



CITY OF GLOUCESTER

North Warehouse
The Docks
Gloucester
GL1 2EP

TO EACH MEMBER OF GLOUCESTER CITY COUNCIL

Dear Councillor

You are hereby summoned to attend a **MEETING OF THE COUNCIL** of the **CITY OF GLOUCESTER** to be held at the Council Chamber, North Warehouse, The Docks, Gloucester on Thursday, 30th November 2006 at 19:30 hours for the purpose of transacting the following business:

1. **PRAYERS**

2. **APOLOGIES**

3. **MINUTES (Pages 1 - 32)**

Minutes of the meeting held on 21st September 2006

4. **DECLARATIONS OF INTEREST**

Members and Officers are reminded that at the start of the meeting they should declare any known interest in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

5. **PUBLIC QUESTION TIME - Council Procedure Rule 10**

The opportunity is given to members of the public to put questions to cabinet members or committee chairs provided that a question does not relate to:

- Applications for grant aid
- Matters relating to an employee or former employee of the Council

6. **PETITIONS AND DEPUTATIONS - Council Procedure Rule 11**

A period not exceeding 3 minutes is allowed for the presentation of a petition or deputation provided that no such petition or deputation is in relation to:

- The setting of the annual budget
- Applications for grant aid

7. **ANNOUNCEMENTS - Council Procedure Rule 2.iv**

To receive announcements from:

- a) The Mayor
- b) Leader of the Council
- c) Members of the Cabinet
- d) Scrutiny Committee Chairs
- e) Acting Chief Executive

8. **QUESTIONS - Council Procedure Rule 12**

a) Leader and Cabinet Members' Question Time (30 minutes)

Any Member of the Council may ask the Leader of the Council or any Cabinet Member any question without prior notice, upon

- Any matter relating to the Council's administration.
- Any matter relating to any report of the Cabinet appearing on the Council's summons.
- A matter coming within their portfolio of responsibilities.

Only one supplementary question is allowed per question.

b) Written Questions to the Cabinet Members

Written questions and answers: no time limit imposed on supplementary questions and answers.

Only one supplementary question is allowed per question.

9. **CABINET RECOMMENDATIONS (Pages 33 - 118)**

To consider the following recommendations from Cabinet:

a) Byelaws For The Prohibition Of Skateboarding, Rollerblading Etc. In Pedestrian Areas (PT1106A)

Recommendation from Cabinet, 10th October 2006

Report by the Cabinet Member for Streetcare

b) Policy On Reserve Funds – Corporate Governance Requirements (RMD200620)

Recommendation from Cabinet, 10th October 2006

Report by the Cabinet Member for Corporate Performance, Finance and Resources

- c) **Streetcare Partnering – Award Of Contract**
Recommendation from Cabinet, 15th November 2006
Report by the Cabinet Member for Streetcare
- d) **Streetcare Partnering – Board And Forum**
Recommendation from Cabinet, 15th November 2006
Report by the Cabinet Member for Streetcare

10. **EXCLUSION OF PRESS AND PUBLIC**

To consider passing the following resolution:

“ That the press and public be excluded from the meeting during the following item of business on the grounds that it is likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public are present during consideration of this item there will be disclosure to them of exempt information as defined by Section 100I of the Local Government Act 1972”

Agenda Item	Description of Exempt Information
11.	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

11. **CABINET RECOMMENDATION (Pages 119 - 130)**

To consider the following recommendation from Cabinet:

Streetcare Depot Improvements: Eastern Avenue
Recommendation from Cabinet, 15th November 2006
Report by the Cabinet Member for Streetcare

12. **ISSUE DEBATE (Conserative Group) - Council Procedure Rule 17**

Moved by Councillor Lise Noakes

“This Council opposes any plans to move inpatient beds from Holly House in Gloucester to other parts of the county.

“It offers its support to the health workers at Holly House whose jobs and working conditions are affected by the current proposals of the Gloucestershire Partnership Trust (GPT).

“It resolves to write to the Secretary of State for Health, asking her to reject the GPT plans to move inpatient beds from Holly House and also asking her to refer the GPT proposals to the Independent Reconfiguration Panel, in line with the recommendations of Gloucestershire's Health Overview Scrutiny Committee.”

13. **GAMBLING - STATEMENT OF PRINCIPLES (Pages 131 - 190)**

Recommendation by the Licensing and Enforcement Committee, 21st November 2006
Report by the Cabinet Member for Housing and Health

14. **COUNCIL DIARY 2007/2008 (Pages 191 - 204)**

To approve the dates of Council meetings and for other meetings for the municipal year 2007/2008 as set out in the accompanying schedule.

15. **NOTICES OF MOTION**

a) Moved by Councillor Jeremy Hilton, seconded by Councillor Gordon Heath:

"This Council notes

1. "that the Church Commissioners gifted St Michael's Tower to the City Council in 1983 and the tower is a scheduled Ancient Monument and Grade II Listed Building.
2. "that from 1985 until 1997 the tower housed the Tourist Information Centre, until the condition of the tower had deteriorated requiring the transfer of the TIC to a new location in Southgate Street.
3. "in 2003 repairs to the tower were completed to make it wind and weather proof, but the problem of salt crystallisation of the internal stonework still remains.
4. "that recently the Civic Trust has shown interest in using the tower as a Heritage Centre.

"This Council Resolves:

1. "To task the Cabinet Member for Regeneration and Culture to secure funding to carry out full repairs to the internal stone work.
2. "That the Cabinet Member also be asked to report back to both scrutiny and cabinet with options for the future use of the tower including the Civic Trust's proposal of a Heritage Centre."

b) Moved by Councillor Mike Lawlor and seconded by Councillor Mary Smith

"This Council notes with concern the proposals by Royal Mail to close the Gloucester APC mail processing centre at Eastern Avenue and transfer all mail processing activities to a new facility to Swindon.

“This Council notes and congratulates the Save Gloucester Mail Centre Campaign organised by the Communications Workers Union to raise awareness of the proposals and to urge Royal Mail management to withdraw them and retain mail processing in Gloucester.

“This Council therefore resolves:

1. “To give its support to the retention of mail processing at the Eastern Avenue facility.
2. “To give its full support to the Save Gloucester Mail Centre Campaign.
3. “To write to Royal Mail expressing its concerns;”

16. MINUTES OF MEETINGS (Pages 205 - 262)

- a) To receive the minutes of the Planning Committee meetings held on 5th September, 3rd October and 7th November 2006.
- b) To receive the minutes of the Licensing and Enforcement Committee meeting held on 19th September 2006.
- c) To receive the minutes of the Audit Committee meeting held on 26th September 2006.
- d) To consider the minutes of the Overview and Scrutiny Management Committee meetings held on 9th October and 13th November 2006 and pass such resolutions as the Council sees fit.
- e) To consider the minutes of the Organisational Development Committee meetings held on 21st August and 2nd November 2006 and pass such resolutions as the Council sees fit.

Yours faithfully

A. W. Webb
Assistant Director (Legal, Democratic and Personnel Services)

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COUNCIL

MEETING : Thursday, 21st September 2006

PRESENT : Cllrs. Blakeley (Mayor), Witts (Sheriff & Deputy Mayor), Hawthorne, Gravells, James, A. Lewis, White, Hilton, Smith, Durrant, Tracey, McLellan, Gillespie, Lawlor, S. Lewis, Francis, Hobbs, Lugg, Noakes, Reeve, Rentell, Crawford, Gardiner, Hanman, Power, D. Wilson, Heath, Gill, S. Wilson, Bhaimia, Jones, Nethsingha, Suddards-Moss, Emerton and Whittaker

APOLOGIES : Cllr. Morgan

49. PRAYERS

Prayers were offered by the Reverend Graham Osborne.

A silence was observed in memory of Mr Hywell Morgan and Mr George Thompson, former Councillors, who had recently passed away.

50. MINUTES**RESOLVED**

That the Minutes of the meeting held on 27 July 2006 be approved.

51. DECLARATIONS OF INTEREST

Councillors Gravells, Hanman, Hilton, Tracey and McLellan declared personal interests in matters relating to the County Council as Members of the County Council.

Councillors Durrant, Lawlor, Noakes, Power, Hanman and Witts declared personal and prejudicial interests in Item 9 (Minute 56) - Future of Council Housing Management, as Board Members of Gloucester City Homes.

Councillor Durrant declared a personal and prejudicial interest in Item 11 (Minute 58).

The Strategic Director and the Strategic Director (S151) declared personal and prejudicial interests in Item 14 (Minute 61).

The Strategic Director (S151) declared a personal interest in Item 15.

52. PUBLIC QUESTION TIME

Ms Kay Powell of 27 Bathurst Road, Gloucester, GL1 4PR asked whether any Member of the City Council or any Council officer had any contact with Markey Developments or Severn Vale Housing Society regarding the possible development of Tredworth Fields allotment site at the end of Hartland Road.

Councillor Hawthorne undertook to send a response to Ms Powell in writing.

Mr Peter Clarke, President of the Severn Athletics Club asked whether the Council was proud of the athletics facilities available to young people in the city.

The Leader of the Council advised Mr Clarke that the issue was to be dealt with later on the agenda by the Cabinet Member for Heritage and Leisure.

Mr Terry Haines asked whether the Council was aware that by closing the bar at the Guildhall Arts Centre for everything apart from special events it was in fact driving customers away?

The Cabinet Member for Heritage and Leisure said that he was not aware that this was being done permanently and across the board, but on an experimental basis. He reported that the pilot had affected the income stream and he would request a report on finances so he could investigate this further.

Mr Terry Haines asked if the Council was prepared to help finance local clubs to transport athletes to venues outside of the city? In response, the Cabinet Member said that we had a track in the city and could therefore not offer to transport athletes to other venues.

Ms Avril Ward from Abbeydale expressed concern about anti-social behaviour in the Abbeydale Ward. She asked how far the initiatives undertaken by the City Council had been successful and whether more open spaces would be provided for children to play in since builders were currently parking on the childrens' play area in her neighbourhood.

The Leader of the Council said that these issues would be taken up in the issue debate.

53. PETITIONS AND DEPUTATIONS

There were no petitions or deputations.

54. ANNOUNCEMENTS (COUNCIL PROCEDURE RULE 2 (IV))

(a) The Mayor

The Mayor congratulated the Council on achieving Gold in the Britain in Bloom award. She also relayed the thanks received from HMS Gloucester for all the support it had received during its mission in assisting with the evacuation of refugees from Beirut.

The Mayor relayed the greetings from the Mayor of Metz received during her summer visit.

A sponsorship form was circulated in aid of Click Sergeant.

The Mayor informed the Council that the Mayor's Steward would be leaving the Council at the end of September and she thanked him for his support.

The Mayor reminded Members that the Chief Executive was leaving at the end of the week. She invited the Leaders of each Group to speak. The Leaders of the Conservative Group, Liberal Democrat Group and Labour Group all expressed their thanks to the Chief Executive for the support he had given them over the years and wished him well in his post as Chief Executive at Swansea.

The Chief Executive thanked Members for their good wishes.

(b) Leader of the Council

"In my speech to Annual Council in May, I made reference to the changes to portfolio responsibilities as a consequence of the ongoing work on the Council's Corporate Plan - 'The Blueprint for Change'.

Council will recall that the work within the Change Programme had resulted in changes to the Council's then portfolios of Care and Maintenance of the City and Culture, Learning and Leisure. The former was renamed 'Streetcare' to reflect the priority of the Council and the strategic partnership arrangements we are entering into. The latter was redefined to include Culture within the Regeneration portfolio under Councillor Paul James and renamed 'Regeneration and Culture' to reflect the important role of culture as a means of regenerating the City. In addition the new portfolio under Councillor Martyn White of Heritage and Leisure was also created.

In my statement to Annual Council I promised a further statement this month to report upon the necessary management arrangements which would best deliver the work that was in development over the Summer months.

Let me first turn to Streetcare. This week the Streetcare Project Board has identified a preferred partner to deliver the range of improvements that Council have desired and agreed. The Project Team are entering into a final phase of negotiation before the contract is brought before Council on 30 November 2006 for award. From that date the temporary management arrangements put in place to allow the Assistant Director (Streetcare) to manage this successful project will come to an end. The direct reporting lines for all Streetcare Staff, apart from the Highways Maintenance Team, will on 1 December 2006 revert to George Milne.

This means that the Assistant Director (Regeneration) will relinquish his temporary duties for Streetcare Services after a period of 15 months. I wish to put on record my appreciation of the work undertaken, not only by George Milne and his Project Board, but also to Phil Staddon who has commendably managed two major portfolios of the Council in such a professional manner.

Also on the 1 December 2006 will see the transfer of the Countryside Unit, currently managed by Steve Elway, into the management of George Milne. Also, in October 2007 the 'Green Team' currently managed by Phil Staddon

will transfer into the Streetcare Portfolio, subject to a further review by September 2007.

Second, I turn to the review of services within the former Culture, Learning and Leisure portfolio which in the Blueprint for Change was scheduled for 2006. Council will recall from my May statement the review was divided into four workstreams:-

- Leisure Management
- Museum Investment
- Marketing Alliance
- Cultural Regeneration

I promised to report on the final structure and management arrangements which would be necessary and be clarified over the period from Annual Council. Members on Scrutiny for the Built Environment and Scrutiny No. 2 Committees will have been following the developments in two of the review areas which have taken priority.

First, the Marketing Alliance Project led by Councillor Paul James. I can report that progress is on target to provide the Business Case as appropriate for the future of the Council's Marketing including the Tourist Information Centre, Economic Development and aspects of its Arts and Festivals will culminate in a detailed Business Case to be presented in the next cycle. Council officers have been working hard with the Urban Regeneration Corporation and have been taking the lead in gathering other private and public sector support to the notion of a common marketing position for 'Gloucester Plc'. Subject to Business Case the project is aiming to create a shadow Marketing Alliance to develop unified marketing position for the City and to hopefully create a new body in April 2008. Within that process we will sharpen up and raise the profile of Gloucester so that it can benefit in the most appropriate way from all those opportunities that will accrue over the coming years as its built environment grows and flourishes.

Second, in connection with the Leisure Management Project, led by Councillor Martyn White, I can confirm that Council officers, working within guidance issued by the Audit Commission, have conducted an Options Appraisal on what alternatives exist for the future management of GL1 and Oxstalls Tennis Centre which offer the best solution for City residents and the Council. In July we engaged PMP Associates, a company which contributed to the Audit Commission document, which has completed the Options Appraisal, the results of which have been presented to Cabinet Briefing and members of the Scrutiny 2 Task and Finish Group. The initial conclusion is that the creation of a new Leisure Trust for our two principal venues is the favoured option. A full Business Case for this option is scheduled for the next cycle.

Clearly these two projects present managerial challenges. In the case of the Marketing Alliance, lead officer responsibility has been given to Amanda Wadsley who is supported now by Vicki Rowan, the Council's Tourism Manager, on a full-time secondment basis to work as Project Manager and produce the Business Case for the Marketing Alliance.

In order to progress the Leisure Management Options Appraisal and to recognise the importance and scale of the task for the period from September to December, Steve Elway the Assistant Director (Culture, Learning and Leisure) will be taken off his existing duties to prepare and validate the Business Case for a Leisure Trust so that this can be presented through the democratic process in the Autumn and agreed at the turn of the year.

In terms of the residual functions, interim arrangements will be put in place with similar flexibility as employed for Streetcare project management. The Assistant Director (Housing and Health) will take on the officer responsibility for Leisure Management and Business Development whilst the Business Case is produced, and thereafter, should the Trust option be the one that the Council pursues (which is likely to take 18 months to be created) will also act as Leisure Management Client.

This has significant advantages for the Council because not only will the Trust's creation, if it becomes Council policy, be led by Steve Elway with his significant experience in the Leisure Industry, but he will be supported by Phil Lane who has the experiences of the creation of the Gloucester City Homes Ltd., fresh in his mind and also a background of creation of Trusts such as Barton and Tredworth Developments Limited. Together this is a strong combination to provide the Council the expertise it requires.

At managerial level, for the remainder of Steve Elway's responsibilities, principally Arts and Festivals, Heritage and Museums, it is intended that from 1 December 2006 the Assistant Director (Regeneration) will temporarily manage these functions once his temporary responsibilities for Streetcare revert to George Milne.

At Cabinet level, Culture will be integrated fully into Paul James' portfolio as Cabinet Member for Regeneration and Culture, with Paul taking over responsibility for the Arts and Festivals Unit, including the Guildhall, Festivals and Christmas lights, although the latter will remain under Martyn White's direction for this year

The Cabinet Member for Heritage and Leisure will retain responsibility for all aspects of the City's Heritage, in terms of the Museums Service, monuments and historical sites, along with the provision of Leisure services, including Sports Development, play strategy, the Leisure Management Review of GL1 and Oxtalls Tennis Centre, and the negotiations with partners to form a Hub Club for Sports.

In respect of the two remaining workstreams within the Culture, Learning and Leisure Review, I can report meaningful progress. Work continues under Councillor Martyn White's leadership on preparing a Business Plan and Lottery Bid to revitalise the Museums Service. This will be brought to Members later this year.

In terms of the Cultural Regeneration Project, under Councillor Paul James' leadership, I can confirm that in partnership with the URC and the County

Council, work has been commissioned to research and identify a cultural entitlement for a City which is going places, and is commensurate with the exciting new built infrastructure and the prosperity that will bring over the forthcoming years. Its outcome will be taken into account by the URC in its development work, and form the basis of further joint work in the New Year.

Cultural Regeneration and Museums Review projects both need careful management. Subject to the work on creating a Leisure Management Trust continuing and thereby requiring Steve Elway's 100% involvement, and given the intention that the Assistant Director (Regeneration) has interim management of Heritage and Museums services, it is the intention, once the Highways Termination Project is completed in March 2007 to ask Phil Staddon:

- To lead on the Cultural Regeneration Project, given its integral nature to the regeneration of the City's built environment via the URC's seven major development projects, for which Phil Staddon is the Council's principal adviser.
- To take a watching brief on the Museums Investment work, which will be handled by Andrew Fox and treated as normal management to a service as an improvement initiative.

In conclusion these flexible arrangements represent a practical solution to deliver the Change Programme Cabinet have embarked upon. They sit alongside other intensive projects such as:-

- Highways termination
- Community Engagement
- Homelessness
- Performance Culture
- Customer Focus

and they represent sensible management arrangements on the lines of the successful formula adopted for Housing Management and Streetcare projects."

(c) Cabinet Member for Heritage and Leisure

The Hub Club and Proposals for an Athletics Track

"At the last Council on 27 July, Minute 40, a resolution was passed to the effect:

'... This Council continues to actively support the ongoing discussions with all relevant partner organisations and the community to create a Hub Club, to be sited at Plock Court, the Bishops College, the University site or any other appropriate land, to include an investigation into how a County Standard 8 lane all weather athletics facility can be incorporated onto the site. The Cabinet Member for Heritage and Leisure agrees to provide an update on progress at each meeting of Scrutiny 2.'

As reported to Council on 27 July 2006 exploratory talks between the University, Active Gloucestershire (the Gloucestershire Sport and Physical Activity Trust) and the City Council had begun to consider the creation of a 'Hub Club' on the site of land stretching from Plock Court to the University, embracing facilities provided by Gloucester City Council, The Bishop's College and the University of Gloucestershire. Council was informed that a further meeting was to take place in September to come to some 'in principle' agreement how this matter might be progressed.

On the 13 September, I (Councillor Martyn White) met with senior representatives of the school, its Governors, and the Diocese together with the Chief Executive of Active Gloucestershire, the Dean of Oxstalls Faculty for the University and senior members of City Council staff.

I am pleased to be able to inform Council that these four principal bodies agreed to work in partnership towards using their facilities to pursue a shared agenda viz:-

- to provide integrated facilities to widen participation and make better use of them
- to use physical activity as a means for increasing social inclusion
- to raise the public health and well being particularly where health inequalities exist
- to help make social well-being complementary to the City's economic and environmental improvements Gloucester is experiencing
- to use sport and physical activity to help raise aspirations and ambition in communities to support the work of the Council and its partners in its Community Engagement work.
- to develop the future management arrangements of the three sites which best complements the ambitions of the Hub Club
- to galvanise support for the Hub Club by looking at introducing a new cornerstone facility to complement those already existing on the sites. Subject to further feasibility and financial appraisals, partners agreed that this could result in the provision of a new 8 lane county standard athletics track.

I made clear that the City Council's position was that the athletics track was the only new facility it was currently considering as part of the Hub Club.

On behalf of the partners, John Stevens - Chief Executive of Active Gloucestershire - has agreed to undertake further work on the constitutional issues relating to the Hub Club and to conduct further feasibility work on the cornerstone new facility.

The capital costs of an all-weather County Standard Athletics Track would range between £650,000 and £750,000. This would include lighting and other enhancements. The meeting heard that there may be opportunities to draw in contributions towards the capital costs of athletics track. These may include Sport England funding, benefit-in-kind funding, contributions from partners and/or sponsorship.

The City Council is likely to be able to access Section 106 funding as part of its capital contribution. These funds will, however, have to be allocated in a way which is equitable, and recognise that there may be other demands, before the Council can commit an absolute figure of contribution. Nevertheless it is my intention to ensure that any developer funding which qualifies should be used for an athletics track.

However, it is important for Council to be assured that any contribution it makes towards the Hub Club and the development of a new facility should be commensurate and reasonable in the light of any external funding that might be reasonably anticipated, and the support of partners.

Notwithstanding that joint funding opportunities are not clear at this stage, the Council can, in principle, undertake to contribute such a sum as would be appropriate in light of the total funding package and whatever other funds might be assembled. However, subject to successful negotiations and agreement on developer contributions the City Council would be prepared to consider a capital sum of up to £150,000 at this stage.

Members will know that the Local Authority Business Growth Incentive Scheme (LABGIS) is one-off revenue funding and cannot be relied upon as a regular funding stream. Even if funds were available the allocation of those funds would depend upon any conditions placed upon its expenditure and other calls which might be appropriate in connection with business growth.

Should the athletics track initiative be agreed by the partners as feasible and deliverable the revenue consequences would be assessed and form part of the financial strategy. Any ongoing budgetary consequences of the track and/or the Hub Club would be considered as part of the Council's budget process in the normal fashion. For the present, it is my proposal that a sum of £25,000 revenue be earmarked from the remaining 2006/7 LABGIS to assist with the revenue costs of feasibility work for an athletics track and thereafter managing any subsequent project.

In conclusion I am pleased to report a really positive outcome to our discussions with the College, Diocese, Active Gloucestershire and the University. I can confirm that all parties are keen and enthusiastic to pursue the shared agenda of the Hub Club and that its development will be taken forward in an organised way under the leadership of John Stevens.

Its agenda is clear:-

1. To improve the quality of life of Gloucester people by increasing their physical activity and access to it.
2. To provide a new flagship facility which, depending on feasibility and joint funding package, the Council would propose as a new all-weather athletics track and we will be working in partnership to deliver it.

3. That a new management arrangement that best suits the objectives of the Hub Club be developed.

In light of the above, I will be proposing a replacement to the resolution to the Notice of Motion at agenda item 15.”

- (d) Cabinet Member for Streetcare

The Cabinet Member for Streetcare informed the Council that Gloucester had achieved gold in Britain in Bloom. He thanked all the staff for their hard work and in particular, Continental Landscapes.

55. QUESTIONS BY MEMBERS (COUNCIL PROCEDURE RULE 12)

- (a) Leader and Cabinet Members’ Question Time

1. Question to the Cabinet Member for Heritage and Leisure from Councillor Hilton

“Did the administration not agree that pressure from the Liberal Democrats had galvanised the administration into progressing on the athletics track?”

Cabinet Member’s response

“No, I do not agree. The hub club had been on the Cabinet work programme for 15 months and work had been ongoing with parties to take the project forward.”

Supplementary question from Councillor Hilton

“Why was it reported in the Citizen that the Cabinet Member is refusing to commit money to the athletics track?”

Cabinet Member’s response

“I will clarify that the position is we do not want to put the capital funds into this facility in its entirety. We have identified Section 106 money and the other partners in the project will be asked to make contributions too.”

2. Question to the Leader of the Council from Councillor Hilton

“Could the Leader explain what the current position is with regard to the new city centre site for Eastgate indoor market?”

Leader of the Council’s response

“The Council has been in close discussions with the Mall with regard to providing a suitable site for Eastgate Market. This administration remains committed to markets of all types.”

Supplementary question from Councillor Hilton

“At its meeting on 19 September 2005, this Council passed a resolution that if a suitable alternative premises for the indoor market could not be found within the next six months, then a further progress report to scrutiny and a draft marketing and business plan for the future medium and long-term development of the indoor market at its current location would be drawn up. We are one year on and there is still no business plan. What does the future hold for the market and its traders?”

Leader of the Council’s response

“As I said, we are in active negotiations with the Mall Corporation on this.”

3. Question to the Leader of the Council from Councillor Smith

“At the recent meeting of the Race Equality Forum, it was apparent that the Council had not progressed on implementing the Race Equality Scheme. Is the Council committed to see the scheme progress and is this supported by the Leader and the Cabinet?”

Leader of the Council’s response

“We are fully committed to equalities in this Council and can provide you with some excellent examples of where we are ahead of other local authorities. We will continue to work to deliver the Generic Equality Standard and are fully committed to it.”

4. Question to the Leader of the Council from Councillor Smith

“The traders from Eastgate Indoor Market have told me that they are ‘in the dark’ with regard to the market’s future. Does the Leader intend to update them?”

Leader of the Council’s response

“I have arranged a meeting with the traders for next Thursday.”

5. Question to the Cabinet Member for Housing and Health from Councillor Noakes

“Can the Cabinet Member update me on the future of Holly House in Barnwood Ward?”

Cabinet Member’s response

“I can report that at the joint PCT meeting today, a reprieve was announced for maternity units in Cheltenham and Stroud. With regard to Holly House, the county’s Joint Health Scrutiny Committee will be calling a special meeting and will no doubt refer this to the Secretary of State as

we believe the proposals are not in the interests of residents of the city of Gloucester.”

6. Question to the Leader of the Council from Councillor Durrant

“Is the Leader aware of the Liberal Democrat’s declaration of war on the nuclear industry when thousands of jobs depend on this industry in our area?”

The Leader of the Council noted the comment.

7. Question to the Cabinet Member for Regeneration and Culture from Councillor Jones

“Is the Cabinet Member aware of the rumours that traders will be vacating Merchants Quay shopping centre at the Docks, that the antiques centre at the Docks may be relocating and that Neilson’s shipyard will also be vacating the Docks?”

Cabinet Member’s response

“I am aware that discussions are ongoing with regard to the future of Merchants Quay.

As for the antiques centre, I know that the sale of the company owning the freehold of the centre has not been completed. With regard to Neilson’s yard, this remains an excellent business and we would certainly do our utmost to retain it.”

Supplementary question from Councillor Jones

“Does the City Council have any plans to relocate away from the Docks?”

Cabinet Member’s response

“The future accommodation of the Council is in the Cabinet work programme and does to a large extent depend on the contents of the government’s White Paper on the future of local government to be published in a month’s time.

8. Question to the Cabinet Member for Heritage and Leisure from Councillor S. Wilson

“Could the Cabinet Member please tell me what the plans are for using the children’s drawing lights again this Christmas?”

Cabinet Member’s response

“I have just given a presentation to the City Centre’s Management Forum. We have now entered into a new contract for Christmas lights this year with provision in Eastgate, Northgate and Southgate Streets, King’s

Square and the Oxebode. We had intended to concentrate the children's lights in Westgate Street. We have a potential problem with the artist of the children's lights in that he is unwilling to allow the lights in any alternative location to those of last year. He has the right contractually to stop us using them. However, we recognise the big contribution from children in local schools to the lights and wish to continue using them and will do all in our power to do so."

9. Question to the Cabinet Member for Regeneration and Culture from Councillor Lawlor

"Has the Cabinet Member undertaken any research into using culture as a means for regeneration of the city centre and its communities?"

Cabinet Member's response

"We recognise the great role culture plays in other cities in the country. This has been catalogued by English Heritage and we will draw on this expertise."

Supplementary question from Councillor Lawlor

"Is the Cabinet Member aware that there are different types of culture and the example of cultural regeneration at the City of Manchester is a case in point. Has he examined this?"

Cabinet Member's response

"No, I have not been to Manchester. The brief is wider ranging, extending beyond heritage. We are looking at best practice and any examples would be gratefully received."

10. Question to the Leader of the Council from Councillor McLellan

"I should declare an interest here as a British Energy pensioner. The Conservatives' view nuclear power as a last resort. What other types of energy are they exploring?"

Leader of the Council's response

"We should be exploring all forms of energy. Nuclear Power has not been ruled out."

(b) Written questions to Cabinet Members

1. Question to the Cabinet Member for Planning and the Environment/Regeneration from Councillor Whittaker

"Can the Cabinet Member please supply information as to which land in the Hucclecote Ward of the city is the Council seeking to adopt, yet does not own presently?"

Cabinet Member's response

"It is important to point out that the onus is very much on the developer to seek public adoption of open spaces created through housing, commercial or other developments. The Council does not actively seek out land to adopt nor can it enforce adoption of private land and developers are quite entitled to retain land in their ownership rather than offer it up for adoption. When a developer makes a request to the Council seeking public adoption, the process is complex and can take some time. The Council needs to be fully satisfied that the land has been properly made up/prepared and the developer must demonstrate that the land has been properly maintained for a period. There is also the need to agree a financial payment, or commuted sum, to cover the ongoing maintenance liabilities that come with the land.

With regard to the Hucclecote ward, the officer who deals with adoptions is currently on leave but I am aware that there are two areas of the Lobleys Drive open space that I believe are subject to adoption procedures. I will ask the officer, John Darkes, to contact Councillor Whittaker on his return to provide a full answer on current Hucclecote ward land adoptions."

Supplementary question from Councillor Whittaker

"What other pieces of land in the city does the Council have to wait to adopt?"

Leader of the Council's response

"In the absence of the Cabinet Member for Planning and the Environment I will undertake that a written response is supplied to you on this issue."

2. Question to the Cabinet Member for Regeneration and Culture from Councillor Whittaker

"After participation in the excellent Gloucester Heritage Open Days Event, it is clear that Blackfriars with its newly renovated courtyard and oldest library in the country is now a potential gem of a tourist attraction for the city.

Can the Cabinet Member please inform what measures are being taken to ensure that this building is permanently open to the public and whether there are plans to explore how sympathetic integrated refreshment facilities can turn its obvious potential of a profitable heritage site for the city into reality?"

Cabinet Member's response

"Blackfriars is currently owned by the English Heritage. Representations have been made consistently over the past two years to increase opening

hours both by the City Council and by the Civic Trust. In recent discussions the City Council has conducted with English Heritage it was stated by English Heritage that it was investigating ways of opening the site more regularly to the public. Furthermore, the Urban Regeneration Company's Regeneration Framework recognises the potential of Blackfriars Priory, and the library in particular, as a visitor attraction. Possible uses for some of the Priory buildings include a performance area, restaurant/cafe and visitor centre. Adjacent buildings may also provide studio space for creative businesses. The URC has commissioned further work to assess the viability of these proposals.

The proposals for the Greater Blackfriars area, including a new public square to the north of the Priory and the removal of buildings to open up views of the library. This will provide a greatly enhanced setting that reflects the importance of this piece of Gloucester's rich heritage."

Supplementary question from Councillor Whittaker

"If the City Council is serious about tourism and the income it can raise from it what initiatives and positive steps are being taken to replace the Fleece Hotel and to provide a four star quality hotel for weekend and mid-week breaks in the future?"

Cabinet Member's response

"Both the City Council and the URC are making efforts to attract a four star hotel to the city. The Economic Development Team has generated interest from hotel operators and facilitated visits to the city. The URC's regeneration framework contains a proposal for a four star hotel in the Blackfriars area.

In addition there are a number of new sites for additional hotel accommodation and the tourist team have undertaken training events for bed and breakfast accommodation."

3. Question to the Cabinet Member for Corporate Performance, Finance and Resources from Councillor Whittaker

"Race Equality Scheme - Monitoring and Progress Report - Ref: 130906

I would like to commend the honesty and hard work of the officers in compiling this report. It does, however, reveal that we as a Council are failing to meet Mandatory Standards that have been in operation since 2002 and I draw attention to Conclusion 6.1 from the report.

Can the Cabinet Member please explain why, when this is potentially of such grave consequences to ALL elected Members (of whichever party - now there's quality for you!), no positive practical action appears to have occurred since mandatory requirement came into force?

Failure to act responsively to mandatory Central Government legislation on equality matters puts the Council as a whole in possible contempt of the law of the land and could potentially result in loss of support for all that this Council is hoping to achieve under its Urban Regeneration Project. There is a scenario whereby government financial support could be rescinded and the Council's plans left in tatters.

This reoccurring failure over the last few years appears to me to be negligence in the extreme, so what and how is the Cabinet Member going to do to resolve this issue with immediate effect, for that is what is required if we are not as a Council going to face extremely serious consequences?"

Cabinet Member's response

"Can I thank Councillor Whittaker for his question. The implementation of the Race Equality Scheme has proved difficult for most local authorities. The City Council has made considerable progress and achieved Level 1 of the Generic Equality Standard.

Training has been given to Managers on the impact of the Generic Equality Standard and further work to ensure this matter is being taken forward is to be undertaken by the Corporate Management Team. CMT has also agreed to changes to the Committee reporting template to give greater emphasis on the need for predictive impact assessments to be considered for all reports to be determined by Cabinet and Council, in future.

The Council has now reconstituted its Generic Equality Standard Steering Group. This Group is regarded as the focus for driving the equalities agenda throughout the Council. In developing its work, it is drawing the Council closer to compliance with the legislative requirements of all Equality Schemes, and the Generic Equality Standard."

Supplementary question from Councillor Whittaker

"At the Race Quality Forum we were assured that everything was not fine and the Leader of the Council has not attended a meeting of the Generic Equality Standard Steering Group since 2004. Would the Leader not consider a Cabinet reshuffle due to its gender imbalance?"

Leader of the Council's response

"I repeat we are making good progress on race equality, better than in the County and aim to continue to improve."

4. Question to the Cabinet Member for Housing and Health from Councillor McLellan

"Is the Cabinet Member looking at how the city infrastructure will cope with potentially a four thousand over-supply of housing against agreed targets during the period to 2011?"

Cabinet Member's response

"This question appears to fall within the remit of the Cabinet Member for Planning and the Environment rather than Housing and Health, but as Cllr Morgan is not here this evening I've offered to answer it.

The main thrust of government policy is to concentrate development in urban areas so as to minimise travel distances and maximise opportunities for walking, cycling and public transport. This is in preference to building urban extensions or new settlements.

The City Council therefore faces pressures for providing new housing on all available sites in the city, which will in practice be difficult to refuse. It should be noted that in preparing the LDF the Council is expected to look 15 years ahead as far as housing provision is concerned, with 5 years supply being readily available. In this longer-term context the current over-supply of 3,283 compared to the 2011 target should be considered as providing in part for the period to 2021. It is not expected that all this over-supply will be developed by 2011 given the constraints that affect some of the sites and the unpredictability of when they will be delivered. It is considered prudent to build in an over-supply and the Government Office and the South West Regional Assembly have been encouraging the city to find still more housing capacity on brownfield land since this reduces the need for further urban extensions and puts off the day when such green field sites are required for development.

The County Council, as the strategic transport planning authority, advises on the transport implications of allocating sites for development and the transport infrastructure needed to sustainably support these allocations. In its response to the Local Transport Plan last year, the City Council highlighted the need to support development growth, but currently there is no indication by the County Council that these development allocations cannot be accommodated on the transport network, taking into account the levels of investment in transport infrastructure planned in and around the city over the next five years.

These proposals include completing the Gloucester South West Bypass and Inner Relief Road, A40 Improvements and provision of Park and Ride sites west of the River Severn and at Elmbridge."

Supplementary question from Councillor McLellan

"Could the Cabinet Member talk to officers to make them aware of Council policy?"

Cabinet Member's response

"Yes. Please report any specific problems directly to me."

5. Question to the Cabinet Member for Streetcare from Councillor McLellan

“Can the Cabinet Member advise me whether it is true that large shrubs which overlook and have an overbearing effect on properties, and which are on Council land, are not being cut back to a less overbearing height as there is no funding for such work?”

Cabinet Member’s response

“The £25,000 of new money included in the budget for this financial year for the pruning of trees in Council ownership will principally be used for the cutting back of trees and shrubs for health and safety reasons and to deal with shrubs and trees which potentially will cause damage to property. Areas are currently being assessed and a programme of works will be initiated in the winter period. Where a shrub overhangs a private dwelling the resident has the right to cut back any shrub.”

Supplementary question from Councillor McLellan

“Constituents have been advised that the Council did not have a budget to reduce the height of shrubs. Could the Cabinet Member ensure that officers are clear on the policy?”

