SIA) in normal circumstances (accepting that there is a specific exemption for the licensing of door supervisors by the SIA for casino and bingo premises), or
- the holder of the operator licence will have recruitment criteria for their door supervisors, which may specify:
 1. a minimum training standard (whether within the organisation, or a nationally accredited training course), and
 2. an assessment of whether that individual is fit and proper, for example by means of a subject access search, Disclosure and Barring Service (DBS) basic disclosure or other means.

2.0 Reviews

2.1 An application for review of a premises licence may be made by:

- an interested party
- a responsible authority, and
- the licencing authority, for:
 - a particular class of premises licence, or
 - in relation to a particular premises, and
- it is for the licencing authority to determine whether the review is to be carried out.

2.2 Any request for a review should normally relate to matters relevant to one or more of the following:

- any relevant code of practice issued by the Gambling Commission
- any relevant guidance issued by the Gambling Commission
- the licensing objectives, and
- the licencing authority's statement of policy.

When considering any review request, or whether to instigate its own review, the licencing authority will have due regard to the guidance issued by the Gambling Commission and consider:

- each application on its merits
- whether matters raised in the application are frivolous or vexatious
- whether the application would certainly not cause the it to amend/suspend or revoke the licence, or
- whether the request is substantially the same as any previous representations or requests made for a review or previous application for the same premises.

Officers of the authority may attempt informal mediation or dispute resolution techniques, where practicable, prior to a review being conducted.

2.3 A review application must only be determined by a subcommittee, and not by an officer. The purpose of a review is to determine whether the licencing authority should take any action in relation to the licence. The licencing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations. If action is justified, the options are to:

- add, remove or amend a licence condition imposed by the licencing authority
- exclude a default condition imposed by the Secretary of State (relating to, for example, opening hours) or remove or amend such and exclusion
- suspend the premises licence for a period not exceeding three months, or
- revoke the premises licence.

3.0 Provisional statements

3.1 An applicant may apply for a full premises licence where the premises are uncompleted or unaltered (see Part B section 1.7 of this document). However, an applicant for a provisional statement does not need the right of occupation or an operator licence (granted or applied for), which are required in order to apply for a premises licence.

3.2 An application may be made to the licencing authority, under section 204 of the Act, for a provisional statement in respect of premises that the applicant expects to:

- be constructed
- be altered, or
- acquire a right to occupy.

An application may also be made for a provisional statement for premises which already have a premises licence (either for a different type of gambling or the same type).

- 3.3 When considering an application for a provisional statement the licencing authority shall have due regard to the guidance issued by the Gambling Commission (in particular Part 11). Subject to any necessary modifications, the process for considering an application for a provisional statement is the same as that for a premises licence, including the rights of interested parties and responsible authorities to make representations and rights of appeal.
- 3.4 If representations about premises licence applications following the grant of a provisional statement are received, they may not be taken into account unless they concern matters which could not have been addressed when determining the provisional statement, or they reflect a material change in the circumstances of the application. The licencing authority must determine the premises licence, referring only to matters:
- which could not have been raised by way of representations at the provisional statement stage
 - which in the licencing authority's opinion reflect a change in the operator's circumstances, or
 - where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. If there are substantial changes to the plan the licencing authority will discuss any concerns with the applicant before making a decision.
- 3.5 In accordance with section 210 of the act (which applies to premises licences and provisional statements), the licencing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

4.0 Temporary use notices

- 4.1 Temporary use notices (TUN) allow the use of premises for gambling where there is no Premises Licence but where a licensed gambling operator wishes to use the premises for providing facilities for equal chance gaming. The Gambling Commission guidance suggests that premises that might be suitable for TUNS may include hotels, conference centres and sporting venues, and that equal chance gaming may include games such as backgammon, mah-jong, rummy, kapok, dominoes, cribbage, bingo and poker but may not be provided by means of machine.
- 4.2 There are a number of statutory limits that apply in respect of a TUN, including that a TUN may only be granted to a person or company holding a relevant operator licence, in effect a non-remote casino operating licence, and limitations on the number of times a 'set of premises' can be used under these provisions.
- 4.3 A 'set of premises', as referred to in section 218 of the act, is the subject of a TUN if any part of the premises is the subject of a notice. This reference to 'premises' is not the same as that in Part 8 of the Act and prevents one large

premises from serving a TUN for different parts of the premises and exceeding the statutory limit of 21 days in any 12 month period.

- 4.4 The licencing authority will take into account Gambling Commission guidance when considering whether a place falls within the definition of a 'set of premises'. This consideration may include looking at the ownership, occupation and control of the premises. The Gambling Commission guidance advises that: "This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."
- 4.5 Where a notice of objection is received in respect of a temporary use notice, the licensing authority will hold a hearing and consider representations from:
- the person who gave the notice
 - any person who objected to the notice, and
 - any party who was entitled to receive a copy of the temporary use notice.

Where all parties agree that a hearing is unnecessary, the hearing may be dispensed with.

- 4.6 Where objections are made, a modification to the TUN may be proposed, which could include:
- a reduction in the number of days when gambling occurs
 - a restriction on the type of gambling which may take place.
- 4.7 Where, following a hearing, or after a hearing has been dispensed with, the licensing authority considers that the temporary use notice should not have effect, it must issue a counter notice which may:
- prevent the temporary use notice from taking effect;
 - limit the activities that are permitted
 - limit the time period of the gambling
 - allow the activity to take place subject to a specified condition.
- 4.8 The principles which the licensing authority will apply in determining a TUN are those which it will apply when determining a premises licence, as set out at part B, General principles, subject to its view as to whether it accords with a:
- commission code
 - the Guidance issued by the Gambling Commission
 - this licensing authority's statement of licensing policy, and
 - is reasonably consistent with the licensing objectives.

5.0 Occasional use notices

- 5.1 Occasional use notices (OUN) permit licensed betting operators (with appropriate permission from the Gambling Commission) to use tracks for short periods for conducting betting, where the event upon which the betting is taking place is of a temporary, infrequent nature. The OUN dispenses with the need for a betting Premises Licence for the track in these circumstances.

- 5.2 The OUN must be served by a person who is responsible for the administration of events on the track or by an occupier of the track.
- 5.3 The licencing authority must ensure that the statutory limit of eight days in a calendar year is not exceeded. The licencing authority must consider the definition of a 'track', which need not be a permanent fixture, and whether the applicant is eligible to serve the notice.

6.0 Casinos

- 6.1 This licencing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but retains the power to do so. Any change will be published on the councils' website and the statement of principles in the intervening period.
- 6.2 Where a licencing authority area has the power to determine a premises licence application for a new style casino, it will do so following any regulations under Section 175 of the Gambling Act 2005 published by the Secretary of State.
- 6.3 The act lays down a framework for a two-stage process for considering applications in circumstances where the number of applications exceeds the number of licences available, and this will be followed by the licencing authority.
- 6.4 **Licence considerations/conditions:** The licencing authority shall have due regard to the Gambling Commission guidance in relation to the suitability and layout of casino premises, and also the guidance issued by the commission on primary gambling activity at casino premises.
- 6.5 **Betting machines:** Where betting is permitted in a casino, the licencing authority will normally, in accordance with the Gambling Commission guidance and when considering whether to impose a condition to restrict the number/nature/circumstances of betting machines (bet receipt terminals) made available in particular premises, 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 persons,.

7.0 Bingo premises

- 7.1 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category B or C or machines are made available for use on premises to which children are admitted Licensing Authorities should ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance; and
 - only adults are admitted to the area where the machines are located.

- 7.2 The licencing authority shall have due regard to relevant licence conditions and codes of practice in relation to the operation of Bingo premises, and also the Gambling Commission's guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This includes guidance on primary gambling activity, split premises and operating licence conditions.

8.0 Betting premises

- 8.1 **Betting machines:** The licencing authority will normally, in accordance with the Gambling Commission 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 (bet receipt terminals) an operator wants to make available. Children and young persons will not be able to enter premises which hold a betting premises licence, unless the special rules applying to tracks are applicable.
- 8.2 The licencing authority shall have due regard to the Gambling Commission's guidance in relation to the suitability and layout of betting premises. This includes guidance on primary gambling activity, split premises and operating licence conditions.
- 8.3 Betting machines (Bet receipt terminals) are not gaming machines under the Act, and do not accrue against the premises entitlement for gaming machines, **unless** the machine is designed or adapted for use to bet on **virtual** races (that is, images generated by computer to resemble races or other events) in which case it is considered a gaming machine. Where betting facilities are provided only by betting machines the number of betting machines must exceed the number of gaming machines made available for use.

9.0 Tracks

- 9.1 Tracks are defined under the act as "a horse race course, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place". Examples of tracks include:
- a horse racecourse
 - a greyhound track
 - a point to point horse race meeting
 - football, cricket and rugby grounds
 - an athletics stadium
 - a golf course
 - venues hosting darts, bowls or snooker tournaments
 - premises staging boxing matches
 - sections of river hosting a fishing competition
 - a motor racing event.

This list is not exhaustive, but gives an example of the types of venue which could accommodate the provision of betting facilities.

9.2 There are three types of authorisation under which betting facilities may be made available at a sporting event:

- an occasional use notice
- a temporary use notice and
- a track premises licence.

Betting in relation to tracks may be provided either as on course, or off course betting. The different types of betting are explained in detail in the Guidance issued by the Gambling Commission, and an up to date excerpt of this guidance is published at www.gamblingcommission.gov.uk.

9.3 A betting premises licence permits premises to be used for the provision of facilities for betting, whether by:

- making or accepting bets
- acting as a betting intermediary, or
- providing other facilities for the making or accepting of bets.

9.4 Tracks are the only class of premises that may be subject to more than one premises licence, provided that each licence relates to a specific area of the track. This allows track venues to develop leisure facilities such as a casino and apply for a (casino) premises licence for that part of the track.

9.5 There is no special class of betting premises licence for a track, but the act does contain rules which apply specifically to Premises Licences granted in respect of tracks.

9.6 Special rules apply to applicants for a premises licence in relation to a track. Most importantly the applicant need not hold an operator licence. That is because, unless the occupier of the track wishes to offer pool betting (or general betting) facilities himself (for which he will need a licence) the betting that is provided upon the track will not be provided by him, but will be provided by other operators who come on-course. Since those people will require the necessary operator licences, the act allows the track operator to obtain a premises licence without also having to hold an operator licence. This track premises licence then authorises anyone upon the premises with a valid operator licence to offer betting facilities.

9.7 Track premises licences are distinguished from all other premises licences because children and young persons are allowed to be present on the track while betting is taking place on those licensed premises.

9.8 Track premises that safeguard the achievement of the three licensing objectives may generally be considered fit for gambling, and some general principles hereby licensing authorities can establish whether a track is fit for the provision of gambling facilities are, as follows:

Licensing objective	Issues to consider	Reason to consider a track premises unfit for gambling purposes?
The protection of children and other vulnerable persons from being harmed or exploited by gambling	Tracks permit access to children.	No - children are allowed access to tracks on race days.
	Bet receipt terminals in areas where there is no supervision which would allow children or young persons to use machines undetected.	No - It is a mandatory condition of the operating licence that operators ensure that bet receipt terminals are supervised. This is not an issue for the premises licence.
	Children are allowed access to areas holding category B and C gaming machines.	It is a mandatory condition of the operating licence that operators ensure that children are not allowed access to areas where category B and C gaming machines are provided. However, section 182 of the Act also creates a premises licence condition that children and young persons must be excluded from areas where any gaming machines other than category D are located.
	Betting areas adjacent to areas where children/young persons are present such as play areas	No - children are allowed access to tracks on race days and so will be exposed to gambling areas. It is a mandatory condition of the operating licence that operators do not accept bets from children or young persons.
	Betting areas adjacent to areas where children/young persons are present such as play areas	The commission considers that the location of betting does not generally pose a risk to this licensing objective. Licensing authorities may impose their own local conditions where they perceive problems.
Ensure gambling is conducted in a	The rules of betting are not displayed on the premises.	No (not an issue at application stage) - it is a mandatory condition of

fair and open way		the premises licence that the rules of betting are displayed.
	Unlicensed betting operators are allowed to operate on tracks.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that licence holders make arrangements to ensure that they only allow licensed operators on track.
	Betting takes place out of approved hours.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that betting only takes place within the specified hours.
Prevent gambling from being a source of crime and disorder	Betting is allowed in all parts of a track resulting in greater difficulties for track premises licence holders to identify instances of illegal betting.	No - the Commission's view is that this does not generally pose a risk to this objective. Licensing authorities may impose their own conditions should they perceive a problem.
	No formal exit/entry points allowing easy access for unapproved operators and customers.	No - the commission's view is that this does not generally pose a risk to this objective. Licensing authorities may impose their own conditions should they perceive a problem.