Cabinet Member’s response

“Please e-mail me with any specific problems.”

6. Question to the Cabinet Member for Housing and Health from Councillor Lawlor

“How many empty properties has the Cabinet Member brought back into use during his tenure as the Cabinet Member for Housing and Health?”

Cabinet Member’s response

“I set a target in 2004 to bring at least 50 empty properties back into use every year from 2005/6 onwards. The audited actual figure for 2005/6 was 66 properties.”

7. Question to the Cabinet Member for Housing and Health from Councillor Lawlor

“What discussions has the Cabinet Member had with officers and others regarding the recent review of social housing policy announced by Communities and Local Government Secretary Ruth Kelly MP?”

Cabinet Member’s response

“Ruth Kelly has spoken on many housing topics since taking office. I am going to concentrate on the recent “From Decent Homes to Sustainable

Communities” consultation paper. This is quite wide ranging so please let me know if you have a particular topic in mind.

I have discussed many aspects of the consultation paper with Council and GCH managers.

Decent Homes - Meeting the decent homes standard in our own stock remains a very high priority. The government has indicated that the 2010 time deadline may be relaxed but following consultation with GCH, we currently plan to meet it. With GCH we are also seeking ways of improving communities as well as the bricks and mortar. The consultation document discusses future ownership of the stock and I believe my current report on the Future of Council Housing Management leaves all options open, provided they have the support of tenants.

Local Area Agreements - The government attaches considerable importance to LAAs, including possibly as a route for future investment in housing. The Council has nominated lead officers for each LAA block and I am closely monitoring developments with the Assistant Director (Housing and Health).

New Social Housing - I am constantly seeking ways of increasing the availability of affordable housing in ways suggested by the consultation paper. This is covered in more detail in my answer to your specific question on this point.

Greater Flexibility - I am supportive of the government’s suggestions for introducing greater flexibilities for Councils, ALMOs and RSLs, and I believe this is also reflected in my report on the Future of Council Housing Management. I will be watching the proposed pilot schemes with interest.

Overall - Although the consultation paper contains many good things, it also contains a number of apparent contradictions e.g. channelling investment through the LAA seems to undermine the aim of strengthening the role of the local authority, so I await the consultation report with interest.”

Supplementary question from Councillor Lawlor

“Could the Cabinet Member please develop a strategy to deal with the issue of under-occupation?”

Cabinet Member’s response

“We are continually looking at maximising usage of our properties. I will ask officers to look into this further.”

8. Question to the Cabinet Member for Housing and Health from Councillor Lawlor

“What work has the Cabinet Member been involved in regarding the development of a choice-based lettings system?”

Cabinet Member's response

"I authorised the Housing Options Team to participate in the Gloucestershire CBL scheme, which includes the other District Councils in the county. The partnership has recently secured the services of Housing Quality Network to act as independent Project Manager for the duration of the scheme development and implementation.

I believe the CBL scheme will benefit landlords and tenants of both social and private rented housing and that the main outcomes will be:

- Greater choice and flexibility in meeting customers' housing needs
- The enabling of greater mobility
- The removal of artificial housing boundaries between local authority areas
- A reduction in costs through setting up one rather than several different schemes.

Our aim is to have a scheme in place by April 2008, well ahead of the government's 2010 deadline, and we are currently drafting a project plan to make sure we achieve this.

One of the first, and most important tasks, will be to develop a common allocation and nomination policy and we are already in the process of preparing documents for consultation.

HQN will be leading the local authorities in finalising the policy consultation during October and we will be making arrangements to seek views and responses in the weeks following this."

9. Question to the Cabinet Member for Housing and Health from Councillor Lawlor

"How many single persons and families are currently registered on the City Council's housing waiting list?"

Cabinet Member's response

"The following chart illustrates the position at the end of the first quarter of 2006/7

Gloucester Common Housing Register – 1st Quarter 2006/7	
Category	Number
Awaiting assessment/housing options review/ advice	447
Waiting List	3332

Homeless	183
Council Tenants – seeking transfer	755
Housing Association Tenants – seeking transfer	262
Re-housing agreements	124
Out of City / Other	496
Total	5599
Household composition	
Family	43%
Single	47%
Elderly and/or special need	10%
Total %	100%

Over the past 10 years the situation in Gloucester has tended to mirror the national picture. The number of families in England waiting for social housing has risen to 1.5 million, an increase of 50 per cent since 1997. Homelessness has more than doubled in the same period from 43,720 families to 101,030. Council housing lists in England are 52% longer than they were in 1997 (www.publicfinance.co.uk). You may recall I initiated the homelessness project in the Blueprint for Change to help address this problem, which is starting to achieve some success in reducing the numbers going onto the Housing Register.”

10. Question to the Cabinet Member for Housing and Health from Councillor Lawlor

“What discussions has the Cabinet Member had with local registered social landlords about increasing the number and supply of affordable homes in the city?”

Cabinet Member’s response

“Housing and Health is a large portfolio and the provision of sufficient affordable housing is a complex matter. Consequently the whole of the management team is focussed on this, not just myself as the Cabinet Member. The team has multiple channels of communication with our RSL partners and we have been especially successful in recent times. The 2006 – 2008 Affordable housing programme will provide 478 units to accommodate 1,868 people at a total cost of £42.8m.

Although this increased investment will provide a welcome boost to affordable housing supply, the overall level of social house building under the present government remains at historically low levels and will be insufficient to meet demand for the foreseeable future.

I have recently been personally working in several areas:

- Exploring options for the use of factory manufactured housing on Council sites in partnership with Stroud District Council and Gloucestershire Housing Association.
- Instigating better ways of providing accommodation for ex-offenders with the National Offender Management Service and English Churches Housing Group.
- Pressing NASS (now New Asylum Model (NAM)) and Astonbrook to spread asylum seeker accommodation more evenly throughout the county to help relieve pressure on affordable housing in Gloucester.
- Meeting with Jon Rouse, Chief Executive of the Housing Corporation to discuss the performance and investment programme for all the RSLs working in the city, and also Gloucester City Homes.”

11. Question to the Cabinet Member for Streetcare from Councillor Lawlor

“Is the Cabinet Member satisfied with the current performance of the city’s kerbside recycling schemes?”

Cabinet Member’s response

“Yes; significant progress has been made over the last two years and this is demonstrated in our recycling rate; an initial figure of 11.3% was recorded in 2004/05 and this has since increased to a current recycling rate of 23%. All residents in the City are able to recycle basic items including paper, glass and cans through a kerbside collection service. Just over half of residents in the City have access to the garden waste collection service and the plastic bottle and cardboard recycling banks at the supermarkets have further boosted our recycling rate. There have also been significant increases in the level of participation in low performing areas as a direct result of the closed lid policy; Coney Hill rose from 31% participation rate to 57% within 3 months of the policy being introduced. It is our aim to further increase our recycling rate by extending existing services e.g. garden waste collection service and offering residents the opportunity to recycle a wider range of materials. The LGA, under Mark Hawthorne’s chairmanship, has also made significant steps forward in addressing the waste minimisation agenda and is offering greater support to the Gloucestershire Waste Partnership to ensure recycling performance continues to improve.”

Supplementary question from Councillor Lawlor

“I hear from my constituents that in some parts there is a failure of the recycling service to collect Green Boxes. Is the Cabinet aware that the service is not perfect?”

Cabinet Member’s response

“Please report any specific problems to me by e-mail.”

12. Question to the Cabinet Member for Streetcare from Councillor Lawlor

“Can the Cabinet Member explain why the street litter recycling scheme has yet to appear in the gate streets as promised in February?”

Cabinet Member’s response

“The recycling bins are planned to be installed this week in the gate streets. The bins were initially estimated to be in place by July/August; however, because the banks are unique in design to Gloucester, some slippage occurred due to lengthened design and production time scales.”

Supplementary question from Councillor Lawlor

“Can the Cabinet Member please confirm the date of installation of the recycling bins in the gate streets?”

Cabinet Member’s response

“I can confirm that they were installed today.”

13. Question to the Cabinet Member for Streetcare from Councillor Nethsingha

“What money is there available for new dog-bins this year? How soon would it be possible to get new bins put in?”

Cabinet Member’s response

“This financial year 31 dog bins have been installed in various locations throughout the City. To continue to encourage dog owners to take responsibilities for their environment I have allocated a further £5000 for the purchase and installation of dog bins and currently my Officers are formulating a list based on requests from members and the public. It is anticipated that 20 dog bins will be installed as a result of this initiative.”

Supplementary question from Councillor Nethsingha

“What is the strategy for dealing with persistent offences by dog owners?”

Cabinet Member’s response

“You should report all details to me and I will get the Dog Warden to investigate further. Fines can be imposed on persistent offenders.”

14. Question to the Cabinet Member for Heritage and Leisure from Councillor Nethsingha

“At the last Full Council meeting, the Cabinet Member promised me a list of which football teams are playing on which pitches this season. I still have not received the list, although the football season has begun.

Please could I have this list, as well as an update on the progress on the various new pitches in Elmbridge, Longlevens and Quedgeley.”

(It would be quite acceptable to have the list of who is playing where in person at the meeting. I do not think it is necessary to print it out in the answer to this question, thereby using up vast amounts of council paper.)

Cabinet Member’s response

“The current position in respect of pitches at Innsworth and Elmbridge is as follows:-

At present the sites have not been adopted due to landscaping issues, it is anticipated that re-seeding will take place in September and if all goes well, adoption at the end of October.

Continental will be informed that bi-weekly casual bookings can be made from October to December.

From April 2007 we will have more access to other pitches as the Waterwells site will be operational.

We have almost concluded an audit of demand by contacting all current football clubs using our pitches. We are still awaiting replies from some clubs but they have been contacted and we hope to have all replies by the end of September.

At present only two clubs, Longlevens and Gloucester Ladies have shown an interest in the two sites. We are getting in touch with the County FA development officer and ask if these clubs have achieved Club Mark as they will have development plans which will help to determine their long term needs. After this we will arrange a meeting with the two clubs where we can discuss the best way forward not only for pitch allocation but the long term development of the clubs.

The list of which football teams are playing on which pitches has been sent to Councillor Nethsingha by e-mail. Should any other members require a copy please contact Steve Elway, Assistant Director - Culture, Learning & Leisure.”

15. Question to the Cabinet Member for Heritage and Leisure from Councillor Nethsingha

“Following the resolution of the last Council meeting to give full support to the development of a hub club at Plock Court, could the Cabinet Member update me on any contact he has made with Bishop’s College, the University or any other sporting bodies which would help move this project forward.”

Cabinet Member's response

"May I refer the member to the announcement to be made by the Cabinet Member for Heritage and Leisure under Members announcements (agenda item 7a) at the Council Meeting 21st September 2006.

Supplementary question from Councillor Nethsingha

"Could the Cabinet Member please provide me with a rough idea of when he is next meeting with partners."

Cabinet Member's response

"18 October."

56. CABINET RECOMMENDATION

Future of Council Housing Management

Having declared a personal and prejudicial interest in this item, Councillors Durrant, Hanman, Lawlor, Noakes, Power and Witts left the room for this item.

Moved by Councillor Gravells (Deputy Leader of the Council) (Cabinet Member for Housing and Health), seconded by Councillor Hawthorne (Leader of the Council) (Cabinet Member for Corporate Performance, Finance and Resources).

RESOLVED

1. That the Council affirm its commitment to allow Gloucester City Homes Limited to develop as an independent, successful and expanding provider of social housing.
2. That as part of the strategic aim of the Council to become more of an enabling authority, Gloucester City Homes will, in the lead in period to and beyond Decent Homes 2010, be required to develop its independence as an autonomous company in order to fulfill the Council's expectations of it, i.e.
 - To excel in comprehensively managing the Council's housing stock and its neighbourhoods
 - To deliver safe, mixed, sustainable, and decent communities and environments
 - To demonstrate cost effective performance in its activities
 - To create opportunities for additional revenue sources by expanding/sharing services with other housing providers
 - To take all appropriate opportunities to improve existing, acquire additional, and build more affordable homes
3. That the Council expects the Business Plan for Gloucester City Homes to help support and deliver the Council's objectives particularly in connection with regeneration, community engagement, community safety, homelessness and equalities.

4. That the Council support a policy of taking all reasonable steps to enable Gloucester City Homes to stabilise its business in order for it to prepare for and operate within whatever future freedoms ALMO's may be awarded beyond Decent Homes.
5. In the event of Gloucester City Homes not being able to take advantage of the new freedoms and flexibilities, as a fall-back position the Council will evaluate with tenants and stakeholders the benefits of alternative housing management arrangements such as becoming or joining with a Registered Social Landlord.
6. That the Council re-affirm that the Gloucester City Homes Limited Decent Homes professional fees will be set at 8% of the value of the capital works undertaken.

57. ISSUE DEBATE (LABOUR GROUP) (COUNCIL PROCEDURE RULE 16)

Moved by Councillor Smith, seconded by Councillor Durrant.

RESOLVED

That this Council believes that we should make full use of the new powers available to Councils to reduce and control anti-social behaviour and ensure our neighbourhoods are safe, clean and pleasant to live and work.

58. ACCESS ROAD TO THE PROPOSED NETHERIDGE OPEN MARKET SITE

Having declared a personal and prejudicial interest in this item, Councillor Durrant left the room.

Moved by Councillor Hawthorne (Leader of the Council) (Cabinet Member for Corporate Performance, Finance and Resources), seconded by Councillor Gravells (Deputy Leader of the Council) (Cabinet Member for Housing and Health).

RESOLVED

That Council agrees a waiver of contract standing orders to authorise officers to instruct the County Council through its highways contractor, Norwest Holst, to construct the first part of an access road off the bypass onto the Council's land adjoining the canal and agrees the necessary capital finance of £651,000.

59. WAIVER OF COUNCIL PROCEDURE RULES

Moved by Councillor Hawthorne (Leader of the Council) (Cabinet Member for Corporate Performance, Finance and Resources), seconded by Councillor Gravells (Deputy Leader of the Council) (Cabinet Member for Housing and Health).

RESOLVED

That Council Procedure Rules be waived to allow the Assistant Director (Legal, Democratic and Personnel Services) to address the Council in respect of Agenda

Item 13 (Minute No. 60) and to allow the Chief Executive to address the Council in respect of Agenda Item 14 (Minute 61).

60. REVISED DRAFT PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS (RCS0610)

Moved by Councillor Hawthorne (Leader of the Council) (Cabinet Member for Corporate Performance, Finance and Resources), seconded by Councillor Gravells (Deputy Leader of the Council) (Cabinet Member for Housing and Health).

RESOLVED

That the revised Protocol for Relationships between Members and Officers be approved and adopted.

61. INTERIM ARRANGEMENTS FOR CHIEF EXECUTIVE POST (RMD200615)

Having declared a personal and prejudicial interest in this item, the Strategic Director and Strategic Director (S151) left the room.

Moved by Councillor Hawthorne (Leader of the Council) (Cabinet Member for Corporate Performance, Finance and Resources), seconded by Councillor Gravells (Deputy Leader of the Council) (Cabinet Member for Housing and Health).

RESOLVED

1. That Council approves the recommendation of the Organisational Development Committee on the 31 July 2006 which asks David Clegg to act as Chief Executive of the City Council from 2 October 2006 with Keith Birtles acting as Deputy Chief Executive during the same period.
2. That the Acting posts continue until a permanent appointment of Chief Executive has taken up post, or, if this process has not been completed by 1 April 2007, the acting arrangements be reviewed by the Organisational Development Committee.
3. That the Acting Chief Executive be paid at the rate determined by the Organisational Development Committee.
4. That the Acting Deputy Chief Executive be paid at 85% of the Chief Executive rate.

Councillor Hawthorne moved the following amendment:-

5. That an Extraordinary Meeting of the Council be convened for 18.30 hours on Tuesday 12 December 2006 for the purpose of determining the appointment of the City Council's new Chief Executive.

The amendment was seconded by Councillor Gravells.

Following a vote, it was unanimously

RESOLVED

1. That Council approves the recommendation of the Organisational Development Committee on the 31 July 2006 which asks David Clegg to act as Chief Executive of the City Council from 2 October 2006 with Keith Birtles acting as Deputy Chief Executive during the same period.
2. That the Acting posts continue until a permanent appointment of Chief Executive has taken up post, or, if this process has not been completed by 1 April, 2007, the acting arrangements be reviewed by the Organisational Development Committee.
3. That the Acting Chief Executive be paid at the rate determined by the Organisational Development Committee.
4. That the Acting Deputy Chief Executive be paid at 85% of the Chief Executive rate.
5. That an Extraordinary Meeting of the Council be convened for 18.30 hours on Tuesday 12 December 2006 for the purpose of determining the appointment of the City Council's new Chief Executive.

62. NOTICES OF MOTION

1. Moved by Councillor D. Wilson, seconded by Councillor Hilton

"This Council notes that this year Gloucester City Council received £300,309 from the government's Local Authority Business Growth Incentive Scheme and that a balance of £29,745 remains unallocated.

This Council notes that the cost of providing an all-weather 8-lane athletics track will be around £750,000.

This Council notes the decision of the last council meeting to support the building of an athletics track at Plock Court as part of a sports hub club in partnership with the Bishop's College and the University of Gloucestershire.

This Council agrees to contribute £250,000 towards the building of an 8 lane all weather athletics track at Plock Court subject to partners raising the rest.

This Council agrees to reserve £29,745 unallocated funds from year one of the Local Authority Business Growth Incentive Scheme for a new track.

This Council agrees that the athletics track will have first call, on any grant received in year 2 and 3 from the government's Local Authority Business Growth Incentive Scheme."

Upon a vote being taken it was unanimously agreed to debate the notice of motion.

Councillor D. Wilson moved the following amendment:-

- “1. This Council notes that this year Gloucester City Council received £300,309 from the government’s Local Authority Business Growth Incentive Scheme and that a balance of £29,745 remains unallocated.
2. This Council notes that the cost of providing an all weather 8-lane athletics track will be around £750,000.
3. This Council notes the decision of the last Council meeting to support the building of an athletics track at Plock Court, the Bishops College, the University site or any other appropriate land as part of a sports hub club.
4. This Council agrees to contribute £250,000 towards the building of an 8-lane all weather athletics track at one of the sites identified above and subject to partners raising the rest.
5. This Council agrees to reserve £29,745 unallocated funds from year one of the Local Authority Business Growth Incentive Scheme for a new track.
6. This Council agrees that the athletics track will have first call on any grant received in year 2 and 3 from the government’s Local Authority Business Growth Incentive Scheme.
7. The Council identify a capital sum from developer contributions which is commensurate with the capital requirements of the project and in proportion to the contributions of other partners, and this sum should be up to £150,000 in the first instance.
8. That this Council develops, in full consultation with the city’s athletics clubs, a costed programme of maintenance and improvements at the current Black Bridge facility in order to maintain a viable and sustainable athletics presence in Gloucester.
9. That the Council recognises that this project will be led by Active Gloucestershire.”

The amendment was seconded by Councillor Lawlor.

Councillor Hawthorne moved the following amendment:-

- “1. That the City Council gives an (in principle) commitment to provide, with partners within the hub club partnership, a new 8-lane all weather athletics track, subject to the overall financial package and feasibility.
2. This Council notes that the cost of providing an all weather 8-lane will be up to £750,000.
3. The Council agrees to enter into partnership with the Bishop’s College, the University, Active Gloucestershire, the Diocese of Gloucester and other interested bodies to create a hub club sports and physical activities

facility, based upon land and facilities situated between and including Plock Court and Oxstalls Campus.

4. That the primary objectives of the hub club be expanded over the coming weeks, but be based upon the principles of:-
 - social regeneration and inclusion
 - public well-being and better health
 - better access to physical activity
5. That management arrangements are developed for the joint facilities as part of the development of the hub club.
6. The Council identify a capital sum from developer contributions which is commensurate with the capital requirements of the project and in proportion to the contributions of other partners, and this sum should be up to £150,000 in the first instance.
7. That the Council seeks to secure further S106 funds from other development or other one-off funding (like LABGIS) to supplement this project should the Council's proportion of the cost rise above the £150,000 identified above.
8. That Council allocate the sum of £29,745 from the LABGIS funds for 2006/07 as a revenue contribution to the feasibility study and any future project management.
9. That the Council recognise that this project will be led by Active Gloucestershire.
10. That in the interim, the Council develops in full consultation with the city's athletics clubs, a costed programme of maintenance and improvements at the current Blackbridge facility in order to maintain a viable and sustainable athletics presence in Gloucester."

The amendment was seconded by Councillor White.

The amendment was put to the vote and it was unanimously

RESOLVED

1. That the City Council gives an (in principle) commitment to provide, with partners within the hub club partnership, a new 8-lane all weather athletics track, subject to the overall financial package and feasibility.
2. This Council notes that the cost of providing an all weather 8-lane will be up to £750,000.
3. The Council agrees to enter into partnership with the Bishop's College, the University, Active Gloucestershire, the Diocese of Gloucester and other interested bodies to create a hub club sports and physical activities

facility, based upon land and facilities situated between and including Plock Court and Oxstalls Campus.

4. That the primary objectives of the hub club be expanded over the coming weeks, but be based upon the principles of:-
 - social regeneration and inclusion
 - public well-being and better health
 - better access to physical activity
 5. That management arrangements are developed for the joint facilities as part of the development of the hub club.
 6. The Council identify a capital sum from developer contributions which is commensurate with the capital requirements of the project and in proportion to the contributions of other partners, and this sum should be up to £150,000 in the first instance.
 7. That the Council seeks to secure further S106 funds from other development or other one-off funding (like LABGIS) to supplement this project should the Council's proportion of the cost rise above the £150,000 identified above.
 8. That Council allocate the sum of £29,745 from the LABGIS funds for 2006/07 as a revenue contribution to the feasibility study and any future project management.
 9. That the Council recognise that this project will be led by Active Gloucestershire.
 10. That in the interim, the Council develops in full consultation with the city's athletics clubs, a costed programme of maintenance and improvements at the current Blackbridge facility in order to maintain a viable and sustainable athletics presence in Gloucester.
2. Moved by Councillor Hilton, seconded by Councillor Nethsingha

"This Council notes that the annual count of the seagull population in Gloucester recorded 2478 pairs, an increase of 7.9% on the previous year.

This Council notes the encouraging results from the dummy egg experiment which suggests this method may be more effective in reducing the number of chicks hatched each year.

This Council calls on the Cabinet Member for Streetcare to present a report to Scrutiny and Cabinet on an improved scheme that provides adequate resources to reduce the seagull population in Gloucester.

This Council requires that the Cabinet Member presents his report in time for resources to be included in the 2007/08 budget.

This Council requests that the Cabinet Member ensures that his proposals tackle the growing population of seagulls outside the city centre.”

RESOLVED

That this matter be considered at the next meeting of Cabinet.

63. PLANNING COMMITTEE

Moved by Councillor McLellan, seconded by Councillor Gillespie.

RESOLVED

That the minutes of the meeting held on 1 August 2006 be received.

64. LICENSING AND ENFORCEMENT COMMITTEE

Moved by Councillor Durrant, seconded by Councillor Wilson.

RESOLVED

That the minutes of the meeting held on 18 July 2006 be received.

65. STANDARDS COMMITTEE

Moved by Councillor Gillespie, seconded by Councillor Suddards-Moss.

RESOLVED

That the minutes of the meetings held on 26 July 2006 be approved, adopted and confirmed.

66. OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Moved by Councillor D. Wilson, seconded by Councillor Smith.

RESOLVED

That the minutes of the meeting held on 4 September 2006 be approved, adopted and confirmed.

67. SCRUTINY COMMITTEE FOR THE BUILT ENVIRONMENT

Moved by Councillor Smith, seconded by Councillor Heath.

RESOLVED

That the minutes of the meeting held on 19 July 2006 be approved, adopted and confirmed.

68. SCRUTINY COMMITTEE NO. 2

Moved by Councillor Jones, seconded by Councillor Hobbs.

RESOLVED

That the minutes of the meeting held on 25 July 2006 be approved, adopted and confirmed.

69. ANY OTHER BUSINESS WHICH MAY OR MUST BE TRANSACTED

There were no items of urgent business.

Time of commencement: 19:30 hours

Time of conclusion: 22:33 hours

Chair

COUNCIL MEETING – 11TH OCTOBER 2006**CABINET RECOMMENDATION**

Extract from the minutes of the Cabinet meeting on 11th October 2006 and report considered at the meeting.

59. BYELAWS FOR THE PROHIBITION OF SKATEBOARDING, ROLLERBLADING ETC IN PEDESTRIAN AREAS (PT11106A)

The report by the Cabinet Member for Streetcare recommended a byelaw for the prohibition of skateboarding, etc., in designated areas of the city centre and control of skateboarding, etc., throughout the city for adoption by Full Council.

It was reported that since the improvements to Kings Square, it had become a prime site for skateboarding and a number of complaints had been received from members of the public and the Civic Trust. Complaints had also been received for many years from Westgate traders about skateboarders in Westgate Street and on the Shire Hall steps.

RESOLVED

1. That Cabinet note the case and debate concerning the adoption of a byelaw for the prohibition of skateboarding, etc., in designated areas of the city centre and control of skateboarding, etc., throughout the city.
2. That Cabinet recommend that Council should apply for the byelaw, but that this byelaw should not be implemented for a period of six months.

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CABINET DECISION TRACKER AND MONITORING FORM

**(To accompany all Cabinet decisions [key and non-key]
except reports for information and noting)**

*(*F11 to form fields)*

1. SUBJECT

- (a) Title: BYELAWS FOR THE PROHIBITION OF SKATEBOARDING, ROLLERBLADING, ETC. IN PEDESTRIAN AREAS
- (b) Ward: Westgate

2. DECISION TO BE CONSIDERED (As per recommendations of report, modified at Cabinet)

That Cabinet note the case and debate concerning the adoption of a Byelaw for the prohibition of skateboarding etc. in designated areas of the City Centre and control of skateboarding etc. throughout the City.

That Cabinet resolves to recommend that Council proceeds with the adoption of a suitable byelaw but that this byelaw should not be implemented for a period of six months.

3. SUMMARY OF THE ISSUE

(a) Background

Since the improvements to Kings Square, it has become a prime site for skateboarding and a number of complaints have been received from members of the public and the Civic Trust

Westgate Traders have complained for five years about skateboarders in Westgate Street and on Shire Hall steps. The Police have found this difficult to enforce because, when approached, skateboarders move on to County Council property where police have no jurisdiction.

The County Council has asked for the City's help in regulating skateboarding. They have erected temporary fencing on their land to restrict skateboarding but this has not been successful.

Skateboarders are damaging street furniture in all pedestrian areas and causing a hazard to pedestrians.

(b) Financial Implications (*Bring in from report*)

The costs of the byelaw will be financed from the environmental areas revenue budget.

(c) Legal Implications (*Bring in from report*)

As contained in report.

(d) Human Resources and Corporate Implications

As contained in report

4. REPORTING DATES	
	Date
(1) CMT:	12 th September 2006
(2) Cabinet Briefing:	27 th September 2006
(3) Overview and Scrutiny Management: <i>(Pre-Scrutiny of executive key decisions)</i>	
(4) Cabinet:	11 th October 2006
(5) Post-Scrutiny - if determined by either Scrutiny 1 or 2	
(6) Council	30 th November 2006
5. RESPONSIBILITY	
Portfolio :	Streetcare
Lead Officer :	Frank Heggs
6. CONSULTATION <i>(To be carried out or carried out (including method and dates, required for Key decisions only - information must link with information on consultation contained in the Forward Plan).</i>	
6.1 Stakeholders <i>(including Ward Councillors where appropriate)</i>	
The results of the Skate/BMX consultation was reported to Cabinet on 8 th July 2003, Reference ES20323.	
6.2 Outcome <i>(Brief summary and ref. for minutes, other related documents)</i>	
That the findings of the consultation be noted and used to inform:-	
<ul style="list-style-type: none"> • the considerations for a suitable site for a skate/BMX facility • further discussions with partners in relation to the proposed introduction of a byelaw prohibiting skateboarding, etc., within designated areas of the city centre and the control of skateboarding, etc., throughout the city. 	
7. OPTIONS <i>(to be considered/considered - brief summary and reference to reports where appropriate)</i>	
Option 1. That Cabinet recommend full Council to adopt a Byelaw for the prohibition of skateboarding etc. in designated areas of the City Centre, and control of skateboarding etc. throughout the City.	
Option 2. Do Nothing.	
8. OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE - PRE-SCRUTINY COMMENTS <i>(Key decisions only)</i>	

<p>9. ADDITIONAL OPTIONS CONSIDERED <i>(other than those specified in the report)</i></p>
<p>10. CABINET DECISION TAKEN</p> <p>Minute of the Cabinet meeting</p> <p>1. That Cabinet note the case and debate concerning the adoption of a byelaw for the prohibition of skateboarding, etc., in designated areas of the city centre and control of skateboarding, etc., throughout the city.</p> <p>2. That Cabinet recommend that Council should apply for the byelaw but that this byelaw should not be implemented for a period of six months.</p>
<p>11. CONSULTATION/ADVICE <i>(Delete as appropriate)</i></p> <p>11.1 Have the consultation comments been taken into account? YES / NO</p> <p>(Key Decisions only)</p> <p>11.2 Was the decision taken in accordance with officer advice? YES / NO</p>
<p>12. REASONS FOR THE DECISION:</p>
<p>13. INTERESTS <i>(Details of any interests declared by a Member or Officer in the subject matter of the decision either (a) personal or (b) personal and prejudicial):</i></p>
<p>14. DISPENSATION <i>(Details of any dispensation granted by Standards Committee):</i></p>
<p>15. POST SCRUTINY: <i>(Timescale for post scrutiny review if identified for review by Scrutiny 1 or Scrutiny 2 and contained in scrutiny work programme)</i></p>

Gloucester City Council

COMMITTEE : **CABINET COUNCIL**

DATE : **11TH OCTOBER 2006**
30TH NOVEMBER 2006

SUBJECT : **BYELAWS FOR THE PROHIBITION OF SKATEBOARDING, ROLLERBLADING, ETC. IN PEDESTRIAN AREAS**

WARD : **WESTGATE**

REPORT BY : **CABINET MEMBER FOR STREETCARE**

NO. OF APPENDICES : **2:**
APPENDIX 1 – PROPOSED BYELAW FOR GOOD RULE AND GOVERNMENT DEALING WITH SKATEBOARDING, ETC.
APPENDIX 2 – DRAFT NOTICE OF THE COUNCIL’S INTENTION TO INTRODUCE THE BYELAWS.

REFERENCE NO. : **PT11106A**

1.0 PURPOSE OF REPORT

1.1 To recommend a Byelaw for the prohibition of skateboarding etc. in designated areas of the City Centre, and control of skateboarding etc. throughout the City, for adoption by Full Council.

2.0 RECOMMENDATIONS

2.1 That Cabinet note the case and debate concerning the adoption of a Byelaw for the prohibition of skateboarding etc. in designated areas of the City Centre and control of skateboarding etc. throughout the City.

2.2 That Cabinet resolves to recommend that Council proceeds with the adoption of a suitable byelaw.

3.0 BACKGROUND

- 3.1 Since the improvements to Kings Square, it has become a prime site for skateboarding and a number of complaints have been received from members of the public and the Civic Trust
- 3.2 Westgate Traders have complained for five years about skateboarders in Westgate Street and on Shire Hall steps. The Police have found this difficult to enforce because, when approached, skateboarders move on to County Council property where police have no jurisdiction.
- 3.3 The County Council has asked for the City's help in regulating skateboarding. They have erected temporary fencing on their land to restrict skateboarding but this has not been successful.
- 3.4 Skateboarders are damaging street furniture in all pedestrian areas and causing a hazard to pedestrians.

4.0 PROGRESS

- 4.1 The model byelaw is attached at Appendix 1. Appendix 2 is the proposed draft notice of the Council's intention to introduce the bylaws.
- 4.2 The proposed byelaw is a model byelaw and can follow a fast track procedure through the Department for Transport, Local Government and the Regions. It is not possible to deviate from the wording of the model byelaws if this procedure is to be followed.
- 4.3 The police have been consulted and their response is as follows:

"The issue with all byelaws is the enforcement. The benefit of the byelaw is that it will allow the prohibition of skateboarding on council land and where appropriate on the designated areas.

The issues are two fold:-

1. Where are the city youth supposed to skateboard? The council may be seen to be acting on the behalf of the retail sections and not on behalf of the residents of Gloucester.

2. What will happen when the enforcement of the byelaw is not done so robustly as some members of the community may expect? Skateboarding will always have to compete with other priorities for the Police service, many of these are central Government dictums. There is no offence to ignore a request to not contravene a byelaw, therefore the city rangers may appear to be powerless. (we know they are in respect of these matters, but confrontation needs to be considered carefully).

Therefore the big stick approach may not be the best option. We are talking about mainly juvenile offenders and therefore there are added complications to consider in respect of legal action."

- 4.4 Although these reservations are noted they do not, in my view, provide a case for a “do nothing” approach. Skateboarding in the pedestrian areas is wholly unacceptable – it is causing significant damage to street furniture (and consequent cost to the public purse), creates a safety hazard for pedestrians and is generally intimidatory and unwelcome for shoppers, visitors and tourists.
- 4.5 The findings of the Skate/BMX Consultation were reported to Cabinet on 8th July 2003, Reference No ES20323. Cabinet resolved that the findings of the consultation be noted and used to inform:-
- the considerations for a suitable site for a skate/BMX facility
 - further discussions with partners in relation to the proposed introduction of a byelaw prohibiting skateboarding, etc., within designated areas of the city centre and the control of skateboarding, etc., throughout the city.
- 4.6 The City Council has provided new Skateboard facilities at Coney Hill in October 2005 and the new facilities have been provided at Baker’s Field in Gloucester Park this summer. There are existing facilities at Field Court and further facilities at Randwick Park and The Oval. These are all very good facilities for skaters to use.
- 4.7 Although the issues of effective enforcement by the Police are noted and accepted, the provision of a Byelaw would provide a mechanism, albeit imperfect, to deal with this difficult problem. A “do nothing” approach would signal acceptance of the continuation of this problem.
- 4.8 Enforcement should always be seen as a last resort. The making of a Byelaw would allow for signage and campaigns to raise awareness. There is clearly the opportunity for parallel and complimentary work to engage with young people and seek their co-operation in using the facilities provided rather than the pedestrianised areas.

5.0 FUTURE WORK

- 5.1 The recommendation of Legal Services is that these matters be taken to Full Council for a resolution. The guidance procedure notes of the Department for Transport refer to “When the Council has formally resolved”.
- 5.2 Standing Order number 38 states that Full Council should require a recommendation from Cabinet.

6.0 CONCLUSIONS

- 6.1 Skateboarding in the pedestrianised areas is a significant problem in terms of damage to street furniture and public safety/comfort. A Byelaw could help to tackle this problem although problems of robust enforcement are noted. There is scope for related work to help deal with the problem.
- 6.2 The implementation of the byelaw requires a recommendation from Cabinet for a Full Council resolution.

7.0 FINANCIAL IMPLICATIONS

7.1 The costs of the byelaw will be financed from the environmental areas revenue budget.

7.2 **Name of the Officer:** Steve Meers

8.0 LEGAL IMPLICATIONS

8.1 Section 235 of the Local Government Act 1972 enables the Council to make byelaws for the good rule and government of the whole or any part of the district and for the prevention and suppression of nuisances.

8.2 Many of the activities regulated by byelaws made under section 235 are not in themselves a danger or nuisance, but may be if conducted in certain areas or in a particularly hazardous or annoying manner. Consequently, the Council do not have the power under section 235 to make byelaws to prohibit activities such as skateboarding or riding throughout their area. However, it may be appropriate to ban these activities in certain places where it causes a particular danger or nuisance, or to regulate the manner in which those activities can be conducted.

8.3 Any byelaws will need to be confirmed by the Secretary of State before they come into force. If the Council wish to use the "fast track" process then the byelaw will need to be in the Model Form issued by the Department for Communities and Local Government.

8.4 **Name of the Officer:** Keith Slipper

9.0 HUMAN RESOURCES IMPLICATIONS

(a) Staffing Implications (Provided by P. Tsakpo)

No direct staffing implications.

(b) Trade Union Comments (Provided by P. Jones)

This byelaw could impact upon city employees, particularly those expected to enforce compliance. The remarks from the police are noted. The question has to be asked: Is a byelaw necessary? The report refers to complaints from traders but does not mention complaints from other sections of the community. Is there a groundswell of opposition to skateboarders? Traders are a vocal and articulate minority and experience has often shown that their attitudes are focussed solely on the perceived effects that activities may have on their business, but sometimes they are wrong. (For example, many traders opposed pedestrianisation because they feared it would affect their trade but for most shops this was not the case.) What is the scale of the problem? It is noted that there is damage to street furniture but this is not quantified. Is it right to criminalise this activity per se? Prosecuting people who actually cause damage is one thing but making skateboarding illegal may alienate a young important section of society and reduce the credibility of the Council, in particular the front line staff, in the eyes of the public if enforcement becomes difficult. There is also a possibility of an increase in

unnecessary confrontational situations if the Council gets this wrong, which may put staff at risk.

10.0 CORPORATE IMPLICATIONS

10.1 Community Safety – The byelaw will give police powers to act on land other than the public highway.

Environmental – The prohibition of skateboarding will help reduce criminal damage.

Equality Impact – The byelaw will primarily affect young people and legal action is difficult against this age group.

Risk – When a byelaw is in place, the public will expect enforcement. Whilst the Rangers can advise and obstruct, the byelaw can only be enforced by the police. At the moment there are no powers to restrict skateboarding and any accident to member of the public will be the liability of the City Council. It is recognised that Skateboarding will always have to compete with other priorities for the Police service.

Background Papers :

Published Papers :

Person to Contact : Frank Heggs
Tel: 396707
E-mail: frankh@gloucester.gov.uk

JAP/PT11106A
03.10.2006



GLOUCESTER
CITY COUNCIL

**BYELAWS FOR GOOD RULE AND GOVERNMENT
SKATEBOARDING**

Byelaws made under Section 235 of the Local Government Act 1972 by the Council of the City of Gloucester for the good rule and government of the City of Gloucester and for the prevention and suppression of nuisances.

Interpretation

1. In these byelaws:-

“highway” means the whole or a part of a highway other than a ferry or waterway;

“carriageway” means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

“footway” means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only;

“designated area” means any area named in 5, the Schedule to these byelaws.

Extent

2. (1) Byelaw 3(1) applies throughout the City of Gloucester but not to any designated area.

(2) Byelaw 3(2) applies to all designated areas.

Skateboarding

3. (1) No person shall on any footway or carriageway skate, slide or ride on rollers, skateboards, wheels, mechanical contrivances or other equipment in such a manner as to cause danger or nuisance or give reasonable grounds for annoyance to other persons lawfully using the footway or carriageway.

(2) No person shall skate, slide or ride on rollers, skateboards, wheels, mechanical contrivances or other equipment in a designated area

Penalty

- 4. Any person offending against these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Schedule

- 5. The “designated areas” referred to in byelaw 3(2) and delineated by black hatching on the plan attached to these byelaws are as follows:-

The grounds of the Cathedral Church of St Peter and the Holy Family
 Cathedral Way
 St Lucys Gardens
 Tavern Square
 Northgate Hall approach via Sacra adjacent to Wesley House
 The pedestrian areas of Northgate, Southgate, Westgate and Eastgate
 Approach to Bell Walk
 Kings Square
 The Westgate entrance to Shire Hall
 The paved area and approach to Shire Hall Block 4 including the Nellie Griffith’s Memorial Garden
 The approach ramp and cycle storage area adjacent to the Members’ Car Park
 Bearland footpath adjacent to and including the approach and entrance to Shire Hall Block 5
 The area surrounding Gloucester Bus Station
 The area to the front of North Warehouse, The Docks
 The access ramp and steps to Herbert Warehouse, The Docks

Plan

THE COMMON SEAL of THE)
COUNCIL OF THE CITY OF)
GLOUCESTER affixed hereto on)
 the day of 200)
 is authenticated by the undersigned)
 a person authorised by the said)
 Council to act for that purpose)

G. N. Spencer
Head of Legal Services

**THE COUNCIL OF THE CITY OF GLOUCESTER
CONFIRMATION OF BYELAWS**

Notice is hereby given that the Council of the City of Gloucester intends after the expiry of the period mentioned below to apply to the Secretary of State for confirmation of byelaws made by the Council prohibiting skateboarding, roller-skating, etc. under Section 235 of the Local Government Act 1972 for the good rule of government of the City of Gloucester and for the prevention and suppression of nuisances.

Copies of the byelaws will be kept at the offices of the Council at North Warehouse, The Docks, Gloucester GL1 2EP and will be open to inspection without payment on any weekday during the usual office hours for one calendar month from and after the date of the publication of this notice. Copies of the byelaws will also be supplied on receipt of an application accompanied by a fee of 20 pence for each copy.

Any objection to the confirmation of the byelaws may be made by letter addressed to the Department for Transport, Local Government and the Regions (DLL-C), Eland House (1/K9), Bressenden Place, London SW1E 5DU before the byelaws are confirmed.

Dated 200

**G N Spencer
Head of Legal Services**

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COUNCIL MEETING – 11TH OCTOBER 2006

CABINET RECOMMENDATION

Extract from the minutes of the Cabinet meeting on 11th October 2006 and report considered at the meeting.

60. POLICY ON RESERVE FUNDS - CORPORATE GOVERNANCE REQUIREMENTS (RMD200620)

The Strategic Director (S151) asked Cabinet to agree to recommend to Council a policy on reserve funds in line with the Audit Commission Corporate Governance requirements.

The use of resources judgement by the Audit Commission in March 2006 set out the criteria for assessing Gloucester's performance on corporate governance. Cabinet noted that the overall score of 2 for the use of resources was reported by Council by the Audit Commission on 13 March 2006. The Council scored at 1 for the financial standing because it did not have a policy on reserves. The policy on reserves, as set out in this report, would enable the Council to meet the Audit Commission's minimum requirements.

RESOLVED

That the policy on reserves set out in Section 4.1 of the report be recommended to Council.

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CABINET DECISION TRACKER AND MONITORING FORM

(To accompany all Cabinet decisions [key and non-key]
except reports for information and noting)

(*F11 to form fields)

1. SUBJECT

(a) Title: **Policy on Reserve Funds (Corporate Governance Requirement)**

(b) Ward:

2. *KEY DECISION/*DECISION TO BE CONSIDERED (As per recommendations of report) *(Delete as appropriate)*

3. SUMMARY OF THE ISSUE

(a) Background

3.1 The use of resources judgement by the Audit Commission in March 2006 set out The criteria for assessing Gloucester's performance on corporate governance.

3.2 The annual use of resources assessment evaluates how well councils manage and use their financial resources. It is a more stringent test than the auditor scored judgements that formed part of the comprehensive performance assessment (CPA) framework up until 2004. The scope of the assessment was also widened.

3.3 The assessment focuses on the importance of having sound and strategic financial management to ensure that resources are available to support the Council's priorities and improve services.

3.4 Scoring is based on the following scales:

1	Below minimum requirements – inadequate performance
2	Only at minimum requirements – adequate performance
3	Consistently above minimum requirements – performing well
4	Well above minimum requirements – performing strongly

3.5 The overall score of 2 for use of resources was reported to the Council by the Audit Commission on 13th March 2006.

3.6 The Council scored at 1 for financial standing because it did not have a policy on

reserves – see 3.7.

3.7

Financial Standing – Overall score 1	
Key findings and conclusions	
<ul style="list-style-type: none"> The council continues to improve its General Fund balance. Its financial reserves have generally improved over recent years. LGA 2003 complied with. However, the council does not have a proper policy on the level of reserves (to go along with the one on balances). There are unexpected and sudden movements in spending. 	
Key line of enquiry (KLOE)	Improvements to achieve next level
KLOE 3.1 – The council manages its spending within the available resources (Level 1)	<ul style="list-style-type: none"> A member approved policy on the level and nature of reserves (along with the one on balances) and reflected in the budget and MTFS (3.1.3). Monitor and maintain the level and nature of reserves within the range determined by the agreed policy (3.1.4).

(b) Financial Implications (*Bring in from report*)

The work outlined will be carried out within existing approved budgets

(c) Legal Implications (*Bring in from report*)

There are no legal implications in respect of this report at the present time

(d) Human Resources and Corporate Implications

As contained in report

4. REPORTING DATES

	Date
(1) CMT:	
(2) Cabinet Briefing:	
(3) Executive Scrutiny: (<i>Pre-Scrutiny - key decisions only</i>)	
(4) Cabinet:	
(5) Executive Scrutiny (<i>Post-Scrutiny : all decisions</i>)	

<p>5. RESPONSIBILITY</p> <p>Portfolio :</p> <p>Lead Officer :</p>
<p>6. CONSULTATION <i>(To be carried out or carried out (including method and dates, required for Key decisions only - information must link with information on consultation contained in the Forward Plan).</i></p> <p>6.1 Stakeholders <i>(including Ward Councillors where appropriate)</i></p> <p>6.2 Outcome <i>(Brief summary and ref. for minutes, other related documents)</i></p>
<p>7. OPTIONS <i>(to be considered/considered - brief summary and reference to reports where appropriate)</i></p>
<p>8. EXECUTIVE SCRUTINY COMMITTEE - PRE-SCRUTINY COMMENTS <i>(Key decisions only)</i></p>
<p>9. ADDITIONAL OPTIONS CONSIDERED <i>(other than those specified in the report)</i></p>
<p>10. CABINET DECISION TAKEN <i>(If in line with 2 above, say, 'In accordance with 2 above' - Expand if the decision is otherwise e.g. where views/suggestions of Executive Scrutiny Committee have been taken into account)</i></p>

<p>11. CONSULTATION/ADVICE <i>(Delete as appropriate)</i></p> <p>11.1 Have the consultation comments been taken into account? YES / NO</p> <p>(Key Decisions only)</p> <p>11.2 Was the decision taken in accordance with officer advice? YES / NO</p>
<p>12. REASONS FOR THE DECISION:</p>
<p>13. INTERESTS <i>(Details of any interests declared by a Member or Officer in the subject matter of the decision either (a) personal or (b) personal and prejudicial):</i></p>
<p>14. DISPENSATION <i>(Details of any dispensation granted by Standards Committee):</i></p>
<p>15. EXECUTIVE SCRUTINY COMMITTEE - POST SCRUTINY COMMENTS:</p>

Gloucester City Council

COMMITTEE	:	Cabinet Briefing Cabinet Council
DATE	:	27th September 2006 11th October 2006 30th November 2006
SUBJECT	:	Policy on Reserve Funds (Corporate Governance Requirement)
WARD	:	
REPORT BY	:	Mark Hawthorne – Leader of the Council
NO. OF APPENDICES	:	
REFERENCE NO.	:	RMD200620

1.0 PURPOSE OF REPORT

- 1.1 To agree a policy on reserve funds in line with the Audit Commission Corporate Governance requirement.

2.0 RECOMMENDATIONS

- 2.1 That the policy on reserves in section 4.1 be agreed.

3.0 BACKGROUND

- 3.1 The use of resources judgement by the Audit Commission in March 2006 set out The criteria for assessing Gloucester's performance on corporate governance.
- 3.2 The annual use of resources assessment evaluates how well councils manage and use their financial resources. It is a more stringent test than the auditor scored judgements that formed part of the comprehensive performance assessment (CPA) framework up until 2004. The scope of the assessment was also widened.
- 3.3 The assessment focuses on the importance of having sound and strategic financial management to ensure that resources are available to support the Council's priorities and improve services.
- 3.4 Scoring is based on the following scales:

1	Below minimum requirements – inadequate performance
2	Only at minimum requirements – adequate performance
3	Consistently above minimum requirements – performing well
4	Well above minimum requirements – performing strongly

3.5 The overall score of 2 for use of resources was reported to the Council by the Audit Commission on 13th March 2006.

3.6 The Council scored at 1 for financial standing because it did not have a policy on reserves – see 3.7.

3.7

Financial Standing – Overall score 1	
Key findings and conclusions	
<ul style="list-style-type: none"> The council continues to improve its General Fund balance. Its financial reserves have generally improved over recent years. LGA 2003 complied with. However, the council does not have a proper policy on the level of reserves (to go along with the one on balances). There are unexpected and sudden movements in spending. 	
Key line of enquiry (KLOE)	Improvements to achieve next level
KLOE 3.1 – The council manages its spending within the available resources (Level 1)	<ul style="list-style-type: none"> A member approved policy on the level and nature of reserves (along with the one on balances) and reflected in the budget and MTFS (3.1.3). Monitor and maintain the level and nature of reserves within the range determined by the agreed policy (3.1.4).

4.0 INFORMATION

The Audit Committee met on 26th September 2006 to consider the response to the use of resources judgement and to agree an action plan including the adoption of the following policy on reserves.

4.1 POLICY ON EARMARKED RESERVES & PROVISIONS

Definition of earmarked reserves and Provisions

4.1.1 Provisions

Provisions are set aside to meet losses which are likely or certain to occur in the future, but where the timing of the payment or the amount of the liability is uncertain. Provisions are required to be recognised when:

- a) the authority has a present obligation (legal or constructive) as a result of a past event;
- b) it is probable that a transfer of economic benefits will be required to settle the obligations, and;
- c) a reliable estimate can be made of the amount of the obligation.

A transfer of economic benefits is regarded as probable if the event is more likely than not to occur. If these conditions are not met no provision should be recognised.

Amounts set aside for purposes falling outside the definition of provisions are considered to be reserves.

4.1.2 Earmarked Reserves

Earmarked reserves are amounts set aside for specific policy purposes or for general contingencies and cash flow management. For each reserve established, the purpose, usage and the basis of transactions needs to be clearly defined.

4.1.3 Unapplied Capital Receipts Reserves

Capital reserves are created from usable capital receipts. Unapplied receipts capital reserves are not available for revenue purposes.

4.1.4 Revenue Reserves

Revenue reserves result from events that have allowed monies to be set aside, surpluses, or decisions causing anticipated expenditure to have been postponed or cancelled. Revenue reserves can be used for revenue or capital purposes.

4.1.5 Establishing a New Reserve

The Chartered Institute of Public Finance and Accountancy (CIPFA) publish an annual Statement of Recommended Practice (SORP), which governs the information contained within a local authority's statement of accounts. The SORP states that for each reserve established, the purpose, usage and the basis of transactions should be clearly identified.

New reserves may be created at any time but must be approved by Cabinet. When a reserve is established, Cabinet need to approve the following information:

Purpose: The reason for creating the reserve should be clearly stated.

Usage: There should be a clear statement of how and when the reserve can be used.

(Without a clearly defined purpose and clearly defined usage there will be ambiguity over the application of reserves).

Basis of Transactions: Delegated authority for approval of expenditure from the reserve.

Management and Control: a member of Corporate Management Team will normally have responsibility for the reserve, although day to day management of the reserve may be delegated to a specific officer.

4.1.6 Reporting Reserves

The overall level of balances will be reported to Cabinet, Scrutiny Committee and Council annually.

4.1.7 Medium Term Financial Plan

The level of reserves for the next 3-5 years will be reviewed at least annually as part of the Medium Term Financial Planning process. Corporate Management Team together with other responsible officers will review the Council's earmarked reserves for relevance of purpose and adequacy. A profile of income to and expenditure from the reserves will be produced for inclusion within the Medium Term Financial Plan (MTFP).

The level of reserves agreed by Council annually will be maintained at 90% of that level during the following year. Any actual or potential deviations from that level will be reported to Cabinet and Council.

Any amendments to earmarked reserves will be reported to Cabinet for approval.

The introduction of the Prudential approach to capital investment requires the Chief Finance Officer to have full regard to affordability when making recommendations about the authority's future capital programme. Such consideration will include the level of long-term revenue commitments. In considering the affordability of its capital plans, the authority will consider all of the resources available to an estimated for the future, together with the totality of its capital plans and revenue forecasts for the life of the MTFP.

4.1.8 Life of a Reserve / Review

Once a reserve has fulfilled the purpose for which it was established, the balance should be reported to Corporate Management Team for discussion on reallocation of the balance to another similar purpose as an earmarked reserve, or surrender to the General Fund Working Balance.

An annual review of the purpose and adequacy of earmarked reserves will be carried out as part of the MTFP process. Any amendments to earmarked reserves to be reported to Cabinet for approval.

4.1.9 Governance Issues

Sections 32 and 43 of the Local Government Finance Act 1992 require billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement.

It is important, therefore, that councillors take responsibility for ensuring the adequacy of reserves and provisions when they set the budget

14.1.10 Chief Financial Officer Responsibilities

It is the responsibility of the Chief Financial Officer to advise local authorities about the level of reserves that they should hold and to ensure that there are clear protocols for their establishment and use.

Section 25 of the Local Government Act 2003 places a specific personal duty on the Chief Financial Officer to report on the adequacy of reserves and the robustness of the budget.

4.1.11 External Auditor Responsibilities

External auditors have a responsibility to review the arrangements in place to ensure that financial standing is soundly based. In the course of their duties external auditors review and report on the level of reserves taking into account their local knowledge of the authority's financial performance over a period of time. However, it is not the responsibility of auditors to prescribe the optimum or minimum level of reserves.

4.1.12 Level of Revenue Working Balance

The current medium term financial plan has a forecast General Fund Balance as follows:

	2004/2005	2005/2006	2006/2007	2007/2008
	£000's	£000's	£000's	£000's
1 st April	750	865	1,000	1,250
Transfers	115	135	250	250
31 st March	865	1,000	1,250	1,500

When the revenue working balance reaches £1.5m it will need to keep pace with the increase in the net revenue budget or the Retail Price Index whichever increase is greater year on year.

4.1.13 Delegated Authority

The Director (Resources) shall after consultation with the Group Leaders, have delegated authority to establish reserves to meet known or estimated future liabilities.

The Director (Resources) shall after consultation with the Group Leaders' have delegated powers to move any sums in or out of such reserves, in order to meet the future liabilities of the reserve, subject to such movements being clearly identified in the annual statement of accounts.

All Assistant Directors after consulting the Assistant Director (Finance and Asset Management), and Heads of Service are authorised to commit expenditure from their respective reserves up to £5,000.

Any unbudgeted commitments above £100,000 need approval by the Council.

5.0 FINANCIAL IMPLICATIONS

5.1 The work outlined will be carried out within existing approved budgets

5.2 **Name of the Officer:** Keith Birtles

6.0 LEGAL IMPLICATIONS

6.1 There are no legal implications in respect of this report at the present time.

6.2 **Name of the Officer:** Stephen Thomas

7.0 HUMAN RESOURCES IMPLICATIONS

(a) Staffing Implications

There should be no implications on human resources

(b) Trade Union Comments

8.0 CORPORATE IMPLICATIONS

(eg. Community Safety, Environmental, Equality Impact Implication (Race Relations Amendment Act and the General Equality Scheme), Risk, ALMO - Authors to complete where relevant)

Background Papers :

Published Papers :

Person to Contact :

Tel: 396400

E-mail: Keithb@gloucester.gov.uk

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COUNCIL MEETING – 30TH NOVEMBER 2006

CABINET RECOMMENDATION

Extract from the minutes of the Cabinet meeting on 15th November 2006 and report considered at the meeting.

80.0 STREETCARE PARTNERING CONTRACT: AWARD OF CONTRACT

The report by the Cabinet Member for Streetcare updated Members on the procurement of the Streetcare Strategic Partnering Contract.

Accord Operations Ltd was selected as preferred partner in September 2006 since which time final negotiations have been taking place. Accord's evaluated tender was for an annualised contract fee of £5.352m to deliver top quartile performance in all Streetcare services by the end of 2009/10 and 50% recycling by the end of 2008/09.

The final annualised cost of the contract could be affected by the allocation of risk in a number of areas.

It was reported that recommendations 2.1.5 and 2.1.6 of the report would be deleted and replaced with a new recommendation 2.15 'That the contract length be decided by Council on 30 November 2006 in order to allow the conclusion of negotiations with Accord.

RESOLVED

1. That, subject to satisfactory conclusion of the final negotiations and Member agreement to the budget proposals set out below, Cabinet recommend to full Council that Accord Operations Limited be awarded the Streetcare Strategic Partnering Contract and that:
 - 1.1 The £250,000 growth item for Streetcare in the draft 2007/8 medium term financial plan be confirmed.
 - 1.2 The recycling income risk is shared between the Council and Accord and income generated from credits, over and above the existing level, are used to create an earmarked reserve to buffer the Council against the risk of future changes in the recycling market during the life of the contract.
 - 1.3 That a capital provision of £570,000 for investment in public conveniences and recycling receptacles is included in the medium term financial plan to ensure top quartile performance is achieved in all Streetcare Services by 2009/10.
 - 1.4 That the Council retains part of the risk for the Admitted Body Status (ABS) employers pension contributions for staff transferring from

Gloucester City Council, beyond the allowance built into the contract price.

- 1.5 That the contract be for a period of ten years with an option by mutual agreement to extend for at least a further five years.
- 1.6 That consideration be given to the advantages of an extension of a further five years.
2. That the report go forward to Council.

CABINET DECISION TRACKER AND MONITORING FORM

**(To accompany all Cabinet decisions [key and non-key]
except reports for information and noting)**

*(*F11 to form fields)*

1. SUBJECT

(a) Title: **Streetcare Partnering Contract : Award of Contract**

(b) Ward:

2. *KEY DECISION/*DECISION TO BE CONSIDERED (As per recommendations of report) *(Delete as appropriate)*

That, subject to satisfactory conclusion of the final negotiations and member agreement to the budget proposals set out below, cabinet recommend to full council that Accord Operations Limited be awarded the Streetcare Strategic Partnering Contract and that :

2.1.1 The £250,000 growth item for Streetcare in the draft 2007/8 medium term financial plan be confirmed.

2.1.2 The recycling income risk is shared between the Council and Accord and income generated from credits, over and above the existing level, are used to create an earmarked reserve to buffer the council against the risk of future changes in the recycling market during the life of the contract.

2.1.3 That a capital provision of £570,000 for investment in public conveniences and recycling receptacles is included in the medium term financial plan to ensure top quartile performance is achieved in all Streetcare Services by 2009/10.

2.1.4 That the council retains part of the risk for the Admitted Body Status (ABS) employers pension contributions for staff transferring from Gloucester City Council, beyond the allowance built into the contract price.

2.1.5 That the contract length be decided by Council on 30th November in order to allow the conclusion of negotiations with Accord.

3. SUMMARY OF THE ISSUE

(a) Background

3.1 The December 2004 cabinet recognised the major strategic challenges facing the Council and acknowledged that the current ongoing provision of Care and Maintenance Services (now known as Streetcare Services) was no longer sustainable, and reaffirmed the Council's decision to procuring Streetcare Services by means of a

Strategic Partnering Contract with the private sector, and that

- 3.1.1 It is a single partnership contract with a single private sector partner organisation.
 - 3.1.2 It is via the Invitation to Negotiate procedure to give a greater freedom for obtaining the best deal for the Council through negotiation.
 - 3.1.3 There will be no in-house bid.
 - 3.1.4 The package of services to be procured via the partnership contract to be street cleansing, public conveniences, parks management, grounds maintenance, waste /recycling collection, recycling processing and associated support services..
 - 3.1.5 The management arrangements for delivering the Services follow the spirit of the Government's national neighbourhood agenda to build local capacity, involvement, community empathy and participation for streetcare service improvements.
 - 3.1.6 Confine the budget allocated for Streetcare Services to the existing level (subject to the Medium Term Financial Plan and any targeted corporate ongoing efficiency savings) adjusted for additional investment in priority services agreed by Cabinet.
 - 3.1.7 Should savings be achieved in the partnership contracting process, these savings be reinvested in whole or part in priority services to deliver the objectives of the Business Case.
 - 3.1.8 Delegate the appropriate authority to the Director of Community Services in consultation with the Leader or Deputy Leader of the Council and the Cabinet Member for Streetcare to take appropriate decisions in connection with the procurement process in accordance with the wishes of the project group and the Business Case.
- 3.2 The objectives for the Streetcare Partnering Contract were agreed as follows:
- Improved performance and customer satisfaction: resident satisfaction levels with Streetcare Services: to be in the top 25% councils in the country.
 - Flexible, timely and responsive services with a capacity to meet future demands and able to deliver solutions to meet local issues and changing political and economic influences: measured by the number of local issues identified and resolved.
 - Joined up and integrated services: that deliver consistent standards across the city and that they are coordinated: measured through achieving agreed standards of performance (performance indicators).
 - Cost effective and competitive services: improvements achieved within the existing budget and without increasing the cost to residents – cost of the service.
 - A motivated workforce: measured through reduced level of sickness and good staff morale, level of training and development.
- 3.3 In July 2005 cabinet noted the findings of an affordability analysis. It identified that on the basis of the then current service standards the budget provided for 2005/6 should be sufficient to improve service performance and may provide an opportunity for savings.

The analysis compared the Council's then Medium Term Financial Plan 2007/8 budget allocation for these services to its marketplace analysis of the cost of a partner providing services to achieve Cabinet's improved service standards as expressed in its Blueprint for Change and the Outline Business Case.

The analysis identified to that to achieve top quartile performance in all service areas, a market price in excess of the MTFP provision for 2007/08 in the region of £460,000 was likely.

The cabinet noted the findings and agreed to await the outcome of the procurement process but has since increased the Streetcare budget by £138,000 to include the introduction of a green waste collection to 26,000 households to bring the recycling rate up to 22%.

3.4 In July 2005 cabinet also identified priorities for investment in Streetcare Services to be:

- Public Open Space
- Play Areas
- Street Furniture
- Public Conveniences
- Eastern Avenue Depot

3.5 In June 2006 the cabinet received a further report on the Streetcare Strategic Partnering Contract and reviewed and agreed the affordability and standards to be included in the final tenders of the final short-listed companies :-

3.5.1 Achieve top quartile performance in all streetcare service areas by the end of 2009/10, with street cleansing achieving the 2005/06 top quartile by the end of 2007/08 and satisfaction with refuse collection being maintained at the current high level.

3.5.2 Offer residents the opportunity to recycle 50% of their waste by the end of 2008 and to provide costs for the introduction of alternate weekly collection of residual waste (AWC) to enable increased recycling services, as set out in the report.

3.6 At the same meeting cabinet agreed in principle to the council funding the investment required to give Eastern Avenue Depot a minimum 20-25 year life subject to a detailed business case being received and bidders being required to identify in their tenders the level of contribution they would be prepared to make.

3.7 The Assistant Director Streetcare was also authorised in consultation with the Streetcare Project Board to negotiate with the selected preferred partner and to bring a further report back to the cabinet, if following negotiations, the affordability gap cannot be bridged.

(b) Financial Implications

Within the Council's Medium Term Financial Plan there is a forecast increase of £250k per annum to cover the increase in costs for Streetcare. Until negotiations are completed the council will not be fully aware of the contractual price and consequently whether the revised budget of £5.35 million will be sufficient.

Within the council Capital Program there is an amount of £570k to cover one-off capital investment such as refurbishment to public conveniences and purchase of wheeled bins.

The Financial Implications for the project will be updated at the appropriate time during negotiations.

(c) Legal Implications

The Council must be clear what the terms and conditions of the contract are to be. The contract will be for at least 10 years, subject to break clauses or other termination of the contract. The contents of it and levels of performance must be clearly understood and specified. The risks associated with the various areas of the contract must be apportioned as are agreed and identified in the contract. The contract can be varied during its life by agreement between the parties (unless that variation is built in at this stage) although it is likely to have a cost implication.

The contract will provide the basis for the legal relationship between the Council and its contractor, and is currently still the subject of detailed negotiations on, not only some of the principles of the contract as mentioned in this report, but also of the contract documentation itself. The Schedules which are to be incorporated into the contract must be clearly integrated into the body of the contract itself and care taken there is no contradiction between the two.

The detailed discussion and negotiation on the contract wording has now commenced, as Accord are now looking at it in detail and putting forward proposed changes which have not been mentioned before. This negotiation can take a long time depending on the attitude of the proposed Contractor as we are talking about a contract document of over 100 pages of important legal clauses. The importance of these clauses in the contract can not be over emphasised, given the value and length of the contract and can not be rushed given the possible consequences of getting things wrong. The Contract determines the relationship, standards and quality of the work to be carried out during the term. One issue that must be borne in mind is that potential contractors tend to become less flexible after they have been 'awarded' the contract, and the closer the Council gets to formal approval i.e. Council, the less flexible they will become.

The Council has now received the draft admissions agreement for the entry of the transferred staff into the County pension scheme. The details of this agreement now need to be negotiated so far as possible, even if the final apportionment of risk has not been agreed. Once this is agreed it will have to be incorporated into the Admissions Agreement.

The EC case of Alcotel, requires a 10 day 'cooling off' period from the award decision before the contract can be signed and completed. The case requires the Council to notify unsuccessful tenderers of the proposed award (this will have to be the 1st December) and, so long as no challenge to the award is made, the contract can be signed and completed on the 11th December. That is, of course assuming all the negotiations on the Contract have been successfully completed. However Government Guidance, issued in March 2006, does allow the service of this notice at any time once the preferred bidder stage if negotiations are likely to be protracted. No notice has been served yet but there seems to be nothing stopping it being served before the date of the Council, if it is considered this would be

advantageous. The notice is in a standard form which should be followed.

The option of not awarding the contract is always there if there is a lack of agreement with Accord, either on the principles of the Contract, or the detailed wording. This must always be an option in order to strengthen the negotiators hand in discussions with the Contractor, and a real option if the parties can not agree. The Council has always reserved its position that it does not have to contract out the service"

(d) Human Resources and Corporate Implications

As contained in report

4. REPORTING DATES

	Date
(1) CMT:	17/10/06
(2) Cabinet Briefing:	1/11/06
(3) OSM (<i>Pre-Scrutiny - key decisions only</i>)	13/11/06
(4) Cabinet:	15/11/06
(5) Full Council	30/11/06

5. RESPONSIBILITY

Portfolio : Streetcare

Lead Officer : George Milne

6. CONSULTATION

(To be carried out or carried out (including method and dates, required for Key decisions only - information must link with information on consultation contained in the Forward Plan).

6.1 Stakeholders *(including Ward Councillors where appropriate)*

Councillors

Residents, Businesses

Staff

County Council

Gloucester City Homes

Accord Operations Ltd

6.2 Outcome *(Brief summary and ref. for minutes, other related documents)*

Councillors staff, residents an business were involve in the selection process at appropriate stages.

7. OPTIONS *(to be considered/considered - brief summary and reference to reports where appropriate)*

- Not to award the contract and to continue to provide the service in house
 - Decision made in December 2004 not to make an in-house bid.
 - A budget increase would be still be required to achieve top quartile performance if the services were delivered in house.
- Not to award the contract and to enter into negotiations with the reserved bidder
 - An increase in budget to achieve top quartile performance would still be required and there would be similar levels of risks.
 - This would impact negatively on the February 2007 start date.

8. EXECUTIVE SCRUTINY COMMITTEE - PRE-SCRUTINY COMMENTS
(Key decisions only)

9. ADDITIONAL OPTIONS CONSIDERED
(other than those specified in the report)

10. CABINET DECISION TAKEN
(If in line with 2 above, say, 'In accordance with 2 above' - Expand if the decision is otherwise e.g. where views/suggestions of Executive Scrutiny Committee have been taken into account)

<p>11. CONSULTATION/ADVICE <i>(Delete as appropriate)</i></p> <p>11.1 Have the consultation comments been taken into account? YES / NO</p> <p>(Key Decisions only)</p> <p>11.2 Was the decision taken in accordance with officer advice? YES / NO</p>
<p>12. REASONS FOR THE DECISION:</p>
<p>13. INTERESTS <i>(Details of any interests declared by a Member or Officer in the subject matter of the decision either (a) personal or (b) personal and prejudicial):</i></p>
<p>14. DISPENSATION <i>(Details of any dispensation granted by Standards Committee):</i></p>
<p>15. EXECUTIVE SCRUTINY COMMITTEE - POST SCRUTINY COMMENTS:</p>

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Gloucester City Council

COMMITTEE	: Overview & Scrutiny Cabinet Council
DATE	: 13th November 2006 15th November 2006 30th November 2006
SUBJECT	: Streetcare Partnering Contract : Award of Contract
DECISION TYPE	: Policy & Budgetary Framework
WARD	: All
REPORT BY	: Cabinet Member Streetcare
NO. OF APPENDICES	: 1: Procurement process
REFERENCE NO.	: SSPM.06.c

1.0 PURPOSE OF REPORT

- 1.1 The report updates members on the procurement of the Streetcare Strategic Partnering Contract.
- 1.2 Accord Operations Ltd was selected as preferred partner in September 2006 since which time final negotiations have been taking place. Accords evaluated tender was for an annualised contract fee of £5.352m to deliver top quartile performance in all Streetcare Services by the end of 2009/10 and 50% recycling by the end of 2008/09.
- 1.3 The final annualised cost of the contract could be affected by the allocation of risk in a number of areas. These are
- Recycling income risk
 - Capital funding
 - Pensions risk
 - Contract length
- These are discussed in the report and officers will update members as to the progress of the negotiations on these issues.

2.0 RECOMMENDATIONS

- 2.1 That, subject to satisfactory conclusion of the final negotiations and member agreement to the budget proposals set out below, cabinet recommend to full council that Accord Operations Limited be awarded the Streetcare Strategic Partnering Contract and that :

- 2.1.1 The £250,000 growth item for Streetcare in the draft 2007/8 medium term financial plan be confirmed.

- 2.1.2 The recycling income risk is shared between the Council and Accord and income generated from credits, over and above the existing level, are used to create an earmarked reserve to buffer the council against the risk of future changes in the recycling market during the life of the contract.
- 2.1.3 That a capital provision of £570,000 for investment in public conveniences and recycling receptacles is included in the medium term financial plan to ensure top quartile performance is achieved in all Streetcare Services by 2009/10.
- 2.1.4 That the council retains part of the risk for the Admitted Body Status (ABS) employers pension contributions for staff transferring from Gloucester City Council, beyond the allowance built into the contract price.
- 2.1.5 That the contract length be decided by Council on 30th November in order to allow the conclusion of negotiations with Accord.

3.0 BACKGROUND

- 3.1 The December 2004 cabinet recognised the major strategic challenges facing the Council and acknowledged that the current ongoing provision of Care and Maintenance Services (now known as Streetcare Services) was no longer sustainable, and reaffirmed the Council's decision to procuring Streetcare Services by means of a Strategic Partnering Contract with the private sector, and that
 - 3.1.1 It is a single partnership contract with a single private sector partner organisation.
 - 3.1.2 It is via the Invitation to Negotiate procedure to give a greater freedom for obtaining the best deal for the Council through negotiation.
 - 3.1.3 There will be no in-house bid.
 - 3.1.4 The package of services to be procured via the partnership contract to be street cleansing, public conveniences, parks management, grounds maintenance, waste /recycling collection, recycling processing and associated support services..
 - 3.1.5 The management arrangements for delivering the Services follow the spirit of the Government's national neighbourhood agenda to build local capacity, involvement, community empathy and participation for streetcare service improvements.
 - 3.1.6 Confine the budget allocated for Streetcare Services to the existing level (subject to the Medium Term Financial Plan and any targeted corporate ongoing efficiency savings) adjusted for additional investment in priority services agreed by Cabinet.
 - 3.1.7 Should savings be achieved in the partnership contracting process, these savings be reinvested in whole or part in priority services to deliver the objectives of the Business Case.

3.1.8 Delegate the appropriate authority to the Director of Community Services in consultation with the Leader or Deputy Leader of the Council and the Cabinet Member for Streetcare to take appropriate decisions in connection with the procurement process in accordance with the wishes of the project group and the Business Case.

3.2 The objectives for the Streetcare Partnering Contract were agreed as follows:

- Improved performance and customer satisfaction: resident satisfaction levels with Streetcare Services: to be in the top 25% councils in the country.
- Flexible, timely and responsive services with a capacity to meet future demands and able to deliver solutions to meet local issues and changing political and economic influences: measured by the number of local issues identified and resolved.
- Joined up and integrated services: that deliver consistent standards across the city and that they are coordinated: measured through achieving agreed standards of performance (performance indicators).
- Cost effective and competitive services: improvements achieved within the existing budget and without increasing the cost to residents – cost of the service.
- A motivated workforce: measured through reduced level of sickness and good staff morale, level of training and development.

3.3 In July 2005 cabinet noted the findings of an affordability analysis. It identified that on the basis of the then current service standards the budget provided for 2005/6 should be sufficient to improve service performance and may provide an opportunity for savings.

The analysis compared the Council's then Medium Term Financial Plan 2007/8 budget allocation for these services to its marketplace analysis of the cost of a partner providing services to achieve Cabinet's improved service standards as expressed in its Blueprint for Change and the Outline Business Case.

The analysis identified to that to achieve top quartile performance in all service areas, a market price in excess of the MTFP provision for 2007/08 in the region of £460,000 was likely.

The cabinet noted the findings and agreed to await the outcome of the procurement process but has since increased the Streetcare budget by £138,000 to include the introduction of a green waste collection to 26,000 households to bring the recycling rate up to 22%.