The licencing authority will take any such guidance into consideration when determining an application for a track premises licence.

9.9 **Access to premises and other parts of the track:** Access between premises licensed for gambling and non-gambling areas is an important local licensing consideration, for reasons such as the following:

- to prevent operators from seeking to circumvent the Act by artificially subdividing a premises and securing separate premises licences for its composite parts
- to ensure that operators do not circumvent regulations governing the maximum number of gaming machines applicable to specific premises;
- to ensure that people who have entered a premises for one type of gambling are not exposed to another, potentially harder, form of gambling
- to ensure that there is no direct access between gambling premises to which children have access and those which they are prohibited from entering
- to ensure that all gambling premises have publicly accessible entrances, and

- to ensure that gambling premises are not developed in the backrooms of other commercial premises.

9.10 **Access by children – special dispensation for tracks:** The act forbids all persons under 18 years old to enter premises when betting facilities are being provided, other than at tracks. This dispensation allows families to attend premises such as greyhound tracks or racecourses on event days, and children to be permitted into areas where betting facilities are provided, such as the betting ring, where betting takes place. This dispensation does not, however, apply to:

- areas within a track where category C or above machines are provided, or
- other premises to which under 18 year olds are specifically not permitted access.

Licensed betting operators at tracks are bound by their operating licence conditions which prevent them from accepting bets from persons who are under 18 years old. The track premises licence holder is also required through premises licence conditions to display a notice in a prominent place at every public entrance stating that no person under the age of 18 is permitted to bet on the premises.

There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling, the need to ensure entrances to each type of premises are distinct and that children are excluded from gambling or betting areas where they are not permitted to enter.

Children and young persons will by law be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided. The licencing authority will normally expect premises licence applicants to demonstrate suitable measures to ensure the children do not have access to adult only gambling facilities.

Appropriate measures may include:

- proof of age schemes
- CCTV
- door supervisors
- supervision of entrances/machine areas
- physical separation of areas
- location of entry
- notices/signage
- specific opening hours
- the location of gaming machines
- self barring schemes
- provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware.

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

- 9.11 **Betting on event and non-event days:** Premises licence holders will be expected to comply with the mandatory and default conditions applicable to them on both event and non-event days. The licensing authority will not generally expect to re-assess a licence application as a result of a change to the dates of sporting events, but would expect applicants and licence holders to make information about sporting fixtures available as part of the application.

Significant changes to the fixture/events listing have a bearing on the licence conditions in that track premises licence holders will be expected to comply with the mandatory and default conditions applicable to them on both event and non-event days.

On days when no public sporting event is taking place on a track, gambling facilities may only be provided on the track between the hours of 7am and 10pm. Where the premises user intends to continue to offer facilities for gambling outside the proposed gambling hours on non-event days these facilities should be provided by virtue of an occasional use notice.

On non-event days, tracks become similar to licensed betting offices on the high street. Tracks may achieve this requirement by:

- locating all betting areas inside an area of the premises that is separated from the remainder of the premises by a physical barrier, thereby preventing access other than through a designated entrance
- only admitting adults to the part of the track where betting areas are located, by establishing procedures for verifying customer ages and refusing entry to adult-only areas for those unable to produce an acceptable form of identification (and taking action where there are unlawful attempts to enter adult-only areas), and
- placing prominent notices in front of and inside each entrance stating that access to the area is prohibited to persons under 18.

The licensing authority may consider reducing the default gambling hours, providing any reduction is in line with the principles set out in section 153 of the Act.

- 9.12. **Bet receipt terminals:** Licensed operators may install bet receipt terminals on tracks. There is no restriction on the number of bet receipt terminals that may be in use but operators must, by virtue of their operating licence conditions, supervise such terminals to prevent them being used by those under 18 years of age.

There is no formal requirement on track premises licence holders to involve themselves in the procedures used by betting operators to supervise their bet receipt terminals unless specific local conditions specifying supervisory arrangements are added to the track premises licence by the licensing authority terminals.

9.13 **Gaming machines:** A track premises licence does not of itself entitle the holder to provide gaming machines, as this type of premises licence can be held without any corresponding operating licence.

Where a track owner holds both a track premises licence *and* a pool betting operating licence issued by the commission (in effect, greyhound tracks only), they may site up to four gaming machines within categories B2 to D on the track.

Some tracks may also hold a premises licence under the Licensing Act 2003. As such they will be automatically entitled under section 282 of the act to two gaming machines of category C or D.

In such scenarios the operating licence entitlement does not take precedence, and each licence has its own requirements that must be complied with.

Applications for permits to allow additional gaming machines are not permitted where the premises is already covered by a track premises licence.

It is a condition of section 282 of the act that alcohol-licensed premises licence holders (not necessarily the owners) must comply with any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine. The gaming machine permits code of practice can be found on the commission's website.

Where track premises licence holders possess a pool betting operating licence, the commission places a mandatory licence condition on such operators that they must:

- have and put into effect documented policies and procedures to prevent underage gambling, and
- monitor the effectiveness of these.

9.14 **Administration of betting:** Administrative and quasi-regulatory arrangements in place to ensure that activities held on tracks run smoothly for paying customers, track operators and betting operators are considered to be outside the remit of the act unless they affect the licensing objectives.

9.15 **The role of track premises licence holders:** The responsibilities of track premises licence holders are established by the mandatory and default licence conditions attaching to their premises licence.

The licensed betting operators authorised by track owners to provide betting facilities at tracks must comply with their operating licence conditions and codes of practice issued by the commission.

Track premises licence holders have a responsibility to report regulatory breaches or potential breaches relating to the premises itself or to betting operators.

9.16 **Acceptance of bets:** Track premises licences for greyhound tracks and racecourses are subject to mandatory licence conditions requiring access to be

offered at the track-side to betting operators generally. This prevents track premises licence holders who are also pool betting operators from becoming a monopoly supplier of betting on tracks.

While this does not mean that there must be independent betting operators on tracks on event days, track premises licence holders cannot hold event days without at least making places available to licensed operators. This matter is the responsibility of the Gambling Commission and not the licencing authority.

- 9.17 **Pool betting:** Under the act, holders of track premises licences on licensed greyhound tracks are given exclusivity to offer pool betting facilities on greyhound racing.

They may also authorise other people to conduct such pool betting on their behalf, although in all cases a relevant operating licence will be required to license this activity

A totalisator on a licensed greyhound track will only be permitted while the public are admitted to the track for the purpose of attending greyhound races, and no other sporting events are taking place. A mandatory condition is attached to the premises licence to this effect.

- 9.18 **Admission of betting operators:** It is a mandatory premises licence condition of track premises licences that the licence holder makes arrangements to ensure that the betting operators they admit to their track operate under valid operating licences.

Track premises licence holders are responsible for determining their own arrangements for the verification of betting operators. As part of this process, the track premises licence holder should make arrangements for ensuring that the betting operator holds an operating licence. Additionally, both parties should agree a procedure for assessing that persons accepting bets on behalf of a betting operator either themselves hold operating licences in their own right, or are employed by the operator under a written contract of employment.

- 9.19 **Removal of illegal betting operators:** Track premises licence holders are required by a mandatory licence condition to take reasonable steps to remove from the racecourse anybody found to be providing facilities for gambling without authorisation. Failure to uphold this requirement could result in action being taken against the premises licence holder.

Track premises licence holders are not expected to have proactive policies and procedures for identifying illegal gambling other than the mandatory requirement to verify that betting operators offering betting facilities on their track hold suitable operating licences.

- 9.20 **Display of rules:** It is a mandatory condition of premises licences that clear and accessible information about the terms on which a bet may be placed must be displayed at betting premises, including tracks.

The track premises licence holder should make the necessary arrangements to ensure that betting rules are accessible to all customers, regardless of which

area of the track they are in. If certain areas are restricted to certain customers (such as different stands within a football ground) then rules could be displayed at various parts of the track. Other measures could be taken to ensure that they are made available to the public, such as printing them in the race-card or programme. The requirement could also be met by making a copy of the rules available in leaflet form from the main track office, and customers could be given a copy if they request one.

Betting operators offering betting facilities on racecourses and at greyhound tracks are required through the conditions of their operating licence to clearly display any of their own rules that differ from those that the track premises licence holder elects to display, and their rules concerning voids, late bets, and maximum payouts. For racecourses and greyhound tracks, the maximum payout will vary according to the rules of individual on-course operators.

9.21 **Approved betting areas:** In considering applications, the licensing authority will take into account the licensing objectives and assess whether these objectives are compromised by proposed betting arrangements. The location of betting areas (other than those for gaming machines and bet receipt terminals) is not considered a threat to the licensing objectives and therefore no additional conditions would normally be imposed by licensing authorities, unless the circumstances are such that the licencing authority considers that the licensing objectives would be undermined.

9.22 **Multiple licences:** The act permits a licencing authority to issue more than one premises licence for a track provided that each licence relates to a distinct specified area of the track (although there cannot be more than one premises licence covering the same area of the track.)

This enables track owners to extend existing facilities to provide other gambling facilities such as a casino on their existing tracks, whereby these additional gambling activities are covered by separate premises licences.

Where an application is made for an additional premises licence, the licencing authority will consider the following matters when determining an application:

- access issues in particular whether access to the desired premises will be allowed directly from the track. Direct access between a track and other betting premises (other than a track betting shop) is not permitted. The track owner would need to make arrangements so that access to a casino or bingo hall would be via a street, not via the track itself.

Where a particular area of a track is already subject to a premises licence, and a person wishes to apply for a licence to offer another type of activity in that area, an application must be made to the licensing authority to vary the original premises licence. The new track premises licence can only be granted at the same time as, or after, the original licence has been varied.

Where the licensing authority receives an application indicating separate betting areas that may not necessarily have clear physical boundaries, such as walls or fencing, it may grant the licence where it is satisfied that the area is clearly

delineated, both in terms of making it clear to the public that they are entering a 'betting office', and to keep out persons aged under 18.

Where the licensing authority is not satisfied that a new activity in an existing area is clearly delineated, it may consider refusing the application.

- 9.23 **Social responsibility considerations for tracks:** The Act places a condition on the track premises licence that the licensee shall ensure that children and young persons are excluded from any area where facilities for betting are provided (unless on race days at racetracks and at greyhound tracks).

10.0 Adult gaming centre's

- 10.1 The licencing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

Appropriate measures may also be included within mandatory/default conditions, codes of practice and cover matters such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- access and Location of entry
- notices / signage
- self-barring schemes
- ATM locations
- prohibition of alcohol consumption
- provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware.

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

The licencing authority may determine the opening hours for adult gaming centres, on a case-by-case basis, in the absence of any default conditions addressing this matter.

11.0 (Licensed) family entertainment centre's

- 11.1 The licencing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only Category C gaming machine areas.

The licencing authority will require applicants to demonstrate that there will be sufficient measures to promote the licensing objectives. Appropriate measures may also be included within mandatory/default conditions, codes of practice and cover issues such as:

- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- access and Location of entry
- notices/signage
- challenging children or young person's attempting to play Category C machines
- self-barring schemes
- ATM location
- prohibition of alcohol consumption
- provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware
- 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.

The licencing authority may determine the opening hours for licensed FEC's, on a case-by-case basis, in the absence of any default conditions addressing this matter.

- 11.2 The licencing authority will, in accordance with the Gambling Commission guidance, make itself aware of any conditions that may apply to operator licenses covering the way in which the area containing the category C machines should be delineated. The licencing authority will ensure that it has due regard to any mandatory or default conditions on these premises licenses, codes of practice and guidance issued by the Gambling Commission when dispending its functions in relation to licensed family entertainment centres.

Part C. Permits, temporary use notices and occasional use notices

1.0 Unlicensed family entertainment centre (unlicensed FEC's) gaming machine permits

- 1.1 Unlicensed family entertainment centres (FEC's) are commonly located at seaside resorts, in airports and at motorway service stations, catering for families - including unaccompanied children and young persons. Where a premises does not hold a Premises Licence but there is an intention to provide gaming machines (category D only), an application may be made to the licencing authority for the grant of this permit. The applicant must be an individual aged 18 or over, and he/she must occupy or plan to occupy the relevant premises. The licencing authority may only grant a permit where it is satisfied that the applicant intends to use the premises as an unlicensed FEC and where it has consulted the Chief Officer of Police on the application. Any duties on the applicant to comply with other legislation such as fire regulations or health and safety are not issues for the licencing authority under the Gambling Act 2005.