3.4 In July 2005 cabinet also identified priorities for investment in Streetcare Services to be:

- Public Open Space
- Play Areas
- Street Furniture

- Public Conveniences
- Eastern Avenue Depot

3.5 In June 2006 the cabinet received a further report on the Streetcare Strategic Partnering Contract and reviewed and agreed the affordability and standards to be included in the final tenders of the final short-listed companies :-

3.5.1 Achieve top quartile performance in all streetcare service areas by the end of 2009/10, with street cleansing achieving the 2005/06 top quartile by the end of 2007/08 and satisfaction with refuse collection being maintained at the current high level.

3.5.2 Offer residents the opportunity to recycle 50% of their waste by the end of 2008 and to provide costs for the introduction of alternate weekly collection of residual waste (AWC) to enable increased recycling services, as set out in the report.

3.6 At the same meeting cabinet agreed in principle to the council funding the investment required to give Eastern Avenue Depot a minimum 20-25 year life subject to a detailed business case being received and bidders being required to identify in their tenders the level of contribution they would be prepared to make.

3.7 The Assistant Director Streetcare was also authorised in consultation with the Streetcare Project Board to negotiate with the selected preferred partner and to bring a further report back to the cabinet, if following negotiations, the affordability gap cannot be bridged.

4.0 AWARD OF THE STREETCARE STRATEGIC PARTNERING CONTRACT.

4.1 The procurement process for the Streetcare Strategic Partnering Contract, which commenced in December 2004, has been both extensive and robust. A summary of the process is attached in Appendix 1 for member's information.

4.2 At its meeting of the 18th September 2006 the Streetcare Project Board received a report from the evaluation team recommending that Accord Operations Ltd be invited to proceed as preferred partner and Enterprise PLC be invited to be reserve partner.

4.3 The Streetcare Project Board is now recommending to members that subject to satisfactory conclusion of the final negotiations and member agreement to the budget proposals and negotiation issues set out later in this report, that cabinet recommend to full council that Accord Operations Limited be awarded the Streetcare Strategic Partnering Contract.

4.4 Accord Operations Limited within their final bid promise to deliver top quartile performance in all service areas by the end of 2009/10 and if they do not perform their profit will be reduced accordingly. The contract will also deliver the following benefits.

4.1.1 Refuse and recycling

- 50% recycling target met by end of 2008, this will provide residents with the opportunity to recycle up to 70% of their waste. New scheme to be

implemented Spring 2008 following consultation and an education and awareness programme - current recycling rate 22%

- Green waste collection extended to all appropriate households to start early summer 2007 to include the collection of kitchen waste from 2008 – current garden waste service is to 26,000 households
- A new weekly kitchen waste service to be provided for all households not suitable for the green waste collection service in 2008.
- Increase in weekly collections of other material collected to include:
 - Cardboard
 - Plastics
 - Textiles
- Investment in new refuse and recycling fleet

4.1.2 Public conveniences

- Extended opening hours -The city centre public convenience opening hours to be extended to 0800-2000hrs Monday to Saturday and 1000-1800hrs on Sundays
- Twice yearly deep cleanse, hourly inspections city centre, 3 inspections per day outlying areas, 6 monthly review and report.

4.1.3 Street cleansing

- Extension of City Centre Night Owl Service Mon - Sat 10pm – 4am (including steam cleansing) - currently Tues to Sat funded until Christmas 2006.
- Increased cleansing standards

4.1.4 Parks and Grounds maintenance

- £ 320,000 investment in parks, play areas and street furniture in the first year of the contract.
- Introduction of individual parks management plans to be prepared
- Introduction of a parks marketing plan aimed at increased public use and satisfaction

4.1.5 Community engagement

- Extension of integrated streetcare neighbourhood team working across the city and the introduction of a Neighbourhood Manager and 3 multi-skilled neighbourhood teams , each with a team leader , linked with communities.
- Specific City centre Streetcare team and Streetcare Manager.
- Integrated service delivery - including Gloucester City Homes Grounds Maintenance

4.2 Further benefits of the Streetcare Partnering Project that will be delivered though the council are:

- £570,000 investment in public conveniences and new recycling bins and receptacles
- Investment in Eastern Avenue Depot for Streetcare Services, a detailed report on the proposal will be brought to the January 2007 cabinet.
- Creation of a Streetcare Board and Forum to enable the views of residents and businesses to inform and influence the future performance

of the service. This is covered in a separate report to cabinet on this agenda.

5.0 **AFFORDABILITY**

5.1 Contract Price

5.1.1 The affordability base given as a guideline to all the bidders was £5.1 million. This was based on the cost of the existing services, including the existing garden waste service, adjusted for 2007/08 prices.

5.1.2 The affordability base did not include

- The cost of increasing recycling from the current 22 % level to 50%
- Delivering top quartile services for Streetcare
- Growth in population and residencies over the period of the contract

5.1.3 The adjusted tender price submitted by Accord, which included 50% recycling target, top quartile performance and growth, was £5,352m, which is £252,000 over the base affordability guideline but is within the projected cost of delivering improved services identified in the affordability analysis undertaken in 2005 (see para 3.3)

5.1.4 As mentioned in 5.4.3 the employers contributions for pensions is estimated to rise from 12% to 19% which will incur an additional cost of £110,000.

5.1.5 The current draft medium term financial plan includes a growth item of £250,000 for Streetcare. A growth item for £113,000 had previously been anticipated for the introduction of an extra waste round in 2007/08. The proposal and tender price submitted by Accord is inclusive of growth over the life of the contract.

5.1.6 Whilst there are a number of negotiation issues, yet to be finalised, the key issues are set out below, and may impact on the final contract price it is the view of the negotiation team and Streetcare Board that the overall budget for Streetcare will require the current £250,000 in 2007/8 to enable the new performance targets to be delivered .

5.2 Recycling income

5.2.1 Streetcare Services benefit from a number of income sources most of which are stable and reasonably predicible, with the exception of the sale of recycled materials. It is difficult to accurately predict either the future tonnage or price obtainable. This therefore creates a significant risk for the council and the streetcare contract. It is worth noting that this is a risk the Council would have to manage if it retained services in-house.

5.2.2 The Streetcare Project Board has identified the following options for ameliorating the risk.

5.2.2.1 The risk is transferred to Accord: all recycling is included within the core contract price

- Council not reliant on profit share but will receive lower potential profit share returns
- Increased annualised core contract price before profit share
- Loss of profit for Accord if lower than predicted market prices- council is not effected
- Increased profit for Accord if higher than predicted market prices- council will have marginal benefit
- Incentive for Accord to increase recycling and negotiate good rates.

5.2.2.1 The Council retains the full risk: Council retains the recycling income

- Much higher annualised contract price outside affordability (offset by client recycling income to achieve affordability)
- No profit share
- Council to find alternative funding to meet the shortfall if the market drops below predicted level – no impact on Accord
- Council retains all the recycling income benefits if market prediction exceeded – no benefits for Accord
- Reduces incentive for Accord to increase recycling and negotiate good price

5.2.2.2 The risk is shared between the Council and Accord : agreed base level income included within the contract price and profit share arrangement over an agreed base level.

- GCC reliant on recycling income to keep within affordability
- Lower annualised contract price
- If drops below the base level Accord has a reduced profit and council has to increase the budget to meet the agreed annualised contract price
- Anything over the base level Accord and GCC benefit from increased income 40% - 60% share pro rata based on a 10 year contract
- Incentive for Accord to increase recycling and negotiate good rates.

5.2.3 The preferred option of the Streetcare negotiation team is a shared risk between the council and Accord as this gives a lower contract price as well as giving Accord incentive to perform. It is proposed that recycling credits that the council receives are then used to reduce the impact of the risk to the council.

5.2.3.1 The City Council currently receives recycling credits from the County Council based on the level of recycling achieved. The income generated from recycling credits is predicted to increase over the next 2-3 years but then there is uncertainty as to whether or not the credit system will continue.

- 5.2.3.2 Any increase over and above the predicted 2006/07 level has not been factored into the future cost of providing streetcare services. Instead, due to the uncertainties of the recycling market it is proposed that the council use the income generated from credits over the next few years to create an earmarked reserve fund to buffer it against the risk of future changes in the recycling market during the life of the contract.

5.3 Investment in Streetcare Services

- 5.3.1 Accord submitted the following proposals for investment in the council's Streetcare Services as part of their tender.

- Public conveniences £250,000
- Invest to save improvements to parks & open spaces £200,000
- Street furniture £60,000
- Play areas £60,000 for work improvement in 2007/08 to complement the £50,000 per year capital budget for refurbishment in the councils medium term financial plan.
- New bins and other containers for the enhanced waste and recycling services £855,340 over years 1 and 2

- 5.3.2 Whilst the above was included in Accords final tender the Assistant Director Finance and Resources has since undertaken further work to identify the most cost effective way of funding the investment programme. He is recommending in the medium term financial plan that £570,000 capital be made available for investment in Streetcare Services. The capital is likely to be used for public conveniences and purchase of recycling receptacles., The impact of this investment is to lower the contract price as it removes the need for Accord to finance these elements of capital expenditure. It also enables the council to retain ownership of assets that have a useful life longer than the period of the contract.

- 5.3.3 The cabinet is asked to recommend to full council that a capital provision of £570,000 is included in the medium term financial plan to ensure top quartile performance is achieved in all of the Streetcare Service areas by 2009/10.

5.4 Pensions

- 5.4.3 It was a requirement that all companies apply to the County Council Local Government Pension Scheme for Admitted Body Status (ABS) for all staff transferring from Gloucester City Council to the Streetcare Partner, and if they are not successful that they provide a suitable comparable alternative pension scheme for the councils transferring staff.

- 5.4.4 Accord is applying for admitted body status and has been successful in obtaining it in other parts of the country.

5.4.5 An initial actuary report has been received for staff transferring and it is suggesting the employer's contribution be increased from the existing 12% to 19%. This increase has a budget implication in the region of £110,000. There will be a reduction in employer's contribution for the remaining staff, but it may not equate to £110,000.

5.4.6 A risk impact analysis has been undertaken. If the council were to transfer the full pension risk to the Streetcare Partner this would increase the contract price. Therefore the Streetcare Board is proposing that a similar approach be taken as for other recent contracts and the council retains the risk for the employers contributions.

5.4.7 Discussions are taking place with Accord with regard to any liability at the end of the contract and a verbal update will be reported to the 15th November cabinet meeting.

5.5 Contract length

5.5.3 Accords final tender and the evaluated price are based on a 10-year contract with an option of 5-year extension with a 5% contract profit.

5.5.4 Accord has been asked if there are any benefits for the council if the contract were for a longer period. Accord are prepared to reduce their price to reflect a 4% profit requirement rather than a 5% profit requirement which would produce a gross annual saving to the contract in the region of £50,000 in exchange for a 15 year contract with an option by mutual agreement to extend for at least a further 5 years. However there are a number of provisos, which the negotiation team are discussing with Accord.

5.5.5 The key benefits to the council of a longer contract are

- A reduction in the annual contract price
- If Accord is performing and delivering a good service as determined by best value/value for money reviews, this can be continued without the cost of a full tendering exercise.
- The pensions liability at the end of the contract are reduced

5.5.6 The key risks to the Council of a longer contract are

- If Accord are performing satisfactorily but not quite delivering to expectations it could be difficult to terminate the contract
- The contract negotiated now may not provide the council with value for money in ten or twelve year's time

5.5.7 The current draft 10 year contract requires a best value/ value for money review to be undertaken in years 2, 5 and 7. An outcome of each of the reviews is the production of a jointly agreed action plan which if not delivered will trigger the termination process. The year 7 review also includes a comprehensive market testing exercise at which point the council could agree to extend or end the contract in year 10.

5.5.8 Officers would recommend if the contract were for 15 years that two further reviews be carried out in years 10 and 13 with years 7 and 13 requiring a market testing exercise. In this way the key risks identified above can be managed.

5.5.9 A verbal report on the outline of the discussions and the net benefit to the council will be made to the 15th November cabinet meeting.

6.0 CONCLUSIONS

6.1 The Streetcare Strategic Partnering Project is now reaching a conclusion following a robust and rigorous tendering process.

6.2 At the outset members of all parties clearly expressed a strong desire to improve Streetcare Services and this later translated into a target to be one of the best 25% performing authorities in the country by 2009/10.

6.3 Accord Operations Ltd have demonstrated to the Streetcare Project Board that they have the ability to deliver top quartile performance by the end of 2009/10. However, this is dependant on capital investment in Eastern Avenue Depot along with investment in public conveniences, parks & open spaces, street furniture, play areas and recycling. This report has set out for members how this investment can best be achieved.

6.4 The procurement process has echoed the findings of an independent affordability analysis carried out in 2005 that warned the council that the cost of delivering top quartile services and increased public satisfaction is likely to exceed the £5.1m affordability envelope identified as a baseline for the project. This was based on the on the current level of service and performance. However officers are of the view that with a growth of £250,000 for Streetcare the desired performance is capable of being delivered by the end of 2009/10.

7.0 FUTURE WORK

Once the contract is awarded and a 10day period has lapsed, for any challenges to be received from other companies that were involved in the tendering process, the contract can be signed and the mobilisation period will start.

Arrangements will be made with Accord to have a presence at Eastern Avenue depot during the mobilisation period. The First key action following mobilisation will be a joint meeting between the Council and Accord with all of the Streetcare Staff, those transferring as well as the Council Streetcare team. Continental Landscapes staff that will be transferring to Accord will also be invited. Immediately after the joint meeting Accord will set up a series of one to one meetings with all transferring staff.

The contract will then commence no later than the end of February 2007.

8.0 FINANCIAL IMPLICATIONS

- 8.1 Within the Council's Medium Term Financial Plan there is a forecast increase of £250k per annum to cover the increase in costs for Streetcare. Until negotiations are completed the council will not be fully aware of the contractual price and consequently whether the revised budget of £5.35 million will be sufficient.

Within the council Capital Program there is an amount of £570k to cover one-off capital investment such as refurbishment to public conveniences and purchase of wheeled bins.

The Financial Implications for the project will be updated at the appropriate time during negotiations.

- 8.2 **Name of the Officer:** Nigel Kennedy

9.0 LEGAL IMPLICATIONS

- 9.1 The Council must be clear what the terms and conditions of the contract are to be. The contract will be for at least 10 years, subject to break clauses or other termination of the contract. The contents of it and levels of performance must be clearly understood and specified. The risks associated with the various areas of the contract must be apportioned as are agreed and identified in the contract. The contract can be varied during its life by agreement between the parties (unless that variation is built in at this stage) although it is likely to have a cost implication.

The contract will provide the basis for the legal relationship between the Council and its contractor, and is currently still the subject of detailed negotiations on, not only some of the principles of the contract as mentioned in this report, but also of the contract documentation itself. The Schedules which are to be incorporated into the contract must be clearly integrated into the body of the contract itself and care taken there is no contradiction between the two.

The detailed discussion and negotiation on the contract wording has now commenced, as Accord are now looking at it in detail and putting forward proposed changes which have not been mentioned before. This negotiation can take a long time depending on the attitude of the proposed Contractor as we are talking about a contract document of over 100 pages of important legal clauses. The importance of these clauses in the contract can not be over emphasised, given the value and length of the contract and can not be rushed given the possible consequences of getting things wrong. The Contract determines the relationship, standards and quality of the work to be carried out during the term. One issue that must be borne in mind is that potential contractors tend to become less flexible after they have been 'awarded' the contract, and the closer the Council gets to formal approval i.e. Council, the less flexible they will become.

The Council has now received the draft admissions agreement for the entry of the transferred staff into the County pension scheme. The details of this agreement now need to be negotiated so far as possible, even if the final apportionment of risk has not been agreed. Once this is agreed it will have to be incorporated into the Admissions Agreement.

The EC case of Alcotel, requires a 10 day 'cooling off' period from the award decision before the contract can be signed and completed. The case requires the

Council to notify unsuccessful tenderers of the proposed award (this will have to be the 1st December) and, so long as no challenge to the award is made, the contract can be signed and completed on the 11th December. That is, of course assuming all the negotiations on the Contract have been successfully completed. However Government Guidance, issued in March 2006, does allow the service of this notice at any time once the preferred bidder stage if negotiations are likely to be protracted. No notice has been served yet but there seems to be nothing stopping it being served before the date of the Council, if it is considered this would be advantageous. The notice is in a standard form which should be followed.

The option of not awarding the contract is always there if there is a lack of agreement with Accord, either on the principles of the Contract, or the detailed wording. This must always be an option in order to strengthen the negotiators hand in discussions with the Contractor, and a real option if the parties cannot agree. The Council has always reserved its position that it does not have to contract out the service.

9.2 **Name of the Officer:** Gary Spencer

10. RISK MANAGEMENT IMPLICATIONS

The key contract risks are discussed in the body of the report.

11. PREDICTIVE IMPACT ASSESSMENTS (EQUALITIES)

Accord Operations Ltd as part of the procurement process have demonstrated their commitment to this and provided a copy of their equal opportunities policy, which meets the Council's requirements. This will become part of the contractual agreement.

The contract will be subject to equalities performance monitoring and Accord through the open book requirement in the contract will be required to provide equal opportunities monitoring information for both employees and service delivery.

11.0 OTHER CORPORATE IMPLICATIONS

1. Community Safety

Streetcare Services by making sure the cities streets, parks and open spaces are well managed, maintained and well used have a key role to play in raising awareness and improving community safety. The neighbourhood approach with neighbourhood teams, the extended night owl service and the investment in parks and open spaces through the "invest to save" programme will all contribute to the creation of a safer environment.

2. Environmental

Good management of Streetcare services has a major impact on the environment of the city both in terms of creating a pleasant environment to be in but equally, if not more importantly, raising the level of awareness and participation in biodiversity issues, recycling and climate change.

The 50% increase in recycling will to be achieved by 2008/09 alongside an education and awareness programme, will make a significant contribution to improving the environment.

Over the first 2 years of the contract there is a requirement for Accord to develop a management plan for each of the city's parks. This will ensure that the parks are able to respond positively to climate change issues and encourage bio diversity whilst encouraging greater use.

3. Staffing

It is important that all staff transferring from Gloucester City Council to the Streetcare partner is consulted with at every step. We must work with the Unions to ensure that the staff TUPE across to the partner, Accord are clear about what their terms and conditions of employment will be.

4. Trade Union (TU to complete)

T&G Union comments

Any visible improvements would only come through the hard work & commitment of frontline staff, therefore, it is essential to ensure a smooth transfer. Major issues i.e., pensions, transferring of terms and conditions through TUPE & adhering to local and national agreements (streetcare partners).

Also to continue union recognition with the streetcare partner and involvement with appointed representatives.

The staff would also require a continued commitment from the council if there was an extension to the streetcare contract or any future retendering exercise.

Unison comments

UNISON opposes in principle the privatisation of such an important service. Comments on previous reports have made this clear. In the limited time given to respond to this report the additional comments below are made as brief bullet points

- The refusal to include an "in-house" bid demonstrates the driving force behind this project: political dogma.
- The difficulty in achieving the "affordability envelope," a term of jargon which crudely means keeping the cost of the project down to what it would have cost to continue doing the work in-house, gives an indication of the difficulties future administrations may face as a result of the adopted dogmatic attitude of the Cabinet.
- The length of the contract is a potential recipe for financial disaster. The contractor will have the resources to employ specialist contract claims lawyers if their returns are under pressure and the council could become embroiled in lengthy arbitration or litigation processes as a result.

- Historically, (relatively recent) the people who come off worse in contractual disputes are the transferred workforce. This may not become apparent in the initial stages of the contract but the tension between the client and the contractor usually results in productivity demands that put pressure on wages, workload, or both.

Background Papers : Streetcare Project Initiation Documents
Streetcare Strategic Partnering Business case Ver2 May 05
Draft Streetcare Strategic Partnering Contract
Streetcare Project Board Minutes and Reports
Streetcare Highlight Reports
Streetcare Procurement File
Streetcare Risk log
4p's Gateway reviews

Published Papers :

Person to Contact : George Milne , Assistant Director Streetcare Tel : 396222
E-mail: george.milne@gloucester.gov.uk

Frances Mangan – Project Manager Tel: 396275
E-mail: frances.mangan@gloucester.gov.uk

Streetcare Strategic Partnering Contract: Procurement Process

A cross party Streetcare Task and Finish group was set up in January 2005 to scrutinise the procurement of the Streetcare Strategic Partnering Contract.

Other quality checks have included three “Gateway Reviews” by the 4p’s, a body set up by the Government to assist Local Authorities to effectively manage large projects along with an ongoing review by the Audit Commission.

The procurement process began in January 2005 with the publication of an OJEU notice followed by companies being asked to submit a Pre Qualification Questionnaire (PQQ). Eleven companies submitted a PQQ from which seven companies were long listed. All seven companies were invited to submit an outline proposal

The evaluation was broken down into six distinct processes

- Site Visits to assess on-the-ground service delivery through partnering arrangements as nominated by the long-listed companies, using a pro-forma questionnaire.
- Checking Outline Proposals for Compliance: using a checklist against the requirements in the Instructions and Draft Specification issued with the Invitation to Submit Outline Proposals.
- Checking Outline Proposals for Affordability: using the affordability envelope issued with the Invitation to Submit Outline Proposals.
- Evaluating responses to questions relating to Strategic Partnering; Quality Environment; Better Neighbourhoods; Access to Public Space and Deliverability using a Paired Comparison Technique.
- Receiving presentations of Outline Proposals by long-listed companies in accordance with the instructions issued to the long-listed companies and with reference to previously notified points of clarification.
- Seeking further clarification of Outline Proposals using information arising from the presentation of Outline Proposals and previously notified points of clarification.

The site visits and presentations were attended by staff, community, councillor and manager representatives along with members of the project team and board.

Three companies were short listed and asked to submit a detailed tender (ITN). Three tenders were received in February 2006

The evaluation process was broken down into four distinct processes.

Streetcare Strategic Partnering Contract: Procurement Process

- Checking tenders for Compliance: using a checklist against the requirements in the Instructions and Draft Specification issued.
- Evaluating responses to questions relating to Strategic Partnering; Quality Environment; Better Neighbourhoods; Access to Public Space and Deliverability using a Paired Comparison Technique.
- Receiving presentations of the tenders by short listed companies in accordance with the instructions issued and with reference to previously notified points of clarification. Staff, councillor and community representatives again attended the presentations.
- Seeking further clarification of tenders using information arising from the presentation of tenders previously notified points of clarification.

All three bidders fell outside the Council's Affordability Envelope (the 2006/07 Streetcare budget) and the lowest cost was £370,000 greater than affordability.

In April 2006 two companies were short-listed to submit Best and Final Offers (BAFO).

Following the July 2006 cabinet both companies were invited to submit their BAFO's using the amended specification requiring 50% recycling.

When the final bids were submitted these were evaluated using the weightings issued with the Invitation to submit Best and Final Offers and the paired comparative technique. During the evaluation questions for clarification were identified and both companies were given the opportunity to further improve their tender. Following the meetings final tenders were submitted and the final evaluation took place.

The final evaluation was based on a 10-year contract with an option to extend for 5 years and the contract price for both bids was adjusted to bring the income level into line with current internal expectations

At its meeting of the 18th September 2006 the Streetcare Project Board received a report from the evaluation team recommending that Accord Operations be invited to proceed as preferred partner and Enterprise PLC be invited to be reserve partner.

Following appointment of Accord as the Councils preferred partner final negotiations have taken been taking place with a view to the contract being awarded at Full Council on the 30th November 2006. This to be followed by the contract commencing before the end of February 2007.

COUNCIL MEETING – 30TH NOVEMBER 2006

CABINET RECOMMENDATION

Extract from the minutes of the Cabinet meeting on 15th November 2006 and report considered at the meeting.

83.0 STREECARE PARTNERING BOARD AND FORUM

The report by the Cabinet Member for Streetcare set out a proposal for the creation of a Streetcare Partnering Board and Forum made up of representatives from the Council, community and Streetcare Partner to ensure the delivery of excellent streetcare services in Gloucester.

RESOLVED

1. That Cabinet recommend that Council agree:
 - 1.1 to adopt the partnering principles for the Streetcare Partnering Board and Forum as set out in Section 4.2
 - 1.2. to adopt the framework for the Streetcare Parenting Board and Forum as set out in Section 4.4 and Appendix 3.
 - 1.3. for Officers to request the Local Strategic Partnership to annually nominate two Community representatives to serve on the Streetcare Partnering Board annually.
2. That the report go forward to Council.

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CABINET DECISION TRACKER AND MONITORING FORM

(To accompany all Cabinet decisions [key and non-key]
except reports for information and noting)

(*F11 to form fields)

1. SUBJECT

- (a) Title: **Streetcare Partnering Board and Forum**
(b) Ward: All

2. *KEY DECISION

3. SUMMARY OF THE ISSUE

(a) Background

The report sets out a proposal for the creation of a Streetcare Partnering Board and Forum made up of representatives from the council, community and the streetcare partner to ensure the delivery of excellent streetcare services in Gloucester that are informed by and reflect local needs.

(b) Financial Implications (*Bring in from report*)

There are no direct financial implications for the Streetcare Partnering Board and Forum. The financial implications for the overall Streetcare Strategic Partnering Project are covered on the Streetcare Partnering Contract report elsewhere on the agenda.

(c) Legal Implications (*Bring in from report*)

The roles, responsibilities and membership of the Board and Forum must be clear so that the appropriate functions can be carried out. There are no specific powers delegated to the Board or Forum, these remain with the Councils Cabinet but they do act as a consultation mechanism, and the appendices give the details of the functions, etc., proposed.

The contract will be with Gloucester City Council and any enforcement of the contract conditions will be by the Council, although the Board and Forum should assist in the smooth running of the Contract.

(d) Risk Management Implications

The following risks have been identified for the streetcare Partnering Board and Forum with steps taken to manage them.

- The cabinet member can make a decision that does not have the support of the Streetcare Partnering Board. : If the Board cannot reach consensus there is a requirement in the proposal for the decision to be referred to cabinet.
- Either the Streetcare Board or Forum is not working (nobody attends other than officers

and partners staff): if either the Board or the Forum is not working then the arrangements will be revisited. It has been set up in a flexible way to enable refinements and improvements to be made as the council, partner and community develop and grow this new partnering arrangement.

(e) Predictive Impact Assessments (Equalities)

The aim is to have a broad membership that closely reflects the communities of Gloucester geographically, by gender, age, race, disability and sexual orientation. To achieve this we will work primarily through the network of Neighbourhood Partnerships. Where no Neighbourhood Partnership exists or it is not representative we will work with Community Services, local councillors and the City Council's Disability and Race Equality Fora on selection of community representatives

(f) Other Corporate Implications

Community Safety

Streetcare Services by making sure the cities street, parks and open spaces are well managed, maintained and well used have a key role to play in raising awareness and improving community safety. The Streetcare Board and in particular the Forum provide a strategic opportunity for streetcare community safety issues and suggestions for improvements to be shared and fed into to improve the service and community safety in the city.

2. Environmental

Good management of Streetcare services has a major impact on the environment of the city both in terms of creating pleasant environment to be in but equally if not more importantly raising the level of awareness and participation in biodiversity issues, recycling and climate change. The Streetcare Forum and Board will provide a means of consultation at a strategic level on changes to the service to improve the environment as well as sharing and supporting ideas and good practice that has started at community level.

3. Staffing (Personnel to complete)

4 Trade Union (TU to complete)

Over many years the residents of Gloucester have received for the most part high quality street care services. This is mainly down to the dedication, enthusiasm and commitment of the frontline staff. The high levels of satisfaction shown by the public also reinforce this.

There is no reason to believe that this will not continue provided that there is a smooth transfer for all front line staff, with an honest and open approach by our new employer and our outgoing employer.

Also, to retain a link with the council through membership of the street care forum.

Andy Brazington shop steward - streetcare TGWU

Unison comments to follow.

4. REPORTING DATES	
Who?	Date
(1) CMT:	
(2) Cabinet Briefing:	1 st Nov
(3) OSM: (<i>Pre-Scrutiny - key decisions only</i>)	13 th Nov
(4) Cabinet:	15 th Nov
(5) Full Council	30 th Nov
5. RESPONSIBILITY	
Portfolio : Streetcare	
Lead Officer : George Milne	
6. CONSULTATION	
<i>(To be carried out or carried out (including method and dates, required for Key decisions only - information must link with information on consultation contained in the Forward Plan).</i>	
6.1 Stakeholders (<i>including Ward Councillors where appropriate</i>)	
Councillors	
Neighbourhood Partnership, Parish Council and Neighbourhood Projects	
Gloucester City Homes	
CGI	
Chamber of Trade	
Accord Operations Ltd	
Local Strategic Partnership	
Community Services	
6.2 Outcome (<i>Brief summary and ref. for minutes, other related documents</i>)	
The creation of a Streetcare Partnering Board and Forum is welcomed and the comments received have assisted in shaping the final proposals.	
7. OPTIONS (<i>to be considered/considered - brief summary and reference to reports where appropriate</i>)	
To adopt the partnering principles for the Streetcare Partnering Board and Forum	
To adopt a framework for the Streetcare Partnering Board and Forum	

<p>8. OVERVIEW & SCRUTINY MANAGEMENT COMMITTEE - PRE-SCRUTINY COMMENTS <i>(Key decisions only)</i></p>
<p>9. ADDITIONAL OPTIONS CONSIDERED <i>(other than those specified in the report)</i></p>
<p>10. CABINET DECISION TAKEN <i>(If in line with 3 above, say, 'In accordance with 3 above' - Expand if the decision is otherwise e.g. where views/suggestions of Executive Scrutiny Committee have been taken into account)</i></p>
<p>11. CONSULTATION/ADVICE <i>(Delete as appropriate)</i></p> <p>11.1 Have the consultation comments been taken into account? YES / NO</p> <p><i>(Key Decisions only)</i></p> <p>11.2 Was the decision taken in accordance with officer advice? YES / NO</p>
<p>12. REASONS FOR THE DECISION:</p>
<p>13. INTERESTS <i>(Details of any interests declared by a Member or Officer in the subject matter of the decision either (a) personal or (b) personal and prejudicial):</i></p>
<p>14. DISPENSATION <i>(Details of any dispensation granted by Standards Committee):</i></p>

Gloucester City Council

COMMITTEE	: Overview & Scrutiny Cabinet Council
DATE	: 13th November 2006 15th November 2006 30th November 2006
SUBJECT	: Streetcare Partnering Board and Forum
DECISION TYPE	:
WARD	: All
REPORT BY	: Cabinet Member Streetcare
NO. OF APPENDICES	: 1. Summary of responses consultation January-March 2006 2: Summary of 2nd stage consultation October 2006 3. Streetcare Board and Forum Framework
REFERENCE NO.	: SSPM.06.c

1.0 PURPOSE OF REPORT

- 1.1 The report sets out a proposal for the creation of a Streetcare Partnering Board and Forum made up of representatives from the council, community and the streetcare partner to ensure the delivery of excellent streetcare services in Gloucester that are informed by and reflect local needs.

2.0 RECOMMENDATIONS

- 2.1 To adopt the partnering principles for the Streetcare Partnering Board and Forum as set out in section 4.2
- 2.2 To adopt the framework for the Streetcare Parenting Board and Forum as set out in section 4.4 and Appendix 3
- 2.3 For officers to request the Local Strategic Partnership to annually nominate two Community representatives to serve on the Streetcare Partnering Board annually.

3.0 BACKGROUND

- 3.1 In December 2004 cabinet agreed that a Joint Management Board should be created for the Streetcare Strategic Partnering Contract and in July 2005 agreed the outline roles and responsibilities of the Joint Management Board to be further developed.

- 3.2 Consultation has taken place with community and business representatives, councillors and officers over the last year and more recently with the preferred partner for the Streetcre Contract.
- 3.3 A summary of the responses from the initial consultations undertaken from January to March 2006 are attached along with a further summary of feedback received on the revised draft proposals emanating from the initial consultation. See appendix 1 and 2.

4.0 PROGRESS

- 4.1 In July 2005 the cabinet agreed that the best way to achieve quality streetcare services is to work in partnership with the community and the incoming streetcare partner based on an agreed partnering principle.
- 4.2 The following partnering principal has been consulted on and it is proposed it be adopted by council for the Streetcare Strategic Partnering Board and Forum

“The Parties shall work together and individually in the spirit of trust, fairness and mutual co-operation for the benefit of the ‘Streetcare Partnership’ within the scope of their agreed roles, expertise and responsibilities, and shall treat each other with respect and an equality of esteem.”

- 4.3 There will be three main players in the partnering arrangement, the council, the community (businesses and residents) and the streetcre partner. Each of who has a particular role and contribution to make as outlined below.

4.3.1 The council

Primarily strategic, developing strategic plans and visions for the services, setting standards, determining investment and service priorities, leading on new developments (i.e. Section 106), capacity building in the community-development of neighbourhood partnerships and strategic level consultation, leading on external funding opportunities, partnership development, contract management development.

4.3.2 The community (residents and business)

Primarily to work with the council and the streetcare partner to identify city wide and local priorities, give feedback on performance; influence the way that services are being delivered, put forward ideas and suggestions for improvements and to develop local community pride initiatives with the streetcare partner such as street reps, clean up days.

4.3.2 The streetcare partner

Primarily operational- delivering services, community engagement, consultation with residents and users and promotion and development of the services, responsible for delivering and introducing methods of working to bring about service improvements.

- 4.4 To ensue effective partnership working and ongoing improvements to services are delivered, that meet local needs, it is proposed a Streetcare Partnering Board and

Forum be created. The roles of which are summarised below and set out in detail in Appendix 3.

4.4.1 Streetcare Partnering Board responsible for advising the cabinet member for streetcare on the effective management of the contract and for championing high quality standards of streetcare in the city. It has been acknowledged that the board, if it is to be effective, must be business focused, able to operate at a strategic level and enable the cabinet member for Streetcare to make decisions on behalf of the Council. It should not become a “talking shop” that stops improvements.

4.4.2 Streetcare Forum. It will support and complement the Board .It will be the mechanism by which the residents n businesses are able to influence, input and provide feedback from the residents and businesses to the Board and the Cabinet. The Streetcare Forum will be an important vehicle for bringing community issues and priorities together with Council, regional and national priorities. Views of the Streetcare Forum will inform the Streetcare Board in the development of their proposals to the Council’s Cabinet on future priorities.

The Streetcare Forum will also have an important role to play in reviewing the performance of the Streetcare Partner at a citywide level.

The Streetcare Forum is not envisaged as a forum for resolving specific local issues. The intention is for these to be resolved as much as possible at a local level through the Streetcare Partner and council officers working directly with local communities. We will build on existing good practice and work with existing organisations, where they exist, such as neighbourhood partnerships, projects, Quedgely Parish Council and other similar local organisations.

4.5 The Committee Services Team will service the Streetcare Board and Forum.

5.0 FUTURE WORK

5.1 Following approval of the Streetcare Partnering Board and Forum framework the terms of reference for the board will be finalised, a code of conduct for the board will be developed along with job descriptions, guidelines and training.

5.2 The next stage will be to appoint members of the board with a view to its first meeting being held in January 2007 to coincide with mobilisation of the Streetcare Contract.

5.3 Once the board is operational the delegated powers of the cabinet member for Streetcare will be reviewed to make sure they are adequate for the board to operate effectively.

5.4 The first meeting of the Streetcare Forum will be arranged for February /March 2007 about the same time as the commencement of the Streetcare Contract.

6.0 CONCLUSIONS

6.1 The creation of a Board and Forum for Streetcare Services has received support from the community, streetcare partner, councillors and staff because it provides a mean to influence and inform the existing and future delivery and performance of Streetcare services in the City

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6.2 It has been acknowledged by many of the consultees that we may not get it right first time, however, the proposals set out in this report are seen as a good starting point. We will need to learn over the coming months and years and make sure we are flexible enough to change the arrangements if they are delivering what was set out to achieve which is to ensure the delivery of is excellent Streetcare services in Gloucester that are informed by local residents and businesses and reflect local needs.

7.0 FINANCIAL IMPLICATIONS

7.1 There are nor direct financial implications for the Streetcare Partnering Board and Forum. The financial implications for the overall Streetcare Strategic Partnering Project are covered on the Streetcare Partnering Contract report elsewhere on the agenda.

7.2 **Name of the Officer:** Nigel Kennedy

8.0 LEGAL IMPLICATIONS

8.1 The roles, responsibilities and membership of the Board and Forum must be clear so that the appropriate functions can be carried out. There are no specific powers delegated to the Board or Forum, these remain with the Councils Cabinet but they do act as a consultation mechanism, and the appendices give the details of the functions, etc., proposed.

The contract will be with Gloucester City Council and any enforcement of the contract conditions will be by the Council, although the Board and Forum should assist in the smooth running of the Contract.

8.2 **Name of the Officer:** Gary Spencer

9.0 RISK MANAGEMENT IMPLICATIONS

The following risks have been identified for the streetcare Partnering Board and Forum with steps taken to manage them.