If the operator of a family entertainment centre intends to make category C machines available, in addition to category D machines, then an application must be made for an operator licence from the Gambling Commission and a premises licence from the licencing authority

- 1.3 Details of up to date application requirements, including any supporting documentation, are made available on the councils' website at https://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Gambling_and_lotteries/index.cfm or from our Licensing Service.
- 1.4 It should be noted that a licencing authority cannot attach conditions to this type of permit.
- 1.5 **Statement of principles:** The licencing authority will expect the applicant to satisfy it that that they and their employees can demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's. The applicant is expected to demonstrate that he has considered appropriate measures to promote the licensing objectives, and training for staff on issues such as:
- suspected truant school children on the premises
 - how staff would deal with unsupervised very young children being on the premises
 - children causing problems on or around the premises, and
 - maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's.

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

- 1.6 The Chief Officer of Police is a statutory consultee for all such permit applications, and any representations made by him/her will be considered by the licencing authority.
- 1.7 The licencing authority may also require the applicant to provide details of any relevant convictions, (those that are set out in Schedule 7 of the Act); the following documents will be accepted:
- basic Disclosure and Barring Service disclosure, or
 - a police subject access search.

2.0 Club gaming permits

- 2.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit which authorises the premises to:
- make available for use up to three gaming machines of categories B3A to D,
 - equal chance gaming (without restriction on the stakes and prizes), and
 - games of chance as prescribed by regulations (namely pontoon and Chemin de Fer.

The gaming which a club gaming permit allows is subject to the following conditions:

1. In respect of equal chance gaming:
 - The club must not deduct money from sums staked or won.
 - The participation fee must not exceed the amount prescribed in regulations.
 - The game takes place on the premises and must not be linked with a game on another set of premises. Two games are linked if the result of one game is, or may be, wholly or partly determined by reference to the result of the other game.
 - The amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game, and a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games.
 - Only club members and their genuine guests participate.
2. In respect of other games of chance:
 - the game must be Pontoon and Chemin de Fer only.
 - No participation fee may be charged otherwise than in accordance with the regulations.
 - No amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

- 2.2 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made

such regulations covering bridge and whist clubs. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

A club gaming permit may not be granted in respect of a vehicle or a vessel.

2.3 The licencing authority may only refuse an application on the grounds that:

1. the applicant does not fulfil the requirements for a members' club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
2. the applicant's premises are used wholly or mainly by children and/or young persons
3. an offence under the act or a breach of a permit has been committed by the applicant while providing gaming facilities
4. a permit held by the applicant has been cancelled in the previous ten years, or
5. an objection has been lodged by the Gambling Commission or the Suffolk Constabulary.

Where the licencing authority is satisfied that point 1 or point 2 above is the case, it must refuse the application. In determining an application the licencing authority shall have regard to the relevant guidance issued by the Gambling Commission and, subject to that guidance, the licensing objectives.

Where a permit is granted, the permit holder must comply with statutory conditions:

- no child or young person may use a category B or C machine on the premises; and
- the permit holder must comply with any relevant provision of a code of practice regarding the location and operation of gaming machines.

Clubs do not have to have a permanent premises or alcohol licence.

There is a 'fast-track' procedure available for premises where the club holds a club premises certificate under section 72 of the Licensing Act 2003. Where an application is made under the fast track procedure, there is no opportunity for objections to be made by the commission or the Suffolk Constabulary, and the grounds upon which an Authority can refuse a permit are limited as below:

1. the club is established primarily for gaming, other than gaming of a prescribed kind
2. in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
3. a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

2.4 There are statutory conditions concerning club gaming permits.

3.0 Club machine permits

- 3.1 Members clubs and miners' welfare institutes and commercial clubs may apply for a club machine permit, which enables the premises to make available for use up to three gaming machines of categories B4, C and D. Members clubs and Miner's welfare institutes only may also make available for use category B3A machines offering lottery games in the club under a club machine permit.
- 3.2 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations covering bridge and whist clubs. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".
- 3.3 Commercial clubs must have at least 25 members, but may be established with a view to making a profit, which is not returned to the members, but the proprietor(s) of the club. Examples of commercial clubs include snooker clubs, clubs established for personal profit and most clubs established as private companies.
- 3.4 The Gambling Commission guidance advises that licensing authorities may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
 - the applicant's premises are used wholly or mainly by children and/or young persons
 - an offence under the act or a breach of a permit has been committed by the applicant while providing gaming facilities
 - a permit held by the applicant has been cancelled in the previous ten years, or
 - an objection has been lodged by the Gambling Commission or the Police

It should be noted that either type of permit may not be issued in respect of a vessel or vehicle.

- 3.5 There is also a 'fast-track' procedure available for premises where the club holds a club premises certificate under section 72 of the Licensing Act 2003. As the Gambling Commission guidance states: "Under the fast-track procedure there is no opportunity for an objection to be made by the commission or the Police, and the grounds upon which an authority can refuse a permit are reduced". The grounds on which an application under the process may be refused are that:
- the club is established primarily for gaming, other than gaming of a prescribed kind
 - in addition to the prescribed gaming, the applicant provides facilities for other gaming, or

- a club machine permit issued to the applicant in the last ten years has been cancelled.

3.6 There are statutory conditions concerning club machine permits that no child or young person may use a category B or C machine on the premises and that the permit holder complies with any relevant provision of a code of practice regarding the location and operation of gaming machines.

4.0 (Alcohol) licensed premises gaming machine permits

4.1 The act makes provision for premises licensed to sell alcohol for general consumption on the premises to be entitled to make available up to two gaming machines, of categories C and/or D. The Licensing Act 2003 premises licence holder needs only to notify the licencing authority of this intention and pay the prescribed fee. The licencing authority may remove the automatic authorisation in respect of any particular premises only if it is satisfied that:

- 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 (that is, that written notice has been provided to the licencing 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.

Before making any such order the licencing authority shall give the licensee at least 21 days prior notice and consider any representations made by the applicant (at a hearing if requested by the licence holder).

4.2 If a Licensing Act 2003 premises licence holder wishes to use more than two gaming machines, then (s) he will need to apply to the licencing authority for a permit and the licencing authority must consider that application based upon:

- the licensing objectives
- any guidance issued by the Gambling Commission, and
- 'such matters' as they think relevant.

This licencing authority considers that 'such matters' will be assessed on a case-by-case basis. Generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.

This permit replaces, and is not in addition, to the automatic entitlement notification.

4.3 The licencing authority expect the applicant to satisfy the authority it that there will be sufficient measures in place to ensure that persons under the age of 18 year olds do not have access to the adult only category C gaming machines. The applicant may consider appropriate measures to comply with the Gambling Commission's Code of Practice and monitor access to machines. This may include:

- ensuring that the adult gaming machines are within sight of the bar, or within the sight of staff who can monitor that the machines are not being used by persons under the age of 18
- notices and signage may also be an appropriate measure/safeguard, and
- or the provision of information leaflets / helpline numbers for organisations that give support to vulnerable persons such as GamCare and Gamble Aware.

4.4 The holder of a permit must comply with any code of practice issued under section 24 of the act by the Gambling Commission about the location and operation of the gaming machines.

4.5 It should be noted that the licencing authority can and may 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 to the grant of this permit.

There is a similar mechanism for applying to vary the number and category of machines specified on an existing permit.

5.0 Prize gaming and prize gaming permits

5.1 **Statement of principles:** The prize gaming conditions in the act are:

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

It should be also noted that this permit cannot be issued in respect of a vessel or vehicle.

An application may only be made by an individual over the age of 18, who occupies or plans to occupy the relevant premises. An application for a permit cannot be made if a premises licence or club gaming permit is already in effect for the same premises.

The licencing authority will expect the applicant to satisfy the authority that that they and their employees can demonstrate a full understanding of the maximum stakes and prizes for the gaming offered and that the type of gaming offered is within the law. The applicant will normally be required to set out the types of gaming that he/she is intending to offer, and may wish to consider appropriate measures to promote the licensing objectives, and training for staff on:

- the type of gaming which they intend to provide
- the stakes and prizes which apply under the regulations relevant to the type of gaming they intend to offer.

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

- 5.3 In making its decision on an application for this permit the licencing authority may have regard to the licensing objectives and must have regard to any Gambling Commission guidance. Given that the premises may be particularly appealing to children and young persons, the licencing authority will give appropriate weight to the consideration of child protection issues.
- 5.4 The Chief Officer of Police is a statutory consultee for all such permit applications. Any representations made by the Chief Officer of Police which are relevant to the licensing objectives will be considered by the licencing authority relevant considerations may include:
- whether the applicant has any convictions that would render them unsuitable to operate prize gaming, or
 - the suitability of the location of the premises in relation to any disorder issues.

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

- 5.5 It should be noted that whilst there may be conditions in the Gambling Act 2005 and Gambling Commission codes of practice (including on social responsibility) with which the permit holder must comply, the licencing authority cannot attach conditions to this permit. Where the authority is minded to refuse a permit application it will notify the applicant and allow the opportunity for the applicant to make representations (which may be considered at a hearing).

6. Travelling fairs

- 6.1 It is the duty of the licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit are 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.
- 6.2 The licensing authority will carefully consider whether an operator falls within the statutory definition of a travelling fair (provided by section 286 of the act) and be 'wholly or principally' providing amusements.
- 6.3 The 27 day statutory maximum for the land being used as a fair is per calendar year, and this applies to the piece of land on which the fairs are held regardless of whether it is the same or different travelling fairs occupying the land. The licensing authority shall endeavour to work with neighbouring authorities to

ensure that land which crosses district/borough boundaries is monitored so that the statutory limits are not exceeded.

7.0 Society lotteries

7.1 The council as the local authority is responsible for registering small society lotteries. A lottery is defined under the act and in the guidance as:

A simple lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a process which relies wholly on chance.

A complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a series of processes
- the first of those processes relies wholly on chance.

A society, or any separate branch of such a society, may be registered by the council to promote a small lottery where it is established and conducted:

- for charitable purposes
- for the purpose of enabling participation in , or of supporting, sport, athletics or a cultural activity
- for any other non-commercial purpose other than private gain and the proceeds of the lottery must be devoted to the purposes above. The society must not be established for the sole purpose of facilitating lotteries.

A small lottery is defined in the act and the current limits are published on the council website at

https://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Gambling_and_lotteries/smallocietylotteries.cfm. Definitions of exempt lotteries are also published at the above address.

The council may only register a society which wishes to promote a small lottery where the society's principal office is located within its area. If the council believes that the society's principal office does not fall within its boundaries it will inform the society and relevant authority at the earliest opportunity.

The council will expect the society applying to supply a copy of its terms conditions or constitution to enable the council to establish that the society is non-commercial, together with a declaration to the effect that it is non-commercial.

Registration of small society lotteries is a function which the council has delegated to officers.

Details of societies registered by the council will be published in a register maintained by the council.

The registration is for an indefinite period unless the registration is cancelled by:

- the society, or
- the council on failure of the society to pay the annual charge.

The council may refuse to register a small society lottery where:

- an operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused
- the society cannot be deemed non-commercial
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence
- information provided in or with the application for registration is found to be false or misleading.

Where the council proposes to refuse to register a small society lottery it will give the society an opportunity to make representations in writing or at a hearing. The council will notify the society in writing of the outcome of the hearing and the reasons for the decision.

The council may revoke a society lottery registration where it considers that it would have had to, or would be entitled to refuse an application if it were to be made at that time.

Schedule A

Gambling Act 2005 Statement of Licensing Principles: consultee list

(Please note this is not exhaustive)

ADFAM Families Drugs and Alcohol	Independent Betting Arbitration Service
Adult and Community Services (SCC)	JBR Leisure Ltd
Age Concern Suffolk	Jockey Club
Alcoholics Anonymous	Joe Jennings Ltd
Association of British Bookmakers	Ladbrokes PLC
Association of British Bookmakers	Learning Disability Partnership Board
BACTA	Leisure Link
Beer & Pub Association	Narcotics Anonymous
Bingo Association	National Greyhound Racing Club Ltd
British Casino Association	National Stud
British Casino Association	National Youth Agency
British Greyhound Racing Board	Newmarket Community Partnership
British Horseracing Board	Newmarket Racecourses Trust
Chilvers Automatics Ltd	Planning Authority (FHDC)
Citizens Advice Bureau	Racing Welfare
Citizens Advice Bureau	Responsibility in Gambling Trust
Community Development Youth Worker	Royal British Legion
Corals	Society for the Study of Gambling
Done Brothers Ltd	Suffolk Constabulary
East of England Faiths Council	Suffolk County Council
Environmental Services (FHDC)	Suffolk Local Safeguarding Children's Board
Essex Leisure	Tesco PLC
Gamblers Anonymous	The Racecourse Association Ltd
Gambling Commission	Town and Parish Councils within the District
GamCare	West Suffolk Crossroads
Gamestec Leisure Ltd	
Gordon House Association	
Heads of Service (West Suffolk)	
Help the Aged	
Horserace Totalisator Board	
Horseracing Betting Levy Board	

Schedule B

Section 353 of the Gambling Act 2005 gives some general interpretation and reference for some of the main terminology used within the act and contained within this statement of principles document. Except where the context otherwise requires:

- 'adult gaming centre' has the meaning given by section 237,
- 'alcohol licence' has the meaning given by section 277,
- 'authorised local authority officer' has the meaning given by section 304,
- 'authorised person' has the meaning given by that section,
- 'betting' has the meaning given by sections 9 to 11, 37 and 150,
- 'betting intermediary' has the meaning given by section 13,
- 'bingo' means any version of that game, irrespective of by what name it is described,
- 'casino' has the meaning given by section 7,
- 'casino game' has the meaning given by that section,
- 'Category A gaming machine' (or B, C or D) means a gaming machine falling within category A (or B, C or D) as prescribed under section 236,
- 'chief constables of police forces' has the same meaning in relation to England and Wales as in the Police Act 1996 (c. 16),
- 'child' has the meaning given by section 45,
- 'club gaming permit' has the meaning given by section 271,
- 'club machine permit' has the meaning given by section 273,
- 'commercial club' has the meaning given by section 267,
- 'the Commission' means the Gambling Commission,
- 'director'-
 - (a) has the meaning given by section 741 of the Companies Act 1985 (c. 6), and
 - (b) includes a shadow director within the meaning of that section,
- 'dog track' means premises which are designed, used or adapted for use for dog-racing,
- 'draw', in relation to a lottery, has the meaning given by section 255,
- 'EEA State' means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (as it has effect from time to time),
- 'Enactment' includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament,
- 'Enforcement officer' means a person designated or appointed as an enforcement officer under section 303,
- 'equal chance gaming' has the meaning given by section 8,
- 'exempt lottery' has the meaning given by section 258,
- 'external lottery manager' has the meaning given by section 257,
- 'fair' has the meaning given by section 286,
- 'family entertainment centre' has the meaning given by section 238,
- 'family entertainment centre gaming machine permit' has the meaning given by section 247,
- 'football pools' means an arrangement whereby-
 - a. people compete for prizes by forecasting the results of association football games, and

- b. each entry to the competition must forecast the results of at least four games,

'gambling' has the meaning given by section 3,
'gambling software' has the meaning given by section 41,
'game of chance' has the meaning given by section 6,
'gaming' has the meaning given by that section,
'gaming machine' has the meaning given by section 235,
'horse-race course' means premises which are designed, used or adapted for use for horse-racing,
'horse-race pool betting' has the meaning given by section 12,
'large casino' has the meaning given by regulations under section 7(5),
'licensed family entertainment centre' has the meaning given by section 238,
'licensed premises gaming machine permit' has the meaning given by section 283,
'the licensing objectives' has the meaning given by section 1,
'licensing authority' has the meaning given by section 2,
'lottery' has the meaning given by section 14 (and section 256),
'lottery manager's operating licence' has the meaning given by section 98,
'lottery ticket' has the meaning given by section 253,
'machine' has the meaning given by section 235(3)(a),
'members' club' has the meaning given by section 266,
'miners' welfare institute' has the meaning given by section 268,
'the National Lottery' has the meaning given by section 1 of the National Lottery etc. Act 1993 (c. 39),
'non-commercial betting' has the meaning given by section 302,
'non-commercial gaming' has the meaning given by section 297,
'non-commercial society' has the meaning given by section 19,
'occasional use notice' means a notice given under section 39,
'operating licence' means a licence issued under Part 5,
'on-premises alcohol licence' has the meaning given by section 277,
'participant', in relation to a game of chance, includes a person who discharges an administrative or other function in relation to the game,
'participation fee' has the meaning given by section 344,
'passenger vessel' means a vessel which is carrying or expected to carry at least one passenger,
'personal licence' means a licence issued under Part 6,
'pool betting' has the meaning given by section 12,
'premises' includes any place and, in particular-
 a. a vessel, and
 b. a vehicle

'premises licence' means a licence issued under Part 8,
'private betting' has the meaning given by section 295 and Part 2 of Schedule 15,
'private gaming' has the meaning given by section 295 and Part 1 of Schedule 15,
'private gain' is to be construed in accordance with section 19(3),
'prize' in relation to gaming (except in the context of a gaming machine) has the meaning given by section 6,
'prize' in relation to a gaming machine has the meaning given by section 239,
'prize' in relation to a lottery has the meaning given by section 14,
'prize gaming' has the meaning given by section 288,
'prize gaming permit' has the meaning given by section 289,

'proceeds', in relation to a lottery, has the meaning given by section 254,
 'profits', in relation to a lottery, has the meaning given by that section,
 'profits', in relation to non-commercial prize gaming, has the meaning given by section 299,
 'racecourse' means premises on any part of which a race takes place or is intended to take place,
 'real', in relation to a game, event or process means non-virtual,
 'relevant offence' has the meaning given by section 126 and Schedule 7,
 'remote communication' has the meaning given by section 4,
 'remote gambling' has the meaning given by that section,
 'remote gambling equipment' has the meaning given by section 36,
 'remote operating licence' has the meaning given by section 67,
 'rollover', in relation to a lottery, has the meaning given by section 256,
 'small casino' has the meaning given by regulations under section 7(5),
 'society' includes a branch or section of a society,
 'stake' means an amount paid or risked in connection with gambling and which either-

- (a) is used in calculating the amount of the winnings or the value of the prize that the person making the stake receives if successful, or
- (b) is used in calculating the total amount of winnings or value of prizes in respect of the gambling in which the person making the stake participates,

 'supply' includes-

- (a) sale,
- (b) lease, and
- (c) placing on premises with permission or in accordance with a contract or other arrangement,

 'temporary use notice' has the meaning given by section 215,
 'track' means a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place,
 'travelling fair' has the meaning given by section 286,
 'vehicle' includes-

- (a) a train,
- (b) an aircraft,
- (c) a seaplane, and
- (d) an amphibious vehicle (other than a hovercraft within the meaning of the Hovercraft Act 1968 (c. 59)),

 'vessel' includes-

- (a) anything, other than a seaplane or an amphibious vehicle, designed or adapted for navigation or other use in, on or over water,
- (b) a hovercraft (within the meaning of the Hovercraft Act 1968), and,
- (c) anything, or any part of any place, situated in or on water,

 'virtual' has the meaning given by subsection (3) below,
 'winnings', in relation to a bet, means anything won, whether in money or in money's worth, and 'young person' has the meaning given by section 45.

Schedule C

Summary of machine provisions by premises

Summary of gaming machine categories and entitlements

Summary of gaming entitlements for clubs and alcohol licensed premises

Summary of offences under the Gambling Act 2005

Summary of Statutory application forms and notices

For all of the above please follow the link to: www.gamblingcommission.gov.uk

Schedule D

Authorised gambling activities

Children and young persons – A child is any person who is less than 16.

- Category D Machines
- Equal Chance gaming at a licensed family entertainment centre
- Equal chance gaming under prize gaming permit
- Football pool

Young persons – A young person is an individual of 16 or 17

- Category D machines
 - Equal chance gaming at a licensed family entertainment centre
 - Equal chance gaming under prize gaming permit
 - Prize gaming at a travelling fair
 - Prize gaming at a non-licensed family entertainment centre
 - Private/non commercial gaming/betting
 - Lottery
-

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GAMBLING ACT 2005

Local Area Profile Draft

2018 figures

CONTENTS

1. Introduction

Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. Whilst not compulsory, it is now recommended that a licensing authority creates a 'local area profile' to inform its understanding of risk and to allow appropriate decisions to be made and steps taken to mitigate these risks.

From April 2016, gambling establishment operators must undertake 'local area risk assessments' for all their premises and will be expected to give due consideration to the information available in the Council's 'local area profile'.

Although not a compulsory requirement, we have included a local area profile in the proposed Gambling Act Statement of Policy in order to increase awareness of local risks and improve information sharing with gambling operators. This will facilitate constructive engagement with licensees and a more coordinated response to local risks.

The local area profile will help to inform the local risk assessment process. For example, if a gambling outlet is to be located within close proximity to a school we would expect licensees to have sufficient controls in place to mitigate associated risks, e.g. implementing a robust Think 21 policy and ensuring that the premises is so designed that children cannot see gambling taking place. The Council believe that contribution to premises risk assessments and being knowledgeable and informed on the 'local area' and risks is necessary in order to provide sufficient detail within the assessment. This means that any assessments undertaken do need to have an involvement of and an understanding of the local area in which they operate and are licensed.

It is wholly anticipated that the Council's 'local area profile' will develop over time and will be influenced by information and intelligence from researchers, key partners and other stakeholders. This includes updates once we become a single council on 1 April 2019.

It is our view that the inclusion of a Local Area Profile within the Policy will bring the following benefits:

- enable us to better serve our local community, by better reflecting the community and the risks within it,
- enable us to make robust decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge; and
- encourage operators and applicants to take a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

2. Background

The last decade has seen many changes in the British gambling landscape. The most notable changes during this period include growth in the availability of remote gambling (particularly via the internet), the introduction of fixed odds betting terminals into most bookmakers, an increase in the number of casinos, an increase in the prominence of poker (both online and offline), and the introduction of online betting exchanges.

The most severe form of gambling, pathological (or problem gambling) is recognized as a mental health disorder. Pathological gambling is currently classified as an impulse control disorder but it shares many important features with substance use disorders, especially in terms of diagnostic criteria, clinical course, and treatment.

All major current research has been undertaken at national level.

- 56.2% of the adult population (16+) have participated in some form of gambling in the last 12 months (2017). This is compared to 48% in 2010.
- The most popular gambling activity remains the national lottery. Excluding this the rate is 45% of adults.
- 9.4% of adults had used the internet to gamble in the past 12 months.
- Problem gamblers are most likely to be young, male, have parents who gambled regularly and smoke. Identified at 0.8% of the overall population.
- Other risk factors include unemployment, poor health, those from Black Asian and Black British backgrounds and other substance misuse.

British Gambling Prevalence Survey (BGPS) 2010

The BGPS 2010 is the third nationally representative survey of participation in gambling and the prevalence of problem gambling in Great Britain. It builds on the two previous surveys conducted in 1999 and 2007. The BGPS 2010 is the first survey to have been carried out since the implementation of the Gambling Act 2005 on 1 September 2007. The aims of the BGPS 2010 were to provide data on participation in all forms of gambling in Great Britain, the prevalence of problem gambling, attitudes to gambling and to explore a range of associations with gambling behaviour.

Participation in Gambling Activities

- Overall, 56% of the adult population (aged 16 and over) participated in some form of gambling in the past year. This equates to around 29.8 million adults in the UK. Applied to the estimated adult population of West Suffolk (177,385)

in 2017 (Office of National Statistics Population Estimates), this would amount to around 99,335 people in the authority.

- The most popular gambling activity was the National Lottery. In 2017, 40.5% of adults had bought tickets for the National Lottery Draw.
- Excluding those who had only gambled on the National Lottery Draw, 41.7% of adults participated in some other form of gambling in the past year. This would amount to ~73,970 people in West Suffolk
- After the national lottery, the next most popular gambling activities are other lotteries (15%), scratch cards (20%), horserace betting (9%) and slot machines (7%).
- The survey has noted a significant decrease in betting on other events such as horse and dog racing (decreased from 9% in 2010 to 4% in 2017, scratch cards (down from 24% in 2010 from 20% in 2017) and a smaller increase in online poker/bingo/casino gambling from 5% in 2010 to 9% in 2017.
- In line with this trend, betting on football pools, slot machines and online bets has fallen slightly over the course of the survey.

Online and Offline Gambling

- Overall, 10% of adults had used the internet to gamble in the past year, including online lottery tickets, betting, casino games, bingo, online slot machines and football pools. This would estimate to ~17,300 people in West Suffolk. Increases in online gambling activity have been greater in women than men.
- Among respondents who had gambled in the past year, 71% reported that they gambled 'in person' only, 17% had gambled both online and in-person and only 2% had gambled 'online only'.
- The survey suggests that most gambling activities still occur 'offline'; however casino games and betting on other sports events reported relatively high proportions of online activity – 39% and 27% respectively.