- The cabinet member can make a decision that does not have the support of the Streetcare Partnering Board. : If the Board cannot reach consensus there is a requirement in the proposal for the decision to be referred to cabinet.
- Either the Streetcare Board or Forum is not working (nobody attends other than officers and partners staff): if either the Board or the Forum is not working then the arrangements will be revisited. It has been set up in a flexible way to enable refinements n improvements to be made as the council, partner and community develop and grow this new partnering arrangement.

10.0 PREDICTIVE IMPACT ASSESSMENTS (EQUALITIES)

The aim is to have a broad membership that closely reflects the communities of Gloucester geographically, by gender, age, race, disability and sexual orientation. To achieve this we will work primarily through the network of Neighbourhood Partnerships. Where no Neighbourhood Partnership exists or it is not representative we will work with Community Services, local councillors and the City Council's Disability and Race Equality Fora on selection of community representatives.

11.0 OTHER CORPORATE IMPLICATIONS

1. Community Safety

Streetcare Services by making sure the cities street, parks and open spaces are well managed, maintained and well used have a key role to play in raising awareness and improving community safety. The Streetcare Board and in particular the Forum provide a strategic opportunity for streetcare community safety issues and suggestions for improvements to be shared and fed into to improve the service and community safety in the city.

2. Environmental

Good management of Streetcare services has a major impact on the environment of the city both in terms of creating pleasant environment to be in but equally if not more importantly raising the level of awareness and participation in biodiversity issues, recycling and climate change. The Streetcare Forum and Board will provide a means of consultation at a strategic level on changes to the service to improve the environment as well as sharing and supporting ideas and good practice that has started at community level.

3. Staffing (Personnel to complete)

There are no direct staffing implications on this report at this stage. Clearly Officers from the City Council will be asked to attend meetings of this board and forum and this requirement will need to be reflected in their job descriptions. Roles of Board members and advisors should be clear and unambiguous and as should the purpose, constitution and powers of the Board and Forum. Training should be given to Board members.

3. Trade Union (TU to complete)

Over many years the residents of Gloucester have received for the most part high quality street care services. This is mainly down to the dedication, enthusiasm and commitment of the frontline staff. The high levels of satisfaction shown by the public also reinforce this.

There is no reason to believe that this will not continue provided that there is a smooth transfer for all front line staff, with an honest and open approach by our new employer and our outgoing employer.

Also, to retain a link with the council through membership of the street care forum.

Andy Brazington shop steward - streetcare TGWU

Unison comments to follow.

Background Papers:

Published Papers:

Person to Contact : Frances Mangan Streetcare project Manager
Tel: 396275
E-mail: frances.mangan@loucester.gov.uk

Strategic Streetcare Partnership: Summary of responses consultation January-March 2006

Q1. Do you have any comments or suggestions to make on the general partnering principals?	
Three Bridges	It would be beneficial that the Partnering Company already has a vast experience of this type of Public Sector Contract and is capable of evidencing past successes with working in diverse communities and varying dwelling types (including Houses of Multiple Occupation), estates and in the case of Gloucester, experience of terrace houses within an inner city.
Community Counts	<ul style="list-style-type: none"> • Replace 'consultation with residents' to 'community engagement' in the Streetcare partner role. Recognising engagement as a source of community information about what needs to be done but also as a critical component of any service improvement planning. • Add 'influence the way that services are being delivered' to the role of the Community. Reflecting the Blueprint for Change target.
Kingsholm & Wootton NP	None. All aspects seem to be covered.
Continental Landscapes	Sounds like a good idea for the council, community and streetcare partner to work together.
M Smith – Labour Party	I would like to see representation for all 3 groups on the Board. While it is important to have resident involvement in the process it is vital that councilors are not excluded from the process. I would oppose the inclusion of just the cabinet Member as this is relevant to all parties and there should be all party involvement.
M Hawthorne – Conservative Party	<ul style="list-style-type: none"> • Need to identify a list of key stakeholder groups • Each to have 1 or possible 2 reps on the forum • It will be the responsibility of the groups to find a way of nominating their own reps ½ reps on the forum <p>Streetcare Board to organise an annual meeting – for a wider audience- reporting back on performance etc</p>

<p>Q2. a. Do you agree that the emerging neighbourhood partnerships or similar local organisations are the most appropriate community organisations for Streetcare to work through at a local level to agree local priorities and keep residents up to date on local streetcare issues?</p>	
<p>Three Bridges</p>	<p>(General response to Q2 a,b,c): The role of the Neighbourhood Partnerships must be to educate, inform and communicate with those living in their areas and only act as a conduit for the flow of information from the Local Authority the Partnering Company and other interested organizations.</p> <p>It should be emphasized that the process must be transparent and be seen to be transparent and effective by all contributing to the final objective. This must include a proper process for complaints logging and closure to the satisfaction of the complainant and a mechanism for arbitration. That objective is to re-cycle more, to ensure our streets and public open spaces are cleaner and kept graffiti free.</p>
<p>M Smith - Labour Party</p>	<p>(General to a,b,c) I believe we need to be flexible enough to respond to the local government reorganisation and make sure that anything put in place at this stage could be easily changed to whatever form of local government is agreed in Gloucestershire.</p>
<p>Mark Hawthorne – Conservative Party</p>	<p>(General response to 2a,b,c)</p> <ul style="list-style-type: none"> • Diagram 2 - remove line between LSP and Board. • Neighbourhood partnerships to have a direct link to the board - leave it to them as to how they nominate reps • Suggested stakeholder groups to be added- deleted <ul style="list-style-type: none"> ○ Add: <ul style="list-style-type: none"> ▪ Federation of small businesses ▪ Sports clubs ▪ URC ▪ Agenda 21 ▪ County Council ○ Delete <ul style="list-style-type: none"> ▪ Environment and ecology forum

<p>Community Counts</p>	<ul style="list-style-type: none"> • A. Yes, but this is not reflected in the structure outlined in diagram 2. Neighbourhood Partnerships need to be linked directly to the Streetcare Forum, otherwise there is a danger of missing the link between what is happening in the neighbourhoods and the strategic planning function. • Suggested amended structure as follows:
<p>Kingsholm & Wootton NP</p>	<p>Yes, as they are aware of residents needs in their own area.</p>
<p>Continental Landscapes</p>	<p>I agree that streetcare should work through neighbourhood and local organisations.</p>
<p>Q2b. If not do you have an alternative to suggest and why?</p>	
<p>Kingsholm & Wootton NP</p>	<p>No.</p>

Q2c. Do you have any suggestions to make on how we should approach working in areas where there are no existing neighbourhood partnerships or similar organisations?	
Community Counts	<ul style="list-style-type: none"> • Street care issues have proved to be an excellent tool of engagement and so could start the development of Neighbourhood Partnerships or similar organisations. Front line staff can carry out the engagement function but will require support from 'someone'. • The proposed structure really means that you need to get developing neighbourhood partnerships as quickly as possible, perhaps with the potential extra support to be provided through the community involvement worker proposed within the Community Engagement Change Project within City Council
Kingsholm & Wootton NP	Could identify local resident or worker through complaints phoned to council and letters to paper. Could then contact the most prolific person and ask them to contribute to how local scheme is working or not, as the case may be.
Continental Landscapes	Ask the existing organisations that work the area already the best way to go about things.
Q3a. Have you any comments or suggested changes to make to the key purposes of the board?	
Three Bridges	<p>(General response to Q3 a,b,c) We disagree that the Board only are to be seen as champions for street-care services. It is imperative that a culture of RESPONSIBILITY at resident level is encouraged. Each and every one of us from the youngest to oldest have a vested interested in the community and environment in which we live or work.</p> <p>This may be achieved by close working relationships being fostered at an early stage with the Partnering Company and the existing Neighbourhood Partnerships, the existing staff who are to be TUPE'd over, the business community and all other interested organizations. Street Care champions need to be found at all levels of our community and need to be encouraged to voice their opinions and criticisms in an open and constructive fashion. BY only highlighting the Board Members as Street Care Champions we run the risk of alienating those who live and work in the areas that we already know particular problems exist. This should be seen as A NEW BEGINNING FOR THE GLOUCESTER ENVIRONMENT! There is no place for the old style 'them and us' Local Government thinking.</p>

Quedgeley Parish Council	The Parish Council is satisfied with the membership of the Board except that it is of the opinion that it should have a representative on this body.
Q3b. Have you any comments or amendments to suggest to the membership of the board? If so please can you set out your suggested amendment with your reasons.	
Community Counts	Does this membership reflect the 3-cornered partnership outlined in diagram1?
Q3c. Have you any other comments on any of the other features of the proposed Streetcare Board?	
Community Counts	Include 'act on recommendations from the Streetcare Forum in the key activities of the Board.
Q4a. Do you have any comments or amendments to suggest on the role of the Streetcare Forum?	
Three Bridges	The role of the Street Care Forum should be that of an umbrella group of interested organizations and local people.

Q4b. Do you have any comments or amendments to make to the membership of the Streetcare Forum. If you are suggesting changes to the membership please outline your suggested amendments and reasons for it?	
Three Bridges	<p>The membership of the Forum must be open to all.</p> <p>The aspect of the control of the process for nomination or election to the Forum lying with an organization such as the Local Strategic Partnership is not appropriate. At this point in time it appears that the present LSP is made up of predominantly paid Community Development Workers or Local Government Officers</p> <p>Whilst the LSP may have the funding to organize the Annual Neighbourhood Services Conference that should be the limit of their involvement. Each voluntary organization (unpaid and resident citizens based) subscribing to the Forum, it's aims and objectives should have a free vote on deciding who is elected as their representatives for each local area or Partnership.</p>
Quedgelely Parish Council	As an elected body the Parish Council believes that it should have a representative on the Forum.
Community Counts	<ul style="list-style-type: none"> • Can Gloucester support any more umbrella groups? • If Neighbourhood Partnerships are the most appropriate organisations for streetcare to work through, the Forum has to represent all the neighbourhoods. Reps will have to carry all neighbourhood issues. Specific interest groups do not necessarily carry a neighbourhood focus.
Q4c. Do you agree with the proposal to select neighbourhood representatives at the proposed annual neighbourhood services conference? If not please put forward your suggestion for nominating representatives?	
Community Counts	Yes, as long as NPs etc get an opportunity to put people forward from their neighbourhoods

Q4d. Do you have any suggestions to make on the best way to nominate representatives from interest groups such as friends of parks and allotment associations?	
Community Counts	Not sure that the networks are extensive enough to nominate from e.g. no allotment association and very few 'friends of' groups – could specialist interest groups be 'tasked' when specific issues arise?
Kingsholm & Wootton NP	Only:- People most interested in observing scheme.
Q4e. Do you have any suggestions to make on the best way to identify business representatives?	
Community Counts	Need to be clear about the role first.
Kingsholm & Wootton NP	Businesses that take pride in place of work i.e. keep outside of premises clean 7 clear.

Q5. Do you have any other comments or suggestions to make on the proposals for the Streetcare Board and Streetcare Forum?	
Three Bridges	No Comment. All views have been mentioned in the above remarks.
Quedgeley Parish Council	The Parish Council is of the view that the members of the Forum should be elected to ensure that they are truly representative without undermining the democratic process.
Community Counts	If the Neighbourhoods are not directly linked into the Streetcare Forum there is a real danger of missing the link between what is happening in the neighbourhoods and the impact this should have at a strategic planning level therefore undermining the value of the neighbourhood approach to service delivery.
M Smith – Labour Party	We may put a structure in place now, but as there is so much we don't know and we don't know what the interest will be, the structure needs to be interim and flexible enough to change with the large number of issues still to be resolved. This has the potential to be a huge talking shop for self interest and that has to be avoided at all costs as people will simply stop attending.

Strategic Streetcare Partnership: Summary of 2nd stage consultation October 2006

Issues arising from consultation	Feedback	Comment
Key Purposes of the Board	No suggested amendments have been received	
	Staff matters Trade unions do not want to see the board getting involved in operational staff matters.	Position clarified in the proposals
	Officers and Accord would like to have clarity about the role of the board operational decisions.	Some clarification in the proposals but will need further development
	Disputes <ul style="list-style-type: none"> • If the board is used for resolving disputes this could make the process very lengthy • Disputes are usually about operational an contract issues rather than performance monitoring or policy. 	Proposing that disputes to be referred to both Chief Executives but the board is kept informed
Decision making powers of the board and voting rights	<ul style="list-style-type: none"> • Concerns were expressed by CMT about officers being put in a position where they may be voting against a councillor • Concerns were expressed by Accord about their being put in a position where they were voting against the councillors , they do not feel this is in keeping with the spirit of partnership working 	Proposing cabinet member to seek consensus from other councillors, community and business representatives on the board. If no consensus a process for referral to the democratic process to be developed.
Membership of the board	Political member ship <ul style="list-style-type: none"> • Backbench councillors have requested that all three political parties are represented on the board. • Accord raised concern about cross party membership on the Board. They have had experience where this has turned the board into a political forum rather than ensuring the contract is delivering. 	Proposing three council members on the board. The cabinet member for Streetcare and one representative from each of the next two major parties.

Strategic Streetcare Partnership: Summary of 2nd stage consultation October 2006

Issues arising from consultation	Feedback	Comment
	<p>Staff membership</p> <ul style="list-style-type: none"> • T&GW response : It is very important that the Street Care Staff through Union representatives retain a link with the Council and that the staff issues and concerns can be raised, especially if changes are to be made to the services which affect the staff. <p>Looking at the role of the Board it would appear this is mainly to monitor and direct street care services. Therefore from a Union representatives point of view it may only be a tool for communicating with staff, rather than passing on ideas and improvements/issues and concerns.</p> <p>Therefore, representation on the Forum would probably be more beneficial providing that issues do follow through to the board.</p> <p>Notwithstanding this any proposed changes to service or staff terms and conditions, the Union/ reps would need to be fully consulted.</p> <ul style="list-style-type: none"> • Accords view is that staff representation works will be more effective on the Streetcare Forum. 	<p>Proposal that there are 2x staff reps on the forum</p>

Strategic Streetcare Partnership: Summary of 2nd stage consultation October 2006

Issues arising from consultation	Feedback	Comment
	<p>Community /Business membership</p> <ul style="list-style-type: none"> • There is general agreement the Board needs to be a workable size. • Accord has questioned the membership of GCH on the board as they will have representation on the forum and will be involved in the appropriate contract monitoring and review meetings. • The community consultation requested that there be 1x business and 1x community representative on the board (with a nominated deputy)- the question this raises is how will they be selected, how long will they serve on the board and will they be able to take a broad rather than a localised view. • There was request the there should be an LSP representative on the board 	<p>Proposal that there is one business and community representative on the board (with a nominated deputy)</p> <p>Community representative to be selected at the annual LSP conference.</p> <p>How business representative is selected to be agreed .</p> <p>LSP representative not proposed as the council, community reps etc are all members of the LSP and there will be a direct link through the proposed annual neighbourhood conference..</p>
Chair of the Board	<ul style="list-style-type: none"> • Accords previous experience has been that there has been a rotating chair between the Council and Accord in similar situations elsewhere. 	<p>Proposed cabinet member for Streetcre be the Chair as decisions will be made using the cabinet members delegated powers.</p>
Frequency of meetings	<ul style="list-style-type: none"> • Community representatives welcomed the introduction of at least 2x walkabout by the board each year • Accord has proposed the frequency of the meetings is quarterly to fit in with the quarterly monitoring review and service planning 	<p>Quarterly meetings to link with business planning and review process proposed.</p> <p>Twice yearly walk abouts by the board also proposed.</p>
Streecare Forum	<p>Voting</p> <ul style="list-style-type: none"> • Accord asked whether of not the Streetrcare Forum would be a voting or a decision making body. 	<p>Proposal to seek consensus where possible but Councillors, business and community reps to have votes</p>

Strategic Streetcare Partnership: Summary of 2nd stage consultation October 2006

Issues arising from consultation	Feedback	Comment
	<p>Representation on the Forum</p> <ul style="list-style-type: none"> • The community representatives preference is for local friends of parks and other local organisations to be channelled through local neighbourhood partnerships where they exist • Community preference was for local community representatives to be elected from Local Neighbourhood Partnerships but is concerned about how an area of the city will be represented if no such partnership exists. • Accord wanted clarity on how representatives will be selected to the Forum they have concerns if there is self-selection of people who do not represent the communities. 	<p>Proposed community representatives are selected from neighbourhood partnerships or similar.</p> <p>Where none exist consultation to take place with local councillors and community services to identify representatives</p> <p>Proposed representatives are appointed annually .</p>
	<p>Youth representation</p> <ul style="list-style-type: none"> • Community Development and Accord have suggested that we look at how we can include youth representatives on the forum 	<p>Proposed there are places for 2 youth representatives (2 reps rather than one to give support and encourage participation).</p> <p>Discussions to take place with Community Services to identify how they will be selected.</p>
	<p>Councillor membership</p> <ul style="list-style-type: none"> • The direct link between the Forum and the Board with the Cabinet member for Streetcare being the Chair of the Forum is welcomed as this ensures the view of the Forum are fed directly to the Board, and Cabinet 	<p>Proposed</p>

Strategic Streetcare Partnership: Summary of 2nd stage consultation October 2006

Issues arising from consultation	Feedback	Comment
	<p>Equalities and Diversity</p> <ul style="list-style-type: none"> The community development team asked how the forum will be representative of the diversity of the city. If we are working primarily through Neighbourhood Partnerships we are anticipating these will, have been set up in such a manner they will be feeding through the diverse views to the forum through their representatives 	Equalities and diversity statement included .
	<p>Consultation</p> <ul style="list-style-type: none"> The trade unions an Accord raised a question about the role of the Forum with regards to consultation. 	
<p>Future changes to the Streetcare Board and Forum.</p>	<ul style="list-style-type: none"> There is consensus that the structure set in place must have enough flexibility to be able to change and develop. 	

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Streetcare Strategic Partnering: Streetcare Board and Forum Framework

1. Streetcare Partnering Board

Key Purposes of the Board

- The board will be **champions** for streetcare services
- **Give strategic direction:** Direct, innovate and develop streetcare services at a strategic level within council priorities and best value principles
- **Ensure effective service planning:** agree priorities and oversee the development of management and local service plans.
- **Ensure good performance:** Monitor and review performance to meet the wider expectations of residents, business and visitors to the city
- **Consult:** Engage, consult and communicate with stakeholders and staff on the current and future performance of streetcare services

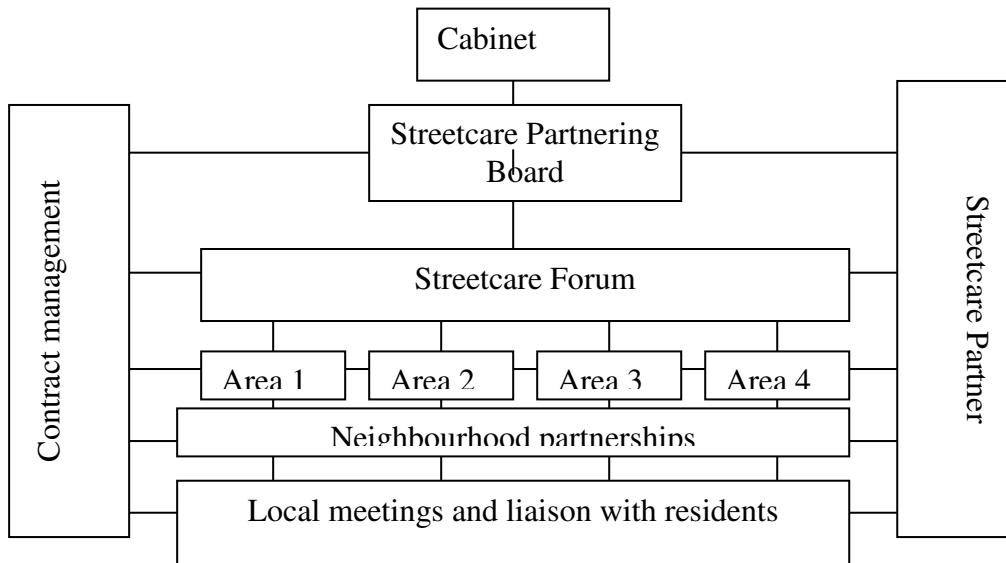
The board will **not**

- Get involved in **staff consultation and operational issues** as this is the responsibility of the Streetcare Partner **EXCEPT** in relation to the following areas set out in the Streetcare contract
 - Consultation on the appointment of the Streetcare Contract Manager
 - Proposals for any significant changes to staff conditions of service that could adversely impact on the performance of the service
 - Equality performance monitoring
- Get involved in the management of the Streetcare Contract. This will be the responsibility of the Assistant Director Streetcare and the Streetcare Team.
- Get involved in **dispute resolution** if unable to be resolved at contract management level disputes will be referred to the Chief Executives of GCC and the Partner before mediation or expert opinion is called on. Disputes and their resolution will however be reported the Board.

Diagram 1 illustrates the relationship between the Board, Forum, Contract Management and the Streetcare Partner.

Streetcare Strategic Partnering: Streetcare Board and Forum Framework

Diagram 1



Key activities of the board

The board will

- **Receive direction** on service policies and priorities from the Cabinet
- **Report to the cabinet** on the implications of any proposed policy changes on the delivery of Streetcare Services in the City.
- **Agree significant** changes and variations to the streetcare strategic management plan and the streetcare service delivery plan within the agreed budget and policies, and prepare exception reports for cabinet as necessary
- **Agree** new business expansion and development proposals
- **Receive** Performance monitoring reports and **agree** action to be taken
- **Agree** the Annual Streetcare Delivery Plan and Neighbourhood action plans
- **Agree** individual parks and open spaces management plans
- **Ensure** there is effective consultation with residents, the business community and other stakeholders
- **Consider Section 106 proposals** for improvements to and provision of new open space within the City. At the initial planning stage, agreeing briefs for large developments as well as signing off the design and contract variation.
- **Commission and receive reports** from the Assistant Director Streetcare **on strategic development** of all the Streetcare Services and make recommendation through the Streetcare Cabinet Member to Cabinet.
- **Best Value**, agree the terms of reference and emerging action plans for Best Value Reviews.

Streetcare Strategic Partnering: Streetcare Board and Forum Framework

- **Agree rectification plans**
- **Report to Cabinet twice a year** on the performance of streetcare services and at other times as appropriate making recommendations on
 - Priorities for streetcare services
 - The annual budget and medium term financial plan requirements for streetcare services
 - Changes to standards.
 - Fees and charges as required in the contract
- **Report twice a year on performance** to the relevant Council Scrutiny Committee and prepare reports for scrutiny on streetcare matters as required.

The Cabinet Member in consultation with the Board **will make decisions in relation to the Streetcare Partnering Contract** on joint proposals from the Assistant Director Streetcare and the Streetcare Contract Manager and subject to any requirements as set out in the contract.

Membership of the board

- **Cabinet Member for Streetcar** (or deputy who must be a full member of the council cabinet giving a direct link through from the board to the council's decision making body-)
- **2 x council members or nominated deputy** (one member from each of the major political parties)
- **2 x Community representative plus a nominated deputy-** (to be selected annually at the annual LSP Neighbourhood Conference. They must be a representative member of a local neighbourhood partnership or similar and able to demonstrate their understanding of the boarder streetcare issues)
- **1x Business representative** plus a nominated deputy (selection yet to be decided an option is through open advert – must be able to demonstrate an understanding of the boarder streetcare issues)
- **1x Chief Executive Streetcare Partner** or nominated deputy (Direct link with the decision making board within the Streetcare Partner's organisation)

Advisors to the Board

- **GCC. Strategic Director** or nominated deputy (Senior Strategic Manager with responsibility for Streetcare in his/her portfolio)
- **GCC Assistant Director Streetcare** or nominated deputy (Senior Manager responsible for managing the streetcare contract)
- **GCC Finance and legal advisors**
- **Divisional Managing Director** or nominated deputy Streetcare Partner
- **Contract Manager** or nominated deputy Streetcare Partner

Streetcare Strategic Partnering: Streetcare Board and Forum Framework

Chair

The Board will select the Chair of the Streetcare Partnering Board at the first meeting and will agree the period of time the Chair will hold office for.

A job description setting out the responsibilities of each of the members of the board will be drawn up to ensure there is clarity of expectations, commitments and responsibilities.

Members of the Streetcare Partnering Board will be required to make a declaration of interests.

Training will be provided for Board Members

Decision-making on behalf of the Council

- Decisions on behalf of the Council will be made through the delegated powers given to the Cabinet Member. (The Assistant Director will use his/her delegated powers to manage the contract.) and any decisions will be subject to the requirements of the contract.
- The Cabinet member will seek to reach consensus of the Board on decisions made under his/her delegated powers if consensus cannot be reached the matter will automatically be referred to cabinet.
- The Board members will act as advisors to the cabinet member who will be responsible for making a decision or referring the decision to cabinet.
- The cabinet member will consult with Board members on decisions that have to be made outside the Board meetings.
- Any decision made that is contrary to officer advice must be recorded
- All decisions whether made at or outside of the Board will be recorded and will be subject to call in as part of the Scrutiny process
- Any decision taken that is contrary to the advice of officers must be recorded and will be subject to call in as part of the Scrutiny process.

Frequency of meetings

- Quarterly business meetings plus at least two walkabouts in areas of the city each year. (Extra meetings can be arranged if required)

Attendance at the Board

The board can invite other officers of the council, representatives of the from the streetcare partner or o from the County Council or other agencies as it see fit to assist the board to carry out its role

Servicing of the Board

This will be the responsibility of the City Council and will be serviced by the Committee Services Team.

Streetcare Strategic Partnering: Streetcare Board and Forum Framework

Streetcare Forum

Purposes of the Streetcare Forum

- Identify areas for service improvements
- Quality and performance champions
- Recommendations to board on priorities
- Monitor and review performance of streetcare services and give feedback to the Board on priorities for improvement
- The Streetcare Forum will be one vehicle for consultation on existing and proposed changes to services. However, the Streetcare Forum will be only one means of consultation
- The Streetcare Forum will be a non-voting forum
- Where possible it should reach consensus, however, there is no reason why a range of differing views cannot be referred to the Streetcare Board for consideration.

Membership

- Cabinet Member Streetcare (Chair)
- 2 x Councillor reps from the Streetcare Board
- Assistant Director Streetcare (GCC)
- Streetcare Contract Manager (partner)
- 1 x community rep (with a nominated deputy) from each neighbourhood partnerships or similar – to be nominated by each neighbourhood partnership annually. Discussions to take place with Community Development and local councillors to look at ways of identifying representatives in areas where neighbourhood partnerships do not currently exist.
- 1 x housing tenants rep with a nominated deputy to be nominated by the Gloucester City Housing Board annually
- 1 x business rep with nominated deputy
- 1x friends of parks/nature reserves (no body exists yet to receive a nomination from)
- 1x allotments representative (no body exists yet to receive a nomination from)
- 1x Civic Trust – annual nomination
- 1x Environment & Ecology Representative – annual nomination
- 2 x youth reps – to be discussed with Community development
- 2x staff reps – to be agreed

Equalities and Diversity

The aim is to have a broad membership that closely reflects the communities of Gloucester geographically, by gender, age, race, disability and sexual orientation. To achieve this we will work primarily through the network of Neighbourhood Partnerships. Where no Neighbourhood Partnership exists or it is not representative we will work with Community Services, local

Streetcare Strategic Partnering: Streetcare Board and Forum Framework

councillors and the City Council's Disability and Race Equality Fora on selection of community representatives.

Attendance at the Forum

- Streetcare Officers (Gloucester City Council)
- Streetcare Managers (partner)
- Other officers and partners as required /invited
- There will be an open invitation to other members of the Streetcare Partnering Board.

Frequency of meetings

- 4 x year with the option to call extra meetings if required.

The meetings of the Streetcare Partnering Forum will be open to the public and press.

Training will be provided for Streetcare Forum Members

Servicing of the Forum

This will be the responsibility of the City Council and will be serviced by the Committee Services Team.

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COUNCIL MEETING – 30TH NOVEMBER 2006**LICENSING AND ENFORCEMENT COMMITTEE RECOMMENDATION**

Extract from the minutes of the Licensing and Enforcement Committee meeting on 21st November 2006 and report considered at the meeting.

33. DRAFT GAMBLING STATEMENT OF PRINCIPLES

In her presentation, the Environmental Health Manager said she would focus on key areas of the report. There had been an extensive consultation exercise which, at first, had resulted in a struggle to get feedback.

She pointed to paragraph 4.4 of the report, which stated that responsibility for deciding fees fell to Full Council but which could be delegated to the Licensing and Enforcement Committee. She was recommending such delegation to the Committee and to Council. In answer to a question, she replied that she did not know if the Council were permitted to make a profit from licence fees, as the regulations had not yet been written. She thought that the prescribed maximum for premises licences, set by the Secretary of State, would be linked to corporate performance assessments.

Similarly, referring to Section 4.21, she was recommending to the Committee and Council that the function of registration of small society lotteries be delegated to the Committee.

The purpose of the legislation and the statement of principles were to ensure that gambling was crime free and fair. Note had been taken of comments by the Association of British Bookmakers.

In response to a Member's suggestion, following representations by Gamblers' Anonymous, the Environmental Health Manager said that she would include a requirement for establishments with licences to prominently display a notice advising patrons of the services of organisations offering help to compulsive gamblers.

The Environmental Health Manager said it would be difficult to assess the number of Licensing Sub Committee hearings that may arise as a result of the introduction of this legislation. There were, however, far fewer establishments affected than were affected by the Licensing Act 2003.

RESOLVED

That the report be recommended for Council approval with the following addition:-

Premises prominently display a notice drawing patrons' attention to the services of organisations offering assistance to those with an excessive gambling habit.

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FOR DECISION BY COUNCIL

Agenda Item No:

Gloucester City Council

COMMITTEE : **COUNCIL**

DATE : **30 NOVEMBER 2006**

SUBJECT : **DRAFT GAMBLING STATEMENT OF PRINCIPLES**

WARD : **ALL**

REPORT BY : **CABINET MEMBER FOR STREETCARE**

NO. OF APPENDICES : **A: FINAL DRAFT GAMBLING STATEMENT OF PRINCIPLES**
B: CONSULTATION FEEDBACK RESPONSES
C: CONSULTATION DOCUMENTS

REFERENCE NO. : **ES20613**

1.0 PURPOSE OF REPORT

1.1 To present a final draft Gambling Statement of Principles and consultation feedback for approval and adoption by Council.

2.0 RECOMMENDATIONS

2.1 That the consultation feedback received and attached in Appendix B is noted by members.

2.2 That the final draft Gambling Statement of Principles is approved and adopted by Council.

2.3 That Council delegate responsibility for deciding fees under the Gambling Act 2005 to the Licensing & Enforcement Committee.

2.4 That responsibility for Small Society Lottery Registration is delegated to the Licensing & Enforcement Committee.

3.0 BACKGROUND

3.1 The Gambling Act 2005 received Royal Assent on 7 April 2005, introducing changes on gambling in England and Wales. As part of that change, Gloucester City Council will become the Licensing Authority for the District and will assume responsibility for licensing certain gambling premises within the District.

3.2 To comply with the new legislation, Gloucester City Council must publish a Statement of Principles that sets out its position in relation to its duties under the Act. Before the Council publishes its statement it must consult with various persons and representative bodies. The Council welcomes the new powers granted to it by the legislation and intends to use them, in consultation with statutory agencies (e.g. Police, Fire and Rescue Service, etc.), licensees, local businesses and residents, in a socially responsible way.

4.0 PROGRESS

4.1 The Act introduces a unified regulator for gambling in Great Britain, known as, the Gambling Commission, and a new licensing regime for commercial gambling (to be conducted by the Commission or by licensing authorities, depending on the matter to be licensed). The Act removes from licensing justices all responsibility for granting gaming and betting permissions, which they exercised previously. Instead, the Commission and licensing authorities will share between them responsibility for all licensing matters previously regulated by licensing justices.

4.2 At the centre of the Gambling Act 2005 there are three objectives. The objectives are:

- Ensure that gambling remains crime-free
- Ensure that gambling is conducted fairly
- Protect children and the vulnerable

4.3 There are three levels of licensing for Gambling operations:

- Operating Licences
- Personal Licences
- Premises Licences

4.4 Licence fees will be banded with a prescribed maximum for Premises Licences and will be set by the Secretary of State. Responsibility for deciding fees falls to Full Council but may be delegated by them to the Licensing & Enforcement Committee.

4.5 Operating licences will be issued by the Gambling Commission and are the main permission for commercial gambling. The licence can be held by an individual, company or persons and will be regulated through licence conditions.

4.6 Personal licences are to be issued by the Gambling Commission. They are required where it is specified as a condition on an operating licence issued by the Gambling Commission. The purpose of the personal licence is to ensure that individuals who control facilities for gambling or are able to influence the outcome of gambling are licensed so as to check that they are suitable to carry out those functions, and so that they understand the legal and compliance requirements concerned with the gambling they operate.

4.7 Premises licences are to be issued by the Licensing Authority with responsibility for the area in which the premises are situated. Any individual or company that proposes to offer gambling for which an operating licence is required, and which is premises based, will also need to apply for a premises licence.

4.8 The Licensing Authority must:

- Consider applications for Premises Licences with regard to the three licensing objectives as well as the guidance issued by the Gambling Commission.
- Take account of all relevant representations received.
- Decide on conditions to be attached to the Premises Licence.
- Grant or refuse licences.
- Give reasons for decisions
- All applicants and those making representations have a right of appeal against any decision made by the Licensing Authority to the Magistrates Court.

4.9 Section 154 of the Act provides that all decisions relating to premises licences are delegated to the Licensing Committee of the Authority that has been established under section 6 of the Licensing Act 2003 with a few exceptions. Appendix D of the attached Draft Statement of Principles sets out the suggested levels for delegation of functions.

4.10 It is anticipated that the Licensing Sub-Committees set up for the purposes of the Licensing Act 2003 will be adequate to meet the needs of the Gambling Act 2005.

4.11 The Gambling Commission issued Guidance to licensing authorities in April 2006. This gives guidance on the Act, on what should be included in a Licensing Authority's Statement of Principles as well as many other aspects. A chapter has been dedicated to Principles to be applied by licensing authorities and these have been referred to in writing the Statement of Principles and will be referred to in the decision making process.

4.12 As with the Licensing Act 2003 applications are subject to representations and these can be from responsible authorities or interested parties. Responsible authorities under the Gambling Act 2005 are listed in Appendix C of the Draft Statement of Principles attached to this report. This Appendix is based on Part 8 of the Gambling Commission's Guidance. This part of the Guidance also defines "Interested Parties" and this will be referred to when determining if representations are admissible.

4.13 As with the Licensing Act 2003 a licensing authority may attach certain conditions to a licence where it is considered necessary and proportionate or where mandatory conditions apply.

4.14 In addition to Premises Licences the Licensing Authority will be responsible for permissions for low stake gaming machines; registering certain society lotteries; publishing a three year Statement of Principles; considering applications and monitoring compliance; maintaining a register of licensed premises and deciding on a casino resolution.

4.15 It should be noted that licensing authorities require the permission of Parliament for their area before they can begin the process of issuing a new casino premises licence. The Secretary of State has appointed an independent Casino Advisory Panel to advise the Government on the areas in which the new types of casino created by the Gambling Act will be located. Should a licensing authority not wish to issue any casino premises licences it can make a resolution to that effect. The decision to pass such a resolution may only be taken by the authority as a whole (in England and Wales) and cannot be delegated to the Licensing Committee.

- 4.16 This is a new area of work and will increase the workload of the Licensing Team although the impact will be significantly less than that of the Licensing Act 2003. In addition the ODPM has committed to provision being made through the Revenue Support Grant to help licensing authorities with the 'start up costs'.
- 4.17 Gloucester's first draft Gambling Statement of Principles was approved by members of the Licensing and Enforcement Committee for consultation on 18 July 2006.
- 4.18 Between 19 July 2006 and 20 October 2006 an extensive consultation exercise was undertaken which included a mail out to holders of existing licences, permits and registrations that will be affected by the provisions, Licensed Victuallers Association, Trade Associations and Responsible Authorities; Seminars were held for the trade and a questionnaire handed out; a press release was published in the Citizen on 8 August 2006 and the draft Statement of Principles was placed on the City Council's website requesting consultation feedback. A range of the consultation documents used are attached as Appendix C.
- 4.19 Comments received during the consultation exercise have been incorporated into the final draft Statement of Principles as it is considered that they serve to clarify certain issues and are therefore considered appropriate. Copies of the consultation feedback received are attached as Appendix B. In addition the Statement of Principles has been updated in line with the LACORS latest draft template (November 2006).
- 4.20 Attached as Appendix A to this report is the final draft Gambling Statement of Principles for Gloucester City Council. All amendments made as a result of consultation feedback are highlighted in this final draft for ease of reference.
- 4.21 Under the Gambling Act 2005 licensing authorities will continue to be responsible for registration of Small Society Lotteries. Currently this is delegated to officers however the current indications are that regulations, which have yet to be written, will place this responsibility on Council or the Executive. As the registration process is straightforward it is suggested that the Licensing & Enforcement Committee recommend that Council make a resolution that this function is delegated to them.