Profile of Participants in Gambling Activity

- Men were more likely than women to gamble overall (60% for men and 52% for women). Women however had higher incidence participating in bingo and scratch cards.
- Gambling participation is associated with age – participation was lowest among the youngest and oldest age groups and highest among those aged 44-64.
- Gambling prevalence was highest among those who were;
 - Either married or had been married (75%)
 - White/white British (76%)
 - Those whose highest qualification was GCSE's or equivalent (76%)
 - Those in lower supervisory/technical households (79%)

- Those in paid work (78%)
- Those with the highest personal income

Gambling Frequency

As of 2016:

- 59% of people who participated in the National Lottery did so once a week or more often. Only football pools had a similar level of frequency (54% once a week or more often).
- There were five other activities which were undertaken at least once a month by half or more of all participants. These were bingo played in person (54%), casino games played on line (53%), spread betting (53%), fixed odd betting terminals (52%), and poker at a pub/club (50%).
- Taking participation in all gambling activities together, past year gamblers took part in gambling, on average, on 93.6 days per year. That is, they tended to gamble more than once a week, but not quite as often as twice a week.
- Those who gambled both online and in-person did so more than twice as often (163.3 days) as those who gambled 'online only' (61.5 days) or 'in- person' only (79.5 days).
- Overall, 6% of regular gamblers were classified as high-time/high-spend gamblers.
- The profile for high-time gamblers consists disproportionately of those with poorer socio-economic indicators, with National Lottery and Bingo being the most popular activities.
- The profile for high-spend gamblers had a higher proportion of graduates, those in paid employment and a preference for betting on horse racing, slot machines and casino games.
- When asked how their gambling involvement had changed in the past year, 4% reported an increase, 13% a decrease and 82% no change.

3. Problem Gambling

Problem gambling, or ludomania, is an urge to continuously gamble despite harmful negative consequences or a desire to stop. Problem gambling often is defined by whether harm is experienced by the gambler or others, rather than by the gambler's behaviour. Severe problem gambling may be diagnosed as clinical pathological gambling if the gambler meets certain criteria. Pathological gambling is a common disorder that is associated with both social and family costs. The condition is classified as an impulse control disorder, with sufferers exhibiting many similarities to those who have substance addictions.

- Problem gambling prevalence measures using DSM-IV (diagnostic and statistical manual of mental disorders) and PGSI (problem gambling severity index) estimate problem gambling at 0.7% of the adult population in 2016.
- 1.2% of those who had been identified as having gambled casually in the last year were identified as high risk of problem

gambling with an additional 3.6% rated as moderate to low risk representing 2,128 people and 6,385 people in the West Suffolk area respectively.

- Rates observed in Great Britain compared similarly to other European countries, particularly Germany, Norway and Switzerland, and lower than countries like the USA, Australia and South Africa.
- Problem gamblers were more likely to be male, younger, have parents who gambled regularly and had experienced problems with their gambling behaviour and be current cigarette smokers. Unemployment, poor health, alcohol consumption and those from Asian/Asian British and Black/Black British backgrounds were also associated risk factors.
- Current best estimates suggest that less than 1% of those in need of treatment actually embark on a treatment programme.
- It is estimated that every problem gambler represents an annual cost to society of c£8,000.
- The [NHS website](#) states that cognitive behavioural therapy usually has the best results in terms of treating problem gambling and outlines the key services available for supporting those affected by gambling.

Young People and problem gambling

There are an estimated 127,500 people aged under 24 with a gambling problem in the UK. Factors linked with problem gambling in young people include; depression, anxiety, crime, suicide, alcohol and substance abuse and poor school performance.

Gambling and Debt

The first known UK research to focus exclusively on the relationship between problem gambling and over indebtedness, published in Autumn 2009, was jointly commissioned by GamCare and the Money Advice Trust from Manchester Metropolitan University. Key findings were;

- Debts of up to £60,000 might be common amongst problem gamblers.
- Understanding of problem gambling amongst money advice agencies and in the NHS is extremely low.
- Awareness of the help available to problem gamblers amongst these agencies and in the NHS, particularly GPs, is equally poor.
- There is an urgent need to improve education about gambling for young people, alongside or as part of work on financial literacy and understanding chance and risk.

4. Gambling Premises

Across West Suffolk Councils there are currently the following

licensed premises: 26 Betting Shops

2 Adult Gaming Centres

20 Licensed Premises with Gaming Machine Permits

12 Premises with Club Machine Permits

1 Betting Race Track (Horse Racing)

1 Betting Race Track (Dog Racing)

144 Licensed Premises with Notices of Intent (2 gaming machines)

These premises pose potential risks to those who reside, work and visit West Suffolk in terms of associated crime and also in terms of 'problem gambling'.

5. West Suffolk Premises

Breakdown of Gambling Premises is detailed below:

Town	BREAKDOWN
Newmarket	1 Adult Gaming Centre (Wellington Street) 1 Horse Racing Betting Track (Rowley Mile) 11 Betting Shops (All Saints Road, The Rookery, High Street, Market Street, Valley Way, Wellington Street, the Guineas) 2 Club Machine Permits (Cheveley Rd, Kingston Passage) 2 Premises Licence Gaming Machine permits
Mildenhall	2 Betting Shops (Mildenhall Market Place) 1 Dog Race Track (Millennium Stadium) 1 Club Machine Permit (Mildenhall Social Club) 2 Licensed Premises Gaming Machine Permits
Brandon	2 Betting Shops (High Street and Market Hill) 3 Licensed Premises Gaming Machine Permits
Bury St Edmunds	6 Betting Shops (St Andrews Street South, Abbeygate Street, St Olaves Precinct, Hardwick Shopping Centre, Risbygate Street, Cornhill) 1 Family Entertainment Centre Gaming Permit (Western Way) 11 Licensed premises gaming machine permits

Haverhill	5 Betting Shops (High Street and Queen Street) 2 Premises Licence Gaming Machine permits
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West Suffolk Councils have a number of licensed premises (2003 Act) which have 2 gambling machines (automatic entitlement) which are required to be registered and the appropriate fee paid. Whilst these are not separately licensed, they will be inspected accordingly and the Council expect these premises to consider an appropriate risk assessment and will review their activities within the guidance.

6. Compilation of the Local Profile

In line with updated guidance, the Council will use the Local Area Profile to support those using the Gambling Statement of Principles. The profile will be maintained separately from the Statement to enable it to be updated accordingly.

This profile will be developed further in 2019 and then reviewed on a regular basis. New versions will appear here on our website.

The following information is a brief summary and we expect to expand on this through our ongoing work on this profile.

7. The Local Profile

Population

- The population of West Suffolk is currently 179,3248 (Office for National Statistics 2017) located within five main centres of population (Bury St Edmunds, Haverhill, Newmarket, Mildenhall and Brandon) and a number of smaller rural communities.
- Between 2017 and 2030, the population of West Suffolk is expected to grow by 8%, compared to 9% in England as whole
- West Suffolk has an ageing population. In 2016, 9.3 of the population were aged over 75, compared to an England average of 8.1% (Office for National Statistics mid year estimates 2016).
- The current area of Forest Heath is the most ethnically diverse district in Suffolk. In 2011 it had the smallest percentage of White (Eng/Welsh/Scot/NI) people - 77.2% compared to a Great Britain average of 80.5% (Census 2011). St Edmundsbury's percentage of White (Eng/Welsh/Scot/NI) people was 91.6% in 2011 (Census 2011). This diversity is in part attributable to the presence of the two largest US Air Force Bases in the UK in the district.
- In 2011, 35.6.1% of West Suffolk's population considered themselves to be in good health and 47.6% in very good health. (Census 2011).

- West Suffolk's households are spread across a large rural area, with 40% living in rural locations. In 2011 the distribution of the population was: villages and outlying areas 38%; Bury St Edmunds 25.5%; Haverhill 15%; Newmarket 10.5%; Brandon 6% and Mildenhall 5% (Census, 2011).

Economy and skills

- West Suffolk saw a large increase in the number of people in employment between 2015 to 2016, with a rise of 3.98% compared to 3.12% across the United Kingdom (Business Register and Employment Survey).
- As of 2011, 73.9% of West Suffolk's 16-64 year olds were economically active compared to 81% in Suffolk as a whole (ONS Annual Population Survey).
- As of April 2017, 4% of the 16-18 year old population in West Suffolk were not in education, employment or training (NEET), compared to 8.4% in England (Labour Force Survey).
- In 2016, 15.6% of West Suffolk employees worked in business and admin support services, 11.9% worked in manufacturing, 11.9% in health, 9.7% in retail and 7.4% in accommodation and food services (Business Register and Employment Survey).
- In 2016, the percentage of residents aged between 16-64 with NVQ4+ level qualifications or more was 33%, which is higher than the Suffolk average of 31.1% but lower than the national average of 37.1% (ONS Annual Population Survey).
- In 2017, the proportion of young people achieving grade 5 or above in English and Maths GCSE was 39.3%, which is below the national average of 42.2% (Department for Education).

Housing

- The average household size in West Suffolk is 2.3 people, slightly smaller than the England average of 2.4 people, (Census, 2011)
- The number of overcrowded households in West Suffolk is 3.2%, lower than the average across England of 4.6%.
- As of 2017, there were 78,010 properties in West Suffolk.
- By 2039, the number of households in West Suffolk is expected to increase by 20% compared to 2014 figures (Ministry for Housing, Communities and Local Government)).
- In 2016, the lower quartile house prices to ratio of lower quartile gross annual earnings was 9.48 in Forest Heath and 9.55 in St Edmundsbury. The East region average ratio was 9.29 and the average ratio for England was 7.26 (Office for National Statistics House price to residence based earnings ratio).
- In 2016, the average monthly cost of renting a home in Forest Heath was £923 and £725 in St Edmundsbury. The average for the East region was £729 per month and average for England was £650 per month (Valuation Office Agency 2016).
- In 2016/17 the number of people accepted as homeless increased significantly from 209 in 2015/16 to 242 in 2016/17 (Ministry for Housing, Communities and Local Government).

- The number of rough sleepers in West Suffolk increased from 11 to 29 between 2015 to 2017 (West Suffolk Councils figures).

Additional Information

Any operators preparing local risk assessments and wishing to find out more about the social and physical makeup of the immediate vicinity should access the following sources:

- Key population and health data broken down by local authority ward: Forest Heath and St Edmundsbury Ward reports:
https://www.westsuffolk.gov.uk/Council/Data_and_information/wardreports.cfm

(Please note that wards are subject to change once a single West Suffolk Council is created on 1 April 2018.)

- Geographical information that can be searched by postcode to find key features and facilities in the vicinity: the West Suffolk 'Find my Nearest' tool:
<http://maps.westsuffolk.gov.uk/>
- Current local crime patterns (see www.police.uk)
- Suffolk-wide statistics that can also be broken down by ward, district or shared authority and focus on the following themes:
<https://www.suffolkobservatory.info/>
 - Population
 - Crime and community safety
 - Children and young people
 - Deprivation
 - Health and social care
 - Economy and Employment
 - Housing
 - Environment

Joint Executive (Cabinet) Committee



Title of Report:	Review of Performance of Forest Heath District Council's Solar Farm – Year Two	
Report No:	CAB/JT/18/036	
Report to and date:	Joint Executive (Cabinet) Committee	2 October 2018
Portfolio holder:	Councillor Stephen Edwards FHDC Portfolio Holder for Resources and Performance Tel: 01799 530325 Email: stephen.edwards@forest-heath.gov.uk	
Lead officer:	Gregory Stevenson Service Manager (Finance and Performance) Tel: 01284 757264 Email: gregory.stevenson@westsuffolk.gov.uk	
Purpose of report:	To report on performance on the second year anniversary of the purchase of Toggam Solar farm in July 2016.	
Recommendation:	It is <u>RECOMMENDED</u> that the Joint Executive (Cabinet) Committee note the second year review of performance of Forest Heath District Council's Solar Farm.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<i>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i>		
Consultation:	Portfolio Holders have had the opportunity to feed into this report	
Alternative option(s):	Not applicable.	

Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
		None as a direct result of this update report however the report refers to the financial performance of the 2 nd year of the solar project. Separate reports will be presented setting out any business case for enhancing the performance of the current solar farm and/or investing in other opportunities as appropriate.	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area [may change to be linked to the decisions]	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Performance of Toggam Solar Farm fails to deliver the predicted investment returns	Medium	Robust budgetary and operational management processes will be kept in place to monitor and mitigate any threats to the long term viability of the solar farm	Low
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		Report No: CAB//FH/17/052 and Appendix 1 First Year Review of Performance of the Council's Solar Farm (FHDC Cabinet: 24 October 2017)	
Documents attached:		None	

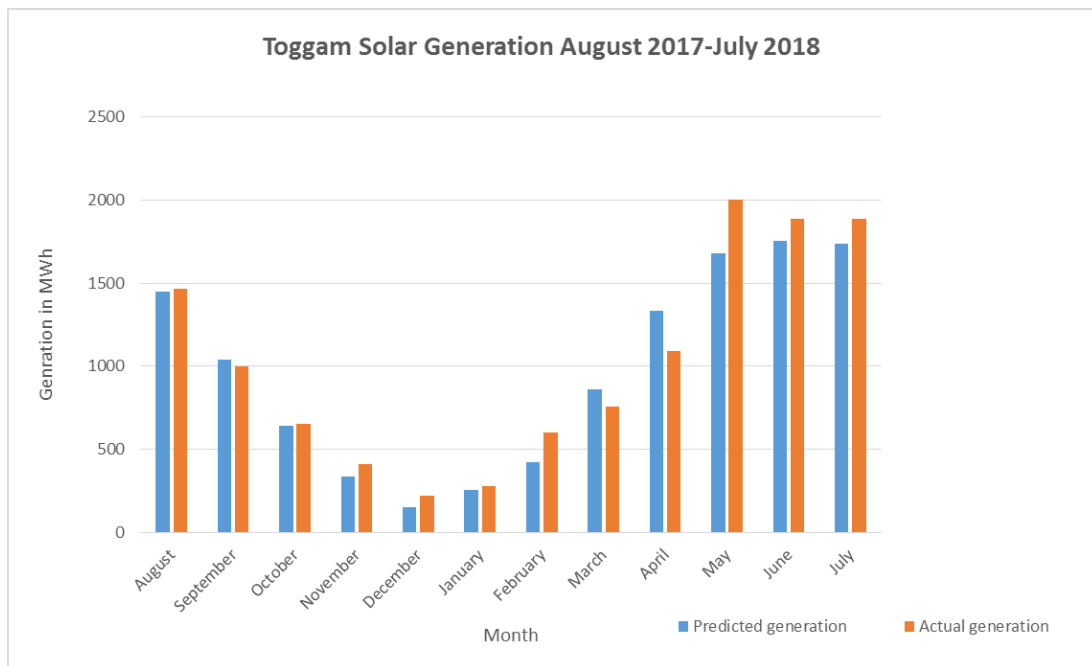
1. Key issues and reasons for recommendation(s)

1.1 Background

- 1.1.1 In July 2016, following unanimous cross party approval, Forest Heath District Council (FHDC) completed the acquisition of Toggam Farm Solar Farm. In September 2017, the first year of performance of the Solar Farm was reported through to Cabinet on 24 October 2017 (Report No: CAB/FH/17/052 refers).
- 1.1.2 The financial business case for the acquisition of the solar farm at Toggam Farm, predicted a net revenue benefit (after allowing for capital outlay to be recouped) at around £300k for the first year, raising each year of the 25 year project.
- 1.1.3 The electricity generated at the site is supplied into the national grid and made available to the wholesale electricity market. The site is accredited with the energy regulator (Ofgem) so that it is entitled to receive, for a period of 20 years following accreditation, Renewable Obligations Certificates (termed ROCs) for each megawatt hour of power produced which are redeemed for a monetary entitlement.
- 1.1.4 The electricity and ROCs are sold in accordance with a Power Purchase Agreement (PPA) to a licensed energy supply company via the grid. Following a competitive auction process, the Council entered into a new PPA in April 2019 with the licensed supply company, Statkraft Energy, with a total (power sales and ROC) value of £107.4 per MWh. The PPA will run until the end of March 2019. Preparations are already underway to establish the selection process for power sales when the current agreement term ends.

2. Year 2 Performance

- 2.1 The data below sets out the performance of the site during the second year of ownership to the end of July 2018. In future years, we plan to report over the Council's financial budget year, April-March as part of the annual outturn report.
- 2.2 Overall, the site has, like Year 1, performed slightly above the modelled performance. It was predicted that the site would produce 11,649MWh of electricity, but the actual generation was 12,247Wh. The solar farm generation is enough electricity to power around 3,300 homes and offset CO₂ emissions from 1,500 cars.



- 2.3 The total income for the project was £1,303,359 over the 12 month period, compared to a predicted total income of £1,255,320. These income totals are before allowing for the sites operational costs and the capital outlay to be recouped.
- 2.4 After accounting for operational costs such as business rates, insurance, the operational and maintenance contract, lease payment, and the capital investment, this has resulted in a net benefit of £373,466 compared to a predicted £331,978 net benefit, to be re-invested into the delivery of much valued district wide services. The Council has not had to borrow externally to fund this investment, it was internally borrowed from available cash deposits. This drives an additional saving of £202k per year from interest payable against the original business case.
- 2.5 The site has an Operational and Maintenance (O&M) contract in place, which is currently delivered by Greenheath Ltd and the solar contractor which built the farm, Greencells. The Council receives a monthly report highlighting all performance and operational issues, as well as details on the bi-annual preventive maintenance work. To assist with the ground maintenance, sheep are now grazing on the land. This O&M contract runs to August 2019 and work has started to procure the next contract period. It is anticipated that annual savings on the contract will be achievable from this procurement process.
- 2.6 The site is currently covered by an Engineering, Procurement and Construction (EPC) contract in relation to the design, supply, installation, testing and commissioning of the solar farm and associated connection to the local power grid. This contract ensures the site performs to a guaranteed standard specified within the contract and covers the first two years of operation.
- 2.7 In line with the EPC contract, the site was independently tested under the first year 'Interim Acceptance Test' over the summer of 2017, with a further test now underway (the 'Final Acceptance Test'). The Council has retained the technical consultants, Fichtner Consulting, used during the

pre-acquisition due diligence, to conduct and verify these acceptance tests.

- 2.8 The tests include assessing the Performance Ratio for the site. This is the industry standard measurement of how well a solar installation is operating. It measures the actual output against a predicted output based on the irradiance that being the amount of sunlight available over the acceptance test period. It then compares that measured performance against predicted and actual data collected over the whole year. By doing this a solar installation can be compared against another irrespective of location. The site is also monitored monthly to calculate in-period Performance Ratio, which allows more routine assessment of performance.
- 2.9 The Interim Acceptance undertaken by Fitchner concluded that the site achieved a Performance Ratio of 89.74% against the contractual minimum of 84%.
- 2.10 The solar farm has been subject to two separate independent assessments, one by the Council's insurer, Zurich Insurance, and by the government advisory service, Local Partnerships. Both have provided positive feedback regarding the site's construction, performance and maintenance.
- 2.11 The first two years of operation has shown that Toggam Solar is performing above the level predicted in the original business case. Officers will continue to manage the site with the purpose of ensuring that the solar farm continues to meet expected performance. Furthermore, Officers have also been exploring opportunities to further invest and uplift the value of the asset. Any proposals will be the subject of future reports. If considered both feasible and viable, business cases will be brought forward for consideration by Members.
- 2.12 It should be noted that the Solar Farm is just one of FHDC's investments. Members and Officers remain open to the discussion and exploration of other ideas that will ultimately help toward achieving our objectives while also creating a source of income to support the delivery of day-to-day services to our residents and businesses.

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Forest Heath District Council

CAB/JT/18/037

Decisions Plan

Key Decisions and other executive decisions to be considered

Date: 1 October 2018 to 31 March 2019

Publication Date: 31 August 2018

The following plan shows both the key decisions and other decisions/matters taken in private, that the Cabinet, Joint Committees or Officers under delegated authority, are intending to take up to 31 March 2019. This table is updated on a monthly rolling basis and provides at least 28 clear days' notice of the consideration of any key decisions and of the taking of any items in private.

Executive decisions are taken at public meetings of the Cabinet and by other bodies provided with executive decision-making powers. Some decisions and items may be taken in private during the parts of the meeting at which the public may be excluded, when it is likely that confidential or exempt information may be disclosed. This is indicated on the relevant meeting agenda and in the '*Reason for taking the item in private*' column relevant to each item detailed on the plan.

Members of the public may wish to:

- make enquiries in respect of any of the intended decisions listed below;
- receive copies of any of the documents in the public domain listed below;
- receive copies of any other documents in the public domain relevant to those matters listed below which may be submitted to the decision taker; or
- make representations in relation to why meetings to consider the listed items intended for consideration in private should be open to the public.

In all instances, contact should be made with the named Officer in the first instance, either on the telephone number listed against their name, or via email using the format firstname.surname@westsuffolk.gov.uk or via Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Bury St Edmunds, Suffolk, IP28 7EY.

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise								
02/10/18	<p>Annual Review of Performance of the Council's Solar Farm</p> <p>The Cabinet will be asked to note the annual performance since the solar farm was purchased in July 2016.</p>	Not applicable	(D)	Joint Executive (Cabinet) Committee	<p>Stephen Edwards Resources and Performance 07904 389982</p> <p>Lance Stanbury Planning and Growth 07970 947704</p>	<p>Rachael Mann Assistant Director (Resources and Performance) 01638 719245</p> <p>Greg Stevenson Service Manager (Finance and Performance) 01284 757264</p> <p>Peter Gudde Service Manager (Environmental Health) 01284 757042</p>	All Wards	Report to Joint Executive (Cabinet) Committee
02/10/18	<p>West Suffolk Gambling Act Statement of Policy</p> <p>The current West Suffolk Policy is due for renewal. A revised version, taking account of any changes in the legislation and statutory guidance, has been subject to statutory</p>	Not applicable	(R) - Council 31/10/18	Joint Executive (Cabinet) Committee/ Council	Lance Stanbury Planning and Growth 07970 947704	David Collinson Assistant Director (Planning and Regulatory) 01284 757306	All Wards	Report to Joint Executive (Cabinet) Committee, with recommendations to Council

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise								
	consultation. The Cabinet will be asked to recommend to Council, the adoption of the revised Policy.							
06/11/18 <i>(Deferred from 24/07/18)</i>	<p>Custom and Self Build Interim Policy Statement</p> <p>The Cabinet will be asked to agree an Interim Policy Statement which will be used to assess whether or not an application for self/custom build should be granted planning permission and how the West Suffolk Councils (Forest Heath and St Edmundsbury) plan to meet the self/custom build demand in West Suffolk.</p>	Not applicable	(D)	Joint Executive (Cabinet) Committee	Sara Mildmay-White West Suffolk Lead for Housing 01359 270580	Julie Baird Assistant Director (Growth) 01284 757613 Simon Phelan Service Manager (Strategic Housing) 01638 719440	All Wards	Report to Joint Executive (Cabinet) Committee, including Interim Policy Statement

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise								
06/11/18	Revenues Collection and Performance Write-Offs The Cabinet will be asked to consider writing-off outstanding debts detailed in the exempt Appendices.	Paragraphs 1 and 2	(KD)	Joint Executive (Cabinet) Committee	Stephen Edwards Resources and Performance 07904 389982	Rachael Mann Assistant Director (Resources and Performance) 01638 719245 Greg Stevenson Service Manager (Finance and Performance) 01284 757264	All Wards	Report to Joint Executive (Cabinet) Committee
11/12/18	Revenues Collection and Performance Write-Offs The Cabinet will be asked to consider writing-off outstanding debts detailed in the exempt Appendices.	Paragraphs 1 and 2	(KD)	Joint Executive (Cabinet) Committee	Stephen Edwards Resources and Performance 07904 389982	Rachael Mann Assistant Director (Resources and Performance) 01638 719245 Greg Stevenson Service Manager (Finance and Performance) 01284 757264	All Wards	Report to Joint Executive (Cabinet) Committee

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise								
11/12/18 <i>(Deferred from 06/11/18)</i>	West Suffolk Joint Tenancy Strategy The Localism Act (2011) introduced a duty for local authorities to produce a Tenancy Strategy. The Cabinet will be asked to consider a Strategy which outlines both the West Suffolk Councils' (Forest Heath and St Edmundsbury) and Registered Providers' approach to issues which affect tenants living in West Suffolk, including the management and allocation of affordable housing.	Not applicable	(R) - Council 19/12/18	Joint Executive (Cabinet) Committee	Sara Mildmay-White West Suffolk Lead for Housing 01359 270580	Julie Baird Assistant Director (Growth) 01284 757613 Simon Phelan Service Manager (Strategic Housing) 01638 719440	All Wards	Report to Joint Executive (Cabinet) Committee, including Tenancy Strategy
11/12/18 <i>(Deferred from 02/10/18)</i>	Review of the West Suffolk Housing Strategy The West Suffolk Housing Strategy is due to be reviewed in 2018.	Not applicable	(R) - Council 19/12/18	Joint Executive (Cabinet) Committee/ Council	Sara Mildmay-White West Suffolk Lead for Housing 01359 270580	Davina Howes Assistant Director (Families and Communities) 01284 757070 David Collinson	All Wards	Report to Joint Executive (Cabinet) Committee with draft Strategy,