5.0 FUTURE WORK

- 5.1 Licensing authorities must publish their Gambling Statement of Principles by December 2006.
- 5.2 From the 30 April 2007 applications may be made to the Licensing Authority. The deadline for operators to receive continuation rights is 31 July 2007.
- 5.3 The Government's target for full implementation of the Gambling Act 2005 is 1 September 2007.

6.0 CONCLUSIONS

- 6.1 This is a new area of responsibility for the Licensing Authority that will generate extra work for the Licensing Team. The Licensing Authority is required to produce the Statement of Principles that it will operate within as well as complying with guidance issued by the Gambling Commission.

6.2 That members approve the recommendations listed under paragraph 2.0.

7.0 FINANCIAL IMPLICATIONS

7.1 Any income from the Licenses is unknown at present as the fees and charges have not been set. It is anticipated that there will not be any ongoing additional costs to the Council arising from the administration of the Licenses.

7.2 Currently it is the Council's responsibility to set the fees under part 3 3.1 of the Constitution as part of the Council's revenue budget.

7.3 **Name of the Officer: Steve Meers**

8.0 LEGAL IMPLICATIONS

8.1 The legal implications are largely set out in the report.

8.2 When undertaking all of their activities in relation to the responsibilities given to them under the Gambling Act 2005 the Council will have to be guided by the three licensing objectives set out in Section 1 of the Act:

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

8.3 When exercising its functions under the Gambling Act 2005, the Council will have regard to Gambling Commission guidance.

8.4 **Name of the Officer: Steve Isaac / Helen Woodward**

9.0 HUMAN RESOURCES IMPLICATIONS

(a) Staffing Implications

Although no staffing implications are identified in the report there is mention of increased workload and responsibilities for staff. Careful consideration needs therefore to be given to the way in which this additional workload is resourced and where necessary staff and unions should be consulted.

(b) Trade Union Comments

No comments.

10.0 CORPORATE IMPLICATIONS

10.1 The Environmental Health implications are dealt with in the main body of the report.

- Background Papers** : LACORS draft template Statement of Principles and Notes
- Published Papers** : Gambling Act 2005
Gambling Commission - Guidance to Licensing Authorities - April 2006
- Person to Contact** : Gillian Ragon
Environmental Health Manager
Tel: (01452) 396321 / Fax: (01452) 396340
E-mail: gillr@gloucester.gov.uk

**GAMBLING ACT 2005
CONSULTATION ON DRAFT GAMBLING STATEMENT OF PRINCIPLES**

Gloucester City Council has produced a draft Gambling Statement of Principles and is seeking your comments on this document by 20 October 2006. A copy of the document can be found on our website www.gloucester.gov.uk or alternatively you can request a copy by telephoning 01452 396396. This draft is based on a template produced by LACORS (Local Authorities Coordinators of Regulatory Services).

We would like to hear your views so if you have any comments or ideas that you would like to be considered please complete and return the attached feedback form by no later than Friday 20 October 2006. You can also make your comments online on our website www.gloucester.gov.uk.

The Gambling Act 2005 received Royal Assent on 7 April 2005, introducing changes on gambling in England and Wales. As part of that change, Gloucester City Council will become the Licensing Authority for the District and will assume responsibility for licensing certain gambling premises within the District.

To comply with the new legislation, Gloucester City Council must publish a Statement of Principles that sets out its position in relation to its duties under the Act. Licensing Authorities must publish their Gambling Statement of Principles by December 2006. Before the Council publishes its statement it must consult with various persons and representative bodies. The Council welcomes the new powers granted to it by the legislation and intends to use them, in consultation with statutory agencies (e.g. Police, Fire and Rescue Service, etc.), licensees, local businesses and residents, in a socially responsible way.

The act introduces a unified regulator for gambling in Great Britain, known as, the Gambling Commission, and a new licensing regime for commercial gambling (to be conducted by the Commission or by licensing authorities, depending on the matter to be licensed). The Act removes from licensing justices all responsibility for granting gaming and betting permissions, which they exercised previously. Instead, the Commission and Licensing Authorities will share between them responsibility for all licensing matters previously regulated by licensing justices.

At the centre of the Gambling Act 2005 there are three objectives. The objectives are:

- Ensure that gambling remains crime-free
- Ensure that gambling is conducted fairly
- Protect children and the vulnerable

There are three levels of licensing for Gambling operations:

- Operating Licences
- Personal Licences
- Premises Licences

Operating licences will be issued by the Gambling Commission and are the main permission for commercial gambling. The licence can be held by an individual, company or persons and will be regulated through licence conditions.

/cont'd

ENVIRONMENTAL HEALTH

Gloucester City Council Tel 01452 396396 Fax 01452 396340
Herbert Warehouse Email enviro@gloucester.gov.uk
The Docks Minicom 01452 396161
Gloucester GL1 2EQ www.gloucester.gov.uk



Personal licences are to be issued by the Gambling Commission. They are required where it is specified as a condition on an operating licence issued by the Gambling Commission. The purpose of the personal licence is to ensure that individuals who control facilities for gambling or are able to influence the outcome of gambling are licensed so as to check that they are suitable to carry out those functions, and so that they understand the legal and compliance requirements concerned with the gambling they operate.

Premises licences are to be issued by the Licensing Authority with responsibility for the area in which the premises are situated. Any individual or company that proposes to offer gambling for which an operating licence is required, and which is premises based, will also need to apply for a premises licence. Licence fees will be banded with a prescribed maximum for Premises Licences and will be set by the Secretary of State.

The Licensing Authority must:

- Consider applications for Premises Licences with regard to the three licensing objectives as well as the guidance issued by the Gambling Commission.
- Take account of all relevant representations received.
- Decide on conditions to be attached to the Premises Licence.
- Grant or refuse licences.
- Give reasons for decisions
- All applicants and those making representations have a right of appeal against any decision made by the Licensing Authority to the Magistrates Court.

Decisions relating to premises licences are delegated to the licensing committee of the authority. Appendix A of the Draft Statement of Principles sets out the suggested levels for delegation of functions. It is intended that the Licensing Sub-Committees set up for the purposes of the Licensing Act 2003 will be used where necessary for the Gambling Act 2005.

The Gambling Commission issued guidance to licensing authorities in April 2006. This gives guidance on the Act, on what should be included in a Licensing Authority's Statement of Principles as well as many other aspects. A chapter has been dedicated to Principles to be applied by licensing authorities and these have been referred to in writing the Statement of Principles and will be referred to in the decision making process.

As with the Licensing Act 2003 applications are subject to representations and these can be from responsible authorities or interested parties. Responsible Authorities under the Gambling Act 2005 are listed in Appendix C of the Draft Statement of Principles attached to this report. This Appendix is based on Part 8 of the Gambling Commissions Guidance. This part of the Guidance also defines "Interested Parties" and this will be referred to when determining if representations are admissible.

As with the Licensing Act 2003 a Licensing Authority may attach certain conditions to a licence where it is considered necessary and proportionate or where mandatory conditions apply.

In addition to Premises Licences the Licensing Authority will be responsible for permissions for low stake gaming machines; registering certain society lotteries; publishing a three year statement of principles; considering applications and monitoring compliance; maintaining a register of licensed premises and deciding on a casino resolution.

It should be noted that Licensing Authorities require the permission of Parliament for their area before they can begin the process of issuing a new casino premises licence. The Secretary of State has appointed an independent Casino Advisory Panel to advise the Government on the areas in which the new types of casino created by the Gambling Act will be located. Should a Licensing Authority not wish to issue any casino premises licences it can make a resolution to that effect.

FEEDBACK FORM

**GAMBLING ACT 2005
CONSULTATION ON DRAFT GAMBLING STATEMENT OF PRINCIPLES**

NAME:

ADDRESS:

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TEL. NO.:

YOUR COMMENTS OR IDEAS

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continue on a separate sheet if necessary

You can also make your comments online on our website -
www.gloucester.gov.uk/licensingforms/GamblingAct2005.htm

**Please return this form to the Licensing Team at the address given below by no later than
Friday 20 October 2006:-**

**THE LICENSING TEAM
GLOUCESTER CITY COUNCIL
ENVIRONMENTAL HEALTH
HERBERT WAREHOUSE
THE DOCKS
GLOUCESTER GL1 2EQ**

Gambling Act 2005

Gloucester City Council - Statement of Principles

INVITATION

Gloucester City Councils Statement of Principles is currently out for consultation. We are seeking your thoughts and views on how this important piece of legislation is implemented in Gloucester. To find out more about the Gambling Act 2005, Gloucester City Councils Statement of Principles and for an opportunity to make your views known you are invited to join us in North Warehouse, The Docks, Gloucester, on either of the following dates:

Thursday 5 October 2006 @ 18:30

Wednesday 11 October 2006 @ 14:00

Dead line for consultation feedback on this document is 20 October 2006

For further information contact the Licensing Team on 01452 396301 / 396303 / 396308

ENVIRONMENTAL HEALTH

Gloucester City Council	Tel 01452 396304(SWB) Fax 01452 396340
Herbert Warehouse	Email enviro@gloucester.gov.uk
The Docks	Minicom 01452 396161
Gloucester GL1 2EQ	www.gloucester.gov.uk

CONSULTATION QUESTIONNAIRE

GLOUCESTER CITY COUNCIL

GAMBLING STATEMENT OF PRINCIPLES

Set out below is a range of questions to help you to give feedback on Gloucester City Councils DRAFT Gambling Statement of Principles. The list of questions should only be used as guidance. Any other comments you may wish to make will be well received. Space has been included at the end of this questionnaire for this or alternatively if there is insufficient space please attach your comments to the questionnaire.

1. Is the Gambling Statement of Principles (GSP) clear and easy to follow?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

2. Does the GSP address the licensing objectives?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

ENVIRONMENTAL HEALTH

Gloucester City Council Tel 01452 396321 Fax 01452 396340
Herbert Warehouse Email enviro@gloucester.gov.uk
The Docks Minicom 01452 396161
Gloucester GL1 2EQ www.gloucester.gov.uk

3. Is the GSP too rigid in any aspects?

YES

NO

DON'T KNOW

If you answer yes please explain giving examples

4. Does the GSP make it clear that each application will be treated on his own merits?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

5. Do you think the general guidance given about the location for premises to be licensed under this Act is

About right?

Too rigid?

Too vague?

If you answer too rigid or too vague please explain giving examples.

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Gloucester City Council
Herbert Warehouse
The Docks
Gloucester GL1 2EQ

Tel 01452 396321 Fax 01452 396340
Email enviro@gloucester.gov.uk
Minicom 01452 396161
www.gloucester.gov.uk

6. Do you think that the GSP includes sufficient details about responsible authorities?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

7. Do you think that the definition of 'interested parties' is?

A) Clear and enabling?

B) Clear but too rigid?

C) Unclear?

If your answer is B or C please explain giving examples

8. Does the enforcement approach outlined in this document commit to a risk based enforcement approach?

YES

NO

DON'T KNOW

If you answer no please explain why.

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Gloucester City Council
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The Docks
Gloucester GL1 2EQ

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www.gloucester.gov.uk

9. Does the GSP adequately set out what factors will be taken into account when considering applications of premises licences, permits and other permissions?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

10. Are there any locations you think that would be unsuitable for gambling premises in Gloucester?

YES

NO

DON'T KNOW

If you answer yes please explain giving examples

11. Under section 166(5) the Gambling Act 2005, any resolution not to issue a casino licence must be published in the Gambling Statement of Principles. Do you think Gloucester City Council should consider having a no casinos resolution?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

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Gloucester City Council Tel 01452 396321 Fax 01452 396340
Herbert Warehouse Email enviro@gloucester.gov.uk
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Gloucester GL1 2EQ www.gloucester.gov.uk

12. Do you think there is any other category of person that should be included in the definition of vulnerable persons as referred to in this document?

YES

NO

DON'T KNOW

If you answer yes please explain giving examples

Additional Comments:

Thank you for taking the time to comment on Gloucester City Councils Gambling Statement of Principles.

Please return completed questionnaires by 20th October 2006 to:

Gill Ragon
Environmental Health Manager
Gloucester City Council
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ
Email enviro@gloucester.gov.uk

ENVIRONMENTAL HEALTH

Gloucester City Council Tel 01452 396321 Fax 01452 396340
Herbert Warehouse Email enviro@gloucester.gov.uk
The Docks Minicom 01452 396161
Gloucester GL1 2EQ www.gloucester.gov.uk

FINAL DRAFT

STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

(November 2006)

ENVIRONMENTAL HEALTH

Gloucester City Council
Herbert Warehouse
The Docks
Gloucester GL1 2EQ

Tel 01452 396303 **Fax** 01452 396340
Email licence.team@gloucester.gov.uk
Minicom 01452 396161
www.gloucester.gov.uk



GLOUCESTER
CITY COUNCIL

BACKGROUND

The law on gambling is now more than 30 years old and does not cater for modern technology or reflect changes in society.

The Gambling Act 2005 comprehensively modernises the current law, and introduces a unified regulator for gambling in Great Britain in the form of the Gambling Commission.

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.

The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.

The Commission has issued Guidance under Section 25 regarding the manner in which local authorities exercise their licensing functions under the Act and, in particular, the principles to be applied by local authorities.

The Commission will also issue one or more codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, which may also include provisions about advertising gambling facilities.

The Gambling Commission can be contacted at: www.gamblingcommission.gov.uk

The Act provides for 3 categories of licence:

- Operating licences
- Personal licences
- Premises licences

The Council will be responsible for issuing premises licences. The Gambling Commission will be responsible for issuing operating and personal licences.

July 2006

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This Statement of Principles has been drafted at a time when a number of regulations, Operating / Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these impact upon the content of this document it will need to be borne in mind and amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2006.

PART A

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:-

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

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

The Licensing Authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Authority's Statement of Licensing Policy

2. Introduction

Gloucester City Council is situated in the County of Gloucestershire which contains 6 district councils in total. The Council area has a population of 111,164 (2001 Census) making it the largest urban Authority in the County in terms of population. In terms of area it is one of the smallest covering just 15.64 square miles. The City of Gloucester is the County town for Gloucestershire and its area is mainly urban. It is surrounded by the rural authorities of the County. A map of the district is attached as Appendix A. The key provided identifies the city's boundaries and wards. The following wards are also noted as areas of deprivation: Westgate and Barton & Tredworth, with the Westgate Ward a focus for regeneration.

Licensing authorities are required by the Gambling Act 2005 to publish a Statement of Principles which they proposed to apply when exercising their functions. This Statement must be published at least every three years. The Statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The Statement must be then republished.

Gloucester City Council consulted widely upon this Statement before finalising and publishing. A list of those persons consulted is provided in Appendix B. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

The Gambling Act requires that the following parties are consulted by licensing authorities:-

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

Our consultation took place between 19 July 2006 and 13 October 2006 and we followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector. These documents are available via:-

<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>
<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

The full list of comments made and the consideration by the Council of those comments will be available by request to: Anthony Moseley on 01452 396322 or via the Council's website at www.gloucester.gov.uk.

The policy will be considered for approval at a meeting of the Full Council on 30 November 2006 and will be published via our website www.gloucester.gov.uk on 4 December 2006. Copies were placed in the public libraries of the area as well as being available in the Council Offices.

Should you have any comments as regards this Policy Statement please send them via email or letter to the following contact:-

Name: Anthony Moseley, Licensing Enforcement Manager

Address: Licensing Team, Environmental Health, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ

Email: licence.team@gloucester.gov.uk

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

3. Declaration

In producing the final Statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the Statement.

4. Responsible Authorities

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 175(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The principles are:-

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities this Authority designates the Gloucestershire Area Child Protection Board for this purpose.

The contact details of all Responsible Authorities under the Gambling Act 2005 is attached as Appendix C.

5. Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:-

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person -

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) has business interests that might be affected by the authorised activities; or
- (c) represents persons who satisfy paragraph (a) or (b)."

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. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.14 and 8.15 (*Note: If a licensing authority does not wish to follow the Gambling Commission's Guidance in any respect it is advised to state this in its Statement. Note though that decisions on premises licences and temporary use notices must be "in accordance" with Gambling Commission Guidance (Section 153)*). It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission recommended in its Guidance that the Licensing Authority states that interested parties include trade associations and trade unions and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). It is understood that the Gambling Commission has subsequently stated that this is a mistake in its Guidance which will be rectified and noted on its website. However, this Authority emphasises that it will not generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Department on 01452 396303 / 01452 396301 / 01452 396308 or by email: licence.team@gloucester.gov.uk.

6. Exchange of Information

Licensing authorities are required to include in their Statements the principles to be applied by the Authority in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

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

Should any protocols be established as regards information exchange with other bodies then they will be made available. Discussions with the Gambling Commission and LACORS as regards information exchange between the Commission and local authorities are, at the time of writing, at an early stage.

7. Enforcement

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

This Licensing Authority's principles are that:-

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:-

Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;

Consistent: rules and standards must be joined up and implemented fairly;

Transparent: regulators should be open and keep regulations simple and user friendly; and

Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance issues arise.

The Licensing Authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme. Whilst the Gambling Commission's Guidance suggests that the criteria the Authority will utilise in this respect are included in this Statement, this has not been possible. At the time of writing the Gambling Commission has not published its risk criteria, nor are regulations such as mandatory/default conditions published, nor Codes of Practice. LACORS is working with the Gambling Commission to produce a risk model for premises licences and this Authority will consider that model once its is made available.

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

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

Bearing in mind the principle of transparency, this Licensing Authority's enforcement protocols will be available upon request to the Licensing Department (Anthony Moseley, Licensing Enforcement Manager on 01452 396322 or by email: licence.team@gloucester.gov.uk). Our risk methodology will also be available upon request.

8. Licensing Authority Functions

Licensing authorities are required under the Act to:-

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*.
- Issue *Provisional Statements*.
- Regulate *Members' Clubs and Miners' Welfare Institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issue *Club Machine Permits* to *Commercial Clubs*.

- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*.
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register *small society lotteries* below prescribed thresholds.
- Issue *Prize Gaming Permits*.
- Receive and endorse *Temporary Use Notices*.
- Receive *Occasional Use Notices*.
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'Information Exchange').
- Maintain registers of the permits and licences that are issued under these functions.

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

The Gambling Commission has recommended that licensing authorities include a list of licensable activities in their Policy Statements. LACORS has requested a definitive list from the Gambling Commission and this will be incorporated into this Policy Statement once provided.

A table outlining how this Authority will delegate its functions under this Act is attached at Appendix D.

PART B

PREMISES LICENCES

1. General Principles

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

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

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Authority's Statement of Licensing Policy

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below - page 12) and also that unmet demand is not a criterion for a Licensing Authority.

Definition of "premises" - Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority takes particular note of the Gambling Commission's Guidance for local authorities which states that:-

- licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licence should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act, but in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would or should, be prohibited under the Act.

It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to “the premises” are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This Authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the Authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

Location - This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission’s Guidance for local authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this Statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

This Licensing Authority recognises the case of R (Hestview) -v- Snaresbrook Crown Court in which Hooper J stated (para 65)

Likewise if any application is, in effect, an application for the transfer of a licence from one premises to another close by, with some increase in size of the customer area, then an authority might well conclude that the grant would not be inexpedient....

This Licensing Authority will therefore give sympathetic consideration to resites within the same locality and extensions in order to enhance the quality of the facility provided for the betting public.

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

Licensing Objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission’s Guidance to local authorities and some comments are made below:-

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

Ensuring that gambling is conducted in a fair and open way - This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regards to tracks which is explained in more detail in the 'tracks' section below - page 13).

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

This Licensing Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs". This Licensing Authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this Policy Statement will be updated with it, by way of a revision. A list of organisations set up to give help and advice about problem gambling is attached as Appendix E.

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

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

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

The Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

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

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

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

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

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

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

Door Supervisors - The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

Where operators and licensing authorities decide that supervision of entrances/machines is appropriate for particular cases it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

2. Adult Gaming Centres

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

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

- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

3. (Licensed) Family Entertainment Centres

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

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

- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.

- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Measures/training for staff on how to deal with suspected truant school children on the premises.

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

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

4. Casinos

No Casinos resolution - This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this Policy Statement with details of that resolution. Any such decision will be made by the Full Council.

Casinos and competitive bidding - This Licensing Authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the Local Authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with any regulations/codes of practice issued under the Gambling Act 2005. Currently the area for this Licensing Authority has not been granted this type of permission.

Licence considerations/conditions - The Gambling Commission has stated that "further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises" (Gambling Commission Guidance for local authorities - 17.30). This Guidance will be considered by this Licensing Authority when it is made available.

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

5. Bingo Premises

This Licensing Authority notes that the Gambling Commission's Guidance states:-

18.4 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted 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;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

This Licensing Authority is also aware that the Gambling Commission has stated that it is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this Licensing Authority once it is made available.

6. Betting Premises

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

While the Authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This Authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this Authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter. There will be no limiting of betting machines where they are only being used to automate the betting process for future live events.

7. Tracks

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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

- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

Gaming machines - Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This Licensing Authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting machines - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

Condition on rules being displayed - The Gambling Commission has advised in its Guidance for local authorities that "... licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office".

Applications and plans - This Licensing Authority awaits regulations setting out any specific requirements for applications for premises licences but notes the Gambling Commission's suggestion that "To ensure that licensing authorities gain a proper understanding of what they are being asked to licence they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities" and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence".

This Licensing Authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

8. Travelling Fairs

It will fall to this Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

This Licensing Authority notes Guidance for the Gambling Commission which states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:-

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances.

This Authority has noted the Gambling Commission's Guidance that "A licensing authority should not take into account irrelevant matters ... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

10. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this Authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's Statement of Licensing Policy.

This Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

PART C

PERMITS/TEMPORARY AND OCCASIONAL USE NOTICE

1. **Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a *Statement of Principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this Statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year Licensing Policy Statement, licensing authorities may include a Statement of Principles that they propose to apply when exercising their functions in considering applications for permits ..., licensing authorities will want to give weight to child protection issues" (24.6).

Guidance also states: "... An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application ... licensing authorities might wish to consider asking applications to demonstrate:-

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stake and prizes (24.7).

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

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

2. (Alcohol) Licensed Premises Gaming Machine Permits (Schedule 13 paragraph 4(1))

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

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

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and *“such matters as they think relevant”*. This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

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

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

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

3. Prize Gaming Permits (Statement of Principles on Permits - Schedule 14 paragraph 8(3))

The Gambling Act 2005 states that a licensing authority may “prepare a Statement of Principles that they propose to apply in exercising their functions under this Schedule” and “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:-

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:-

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

4. Club Gaming and Club Machines permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:-

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;

- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:-

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

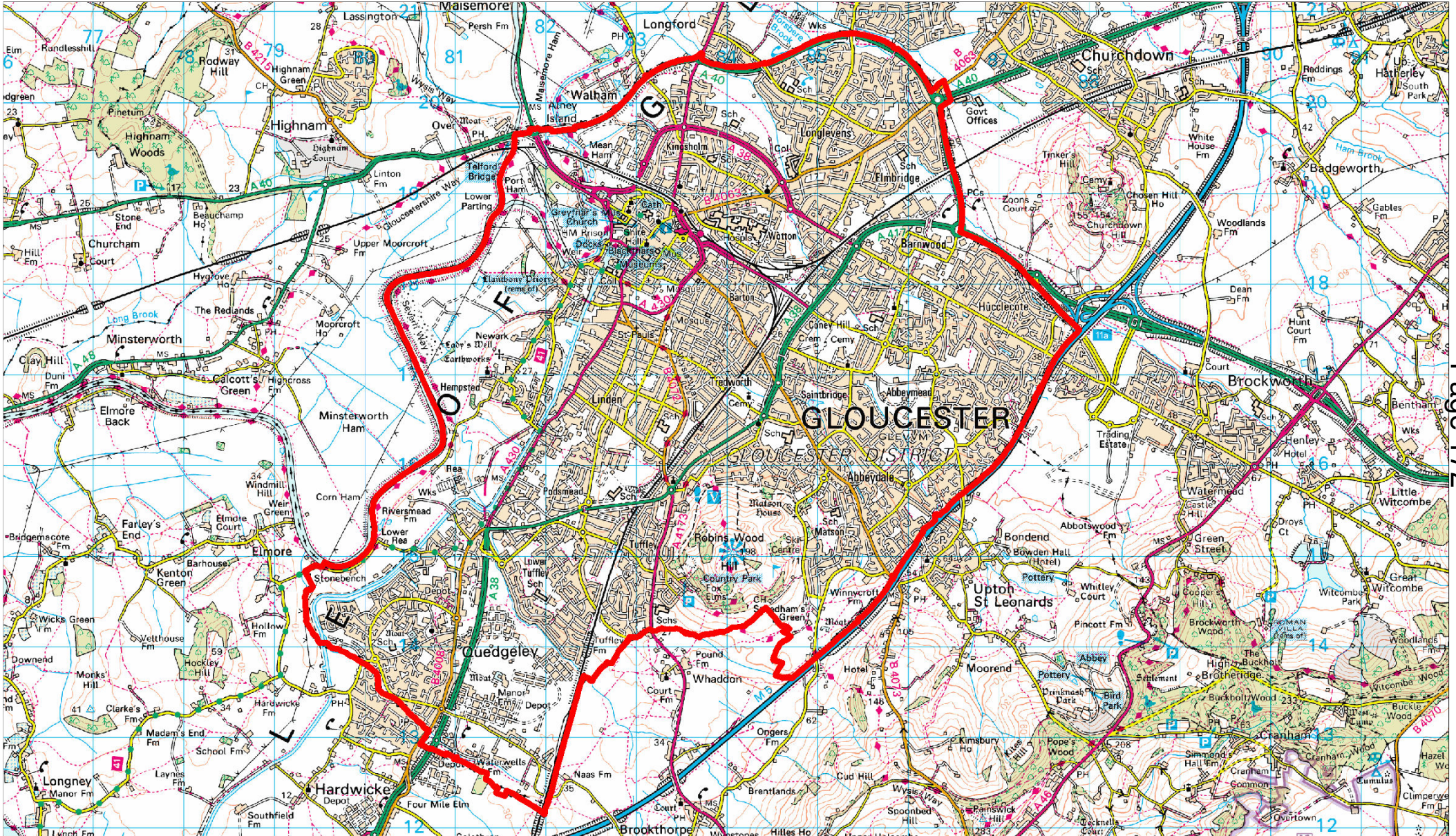
There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a Code of Practice about the location and operation of gaming machines.

5. Temporary Use Notices

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises ... 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".

6. Occasional Use Notices

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.



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Gloucester City Council, Licence No. 100019169

Statement of Principles - Gambling Act 2005 (Final Draft - November 2006)

CONSULTEES

The Authority has consulted the following on the content of this Statement of Principles:-

- Association of British Bookmakers
- British Amusement Catering Association
- Bingo Association
- Chief Officer of Police
- Elected Members of Gloucester City Council
- GamCare
- Gamblers Anonymous
- Holders of existing licences, permits and registrations who will be affected by the provisions of the Act
- Licensed Victuallers Association
- Lotteries Council
- Responsible Authorities
- Responsibility in Gambling Trust

CONTACT DETAILS FOR RESPONSIBLE AUTHORITIES

LICENSING AUTHORITY

Gloucester City Council
Environmental Health
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Telephone: 01452 396303
Fax: 01453 396340
Email: licence.team@gloucester.gov.uk

LOCAL PLANNING AUTHORITY

Steve MacPherson
Development Control Manager
Gloucester City Council
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Telephone: 01452 396783
Fax: 01452 396779
Email: development.control@gloucester.gov.uk

THE GAMBLING COMMISSION

Victoria Square House
Victoria Square
BIRMINGHAM
B2 4BP

Telephone: 0121 230 6500
Fax: 0121 233 1096
Email: info@gamblingcommission.gov.uk

GLOUCESTERSHIRE CONSTABULARY

PC Guy Hall
Gloucester and Forest Division
Licensing Department
Gloucester Police Station
Bearland
Gloucester
GL1 2JP

Telephone: 01452 335379
Fax: 01452 384952
Email: licensing-forest&gloucester@gloucestershire.police.uk

The main Police switchboard number is 0845 090 1234.

GLOUCESTERSHIRE FIRE AND RESCUE

Service Delivery Support
Waterwells
Quedgeley
Gloucester
GL2 2AX

Telephone: 01452 753333
Fax: 01452 753304
Email: fire.safety@glosfire.gov.uk

GLOUCESTERSHIRE ACPC

Safeguarding Children Board
Shire Hall
Westgate Street
Gloucester

HM CUSTOMS & EXCISE

HM Revenue & Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ

BRITISH WATERWAYS

Susie Mercer
Leisure Development Manager
British Waterways
South West Office
Harbour House
The Docks
Gloucester GL1 2GL

Telephone: 01452 318000
Fax: 01452 318076

ENVIRONMENT AGENCY

Riversmeet House
Newtown Industrial Estate
Northway Lane
Tewkesbury
Gloucestershire
GL20 8JG

SECRETARY OF STATE

DCMS
2-4 Cockspur Street
London
SW1Y 5DH

Telephone: 020 7211 6200
email: enquiries@culture.gov.uk

APPENDIX D

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

LIST OF ORGANISATIONS THAT GIVE HELP AND ADVICE ABOUT PROBLEM GAMBLING

The following organisations are working to tackle problem gambling and may be able to help individuals and/or organisations.

Responsibility in Gambling Trust (RIGT)

First Floor

Downstream Building

1 London Bridge

London

SE1 9BG

Tel: 020 7022 1865

Fax: 020 7022 1866

Email: enquiries@rigt.org.uk

Citizens Advice

Gloucester and District Citizens Advice Bureau

75 - 81 Eastgate Street

Gloucester

GL1 1PN

Tel: 01452 528017

01452 527202 (appointments)

Fax: 01452 381507

Gam Anon

National Service Office

PO Box 88

London

SW10 0EU

National Help Line: 08700 508 880

Midlands 0121 233 1335

Gamblers Anonymous (UK)

Help Line: 020 7384 3040

Birmingham 0121 233 1335

Gam Care

2 & 3 Baden Palace

Crosby Row

London

SE1 1YW

Tel: 020 7378 5200

Fax: 020 7378 5233

Email: info@gamcare.org.uk

Gordon House Association

114 Wellington Road

Dudley

West Midlands

DY1 1UB

Tel: 01384 241 292

Fax: 01384 251 959

Email: help@gordonhouse.org.uk

NCH Children's Charity
85 Highbury Park
London
N5 1UD
Tel: 020 7704 7058
Fax: 020 7226 2537

NHC South West
Horner Court
637 Gloucester Road
Horfield
Bristol
BA7 0BJ
Tel: 01179 354 440
Fax: 01179 512 470

National Debt Line
Tricorn House
51 - 53 Hagley Road
Edgbaston
Birmingham
B16 8TP
Tel: 0808 808 4000
Fax: 0121 410 6230

Telephone Helplines Association
www.helplines.org.uk

GAMBLING ACT 2005 CONSULTATION ON DRAFT GAMBLING STATEMENT OF PRINCIPLES

Gloucester City Council has produced a draft Gambling Statement of Principles and is seeking your comments on this document by 20 October 2006. A copy of the document can be found on our website www.gloucester.gov.uk or alternatively you can request a copy by telephoning 01452 396396. This draft is based on a template produced by LACORS (Local Authorities Coordinators of Regulatory Services).

We would like to hear your views so if you have any comments or ideas that you would like to be considered please complete and return the attached feedback form by no later than Friday 20 October 2006. You can also make your comments online on our website www.gloucester.gov.uk.

The Gambling Act 2005 received Royal Assent on 7 April 2005, introducing changes on gambling in England and Wales. As part of that change, Gloucester City Council will become the Licensing Authority for the District and will assume responsibility for licensing certain gambling premises within the District.

To comply with the new legislation, Gloucester City Council must publish a Statement of Principles that sets out its position in relation to its duties under the Act. Licensing Authorities must publish their Gambling Statement of Principles by December 2006. Before the Council publishes its statement it must consult with various persons and representative bodies. The Council welcomes the new powers granted to it by the legislation and intends to use them, in consultation with statutory agencies (e.g. Police, Fire and Rescue Service, etc.), licensees, local businesses and residents, in a socially responsible way.

The act introduces a unified regulator for gambling in Great Britain, known as, the Gambling Commission, and a new licensing regime for commercial gambling (to be conducted by the Commission or by licensing authorities, depending on the matter to be licensed). The Act removes from licensing justices all responsibility for granting gaming and betting permissions, which they exercised previously. Instead, the Commission and Licensing Authorities will share between them responsibility for all licensing matters previously regulated by licensing justices.

At the centre of the Gambling Act 2005 there are three objectives. The objectives are:

- Ensure that gambling remains crime-free
- Ensure that gambling is conducted fairly
- Protect children and the vulnerable

There are three levels of licensing for Gambling operations:

- Operating Licences
- Personal Licences
- Premises Licences

Operating licences will be issued by the Gambling Commission and are the main permission for commercial gambling. The licence can be held by an individual, company or persons and will be regulated through licence conditions.

/cont'd

ENVIRONMENTAL HEALTH

Gloucester City Council Tel 01452 396396 Fax 01452 396340
Herbert Warehouse Email enviro@gloucester.gov.uk
The Docks Minicom 01452 396161
Gloucester GL1 2EQ www.gloucester.gov.uk



Personal licences are to be issued by the Gambling Commission. They are required where it is specified as a condition on an operating licence issued by the Gambling Commission. The purpose of the personal licence is to ensure that individuals who control facilities for gambling or are able to influence the outcome of gambling are licensed so as to check that they are suitable to carry out those functions, and so that they understand the legal and compliance requirements concerned with the gambling they operate.

Premises licences are to be issued by the Licensing Authority with responsibility for the area in which the premises are situated. Any individual or company that proposes to offer gambling for which an operating licence is required, and which is premises based, will also need to apply for a premises licence. Licence fees will be banded with a prescribed maximum for Premises Licences and will be set by the Secretary of State.

The Licensing Authority must:

- Consider applications for Premises Licences with regard to the three licensing objectives as well as the guidance issued by the Gambling Commission.
- Take account of all relevant representations received.
- Decide on conditions to be attached to the Premises Licence.
- Grant or refuse licences.
- Give reasons for decisions
- All applicants and those making representations have a right of appeal against any decision made by the Licensing Authority to the Magistrates Court.

Decisions relating to premises licences are delegated to the licensing committee of the authority. Appendix A of the Draft Statement of Principles sets out the suggested levels for delegation of functions. It is intended that the Licensing Sub-Committees set up for the purposes of the Licensing Act 2003 will be used where necessary for the Gambling Act 2005.

The Gambling Commission issued guidance to licensing authorities in April 2006. This gives guidance on the Act, on what should be included in a Licensing Authority's Statement of Principles as well as many other aspects. A chapter has been dedicated to Principles to be applied by licensing authorities and these have been referred to in writing the Statement of Principles and will be referred to in the decision making process.

As with the Licensing Act 2003 applications are subject to representations and these can be from responsible authorities or interested parties. Responsible Authorities under the Gambling Act 2005 are listed in Appendix C of the Draft Statement of Principles attached to this report. This Appendix is based on Part 8 of the Gambling Commissions Guidance. This part of the Guidance also defines "Interested Parties" and this will be referred to when determining if representations are admissible.

As with the Licensing Act 2003 a Licensing Authority may attach certain conditions to a licence where it is considered necessary and proportionate or where mandatory conditions apply.

In addition to Premises Licences the Licensing Authority will be responsible for permissions for low stake gaming machines; registering certain society lotteries; publishing a three year statement of principles; considering applications and monitoring compliance; maintaining a register of licensed premises and deciding on a casino resolution.

It should be noted that Licensing Authorities require the permission of Parliament for their area before they can begin the process of issuing a new casino premises licence. The Secretary of State has appointed an independent Casino Advisory Panel to advise the Government on the areas in which the new types of casino created by the Gambling Act will be located. Should a Licensing Authority not wish to issue any casino premises licences it can make a resolution to that effect.