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise								
	<p>Through the review of the Housing Strategy, there will be the opportunity to reflect priorities, actions and projects set out in the recently adopted Strategic Plan 2018-2020. Furthermore, there are a number of additional changes to housing legislation that will be reflected in the Housing Strategy.</p> <p>The draft Strategy will have previously been considered by the FHDC and SEBC Overview and Scrutiny Committees.</p>					<p>Assistant Director (Planning and Regulatory) 01284 757306</p> <p>Julie Baird Assistant Director 9Growth) 01284 757613</p>		overview of existing Housing Strategy review and results of consultation
<i>(Deferred: New timeline to be confirmed)</i>	<p>West Suffolk Joint Affordable Housing Supplementary Planning Document (SPD)</p> <p>The Affordable Housing Supplementary Planning</p>	Not applicable	(R) - Council (tbc)	Joint Executive (Cabinet) Committee/ Council	Sara Mildmay-White West Suffolk Lead for Housing 01359 270580	<p>Julie Baird Assistant Director (Growth) 01284 757613</p> <p>Simon Phelan Service Manager (Strategic</p>	All Wards	Report to Joint Executive (Cabinet) Committee, including Supplementary Planning

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise								
	Document (SPD) provides additional guidance to Core Strategy Policies CS5 (St Edmundsbury Borough Council) and CS9 (Forest Heath District Council) 'Affordable Housing' to ensure that applicants and developers have a clear understanding of affordable housing requirements when considering the submission of a planning application. The Cabinet will be asked to recommend to Council approval of this SPD.					Housing) 01638 719440		Document
11/12/18	Treasury Management Report 2018/2019 Investment Activity (1 April to 30 September 2018) The Cabinet will be asked to recommend to Council, the approval of the Treasury Management	Not applicable	(R) - Council 19/12/18	Joint Executive (Cabinet) Committee/ Council	Stephen Edwards Resources and Performance 07904 389982	Rachael Mann Assistant Director (Resources and Performance) 01638 719245 Greg Stevenson Service Manager (Finance and Performance)	All Wards	Recommendations of the Performance and Audit Scrutiny Committee to Joint Executive (Cabinet) Committee

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
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All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise

	Report 2018-2019 which summarised the investment activity for the period 1 April to 30 September 2018.					01284 757264		and Council
11/12/18 <i>(Deferred from 02/10/18)</i>	<p>Asset Management Strategy and Asset Management Plan</p> <p>The Cabinet will be asked to consider the recommendations of the Overview and Scrutiny Committee regarding the adoption of a new Asset Management Strategy and associated Asset Management Plan, which has been produced jointly with St Edmundsbury Borough Council.</p>	Paragraph 3	(R) - Council 19/12/18	Joint Executive (Cabinet) Committee/ Council	Lance Stanbury Planning and Growth 07970 947704	Julie Baird Assistant Director (Growth) 01284 757613	All Wards	Recommendations of the Overview and Scrutiny Committee to Joint Executive (Cabinet) Committee and Council with the possibility of Exempt Appendices.

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise								
22/01/19	<p>Treasury Management Report 2018/2019 - Investment Activity (1 April to 31 December 2018)</p> <p>The Cabinet will be asked to recommend to Council, the approval of the Treasury Management Report 2018-2019 which summarised the investment activity for the period 1 April to 31 December 2018.</p>	Not applicable	(R) - Council 20/02/19	Joint Executive (Cabinet) Committee/ Council	Stephen Edwards Resources and Performance 07904 389982	<p>Rachael Mann Assistant Director (Resources and Performance) 01638 719245</p> <p>Greg Stevenson Service Manager (Finance and Performance) 01284 757264</p>	All Wards	Recommendations of the Performance and Audit Scrutiny Committee to Joint Executive (Cabinet) Committee and Council
12/03/19	<p>Revenues Collection and Performance Write-Offs</p> <p>The Cabinet will be asked to consider writing-off outstanding debts detailed in the exempt Appendices.</p>	Paragraphs 1 and 2	(KD)	Joint Executive (Cabinet) Committee	Stephen Edwards Resources and Performance 07904 389982	<p>Rachael Mann Assistant Director (Resources and Performance) 01638 719245</p> <p>Greg Stevenson Service Manager (Finance and Performance) 01284 757264</p>	All Wards	Report to Joint Executive (Cabinet) Committee

NOTE 1: DEFINITIONS OF EXEMPT INFORMATION: RELEVANT PARAGRAPHS

In accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended)

The public may be excluded from all or part of the meeting during the consideration of items of business on the grounds that it involves the likely disclosure of exempt information defined in Schedule 12(A) of the Act, as follows:

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

- Page 400
1. Information relating to any individual.
 2. Information which is likely to reveal the identity of an individual.
 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
 6. Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

In accordance with Section 100A(3) (a) and (b) of the Local Government Act 1972 (as amended)

Confidential information is also not for public access, but the difference between this and exempt information is that a Government department, legal opinion or the court has prohibited its disclosure in the public domain. Should confidential information require consideration in private, this will be detailed in this Decisions Plan.

NOTE 2: KEY DECISION DEFINITIONS

Key decisions are:

- (a) A key decision means an executive decision which, pending any further guidance from the Secretary of State, is likely to:
 - (i) Be significant in terms of its effects on communities living or working in an area in the Borough/District; or
 - (ii) Result in any new expenditure, income or savings of more than £100,000 in relation to the Council's revenue budget or capital programme.
 - (iii) Comprise or include the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objections, the approval of a Minister of the Crown.
- b) A decision taker may only make a key decision in accordance with the requirements of the Executive procedure rules set out in Part 4 of this Constitution.

NOTE 3: MEMBERSHIP OF BODIES MAKING KEY DECISIONS

(a) Membership of Forest Heath Cabinet and their Portfolios:

Cabinet Member	Portfolio
James Waters	Leader of the Council;
Robin Millar	Deputy Leader of the Council; Families and Communities
David Bowman	Operations
Andy Drummond	Leisure and Culture
Stephen Edwards	Resources and Performance
Lance Stanbury	Planning and Growth

(b) Membership of the Joint Executive (Cabinet) Committee:

Authority	Cabinet Member	Portfolio
Forest Heath District Council	Councillor James Waters Councillor Robin Millar Councillor David Bowman Councillor Ruth Bowman J.P. Councillor Andy Drummond Councillor Stephen Edwards Councillor Lance Stanbury	FHDC Leader of the Council FHDC Deputy Leader of the Council/ Families and Communities FHDC Portfolio Holder for Operations FHDC Portfolio Holder for Future Governance FHDC Portfolio Holder for Leisure and Culture FHDC Portfolio Holder for Resources and Performance FHDC Portfolio Holder for Planning and Growth
St Edmundsbury Borough Council	Councillor John Griffiths Councillor Sara Mildmay-White Councillor Carol Bull Councillor Robert Everitt Councillor Ian Houlder Councillor Alaric Pugh Councillor Joanna Rayner Councillor Peter Stevens	SEBC Leader of the Council SEBC Deputy Leader of the Council/ Housing SEBC Portfolio Holder for Future Governance SEBC Portfolio Holder for Families and Communities SEBC Portfolio Holder for Resources and Performance SEBC Portfolio Holder for Planning and Growth SEBC Portfolio Holder for Leisure and Culture SEBC Portfolio Holder for Operations

(c) **Membership of the Anglia Revenues Partnership Joint Committee (Breckland Council, East Cambridgeshire District Council, Fenland District Council, Forest Heath District Council, Suffolk Coastal District Council, St Edmundsbury Borough Council and Waveney District Council** (Membership: one Member/two Substitutes per Authority)

Full Breckland Cabinet Member	Full East Cambridgeshire District Council Cabinet Member	Full Fenland District Council Cabinet Member	Full Forest Heath District Council Cabinet Member	Full Suffolk Coastal District Council Cabinet Member	Full St Edmundsbury Borough Council Cabinet Member	Full Waveney District Council Cabinet Member
Cllr Paul Classen	Cllr David Ambrose-Smith	Cllr Chris Seaton	Cllr Stephen Edwards	Cllr Richard Kerry (Chairman)	Cllr Ian Houlder	Cllr Bruce Provan (Vice Chairman)
Substitute Breckland Cabinet Members	Substitute East Cambridgeshire District Council Cabinet Members	Substitute Fenland District Council Cabinet Members	Substitute Forest Heath District Council Cabinet Members	Substitute Suffolk Coastal District Council Cabinet Members	Substitute St Edmundsbury Borough Council Cabinet Members	Substitute Waveney District Council Cabinet Members
Cllr Sam Chapman-Allen	Cllr Lis Every	Cllr John Clark	Cllr James Waters	Cllr Stuart Lawson	Cllr Sara Mildmay-White	Cllr Mark Bee
Cllr William Nunn	Cllr Julia Huffer	Cllr Will Sutton	Cllr David Bowman	Cllr Ray Herring	Cllr Robert Everitt	Cllr Chris Punt

Jennifer Eves
Assistant Director (HR, Legal and Democratic Services)
Date: 31 August 2018

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Decisions Plan

Key Decisions and other executive decisions to be considered

Date: 1 October 2018 to 31 March 2019

Publication Date: 31 August 2018

The following plan shows both the key decisions and other decisions/matters taken in private, that the Cabinet, Joint Committees or Officers under delegated authority, are intending to take up to 31 March 2019. This table is updated on a monthly rolling basis and provides at least 28 clear days' notice of the consideration of any key decisions and of the taking of any items in private.

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Members of the public may wish to:

- make enquiries in respect of any of the intended decisions listed below;
- receive copies of any of the documents in the public domain listed below;
- receive copies of any other documents in the public domain relevant to those matters listed below which may be submitted to the decision taker; or
- make representations in relation to why meetings to consider the listed items intended for consideration in private should be open to the public.

In all instances, contact should be made with the named Officer in the first instance, either on the telephone number listed against their name, or via email using the format firstname.surname@westsuffolk.gov.uk or via St Edmundsbury Borough Council, West Suffolk House, Western Way, Bury St Edmunds, Suffolk, IP33 3YU.

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
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All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise

02/10/18 <i>(Deferred from 22/05/18)</i> <i>(Potentially to be deferred - new timeline to be determined)</i>	Future Additional Car Parking Provision, Bury St Edmunds The Cabinet will be asked to consider and recommend to Council, a business case for additional car parking provision in Bury St Edmunds, in accordance with the aspirations set out in the Bury St Edmunds Town Centre Masterplan.	Possible Exempt Appendices: Paragraph 3	(R) – Council 30/10/18	Joint Executive (Cabinet) Committee / Council	Alaric Pugh Planning and Growth 07930 460899 Peter Stevens Operations 01787 280284	Julie Baird Assistant Director (Growth) 01284 757613 Sabrina Pfuetzenreuter-Cross Principal Growth Officer 01284 757113	All Wards	Report to Joint Executive (Cabinet) Committee with possible exempt appendices and recommendations to Council.
	Haverhill Research Park This item has been removed from the Decisions Plan for the foreseeable future.				Alaric Pugh Planning and Growth 07930 460899	David Collinson Assistant Director (Planning and Regulatory) 01284 757306 Julie Baird Assistant Director (Growth) 01284 757613 Andrea Mayley Service Manager		

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise								
						(Economic Development and Growth) 01284 757343		
02/10/18 (NEW)	West Suffolk Gambling Act Statement of Policy The current West Suffolk Policy is due for renewal. A revised version, taking account of any changes in the legislation and statutory guidance, has been subject to statutory consultation. The Cabinet will be asked to recommend to Council, the adoption of the revised Policy.	Not applicable	(R) – Council 30/10/18	Joint Executive (Cabinet) Committee / Council	Alaric Pugh Planning and Growth 07930 460899	David Collinson Assistant Director (Planning and Regulatory) 01284 757306 Peter Gudde Service Manager (Environmental Health) 01284 757042	All Wards	Report to Joint Executive (Cabinet) Committee, with recommendations to Council
02/10/18 (Deferred from 24/07/18) (Update)	Suffolk Business Park The Cabinet will be asked to consider proposed options for Suffolk Business Park in terms of how its development	Possible Exempt Appendices: Paragraph 3	(R) – Council 30/10/18	Joint Executive (Cabinet) Committee / Council	Alaric Pugh Planning and Growth 07930 460899	Julie Baird Assistant Director (Growth) 01284 757613	All Wards	Report to Joint Executive (Cabinet) Committee with

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise								
<i>since publication – Item removed for the foreseeable future)</i>	(influenced by the Borough Council) will support the local economy and local people in the context of the Council's own strategies and policies.					Andrea Mayley Service Manager (Economic Development and Growth) 01284 757343		recommendations to Council and the possibility of exempt appendices.
02/10/18 <i>(Deferred from 28/03/17)</i> <i>(Update since publication – Item to be considered directly by SEBC Council on 30/10/18)</i>	Western Way Development Programme The Cabinet will consider an outline business case, including recommendations to Council, in relation to the Western Way Development Programme. A separate proposal (which integrates with this paper) regarding the potential investment in renewable energy schemes may also be considered at this time.	Possible Exempt Appendices: Paragraph 3	(R) – Council 30/10/18	Joint Executive (Cabinet) Committee / Council	Alaric Pugh Planning and Growth 07930 460899	Alex Wilson Director 01284 57695 Sabrina Pfuetzenreuter-Cross Principal Growth Officer 01284 757113 Peter Gudde Service Manager (Environmental Health) 01284 757042 (renewable	All Wards	Report to Joint Executive (Cabinet) Committee with recommendations to Council and possibility of Exempt Appendices.