FEEDBACK FORM

**GAMBLING ACT 2005
CONSULTATION ON DRAFT GAMBLING STATEMENT OF PRINCIPLES**

NAME:

ADDRESS:

TEL. NO.:

YOUR COMMENTS OR IDEAS

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continue on a separate sheet if necessary

You can also make your comments online on our website -
www.gloucester.gov.uk/licensingforms/GamblingAct2005.htm

Please return this form to the Licensing Team at the address given below by no later than Friday 20 October 2006:-

**THE LICENSING TEAM
GLOUCESTER CITY COUNCIL
ENVIRONMENTAL HEALTH
HERBERT WAREHOUSE
THE DOCKS
GLOUCESTER GL1 2EQ**

Gambling Act 2005

Gloucester City Council - Statement of Principles

INVITATION

Gloucester City Councils Statement of Principles is currently out for consultation. We are seeking your thoughts and views on how this important piece of legislation is implemented in Gloucester. To find out more about the Gambling Act 2005, Gloucester City Councils Statement of Principles and for an opportunity to make your views known you are invited to join us in North Warehouse, The Docks, Gloucester, on either of the following dates:

Thursday 5 October 2006 @ 18:30

Wednesday 11 October 2006 @ 14:00

Dead line for consultation feedback on this document is 20 October 2006

For further information contact the Licensing Team on 01452 396301 / 396303 / 396308

ENVIRONMENTAL HEALTH

Gloucester City Council	Tel 01452 396304(SWB) Fax 01452 396340
Herbert Warehouse	Email enviro@gloucester.gov.uk
The Docks	Minicom 01452 396161
Gloucester GL1 2EQ	www.gloucester.gov.uk

CONSULTATION QUESTIONNAIRE

GLOUCESTER CITY COUNCIL

GAMBLING STATEMENT OF PRINCIPLES

Set out below is a range of questions to help you to give feedback on Gloucester City Councils DRAFT Gambling Statement of Principles. The list of questions should only be used as guidance. Any other comments you may wish to make will be well received. Space has been included at the end of this questionnaire for this or alternatively if there is insufficient space please attach your comments to the questionnaire.

1. Is the Gambling Statement of Principles (GSP) clear and easy to follow?

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>
DON'T KNOW	<input type="checkbox"/>

If you answer no please explain giving examples

2. Does the GSP address the licensing objectives?

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>
DON'T KNOW	<input type="checkbox"/>

If you answer no please explain giving examples

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Herbert Warehouse Email enviro@gloucester.gov.uk
The Docks Minicom 01452 396161
Gloucester GL1 2EQ www.gloucester.gov.uk

3. Is the GSP too rigid in any aspects?

YES

NO

DON'T KNOW

If you answer yes please explain giving examples

4. Does the GSP make it clear that each application will be treated on his own merits?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

5. Do you think the general guidance given about the location for premises to be licensed under this Act is

About right?

Too rigid?

Too vague?

If you answer too rigid or too vague please explain giving examples.

ENVIRONMENTAL HEALTH

Gloucester City Council
Herbert Warehouse
The Docks
Gloucester GL1 2EQ

Tel 01452 396321 Fax 01452 396340
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Minicom 01452 396161
www.gloucester.gov.uk

6. Do you think that the GSP includes sufficient details about responsible authorities?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

7. Do you think that the definition of 'interested parties' is?

A) Clear and enabling?

B) Clear but too rigid?

C) Unclear?

If your answer is B or C please explain giving examples

8. Does the enforcement approach outlined in this document commit to a risk based enforcement approach?

YES

NO

DON'T KNOW

If you answer no please explain why.

ENVIRONMENTAL HEALTH

Gloucester City Council
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The Docks
Gloucester GL1 2EQ

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Minicom 01452 396161
www.gloucester.gov.uk

9. Does the GSP adequately set out what factors will be taken into account when considering applications of premises licences, permits and other permissions?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

10. Are there any locations you think that would be unsuitable for gambling premises in Gloucester?

YES

NO

DON'T KNOW

If you answer yes please explain giving examples

11. Under section 166(5) the Gambling Act 2005, any resolution not to issue a casino licence must be published in the Gambling Statement of Principles. Do you think Gloucester City Council should consider having a no casinos resolution?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

ENVIRONMENTAL HEALTH

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Herbert Warehouse Email enviro@gloucester.gov.uk
The Docks Minicom 01452 396161
Gloucester GL1 2EQ www.gloucester.gov.uk

12. Do you think there is any other category of person that should be included in the definition of vulnerable persons as referred to in this document?

YES

NO

DON'T KNOW

If you answer yes please explain giving examples

Additional Comments:

Thank you for taking the time to comment on Gloucester City Councils Gambling Statement of Principles.

Please return completed questionnaires by 20th October 2006 to:

**Gill Ragon
Environmental Health Manager
Gloucester City Council
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ
Email enviro@gloucester.gov.uk**

ENVIRONMENTAL HEALTH

Gloucester City Council Tel 01452 396321 Fax 01452 396340
Herbert Warehouse Email enviro@gloucester.gov.uk
The Docks Minicom 01452 396161
Gloucester GL1 2EQ www.gloucester.gov.uk

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Diary of Meetings May 2007 to May 2008

P = The whole or most of this meeting is open to the public

Pr = This meeting will be held in private

(See also special notes on last page)

MAY 2007

TUE	1	<i>The meeting of Planning committee originally scheduled to take place on this date has been moved to Tuesday 24 April.</i>		
WED	2			
THUR	3	COUNCIL ELECTIONS		
FRI	4			
SAT	5			
SUN	6			
MON	7	MAY DAY BANK HOLIDAY – OFFICES CLOSED		
TUE	8	Pr		
WED	9			
THUR	10			
FRI	11			
SAT	12			
SUN	13			
MON	14	18.00 hours	Group Leaders	
TUE	15			
WED	16			
THUR	17			
FRI	18			
SAT	19			
SUN	20			
MON	21	11.30 hours	Annual Council	P
TUE	22	18.30 hours	Licensing and Enforcement Committee	P
WED	23	18.00 hours	Cabinet Briefing	Pr
THUR	24			
FRI	25			
SAT	26			
SUN	27			
MON	28	SPRING BANK HOLIDAY - OFFICES CLOSED SCHOOL HOLIDAY STARTS		
TUE	29	18.00 hours	Planning Committee	P
WED	30			

THUR	31	14.00 hours	Licensing Sub-Committee	P
JUNE 2007				
FRI	1		SCHOOL HOLIDAY ENDS	
SAT	2			
SUN	3			
MON	4	18.30 hours	Overview and Scrutiny Management Committee	P
TUE	5			
WED	6	18.00 hours	Cabinet	P
THUR	7	14.00 hours	Joint Health and Safety Forum	Pr
		18.00 hours	Group Leaders	Pr
		18.30 hours	Licensing Sub-Committee	P
FRI	8			
SAT	9			
SUN	10			
MON	11	17.30 hours	Disability Equality Forum	P
TUE	12	14.00 hours	Licensing Sub Committee	P
		18.00 hours	Traffic Working Party	P
WED	13	16.00 hours	Regeneration Programme Board	Pr
		18.30 hours	Race Equality Forum	P
THUR	14	14.00 hours	Employee Forum	Pr
		19.00 hours	Standards Committee	P
FRI	15			
SAT	16			
SUN	17			
MON	18	18.00 hours	Environment and Ecology Forum	P
TUE	19	18.30 hours	Licensing and Enforcement Committee	P
WED	20			
THUR	21	12.00 hours	City Council/Gloucester Chamber of Trade and Commerce	Pr
FRI	22			
SAT	23			
SUN	24			
MON	25	18.00 hours	<i>Housing</i> Forum	P
TUE	26	18.30 hours	Planning Policy Sub-Committee	P
WED	27	14.00 hours	Licensing Sub-Committee	P
		18.00 hours	Cabinet Briefing	Pr
THUR	28	18.30 hours	Audit Committee	
FRI	29			
SAT	30			

JULY 2007

SUN	1			
MON	2	18.00 hours	Crime and Disorder Reduction Partnership	Pr
TUE	3	18.00 hours	Planning Committee	P
WED	4	18.00 hours	Electoral Working Party	Pr
THUR	5	18.30 hours	Licensing Sub Committee	P
FRI	6			
SAT	7			
SUN	8			
MON	9	18.30 hours	Overview and Scrutiny Management Committee	P
TUE	10	18.00 hours	Group Leaders	Pr
WED	11	14.00 hours	Licensing Sub Committee	P
		18.00 hours	Cabinet	P
THUR	12	16.00 hours	Regeneration Programme Board	Pr
FRI	13			
SAT	14			
SUN	15			
MON	16	18.00 hours	Traffic Working Party	P
TUE	17	18.30 hours	Licensing and Enforcement Committee	P
WED	18	18.30 hours	Scrutiny Committee for the Built Environment	P
THUR	19	18.30 hours	Licensing Sub-Committees	P
		18.30 hours	Scrutiny Committee No. 2 (HRL, SC)	P
FRI	20			
SAT	21			
SUN	22			
MON	23		SCHOOL HOLIDAY STARTS	
TUE	24			P
WED	25	14.00 hours	Licensing Sub Committee	P
		18.00 hours	Cabinet Briefing	Pr
THUR	26	19.30 hours	Council	P
FRI	27			
SAT	28			
SUN	29			
MON	30			
TUE	31			P

AUGUST 2007

WED	1			
THUR	2	18.30 hours	Licensing Sub-Committee	P

FRI	3			
SAT	4			
SUN	5			
MON	6	18.00 hours	Group Leaders	Pr
TUE	7	18.00 hours	Planning Committee	P
WED	8	14.00 hours	Licensing Sub-Committee	P
THUR	9			
FRI	10			
SAT	11			
SUN	12			
MON	13			
TUE	14			
WED	15			
THUR	16	18.30 hours	Licensing Sub-Committee	P
FRI	17			
SAT	18			
SUN	19			
MON	20			
TUE	21			
WED	22	14.00 hours	Licensing Sub-Committee	P
THUR	23			
FRI	24			
SAT	25			
SUN	26			
MON	27		BANK HOLIDAY - OFFICES CLOSED	
TUE	28			
WED	29			
THUR	30	18.30 hours	Licensing Sub-Committee	
FRI	31		SCHOOL HOLIDAY ENDS	
SEPTEMBER 2007				
SAT	1			
SUN	2			
MON	3	18.30 hours	Overview and Scrutiny Management Committee	P
TUE	4	18.00 hours	Planning Committee	P
WED	5	14.00 hours	Licensing Sub-Committee	P
		18.00 hours	Cabinet	P
THUR	6	14.00 hours	Joint Health Safety Forum	Pr
FRI	7			

SAT	8			
SUN	9			
MON	10	18.00 hours	Group Leaders	Pr
TUE	11	14.00 hours	Licensing Sub Committees	P
		18.00 hours	Traffic Working Party	P
WED	12	16.00 hours	Regeneration Programme Board	P
		18.30 hours	Race Equality Forum	P
THUR	13	18.30 hours	Planning Policy Sub Committee	
FRI	14			
SAT	15			
SUN	16			
MON	17	19.00 hours	Standards Committee	P
TUE	18	18.30 hours	Licensing and Enforcement Committee	P
WED	19			
THUR	20	19.30 hours	Council	P
FRI	21			
SAT	22			
SUN	23			
MON	24	17.30 hours	Disability Equality Forum	P
TUE	25	18.30 hours	Audit Committee	P
WED	26	14.00 hours	Licensing Sub-Committee	P
		18.00 hours	Cabinet Briefing	Pr
THUR	27	12.00 hours	City Council/Gloucester Chamber of Trade and Commerce	
FRI	28			
SAT	29			
SUN	30			

OCTOBER 2007

MON	1	18.00 hours	Crime and Disorder Reduction Partnership	P
TUE	2	18.00 hours	Planning Committee	P
WED	3			
THUR	4	14.00hours 18.30 hours	Employee Forum Licensing Sub-Committee	Pr P
FRI	5			
SAT	6			
SUN	7			
MON	8	18.30 hours	Overview and Scrutiny Management Committee	P
TUE	9	18.00 hours	Traffic Working Party	P
WED	10	14.00 hours	Licensing Sub-Committee	P
		18.00 hours	Cabinet	P

THUR	11	16.00 hours	Regeneration Programme Board	Pr
FRI	12			
SAT	13			
SUN	14			
MON	15	18.00 hours	Group Leaders	Pr
TUE	16	18.30 hours	Licensing and Enforcement Committee	P
WED	17	18.00 hours	Environment and Ecology Forum	P
THUR	18			
FRI	19			
SAT	20			
SUN	21			
MON	22		SCHOOL HOLIDAY STARTS	
		18.00 hours	<i>Housing Forum</i>	P
TUE	23			
WED	24	14.00 hours	Licensing Sub-Committee	P
THUR	25			
FRI	26			
SAT	27			
SUN	28			
MON	29		SCHOOL HOLIDAY ENDS	
		18.00 hours	Grants and Community Services Forum	Pr
TUE	30	18.30 hours	Licensing Sub-Committee	P
WED	31	18.00 hours	Cabinet Briefing	Pr

NOVEMBER 2007

THUR	1			
FRI	2			
SAT	3			
SUN	4			
MON	5	18.00 hours	Group Leaders	Pr
TUE	6	18.00 hours	Planning Committee	P
WED	7	14.00 hours	Licensing Sub-Committee	P
THUR	8	18.30 hours	Planning Policy Sub Committee	
FRI	9			
SAT	10			
SUN	11			
MON	12	18.30 hours	Overview and Scrutiny Management Committee	P
TUE	13	16.00 hours	Regeneration Programme Board	Pr
		18.00 hours	Traffic Working Party	P

WED	14	18.00 hours	Cabinet	P
THUR	15	18.30 hours	Licensing Sub-Committee	P
FRI	16			
SAT	17			
SUN	18			
MON	19			
TUE	20	18.30 hours	Licensing and Enforcement Committee	P
WED	21	18.30 hours	Scrutiny Committee No. 2 (HRL, SC)	P
THUR	22	14.00 hours	Joint Health and Safety Forum	Pr
FRI	23			
SAT	24			
SUN	25			
MON	26	18.30 hours	Scrutiny Committee for the Built Environment	P
TUE	27	18.00 hours	Electoral Working Party	Pr
WED	28	18.00 hours	Cabinet Briefing	Pr
		18.30 hours	Licensing Sub-Committee	P
THUR	29	19.30 hours	Council	P
FRI	30			

DECEMBER 2007

SAT	1			
SUN	2			
MON	3	18.00 hours	Group Leaders	Pr
TUE	4	18.00 hours	Planning Committee	P
WED	5	14.00 hours	Licensing Sub Committee	P
THUR	6	12.00 hours	City Council/Gloucester Chamber of Trade and Commerce	Pr
FRI	7			
SAT	8			
SUN	9			
MON	10	18.30 hours	Overview and Scrutiny Management Committee	P
TUE	11	18.00 hours	Traffic Working Party	P
WED	12	18.00 hours	Cabinet – Budget Proposals	P
		18.30 hours	Licensing Sub-Committee	P
THUR	13	17.30 hours	Disability Equality Forum	P
FRI	14			
SAT	15			
SUN	16			
MON	17			
TUE	18	18.30 hours	Licensing and Enforcement Committee	P

WED	19	18.30 hours	Audit Committee	P
THUR	20		SCHOOL HOLIDAY STARTS	
		16.00 hours	Regeneration Programme Board	Pr
		18.30 hours	Race Equality Forum	P
FRI	21			
SAT	22			
SUN	23			
MON	24			
TUE	25		CHRISTMAS DAY - BANK HOLIDAY - OFFICES CLOSED	
WED	26		BOXING DAY - BANK HOLIDAY - OFFICES CLOSED	
THUR	27			
FRI	28			
SAT	29			
SUN	30			
MON	31			
JANUARY 2008				
TUE	1		NEW YEAR BANK HOLIDAY	
WED	2		SCHOOL HOLIDAY ENDS	
THUR	3	18.00 hours	Group Leaders	Pr
		18.30 hours	Licensing Sub-Committee	P
FRI	4			
SAT	5			
SUN	6			
MON	7	18.30 hours	Special Scrutiny Committee – Budget Consultation	P
TUE	8	18.00 hours	Planning Committee	P
WED	9	14.00 hours	Licensing Sub Committee	P
		18.00 hours	Cabinet Briefing	Pr
THUR	10	14.00 hours	Employee Forum – Budget Consultation	Pr
		19.00 hours	Standards Committee	P
FRI	11			
SAT	12			
SUN	13			
MON	14	18.00 hours	<i>Housing</i> Forum	P
TUE	15	18.00 hours	Traffic Working Party	P
WED	16	14.00 hours	Licensing Sub-Committee	P
		18.00 hours	Crime and Disorder Reduction Partnership	Pr
THUR	17	19.30 hours	Council (setting of Council Tax Base)	P
FRI	18			
SAT	19			

SUN	20			
MON	21	18.30 hours	Overview and Scrutiny Management Committee	P
TUE	22	18.30 hours	Licensing and Enforcement Committee	P
WED	23	18.00 hours	Cabinet – Results of Budget Consultation	P
THUR	24	16.00 hours	Regeneration Programme Board	Pr
FRI	25			
SAT	26			
SUN	27			
MON	28	18.30 hours	Scrutiny Committee for the Built Environment	P
TUE	29			
WED	30	14.00 hours	Licensing Sub-Committee	
		18.00 hours	Grants and Community Services Forum	P
THUR	31			

FEBRUARY 2008

FRI	1			
SAT	2			
SUN	3			
MON	4	18.00 hours	Group Leaders	Pr
TUE	5	18.00 hours	Planning Committee	P
WED	6	18.30 hours	Scrutiny Committee No. 2 (CLL, CM)	P
THUR	7	18.30 hours	Licensing Sub-Committee	P
FRI	8			
SAT	9			
SUN	10			
MON	11	18.00 hours	Electoral Working Party	P
TUE	12	18.00 hours	Traffic Working Party	P
WED	13	14.00 hours	Licensing Sub Committee	P
THUR	14	14.30 hours	Council (Budget Approval)	P
FRI	15			
SAT	16			
SUN	17			
MON	18		SCHOOL HOLIDAY STARTS	
TUE	19	18.30 hours	Licensing and Enforcement Committee	P
WED	20	18.00 hours	Cabinet Briefing	Pr
THUR	21	16.00 hours	Regeneration Programme Board	P
		18.00 hours	Council (Council Tax)	P
FRI	22		SCHOOL HOLIDAY ENDS	

SAT	23			
SUN	24			
MON	25	18.00 hours	Environment and Ecology Forum	P
TUE	26	18.30 hours	Planning Policy Sub-Committee	P
WED	27	14.00 hours	Licensing Sub Committee	P
THUR	28			
FRI	29			
MARCH 2008				
SAT	1			
SUN	2			
MON	3	18.30 hours	Overview and Scrutiny Management Committee	P
TUE	4	18.00 hours	Planning Committee	P
WED	5	18.00 hours	Cabinet	
THUR	6	12.00 hours	City Council/Gloucester Chamber of Trade and Commerce	Pr
		18.00 hours	Group Leaders	Pr
		18.30 hours	Licensing Sub-Committee	P
FRI	7			
SAT	8			
SUN	9			
MON	10	17.30 hours	Disability Equality Forum	P
TUE	11	18.00 hours	Traffic Working Party	P
WED	12	14.00 hours	Licensing Sub-Committee	P
		18.30 hours	<i>Scrutiny Committee for the Built Environment</i>	<i>P</i>
THUR	13	19.30 hours	Council	P
FRI	14			
SAT	15			
SUN	16			
MON	17			
TUE	18	18.30 hours	Licensing and Enforcement Committee	P
WED	19	16.00 hours	Regeneration Programme Board	P
		18.30 hours	Race Equality Forum	P
THUR	20	14.00 hours	Joint Health and Safety Forum	Pr
		18.30 hours	Audit Committee	P
FRI	21		GOOD FRIDAY – BANK HOLIDAY – OFFICES CLOSED	
SAT	22			
SUN	23			
MON	24		EASTER MONDAY – BANK HOLIDAY – OFFICES CLOSED	
TUE	25	18.00 hours	<i>Planning Committee</i>	<i>P</i>
WED	26	14.00 hours	Licensing Sub-Committee	

		18.30 hours	Scrutiny Committee 2 (H&L, SC)	P
THUR	27	14.00 hours	Employee Forum	Pr
		18.00 hours	Council (setting of Council Tax)	
FRI	28			
SAT	29			
SUN	30			
MON	31			
APRIL 2008				
TUE	1			
WED	2	18.00 hours	Cabinet Briefing	Pr
THUR	3	18.30 hours	Licensing Sub-Committee	P
FRI	4			
SAT	5			
SUN	6			
MON	7		SCHOOL HOLIDAY STARTS	
		18.00 hours	Group Leaders	Pr
TUE	8	18.00 hours	Traffic Working Party	P
WED	9	14.00 hours	Licensing Sub-Committee	P
THUR	10			
FRI	11			
SAT	12			
SUN	13			
MON	14	18.30 hours	Overview and Scrutiny Management Committee	P
TUE	15	18.30 hours	Licensing and Enforcement Committee	P
WED	16	18.00 hours	Cabinet	P
THUR	17			
FRI	18		SCHOOL HOLIDAY ENDS	
SAT	19			
SUN	20			
MON	21	18.00 hours	Crime and Disorder Reduction Partnership	Pr
TUE	22	18.00 hours	Planning Committee	P
WED	23	14.00 hours	Licensing Sub-Committee	P
THUR	24	16.00 hours	Regeneration Programme Board	Pr
FRI	25			
SAT	26			
SUN	27			
MON	28			
TUE	29			
WED	30			

MAY 2008

THUR	1	ELECTIONS		
FRI	2			
SAT	3			
SUN	4			
MON	5	BANK HOLIDAY – OFFICES CLOSED		
TUE	6			
WED	7			
THUR	8			
FRI	9			
SAT	10			
SUN	11			
MON	12			
TUE	13			
WED	14			
THUR	15			
FRI	16			
SAT	17			
SUN	18			
MON	19	11.30 hours	Annual Council Meeting	P
TUE	20			
WED	21			
THUR	22			
FRI	23			
SAT	24			
SUN	25			
MON	26	SCHOOL HOLIDAY STARTS BANK HOLIDAY – OFFICES CLOSED		
SUN	27			
MON	28			
TUE	29			
WED	30			
THUR	31			

Diary of Meetings May 2007 to May 2008

Licensing Sub-Committee

The frequency of meetings of the Licensing Sub-Committee have been estimated based on anticipated volumes of licensing applications. Sub-Committee has been scheduled to meet on a weekly basis at either 14.00 hours or 18.30 hours. Dates will only be taken up when required.

Cabinet Briefings and Group Leaders

Whilst the dates of these meetings will be incorporated into this schedule, the meetings are internal briefings not open to the press and public.

Housing/Tenants Forum

Tenants Forum is likely to be replaced by Housing Forum. This forum will meet 3 times per year in June, October and January. The March meeting originally scheduled for Tenants Forum has been deleted.

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PLANNING COMMITTEE

MEETING : Tuesday, 5th September 2006

PRESENT : Cllrs. McLellan (Chair), Smith, Gillespie (Vice-Chair), S. Lewis (Spokesperson), Hobbs, Rentell, Gardiner, Bhaimia, Nethsingha and Suddards-Moss

Officers in Attendance

Steve MacPherson, Development Control Manager
Keith Slipper, Senior Solicitor

APOLOGIES : Cllrs. Tracey and Heath
(none)

25. DECLARATIONS OF INTEREST

Councillor McLellan, as a member of British Energy Pension Scheme, expressed a personal interest in Application for Determination no. 06/00682/FUL - British Energy, Barnett Way. As a County Councillor, he expressed a prejudicial interest in Minute No. 28 - County Consultation - Erection of Children's Centre at Coney Hill Primary School.

Councillor Hobbs declared a prejudicial interest in Application for Determination no. 06/00875/FUL on the grounds of his previous contacts with interested parties.

The Senior Solicitor and the Development Control Manager both declared a personal interest in application for determination no. 06/00682/FUL - British Energy, Barnett Way because they had family members who were employees of British Energy.

26. MINUTES

The minutes of the meeting held on 1 August 2006 were taken as read and signed by the Chair.

27. APPLICATIONS FOR DETERMINATION (PT0509A)

1. Application No. 06/00682/FUL - Residential development of 90 units with associated public open space, parking, landscaping and the formation of a new vehicular access off Barnwood Road

The Planning Officer introduced the report. The applicants, British Energy, sought planning permission for the development of 90 dwellings with additional community facilities on a site currently used as a recreation area for the benefit of its employees.

The Planning Officer reported an amendment to the transport package now offered which comprised of £18,000 towards real time information on the

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PLANNING COMMITTEE
05.09.06

outbound bus stop together with a commitment to implement a travel plan for the site for a period of 5 years.

The Planning Officer showed the cross sections through the site which indicate that the site would remain at a higher level than the existing housing development. A condition requiring full details of slab and site levels was recommended.

As a result of the re-notification undertaken following the receipt of amended plans an additional 13 letters of objection had been received covering similar grounds to previous objections. These covered the difference in levels with neighbouring properties, invasion of privacy, retaining boundaries, security and the access to Barnwood Road. The Planning Officer also reported Mr Pullon's dated 30 August responding to the points raised in the letter from British Energy dated 3 August.

A letter had also been received from Donaldson's on behalf of Barclays Bank PLC, raising concerns about the possible implications of siting a residential use adjacent to the Barclay's Data Centre in terms of noise and disturbance associated with their site and impacts upon transport movements on the capacity of the local highway network. Barclays were concerned that suitable mitigation measures were implemented within the scheme to ensure that the general amenities of future occupiers were appropriately protected. Barclays Bank opposed possible access to the site from Barnett Way. The Council's Environmental Health Officer had examined the issues raised and recommended a number of conditions including one to minimise the effects from the air conditioning plant from the Barclays site requiring windows in all habitable rooms in units 37-45 should be capable of providing a suitable sound reduction. .

It was reported that the Environmental Health Officer raised no objections to the application subject to standards conditions relating to contaminated land, restriction on hours of construction, no burning of materials or substances during construction and conditions relating to noise attenuation measures including a 3 metre high noise barrier around the air conditioning plant at the rear of the British Energy building and specifications relating to the windows on a number of units to achieve appropriate sound reduction.

There had been a further letter from Severn Trent Water proposing conditions for sustainable drainage.

The Planning Officer was content that the outstanding issues relating to the proposed design and layout had been satisfactorily addressed in terms of adequate overlooking of side parking spaces and the provision of rear access to all properties to allow access for wheelie bins / recycling facilities. The proposed external appearance of the apartment blocks was considered to be poor and it was recommended that a condition be imposed requiring further work on this aspect. In terms of the layout Officers considered that there was further potential to move plots 80 and 81 forward to improve the relationship with No. 3 Credon Road.

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05.09.06

The Planning Officer reported that the application originally included an offer of 40% affordable housing but the mix did not meet the housing teams requirements. The offer was now for 35% affordable housing of the appropriate mix. It was reported that while the Council's housing team are happy with the mix of units offered concerns have been expressed about the overall reduction in numbers. The housing team would also have preferred to have seen them spread out through the site.

The Landscape Officer was generally happy with the layout of the Public Open Space but had reservations about some aspects of the detailed landscaping scheme it was recommended that a landscaping condition be imposed together with a condition relating to the retention of the laurel hedge to ensure that the proposed pruning was suitable and that the hedge be protected and retained. The Council's Tree Officer was generally happy with the proposal subject to conditions requiring suitable protection measures during construction and that the works to retained trees be undertaken in accordance with the recommendations in the submitted arboriculture report.

Mr Giles Brockworth spoke on behalf of the developers. He said that the plans corresponded with all tiers of Council policy and the Local Plan. The scheme would finance refurbishments at the British Energy office and the creation of 350 jobs on the site. It would open a private recreation ground to community use. He said that the developers had explored access to the site from Barnett Way, but considered there was insufficient room for access and a safe junction.

Mr Clifford spoke against the proposals. He referred to the height differentials with existing development, especially with the three-storied houses. He said the sewers running under the site were four metres deep and therefore would not prevent further lowering of the levels prior to development. He referred to environmental impact resulting from tree and hedge destruction and claimed a bat colony was resident on the site. He said there was no information on boundary treatment and no undertakings as to its maintenance.

County Councillor Crowther also spoke against the development. He was particularly concerned about the access onto Barnwood Road which would impact on traffic flows on an already busy road and roundabout.

Councillor Noakes spoke against the development asking for the condition to be imposed that access would be from Barnett Way.

Councillor D. Wilson spoke against the proposals. He said that the traffic assessment had not been sufficiently robust, referred to potential loss of privacy to nos. 21 and 23 Kingston Avenue and questioned whether the development was desirable as the city was already 3,000 dwellings over the requirements of the Structure Plan.

Councillor S. Lewis declared a personal interest as an employee of Barclays Bank.

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PLANNING COMMITTEE
05.09.06

The Planning Officer, referring to paragraph 11.5 of the report, said that the back to back distance of the houses adjacent to nos. 21 and 23 Kingston Avenue was 33.5 metres. She acknowledged concerns over the different levels and reiterated the proposed condition that existing and proposed levels across the site be provided to planning officers so that the impacts can be fully assessed. She said that an ecological report found no bat roost, although the area was undoubtedly used by bats for foraging. The Principal Traffic Engineer justified the robustness of the transport model. He said that Barnwood Road was not a strategic route, although it was an important local road. There was no policy objection to a new access onto the road.

Members still expressed concern about the access onto Barnwood Road and the increased traffic, especially since the Highway Authority itself considered the Walls roundabout to be at capacity. Concern was also expressed that the access road passed through the intended play and public areas.

The Senior Solicitor advised the Committee that the Council would be required to provide technical detailed reasons to support any refusal of planning permission.

The Development Control Manager said that the advice from the Highway Authority was that access onto Barnett Way was acceptable. In the event of an appeal against a refusal, the Council would not be able to bring an expert in support because all expert opinion was that the effect on traffic on Barnwood Road and the Walls roundabout would be minimal.

Officers advised that the road widths within the “home zone” portion of the development would be wide enough for delivery lorries. The design speed through the public areas would be 15 or 20 miles per hour. The ratio of parking spaces was in excess of the Council’s minimum standards.

Some Members spoke of the periodic congestion on Barnett Way and opposed its use as an alternative access to the site.

The Development Control Manager advised it would be difficult for the Council to defend at an appeal a decision to refuse the application on the grounds that the new development exceeded the city’s 2011 target for new houses. Actual build was falling behind that projected. He also warned that the developers could, at appeal, withdraw many of the community amenities offered as part of the current application.

Notwithstanding this advice, the Chair moved the refusal of planning permission on the ground that there was already sufficient development to meet the city’s Local Plan. This was seconded by Councillor Nethsingha. The Senior Solicitor advised that careful consideration had to be given to each and every ground for refusal. Members had to be satisfied that a refusal based on the Local Plan and Local Development Framework policies was sustainable. Others Members, although unhappy with aspects of the development, felt there was not a robust case for refusing permission.

Put to the vote, the proposal was defeated by five votes to four. The officers' recommendation to grant planning permission subject to conditions was put to the vote.

RESOLVED

That by five votes in favour and three against, subject to confirmation on outstanding matters relating to design, confirmation that the proposed noise attenuations are acceptable and subject to the satisfactory completion of a Section 106 Agreement, it was recommended that planning permission be granted, subject to the conditions detailed by officers in their report and the following additional conditions:-

Condition

A 3-meter high noise barrier shall be constructed around the air conditioning plant at the rear of the conference room. The inner face shall be lined with sound absorbent material.

Reason

To safeguard residential amenity.

Condition

Windows with a specification capable of providing a minimum sound reduction of 24 dBRw shall be fitted to all habitable windows in Apartment block 18 to 26.

All habitable rooms in Block 18 to 26 with windows facing the air conditioning plant shall be fitted with passive acoustic ventilators.

Reason

To safeguard residential amenity.

Condition

Windows in all habitable rooms in flats at block 37 to 45 shall be capable of providing a minimum sound reduction of 21Rw.

Reason

To safeguard residential amenity.

Condition

Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed / occupied.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Additional conditions:

- Full details of the proposed works to the existing Laurel hedgerow along the eastern boundary to be submitted to and approved in writing by the Local Planning Authority. The hedgerow is to be retained in perpetuity.
 - Details of the proposed security measures to the access points to the manholes along the eastern elevation.
2. Application No. 06/00872/OUT - Site for open market, car boot sales, rowing clubhouse, visitor centre, public amenity land, car parking and auctions on land at Netheridge Farm

The Planning Officer presented the report in which the City Council sought outline planning permission for development of the Netheridge Farm site. She told Members that the Council had withdrawn use as an occasional showground site from the application. The area intended for that use would now be a public amenity area pending further consultation.

The Planning Officer reported that no written response had been received from the Highway Authority, but he had that day received a verbal report that the Authority had concerns over the use of the site and the impact on the highway. The Authority recommended a number of conditions including the provision of a robust travel plan, no more than 1,000 parking spaces and a bus service between the area and the city centre. She distributed some further letters of objection to the proposal, including one from the Ward Councillor who had had to send apologies for absence to the meeting. Copies were distributed to Members.

She had received a letter of support from the Market Traders' Association and a letter from the agents, Bruton Knowles, withdrawing the objection by the tenants of Netheridge Farm.

Speaking against the proposal, Mr Bolton said this was an emotive issue for residents who considered they had had little time to consider the details of the application because information had been sent out during the summer holiday period when many were away. He said he had asked for details of the consideration of other possible sites for the market under the Freedom of Information Act, but had received no response. He considered the rights of the objectors was being walked over. Also speaking against the application, Mr Giles said that the new bypass was intended to move traffic from Bristol Road and was therefore already going to be very busy. This proposal would result in a lot of extra traffic. He said that local residents had not had an opportunity for proper consultation. He was concerned about maintenance of the site, especially the regular clearing of refuse. He pointed out the site was within the Netheridge sewerage cordon sanitaire, was on a flood plain and was the route of an oil pipeline. He questioned whether Members could impartially judge its own council's application.

The Chair explained to Mr Giles that the Committee had, on previous occasions, rejected plans put forward by the Council, including a previous application for a market site. Some Members expressed sympathy with the

objector's complaints that the consultation period had occurred during the peak summer holidays.

The Chair suggested that the last-minute Highway Authority conditions, especially the provision of a bus to the city centre, might be a major hindrance to the development. The Development Control Manager said that the Council could object or appeal against the highway authority's conditions. The 1,000 parking space limit was in excess of that actually proposed.

Officers advised that the hardstanding surfaces would probably be of a material like "grasscrete" which would maintain a green appearance to the site. The Landscape Officer advised that enhancements could be made to the site which was currently used for intensive arable farming.

The Environment Agency had made comments and raise no objection subject to a number of conditions requiring:

- No raising of ground levels or any loss of flood storage;
- Development shall not commence until details of a safe exit route (not adversely affecting the flood regime) to land outside the 1 in 100 year flood plain and suitable flood evacuation management plan for the entire site are submitted to and agreed in writing by GCC in conjunction with the EA.
- Details for a scheme for the provision of surface water drainage works (including sustainable drainage techniques). There must be no increase in surface runoff as a result of these proposals and drainage works shall be completed in accordance with the details and timetable agreed.
- Appropriate floor levels for the rowing club must be submitted to and agreed with the EA prior to any development. Floor levels must be set at or above 11.1 metres AOD(N).
- The public amenity land area shall not be used as a showground in the period between 30 September and 1 April.

Officers advised there was no problem for rowing club staff being employed within the cordon sanitaire. There would be a barrier to prevent vehicular access to much of the site when not in use. A height barrier at the entrance would deter unauthorised use. Officers and Members agreed that there were a number of issues, including lighting, that would need careful consideration during the detailed planning stage.

RESOLVED

That outline planning permission be granted for the revised application which excludes the showground, subject to the conditions recommended by officers in their report and the conditions detailed by the Highways Authority and the Environment Agency.

3. Application No. 06/00875/FUL - Two storey extension to rear and conversion of dwelling into two flats (work partially completed) at 11 Henley Place

Having previously expressed a prejudicial interest in the application, Councillor Hobbs withdrew from the meeting for this item.

The Development Control Manager introduced the report in which planning permission was sought for the conversion of a two storey semi-detached dwelling house on the west side of Henley Place into two 2 bedroom flats.

Within the application he explained the dimensions of individual rooms were below Council policy guidelines but, overall, the total size of each flat was within guidelines. A condition for increased sound insulation against the party wall of the neighbouring property had been imposed because of the more intensive use of the property. Officers wished to impose a further condition not in the report for the boundary treatment between nos. 10 and 11 Henley Place.

Speaking for the application, Mrs Amanda Morrison said that her architects had worked with the planners to improve the original scheme. The number of residents in the house would be no more than foreseen when the house was originally built. The parking area at the front could accommodate as many as six cars.

A neighbour, Mrs Mann, asked that the conditions recommended by officers be fully enforced. She said neighbours did not object to the conversion of the property into flats, but were unhappy at the extension to the rear.