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise								
						energy scheme element)		
06/11/18 <i>(Deferred from 22/05/18)</i>	Custom and Self Build Interim Policy Statement The Cabinet will be asked to agree an Interim Policy Statement which will be used to assess whether or not an application for self/custom build should be granted planning permission and how the West Suffolk Councils (Forest Heath and St Edmundsbury) plan to meet the self/custom build demand in West Suffolk.	Not applicable	(D)	Joint Executive (Cabinet) Committee	Sara Mildmay-White Housing 01359 270580	Julie Baird Assistant Director (Growth) 01284 757613 Simon Phelan Service Manager (Strategic Housing) 01638 719440	All Wards	Report to Joint Executive (Cabinet) Committee, including interim Policy Statement.
06/11/18	Revenues Collection Performance and Write Offs The Cabinet will be asked to consider writing-off outstanding debts, as	Exempt Appendices: Paragraphs 1 and 2	(KD)	Joint Executive (Cabinet) Committee	Ian Houlder Resources and Performance 01284 810074	Rachael Mann Assistant Director (Resources and Performance) 01638 719245	All Wards	Report to Joint Executive (Cabinet) Committee with exempt

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise								
	detailed in the exempt appendices.					Greg Stevenson Service Manager (Finance and Performance) 01284 757264		appendices.
11/12/18 (NEW)	Revenues Collection Performance and Write Offs The Cabinet will be asked to consider writing-off outstanding debts, as detailed in the exempt appendices.	Exempt Appendices: Paragraphs 1 and 2	(KD)	Joint Executive (Cabinet) Committee	Ian Houlder Resources and Performance 01284 810074	Rachael Mann Assistant Director (Resources and Performance) 01638 719245 Greg Stevenson Service Manager (Finance and Performance) 01284 757264	All Wards	Report to Joint Executive (Cabinet) Committee with exempt appendices
11/12/18 (Deferred from 26/06/18)	West Suffolk Joint Tenancy Strategy The Localism Act (2011) introduced a duty for Local Authorities to produce a Tenancy Strategy. The Strategy outlines both the West Suffolk Councils' (Forest Heath and St	Not applicable	(R) – Council 18/12/18	Joint Executive (Cabinet) Committee / Council	Sara Mildmay-White Housing 01359 270580	Julie Baird Assistant Director (Growth) 01284 757613 Simon Phelan Service Manager (Strategic Housing) 01638 719440	All Wards	Report to Joint Executive (Cabinet) Committee, with recommendations to Council, including

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
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All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise

	Edmundsbury) and Registered Providers' approach to issues which affect tenants living in West Suffolk, including the management and allocation of affordable housing.							Tenancy Strategy
11/12/18 <i>(Deferred from 26/06/18)</i>	Review of West Suffolk's Housing Strategy West Suffolk's Housing Strategy 2014 is due to be reviewed in 2018. Through the review of the Housing Strategy, the opportunity to reflect priorities, actions and projects set out in the recently adopted West Suffolk Strategic Framework 2018-2020 will be taken. Furthermore, there are a number of additional duties and fundamental changes to housing	Not applicable	(R) – Council 18/12/18	Joint Executive (Cabinet) Committee / Council	Sara Mildmay-White Housing 01359 270580	Davina Howes Assistant Director (Families and Communities) 01284 757070 David Collinson Assistant Director (Planning and Regulatory) 01284 757306 Julie Baird Assistant Director (Growth) 01284 757613	All Wards	Report to Joint Executive (Cabinet) Committee with draft Strategy, overview of existing Housing Strategy review and results of consultation.

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise								
	legislation that will be reflected in the Housing Strategy. The draft Strategy will have previously been considered by the FHDC and SEBC Overview and Scrutiny Committees.							
<i>(Deferred from 18/06/18)</i> <i>(Deferred: New timeline to be confirmed)</i>	West Suffolk Joint Affordable Housing Supplementary Planning Document The Affordable Housing supplementary planning document (SPD) provides additional guidance to Core Strategy Policies CS5 (St Edmundsbury Borough Council) and CS9 (Forest Heath District Council) 'Affordable Housing' to ensure that applicants and developers have a clear understanding of affordable housing requirements when	Not applicable	(R) – Council 18/12/18	Joint Executive (Cabinet) Committee / Council	Sara Mildmay-White Housing 01359 270580	Julie Baird Assistant Director (Growth) 01284 757613 Simon Phelan Service Manager (Strategic Housing) 01638 719440	All Wards	Report to Joint Executive (Cabinet) Committee, including Supplementary Planning Document

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise								
	considering submission of a planning application. The Cabinet will be asked to recommend to Council approval of this SPD.							
11/12/18	Treasury Management Report 2018/2019 – Investment Activity (1 April to 30 September 2018) The Cabinet will be asked to recommend to Council, the approval of the Treasury Management Report 2018-2019 which summarised the investment activity for the period 1 April to 30 September 2018.	Not applicable	(R) - Council 18/12/18	Joint Executive (Cabinet) Committee / Council	Ian Houlder Resources and Performance 01284 810074	Rachael Mann Assistant Director (Resources and Performance) 01638 719245 Greg Stevenson Service Manager (Finance and Performance) 01284 757264	All Wards	Recommendations of the Performance and Audit Scrutiny Committee to Joint Executive (Cabinet) Committee and Council
11/12/18	Asset Management Strategy and Asset Management Plan The Cabinet will be asked to consider the	Possible Exempt Appendices: Paragraph 3	(R) – Council 18/12/18	Joint Executive (Cabinet) Committee / Council	Alaric Pugh Planning and Growth 07930 460899	Julie Baird Assistant Director (Growth) 01284 757613	All Wards	Recommendations of the Overview and Scrutiny Committee to

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise								
	recommendations of the Overview and Scrutiny Committee regarding the adoption of a new Asset Management Strategy and associated Asset Management Plan, which has been produced jointly with Forest Heath District Council.							Joint Executive (Cabinet) Committee and Council with the possibility of Exempt Appendices.
22/01/19	Treasury Management Report 2018/2019 – Investment Activity (1 April to 31 December 2018) The Cabinet will be asked to recommend to Council, the approval of the Treasury Management Report 2018-2019 which summarised the investment activity for the period 1 April to 31 December 2018.	Not applicable	(R) - Council 19/02/19	Joint Executive (Cabinet) Committee / Council	Ian Houlder Resources and Performance 01284 810074	Rachael Mann Assistant Director (Resources and Performance) 01638 719245 Greg Stevenson Service Manager (Finance and Performance) 01284 757264	All Wards	Recommendations of the Performance and Audit Scrutiny Committee to Joint Executive (Cabinet) Committee and Council
12/03/19	Revenues Collection	Exempt	(KD)	Joint	Ian Houlder	Rachael Mann	All Wards	Report to

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
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All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise

	<p>Performance and Write Offs The Cabinet will be asked to consider writing-off outstanding debts, as detailed in the exempt appendices.</p>	Appendices: Paragraphs 1 and 2		Executive (Cabinet) Committee	Resources and Performance 01284 810074	Assistant Director (Resources and Performance) 01638 719245 Greg Stevenson Service Manager (Finance and Performance) 01284 757264		Joint Executive (Cabinet) Committee with exempt appendices.
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NOTE 1: DEFINITIONS OF EXEMPT INFORMATION: RELEVANT PARAGRAPHS

In accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended)

The public may be excluded from all or part of the meeting during the consideration of items of business on the grounds that it involves the likely disclosure of exempt information defined in Schedule 12(A) of the Act, as follows:

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

- Page 416
1. Information relating to any individual.
 2. Information which is likely to reveal the identity of an individual.
 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
 6. Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

In accordance with Section 100A(3) (a) and (b) of the Local Government Act 1972 (as amended)

Confidential information is also not for public access, but the difference between this and exempt information is that a Government department, legal opinion or the court has prohibited its disclosure in the public domain. Should confidential information require consideration in private, this will be detailed in this Decisions Plan.

NOTE 2: KEY DECISION DEFINITION

- (a) A key decision means an executive decision which, pending any further guidance from the Secretary of State, is likely to:
 - (i) be significant in terms of its effects on communities living or working in an area in the Borough/District; or
 - (ii) result in any new expenditure, income or savings of more than £100,000 in relation to the Council's revenue budget or capital programme;
 - (iii) comprise or include the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objections, the approval of a Minister of the Crown.
- (b) A decision taker may only make a key decision in accordance with the requirements of the Executive procedure rules set out in Part 4 of this Constitution.

NOTE 3: MEMBERSHIP OF BODIES MAKING KEY DECISIONS

(a) Membership of St Edmundsbury Cabinet and their Portfolios:

Cabinet Member	Portfolio
Councillor John Griffiths Councillor Sara Mildmay-White	Leader of the Council Deputy Leader of the Council/ Housing
Councillor Carol Bull Councillor Robert Everitt Councillor Ian Houlder	Portfolio Holder for Future Governance Portfolio Holder for Families and Communities Portfolio Holder for Resources and Performance
Councillor Alaric Pugh Councillor Joanna Rayner Councillor Peter Stevens	Portfolio Holder for Planning and Growth Portfolio Holder for Leisure and Culture Portfolio Holder for Operations

(b) Membership of the Joint Executive (Cabinet) Committee:

Authority	Cabinet Member	Portfolio
St Edmundsbury Borough Council	Councillor John Griffiths	SEBC Leader of the Council
	Councillor Sara Mildmay-White	SEBC Deputy Leader of the Council/ Housing
	Councillor Carol Bull	SEBC Portfolio Holder for Future Governance
	Councillor Robert Everitt	SEBC Portfolio Holder for Families and Communities
	Councillor Ian Houlder	SEBC Portfolio Holder for Resources and Performance
Forest Heath District Council	Councillor Alaric Pugh	SEBC Portfolio Holder for Planning and Growth
	Councillor Joanna Rayner	SEBC Portfolio Holder for Leisure and Culture
	Councillor Peter Stevens	SEBC Portfolio Holder for Operations
	Councillor James Waters	FHDC Leader of the Council
	Councillor Robin Millar	FHDC Deputy Leader of the Council/ Families and Communities
Forest Heath District Council	Councillor David Bowman	FHDC Portfolio Holder for Operations
	Councillor Ruth Bowman J.P.	FHDC Portfolio Holder for Future Governance
	Councillor Andy Drummond	FHDC Portfolio Holder for Leisure and Culture
	Councillor Stephen Edwards	FHDC Portfolio Holder for Resources and Performance
Forest Heath District Council	Councillor Lance Stanbury	FHDC Portfolio Holder for Planning and Growth

(c) **Membership of the Anglia Revenues Partnership Joint Committee (Breckland Council, East Cambridgeshire District Council, Fenland District Council, Forest Heath District Council, Suffolk Coastal District Council, St Edmundsbury Borough Council and Waveney District Council)**

Full Breckland Cabinet Member	Full East Cambridgeshire District Council Cabinet Member	Full Fenland District Council Cabinet Member	Full Forest Heath District Council Cabinet Member	Full Suffolk Coastal District Council Cabinet Member	Full St Edmundsbury Borough Council Cabinet Member	Full Waveney District Council Cabinet Member
Cllr Paul Claussen	Cllr David Ambrose-Smith	Cllr Chris Seaton	Cllr Stephen Edwards	Cllr Richard Kerry	Cllr Ian Houlder	Cllr Bruce Provan
Substitute Breckland Cabinet Members	Substitute East Cambridgeshire District Council Cabinet Members	Substitute Fenland District Council Cabinet Members	Substitute Forest Heath District Council Cabinet Members	Substitute Suffolk Coastal District Council Cabinet Members	Substitute St Edmundsbury Borough Council Cabinet Members	Substitute Waveney District Council Cabinet Members
Cllr Sam Chapman-Allen	Cllr Lis Every	Cllr John Clark	Cllr James Waters	Cllr Stuart Lawson	Cllr Sara Mildmay-White	Cllr Mark Bee
Cllr William Nunn	Cllr Julia Huffer	Cllr Will Sutton	Cllr David Bowman	Cllr Ray Herring	Cllr Robert Everitt	Cllr Chris Punt

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Jennifer Eves
Assistant Director (HR, Legal and Democratic Services)
Date: 31 August 2018