The Development Control Manager said that the dimensions of the partially built ground floor extension to the rear was such that planning permission would not normally be required for that part of the development alone.

Members were concerned about the overbearing effect on two neighbouring properties of the two storey extension to the rear. They welcomed that the outer wall would be brick and not rendered as originally proposed. They accepted there would be minimal loss of light to neighbouring properties. Officers advised that it was their understanding that the first floor window that was to be fitted with opaque glass would not be able to be opened at the bottom.

RESOLVED

That planning permission be refused on the grounds that a two storey extension to the rear would be too overbearing to the neighbouring properties.

The Development Control Manager was authorised to consult with the applicant on a new proposal, without the first floor extension, which retained all the conditions attached to the failed application.

4. Application No. 06/00628/FUL - Retail Building 2, Unit 1 St Oswalds Park, St Oswalds Road

The Development Control Manager informed Members that discussions on the appropriate presentation of this proposal required more time and he proposed that this item could be deferred.

RESOLVED

That the application be deferred.

5. Application No. 06/00873/REM - Access roads and drainage works to land to the east and west of the A38, Quedgeley

The Development Control Manager introduced the report on an application from the developers of the former RAF Quedgeley site seeking permission for the road layout and technical drainage alignments for the framework plan 2/3 area of the site. Speaking against the application, Mrs Saxton, a resident of Bodiam Avenue, said she was representing also three houses on Chatsworth Avenue. She expressed concern about the potential bus route through the access road, potential flooding from Daniels Brook, access over the new bridge by contractors and delivery vehicles and any possible encroachment on neighbouring properties for the construction of the bridge.

The Development Control Manager told Members that the whole site was subject to a sustainable urban drainage scheme and Council engineers would ensure that drainage was manageable and controlled. The County Council/bus company's plans for a bus route across the access point was unknown at this time. It was inevitable that construction traffic for the purposes of building the bridge would need to access the site from Chatsworth Road, but not traffic associated with the housing developments.

RESOLVED

That planning permission be granted, subject to the conditions recommended by officers in their report.

6. Application No. 06/00716/FUL - Variation of condition 37 of application 00/00749/OUT at land to the east and west of the A38, Quedgeley (former RAF Quedgeley)

The Development Control Manager introduced the report on an application by the developers to vary condition 37 on the original outline planning permission granted by the Secretary of State in 2003 which restricted the number of dwellings that could be constructed on the site before 2011 to 2,200 of the total of 2,650 which were approved for the whole site.

The application only affected the timing of the development and no further conditions were recommended.

RESOLVED

That the variation to condition 37 be approved.

7. Application No. 06/00276/FUL - Extension of existing store to provide 2,260 m² gross of new retail floorspace and alterations to existing car parking and cycle route at Sainsburys, Barnett Way

The Development Control Manager introduced his report on an application for planning permission to extend the current Sainsburys superstore to provide additional space for non-food retail goods. Major improvements to the existing highways arrangements were proposed to improve access to the site and the free flow of traffic in the vicinity. This included a new exit link road between Barnett Way and the A417.

A letter of objection to the application had been received from a planning consultancy. It said that the applicant had failed to justify the additional floorspace by not sufficiently testing other sites and proving the additional available expenditure within the area. It would have a significant effect on convenience stores and similar stores.

The Development Control Manager said that the key issues to consider were the impact on the city centre and any protected local centre, the access and transportation issues and the siting design and layout of the scheme. The Council had engaged an independent retail planning expert to assess the retail justification put forward by Sainsburys in their retail impact assessment. Their conclusion was the extension for non-food retail goods would not have an impact on the city centre. He said the trade pattern at the store was distorted by being in a major commercial centre and drew custom from a substantial number of people employed in the immediate vicinity.

It was noted that the legal agreement for Sainsburys to maintain the city centre store had expired in 2003. A recent application for planning permission for alterations to the front suggested the store had no plans for closure in the foreseeable future. Members expressed their appreciation of the loyalty of Sainsburys' store to the city centre and the important contribution it made.

Members expressed concern over the safety of a new access onto Corinium Way and the Principal Traffic Engineer said that it would be subject to a safety audit by the Highway Authority.

RESOLVED

That planning permission be granted, subject to the unilateral agreement and conditions recommended by officers in their report and an additional condition on replacement recycling facilities within the site.

8. Application No. 06/00771/COU - Refurbishment, extension and change of use of upper floors to 12 apartments and retention of ground floor retail unit at 52-56 Southgate Street

The Principal Planning Officer presented his report on an application for planning permission for alterations to the building formerly occupied by Duck, Son & Pinker as a music shop and more recently by Cargo selling household furniture and accessories. The application related to the construction of extensions to the first and second floors of the rear and the introduction of a further new third floor to create 12 apartments (six no. 1 bedroom and six no. 2 bedroom) with external alterations to all three facades. An original application

had been revised in terms of depth and massing at the rear to address concerns expressed by English Heritage in its capacity as a statutory consultee and in its separate role as a landowner.

Officers agreed to insert a condition for delivery to the ground floor shop to be restricted to certain hours for the benefit of residents of the flats. A condition would be added for the provision of secure bicycle storage.

RESOLVED

That planning permission be granted, subject to the conditions recommended by the officers in their report and further conditions restricting the hours of deliveries to the ground floor store and concerning the provision of secure bicycle storage.

9. Application Nos. 06/00914/COU and 06/00913/LBC - Alterations and change of use of office building to four residential units at 55 Brunswick Road

The Principal Planning Officer presented his report on an application for planning permission and listed building consent for conversion of the main body of the listed building from office accommodation into a self-contained residential unit and the conversion of a two-storey annex to the rear of the building into three one bedroom residential units.

A contribution of £5,000 towards a car club for two of the units would be required.

RESOLVED

That planning permission be granted, subject to a unilateral agreement on a contribution of £5,000 to a car club and subject to the conditions recommended by officers in their report.

- 28. COUNTY CONSULTATION - ERECTION OF CHILDRENS' CENTRE AT CONEY HILL PRIMARY SCHOOL (COUNTY COUNCIL APPLICATION REF 06/0063/GLREG3/CAPS) (PT05096D)**

Having previously declared a prejudicial interest, Councillors McLellan and Gillespie left the meeting for this item. Councillor S. Lewis assumed the chair.

The Development Control Manager explained that this was a consultation by the County Council to the City Council. Gloucestershire County Council was the determining authority. Members expressed concern over a number of issues and requested that a strong objection be raised on the grounds that the layout of the proposal, subdivided from the existing school complex by the access road north of Coney Hill Road was potentially dangerous. Members also considered that the play space proposed to the front was inappropriately positioned in close proximity to the footway and Coney Hill Road. Further concerns were raised about the lack of parking provision.

Notwithstanding the above objections, Members were also keen to ensure that, if approved, the building should tie in closely with the existing school complex in its design and materials, which appear in the coloured plans as being a buff-type brick, although the key does note that a matching brick would be utilised.

29. MATTERS FOR REPORT (PT0509B)

The report was noted.

30. DELEGATED DECISIONS (1 - 31 JULY 2006) (PT0509C)

The report was noted.

31. DATE OF NEXT MEETING

Tuesday 3 October 2006 at 18.00 hours.

Time of commencement: 18:00 hours

Time of conclusion: 22:46 hours

Chair

PLANNING COMMITTEE

- MEETING** : Tuesday, 3rd October 2006
- PRESENT** : Cllrs. McLellan (Chair), Smith, Tracey, Hobbs, Rentell, Gardiner, Heath and Nethsingha
- APOLOGIES** : Cllrs. Gillespie, Bhaimia and Suddards-Moss

32. DECLARATIONS OF INTEREST

Councillors McLellan and Tracey, as County Councillors, declared an interest in anything that might arise during the meeting which involved the County Council.

33. MINUTES

The minutes of the meeting held on 5 September 2006 were taken as read and signed by the Chair.

34. HUNTS GROVE, HARDWICKE - CONSULTATION FROM STROUD DISTRICT COUNCIL (PT03106D)

The Policy, Design and Conservation Manager presented a report which he reminded Members was before the Committee for consultation only.

The city had consistently opposed development at Hunt's Grove, but had been consistently overruled at a strategic level by the Government Office for the South West. Nonetheless, he recommended that the city continued to oppose the development.

The Stroud District Council Structure Plan Housing target for 2011 could be achieved without the development of Hunt's Grove. The city could therefore argue that it would be premature to develop this greenfield site while longer term studies into regional housing needs were being undertaken.

Members strongly expressed their irritation that Stroud District Council had not listened to the views of the City Council. The development was essentially an extension of Gloucester and it would be Gloucester and Gloucester's services which would be affected. The Chair agreed, saying it would be wrong to release a major green field site for development when the Council were already 800 properties over allocation.

The Policy, Design and Conservation Manager was asked to find out if Gloucester city could be represented and speak at a Stroud District Council Planning Committee meeting considering any application for planning permission of this site.

RESOLVED unanimously

1. That the proposed development of Hunt's Grove, Hardwicke be objected to in principle and the Government Office be pressed to call the application in for determination.

2. That the outline planning application for Hunt's Grove be opposed and detailed comments be submitted on the proposals as set out in Section 5 of the report with the additional ground that the current excess over-allocation makes development of the site at this time premature.

35. CONFIRMATION OF A TREE PRESERVATION ORDER AT 48 THE WHEATRIDGE (PT03106E)

The Landscape Officer presented a report asking that Members confirm an emergency Tree Preservation Order with respect to two mature Scots pine trees at 48 The Wheatridge, Abbeydale. A further letter of objection from the owner of the site, who was unable to attend the meeting, was distributed to Members.

Members agreed that the trees were a significant landscape feature in the area.

RESOLVED

That the emergency Tree Preservation Order made at 48 The Wheatridge, Abbeydale, be confirmed.

36. APPLICATIONS FOR DETERMINATION (PT03016A)

1. Application No. 06/00410/FUL - Erection of 74 dwellings with new bridge and vehicular access from Awebridge Way

The Development Control Manager presented his report, explaining that the application for full planning permission was required because of the inclusion of The Poplars and its curtilage. Previously, the outline permission site excluded the existing property.

He said that the architecture of the development was modern and distinctly different from neighbouring properties, which, if controlled, would give it its own distinctive character. Discussions on minor variations to the previous Section 106 Agreement were progressing and there would be an extra condition relating to bin storage and recycling.

Mr Organ spoke against the development. He said that most of the objections were already on file and represented the strong views of Awebridge Way and other local residents. They felt that 74 dwellings was still too many and questioned whether this was within guidelines. The proposed roof details and height were not compatible with neighbouring developments when they were promised that the new development would blend in. They were concerned about potential problems with drainage and sewerage from this and the forthcoming neighbouring development. They were concerned about development traffic and where building workers' cars would be parked. At evenings and weekends, there was double sided parking along the length of Awebridge Way which made the road narrow and dangerous. He expressed concern for the effect of additional traffic on Painswick Road. He did not think the space left around the badgers' sett met conservation standards. The area was well wooded and attracted forest birds. Recent felling had led to the loss

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of woodpeckers and, he said, the habitat of song thrushes and goldfinches were in danger. He said there were two great crested newt colonies on the site. He said the property Little Awefield would be overlooked. He finished by saying the development would lead to more cars, more pollution and the loss of a safe play area for children.

The Development Control Manager said that the housing density was in accordance with the guidelines of PPG3, 35-50 properties per hectare. The density and all separation distances were within guidelines. Advice to officers was that there was sufficient area for the badgers to forage and that, besides, the developer would need an English Nature licence before they could begin construction work on this part of the site. The ecological survey, prepared on behalf of the developer, did not find evidence of great crested newts and the Council's own environmentalists believe this finding to be credible. Great crested newts would normally require still water, which does not exist on the site.

In response to questions, the Development Control Manager said that a number of trees had Tree Preservation Orders and these were integrated into the development scheme. There would be significant tree loss along Sudbrook with the building of the new access road and for flood compensation work. Existing hedgerows that could be retained would be and were protected by condition.

The Environment Agency specified details of flood compensation work and conditions were suggested by them. Specifications for sewerage treatment were important, however Severn Trent Water had raised no objection to the proposal and they would give the final consent to connect to the mains system. The Principal Highways Engineer added that the standard of specification for storm water was likely to be works that could withstand a 1 in 30 year storm. The system had been designed to control storm water on site with controlled release so as not to cause flooding further downstream. The Principal Engineer also said that Awebridge Way was considered wide enough to take additional traffic. There was a wide exit onto Painswick Road with good visibility. At certain times of the day, the length of queue leaving Awebridge Way would increase, but it was felt the additional traffic did not merit the installation of traffic lights. The Development Control Manager agreed with Members on the need for subtlety in the colours of the buildings' render. A range of pastel shades would be agreed with the developer.

There was one parking space per residential unit, which was within highway standards. These matters were driven by central government guidelines. PPG13/RPG10 set maximum car parking standards, but not a minimum standard. Officers said it was almost certain that the neighbouring development, which would be approached through the present home zone development, would also be a home zone scheme.

The Development Control Manager confirmed that all the previous clauses in the Section 106 agreements would be rolled through onto this new application. Members carefully considered the overlooking of Little Awefield and the

Development Control Manager said that careful boundary treatment in this area was necessary.

Through a planning condition, the developers would have to submit written details on measures to be taken to protect trees and boundary hedges during development.

Members expressed sympathy with the residents objecting to the development and some expressed regret that they are regularly pressed to allow developments that residents do not want. Members accepted that the principle of the development on this site had been agreed previously and that some of their concerns and reservations would not pass an appeal process.

In a vote for the proposal, there were seven in agreement and one abstention.

RESOLVED

That subject to the completion of the S106 variation planning permission be granted, subject to approval of render samples and the conditions detailed by officers in their report and a further condition relating to bin storage and recycling.

2. Application No. 06/00918/REM - Demolition of school buildings, erection of 41 dwellings with associated works on the former Grange Infants School, Grange Road

The Development Control Manager presented his report on the application seeking approval of reserved matters, outline permission having already been approved. He said there was a sensitive issue of integrating the development into the neighbouring residential areas. There was a blanket Tree Preservation Order on all trees across the site and the Landscape Officer and developers' agent had agreed which trees were the best specimens on site. Those felled would be replaced with new planting elsewhere in compensation. The development was in a home zone design, with the proposed public space occupying much of the former playing field. There was a mix of properties including flats and three storey townhouses. Officers had worked with the developers so that the flats at the entrance to the development looked like a terrace of houses.

Covenants would be applied to prevent residents in properties backing onto Pearwood Way from using it pedestrian access. There needed to be sympathetic and careful boundary treatment that would include improving the present narrow secluded pedestrian footpaths.

Mr Jones spoke against the application. He said many local people thought this was an unsympathetic scheme and questioned the need for the pedestrian way between plots 23 and 24 leading to Elderwood Way. He questioned if the old sewerage system would be able to cope with the output of the development. He queried the loss of healthy mature trees.

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The Development Control Manager said that the footpath between plots 23 and 24 was intended to provide suitable access to local services on that side of the development. He said that sewerage and drainage were matters for Severn Trent Water and builders would be required to meet any conditions imposed. In reply to Members' comments, officers agreed to consider the lighting of the pedestrian way between Grange Road and Pearwood Way to the south of the development and of the proposed footpath between plots 23 and 24.

Members asked the Development Control Manager to discuss with the developers the retention of more of the trees.

Dormer windows originally proposed on the townhouses overlooking Elderwood Way had been altered to roof lights in order to reduce impact.

RESOLVED

That approval of reserved matters be granted, subject to the conditions listed in the officer's report, subject to agreement over lighting on pedestrian ways and the conditions listed in the officer's report with an additional condition covering hours of work during the development (Note: the hours of construction work condition were actually already on the outline planning permission and therefore not required.)

3. Application No. 06/00828/REM - Erection of 21 dwellings (reserved matters application) on land to rear of 89-91 Marlborough Road

The Development Control Manager presented the report reminding Members that this was an application relating to outline planning approval granted on appeal. The design approach of the development used elements of render and timber cladding on most of the units and were distinctly different from the neighbouring properties. Officers felt this would not clash with other housing in the area because they would not be visible from Marlborough Road.

Mr Smith spoke against the application. He expressed continuing concern about increased traffic and parking along Marlborough Road. The density of 60 units per hectare was excessive and above Government guidelines. He was concerned about privacy and security of existing properties and maintenance of the entrance landscaping.

The Development Control Manager agreed the density was high, but the appeal inspector had not limited the density in his appeal ruling. Density was not the key planning issue, but rather ensuring the privacy and amenity of the existing residents was protected. There was more than one parking space per unit.

In answer to questions from Members, the Development Control Manager said that some gardens were seven metres in length. There was no minimum standard for gardens. He agreed to discuss a possible pedestrian way from the development to Painswick Road, but did not think this could be imposed as a condition. Officers did not think that a condition requiring a brick wall around

the site was reasonable, but a close board wooden fence would be the normal. Agreement on rendering colour could be added to the conditions.

Members were concerned about landscaping at the entrance to the site and asked officers to discuss alternatives with the developer such as a commuted payment for long-term maintenance or adding the charge for maintenance to the annual fees for the flats.

On the recommendation, there were four votes in favour and three against.

RESOLVED

That, subject to officers highlighting to the applicant that a satisfactory agreement on long-term maintenance of the landscaping at the entrance of the site was required, approval of reserved matters be granted, subject to the conditions in the officer's report.

4. Application No. 06/00934/OUT - Demolition of 179 Cheltenham Road and outline application for residential development at 179 Cheltenham Road

The Development Control Manager reminded Members that officers had refused full planning application for development of this site in February 2006. That application was now subject to appeal, but in the meantime, the developer had submitted a new application for outline permission for development of the site.

Members felt that, in the light of the Marlborough Road appeal decision, it was difficult for the Committee to consider opposing the principle of this development. In reply to a Member's question, the Senior Solicitor advised that granting the outline permission applied for would be sufficient authority for demolition of 179 Cheltenham Road to proceed. To a Member's suggestion that permission should be refused while the appeal decision was awaited, the Senior Solicitor advised that planning permission could not be refused for tactical reasons, but for planning reasons only.

Members were concerned that the question of soakaways, raised in an objector's letter, be investigated as part of the condition on drainage details already included.

The recommendation was put to the vote. There were five votes for and three abstentions.

RESOLVED

That outline permission be granted, subject to the conditions detailed by the officers in their report including drainage and the additional condition that no demolition of 179 Cheltenham Road may take place until approval of the reserved matters is agreed.

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5. Application No. 06/01054/TCM - Installation of 12 metre high street works telegraph pole with shrouded communications antennae with equipment cabinet on land the junction of Norbury Avenue and Painswick Road

The Senior Planning Officer presented a report explaining that Vodafone had looked at siting their antennae on existing buildings and structures in the area, but had been refused. The existing O² pole adjacent to the application site was not suitable for sharing.

The Senior Planning Officer distributed a letter of objection from the Gloucester City MP. Speaking against the application, Mr Datchens said there were concerns about the health aspect. Antennae had never been declared safe, only that there were no known risks. He objected to officially sanctioned parking in Sudbrook Way and said that the structure was out of place in the street scene. There were no other telegraph poles for it to merge with and it was taller than the street lights. He said it had become clear that the two companies were planning their masts at the same time and queried why they couldn't have agreed a joint structure at that stage.

Members were concerned that although government guidelines encouraged sharing of masts, companies always claimed it was impossible to do so. Members also commented on an apparent proliferation of cabinets at the foot of the existing mast. The Senior Planning Officer said that the city did not have the technical expertise to challenge the company's assertions. He said that because of the need for a physical separation between antennae of different companies, a shared mast needed to be a much larger lattice work structure which would be more intrusive on the street scene. He would investigate the number of cabinets and verify whether they breached the planning approval. Members proposed deferring a decision to provide officers more time to obtain independent advice on the matter of mast sharing and to confer delegated powers to officers to approve or refuse the application depending upon that advice.

RESOLVED UNANIMOUSLY

That approval on the siting and design of the proposed development be deferred pending expert advice on mast sharing and that delegated powers be conferred on officers to approve or refuse the application depending upon that advice.

6. Application No. 06/0084/FUL - Alterations to roof and installation of dormer window at the rear of 16 Dinglewell

The Development Control Manager presented the report. He explained the officer's view that the alteration to the roof line and the installation of roof lights on the front elevation would have no significant impact on the amenities of neighbouring properties, the overall design or appearance of the semi-detached houses, or the character of the area. Officers did, however, feel that the proposed dormer window extension to the rear, by virtue of its size and design, would be an incongruous addition out of keeping with the original

design of the building and would appear overly prominent when viewed from neighbouring gardens.

Members agreed.

RESOLVED

1. That permission be granted for alterations to the roof and the insertion of the velux roof lights on the front elevation, subject to conditions listed by officers in their report.
2. That permission for the installation of a dormer window extension to the rear of the property be refused.

37. MATTER FOR REPORTS (PT03106B)

RESOLVED

That the report be noted.

38. DELEGATED DECISIONS (1 - 31 AUGUST) (PT03016C)

RESOLVED

That the report be noted.

39. DATE OF NEXT MEETING

Tuesday 7 November 2006.

Time of commencement: 18:00 hours

Time of conclusion: 21:35 hours

Chair

PLANNING COMMITTEE

MEETING : Tuesday, 7th November 2006

PRESENT : Cllrs. McLellan (Chair), Tracey, Gillespie (Vice-Chair), Hobbs, Rentell, Gardiner, Heath, Bhaimia, Nethsingha and Suddards-Moss

Officers in Attendance

Steve MacPherson, Development Control Manager

Neil Troughton, Planning Liaison Officer

Keith Slipper, Senior Solicitor

Adam Smith, Planning Officer

Keith Slipper, Senior Solicitor

APOLOGIES : Cllrs. Smith, S. Lewis and S. Wilson

40. DECLARATIONS OF INTEREST

Councillors McLellan, Tracey and Gillespie declared personal interests as County Councillors for any matters in which it may be relevant.

Councillor McLellan declared a personal interest in Agenda Item 5.8 - 23a Dinglewell.

Councillor Hobbs declared a personal interest in Agenda Item 5.4 - 11 Henley Place.

41. MINUTES

The minutes of the meeting held on 3 October 2006 were taken as read and signed by the Chair.

42. HUNTS GROVE

The Development Control Manager informed the meeting that a strong letter of objection regarding further development to the immediate south of Gloucester had been sent to Stroud District Council. The County Council were due to publish shortly the latest housing supply figures under the Structure Plan. It was understood Stroud District Council intended to consider the application for Hunts Grove before Christmas. No reply had been received as to whether a representative of the City Council could speak at any Committee meeting.

43. APPLICATIONS FOR DETERMINATION (PT07116A)

1. Application No. 06/00628/FUL - Variation of condition 23 of outline planning permission, amended, to allow for retail occupation of a single unit at St Oswalds Park, St Oswalds Road by Mothercare.

The Development Control Manager presented the report reminding Members that the application had been deferred from the September meeting to allow

further investigation into a city centre site. Mothercare operated two shop formats, city centre and out of centre. City centre stores stocked mainly clothing and out of centre stores included the larger bulky items such as cots, prams and car seats. Nationwide, there were already 15 areas where both formats existed in close proximity. Mothercare had unsuccessfully sought a city centre location of suitable size and layout and were prepared to give a unilateral undertaking to continue the search for a city centre site in Gloucester for a further six years. By this stage, it was hoped that the first units in a redeveloped Kings Square/bus station would be available.

Mr Nigel Franks spoke on behalf of the applicants, Mothercare. He said that since BHS had terminated the agreement allowing Mothercare space within their store, there were clear indications that Mothercare customers had migrated to the Cheltenham and Bristol stores. This was evidence of a demand for a Mothercare store in Gloucester and the company was keen to return. Their requirement was for a ground level floor stocking an extensive range of maternity and babywear and baby goods. They also required a room for nappy changing. Mothercare were approved for giving advice for the fitting of car seats and so the close proximity of a car park was a necessity. He explained the difficulty of finding suitable accommodation in the old buildings of historic city centres, but cited Chelmsford and Reading as examples of city centre and out of city centre stores operating closely together successfully. He confirmed the unilateral undertaking to continue to seek a suitable city centre location for a period of six years.

Members unanimously spoke in favour of the application and welcomed the return of a Mothercare store to the city. They looked forward to the Kings Square/bus station redevelopment providing a suitable location for a city centre store. A Member, noting the disabled parking on the plan submitted, raised the question of suitable mother and toddler parking facilities. The Principal Engineer said they were unwilling to convert disabled parking spaces to mother and toddler parking spaces, but would raise with the St Oswalds Park developers the provision of suitable spaces to Mothercare.

RESOLVED

That the application be approved, subject to conditions detailed by officers in the report and subject to agreement on the wording of the unilateral undertaking (under Section 106) to seek a suitable city centre location for a period of six years.

2. Application No. 06/01058/OUT - Erection of five 2 bedroom flats (outline application) on land adjacent to 29 Edwy Parade

The Development Control Manager presented the report saying there were now six new objections bringing the total to 38. A petition against the proposal had collected 80 signatories. His report gave details of the application, which was for outline permission only. A reserved matters application would need to deal with the detailed design issues. The developers were undertaking a contribution to a car club.

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Mr Roberts, architect for the site, spoke on behalf of the applicants. Most points were set out in the report. He emphasised it was an application for outline permission only and said that the possible appearance of the building was not relevant at this stage. He said the site had been barren for some time and the development would provide a mix of accommodation.

Mr Ian Ross spoke against the application, expressing grave concern at the effects the development on the small community and the effect on their lives. He said that the proximity to neighbouring property no. 35 would block out a considerable amount of light and lead to a reduction of privacy. All neighbouring roads were very narrow and emergency vehicles and refuse lorries regularly had difficulty accessing. Building traffic on site would cause many problems. He noted there was no off-road parking and therefore the potential for 7-14 additional cars parking on the street. He said that the area had been proposed as a conservation area and consultations would be starting in two weeks. He felt a decision should not be made pending those consultations.

Councillor Hilton, Ward Councillor, thought it was an overdevelopment of the site that was going to cause considerable difficulty with parking in the street. He said that Kingsholm had a need for more family accommodation and not for more one/two person flats. He asked the Committee to refuse the application or defer the decision pending consultation on the conservation area.

In response to a question from the Chair, the Development Control Manager said that parking issues were relevant in considering an application for outline permission. He said that the possible designation of the area as a conservation area did not prevent development, but would set the bar higher in terms of design standard.

Members generally expressed the view that the size of the proposed development would be overwhelming in this location, that it was out of keeping with the locality and severe parking problems could result. They were concerned that, should the Committee refuse the application solely on highway grounds, an inspector would approve it on appeal. In response to a question on appeal 'Costs' the Senior Solicitor advised that usually on appeal, both sides paid their own costs. However, behaving in an unreasonable manner would give grounds for the awarding of costs.

RESOLVED

That the application be refused, on the grounds that the applicant had failed to show the proposal was acceptable considering its effect on the character of the area, that it was an intrusive overdevelopment and because of the possible effect on street parking.

3. Application No. 06/01065/OUT - Demolition of existing building, erection of Class A1 non-food stores and provision of car parking and servicing areas at the old B&Q site, 98-108 Barton Street

The Development Control Manager presented his report and said that the issue revolved around the complex retail planning of the City centre. There were significant sensitivities regarding the size and scale of such a development detached from the city centre. The Kings Square and bus station development could be completed in 5-6 years and it was essential to keep that scheme viable. As a result, officers recommended refusal of the application. An additional reason had arisen since the report was written in that the applicant had not satisfied transport and highway requirements.

Mr Errol Bryan spoke against the development. He said his mother had lived in All Saints Road for 50 years and the construction of a large building at the bottom of her garden would be a considerable loss of her amenity. There had been a well attended meeting of people affected in the area on 5 October 2006. Those present were in favour of suitable development of the site, but opposed the detail of this application. Members were in agreement with the officers' recommendations.

Although the application was for outline permission only, the developers had presented fairly detailed plans as part of the Design and Access Statement. Members considered them to be very bland and unsuitable for a site of this importance. The application also did not meet the proposals of the Site Allocation/Designation in the emerging Local Development Framework.

RESOLVED

That planning permission be refused for the reasons given in the officers' report and for outstanding transport and highways issues.

4. Application No. 06/01010/FUL - Erection of 10 dwellings with associated parking and vehicular access at 34 Cotteswold Road

This application, no. 9 on the list, was advanced up the agenda.

The Planning Officer presented his report giving details of the application. It involved the demolition of a bungalow on Cotteswold Road and it being replaced by a two and a half storey detached house with development on land to the rear of a further nine dwellings. He said that the separation of the new houses to existing properties was 35-50 metres with significant existing screening of trees and hedgerow. He recommended approval of the application with the additional condition of obscure glass in a landing window of plot 2 that would overlook an existing garden.

Mr J. McCreadie spoke in favour of the application. He said from the beginning they had agreed the importance of enhancing the street scene and production of a development they could be proud of. He noted objections were mainly concerned with traffic issues. The development was of a home-zone design and therefore traffic movement would be slow. He felt there would be minimal need for parking along Cotteswold Road and that additional traffic flow generated would be negligible on an already busy route.

Speaking against the application, Mr J. Todd said that the problem was not so much parking, but traffic. The entrance to Central Technology College was off Cotteswold Road and at certain times the traffic situation was chaotic. Large numbers of pupils walked and cycled up the road. There had been a typical accident only the day before. They feared accidents were likely from vehicles trying to leave the development. The development would create an additional road for pedestrians to cross. He felt there was insufficient parking and additional vehicles would be parked along Cotteswold Road. The site had been a green field for many years and it and neighbouring gardens supported a variety of wildlife which would be seriously depleted.

The Principal Engineer said that home-zone developments had a proven safety record. He felt the access was safe and appropriate, but agreed there could sometimes be difficulty at the boundary between a home-zone area and normal road and pedestrian way. He resisted proposals for a speed hump at the entrance, but said that some form of clear marking to the boundary by the colour of the surface treatment could be beneficial. In response to Members' questions, he said that the central space was large enough for refuse lorries and removal vehicles to manoeuvre and turn round.

Members had sympathy for the neighbours of the development, but generally expressed the view that the proposals were among the better ones they had received and there were no planning issues meriting refusal. Members were concerned that retained screening at boundaries to be protected from later removal and asked for the condition that an ecological survey be conducted despite there being no evidence of protected species on the site itself.

The Development Control Manager reminded Members that a licence would be required for building close to an established badger set and it was noted there appeared to be no suitable habitat for newts.

RESOLVED

That the application be approved, subject to conditions detailed by officers in the report with the additional conditions of obscure glazing to the window on plot 2 and the removal of any rights to other windows in the same wall, an ecological survey of the site, strengthening of the conditions on boundary treatments and approval of surface treatment to the entrance of the development site.

5. Application No. 01197/FUL - Single storey extension at rear and conversion of dwelling into two flats at 11 Henley Place

Councillor Hobbs withdrew for this item of business.

The Planning Officer reminded Members that an application for a two storey extension to the rear had been refused at the September meeting. Work had already begun on a single storey extension without permission having been sought. He recommended acceptance of the new application with the conditions of appropriate boundary treatment with the neighbours and obscured glazing to the first floor bathroom.

Speaking against the application, Mrs Valerie Mann said that neighbours had thought, after the last hearing, that all issues, such as soundproofing, had been dealt with. She spoke about the external appearance of the extension and the possible parking problems.

The Planning Officer agreed that neighbours had been disturbed with the intensification of use of the property as flats. It was reasonable to have additional soundproofing between the properties, but no condition was yet attached because, as yet, there was no planning approval. He agreed that the external surface of the extension could be made a condition.

Members thought that the development was unattractive and they felt that it was too small a property to sub-divide into flats. However, there was agreement that the reasons for refusal raised at the previous committee meeting had been addressed and that there was no substantial planning reason for refusal. It was agreed that the construction already started did not leave room for a brick outer finish and that suitable render would be acceptable. Some concerns were expressed about the internal design of the conversion, but that was a matter of building regulations. The matter was put to the vote, with six votes in favour and three abstentions.

RESOLVED

That the application be approved, subject to conditions detailed by officers in the report with the additional conditions of obscure glazing to the first floor window and approval by the planning authority of the render finish to the extension exterior wall.

6. Application No. 06/00992/FUL - Alterations to part of existing pub garden to create a car park for staff with access off Swan Road at the White Hart Public House, 48 Kingsholm Road

The Development Control Manager presented the report on the application which had been referred to the Planning Committee at the request of Councillor Power. A previous application for a car park and provision of vehicular access had been refused in July 2006.

Speaking on behalf of the application, Mr Gary Teague, licensee, said he felt some of the neighbours objections were based on misconceptions. The car park was intended to provide five parking spaces, three for family and two for staff only. He contended it would make little difference to traffic movement along Swan Road and prevented some on-road parking. Some complaints referred to felling of trees, but previously the only mention neighbours had made of trees was to complain.

Speaking against the proposal, Mr Steve Gittins said the report was wrong to say that Swan Road had been built around 1970. Many properties were 19th century. He did agree it was a residential cul-de-sac, which had enjoyed peace and would now face increased traffic at unsocial times. The new rear access would encourage additional parking in Swan Road by customers. The

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gate was next to an obscured footpath and pedestrians would be in danger from cars leaving the car park. He said the White Hart had existed 100 years without a car park and he hoped it could exist for a further 100 years without a car park.

Councillor Hilton, Ward Councillor, said he felt there were two issues, the closeness of the entrance to John Woods Alley and the closeness to the properties on Sebert Street.

In response to Members' questions, the Principal Engineer said that he had worked with the applicant to ensure adequate visibility for vehicles leaving the car park. The necessary removal of trees would bring more light and visibility to John Woods Alley. He said that lowering the wall between the proposed car park and John Woods Alley and its replacement with railings would improve visibility and safety. He said lighting the area could affect the amenity of neighbouring properties, but might be balanced by improved safety in an otherwise dark corner. Its use as a staff-only car park would create minimal additional trips on Swan Road. The standard for manoeuvrability in an area was to reverse direction within two gear changes. Officers agreed with Members that it was reasonable to impose conditions that gates were lockable and silent.

RESOLVED

That the application be granted, subject to the conditions detailed by officers in the report and the additional conditions of providing the planning authority with details of lighting, alterations to the boundary walls at the entry points to include railings to John Woods Alley, details of the gate specification which was to be lockable and to include noise attenuation to stop banging late at night and replacement trees for those felled.

7. Application Nos. 06/00849/FUL and 06/00850/LBC - Demolition of rear boundary wall to a Grade II* listed building, erection of new rear boundary wall incorporating pedestrian and vehicular access onto Norfolk Street and hardstanding to provide parking spaces at 27 Spa Road

The Planning Officer presented the report explaining that 27 Spa Road was almost the only property along that road without parking spaces accessed from Norfolk Street. The property will provide 3 flats and a shared house. The application was to provide parking facilities for residents. A previous proposal for a realignment of the rear wall had been subject to objection from local residents and was followed by discussions between officers and the applicant. The proposed bell mouth design was intended to retain the original wall in alignment as far as possible whilst providing better egress visibility.

Speaking on behalf of the application, Mr May said he had long ongoing discussions with conservation officers and planning officers to make the most sympathetic and suitable alteration within a conservation area. He pointed out that no. 27 was the only house without rear parking and insisted parking would be for residents of the property only.

Opposing the application, Mr Lowdell agreed to the applicant's entitlement for a parking area off Norfolk Street in common with all other properties along Spa Road, but felt that the proposed design resulted in a large loss of garden space which he argued was in conflict with conservation policy. He argued that the green space around listed buildings was as important to conserve as the buildings themselves. Each individual planning application incrementally encroached on the remaining green space, destroying the character of the area. He said the design of this application destroyed almost the whole garden and argued that realignment of the rear wall would cause less damage to the area.

Members expressed a variety of views, both in favour of the application and in favour of an alternative approach. Members were reminded that they had to make a decision on the application as it was presented to them. A proposal was put to defer the decision for officers to consult with the applicant on revised plans involving realignment of the rear wall as per the neighbouring garden at no. 25. Subject to no new objections raising new issues, powers were delegated to officers to approve new proposals. On the vote, there were five votes in favour of the motion and four against.

RESOLVED

That the application be deferred to allow further discussion between officers and the applicant over the alternative realignment of the rear wall similar to the adjacent property, no. 25, with powers delegated to officers to decide subject to no new objections raising new issues.

8. Application No. 06/00996/FUL - Removal of landscaped strip to tarmac part of rear car park (retrospective) at 21 Spa Road

The Planning Officer presented the report explaining the application sought retrospective permission in order to regularise the position regarding a hardstanding replacement of a landscaped strip to the rear of the property, which effectively extended the car parking area. The applicant had indicated they had not thought planning permission would be necessary. The Planning Officer explained that among the bones of contention from objectors was the removal of two trees, although officers classified one as a large shrub.

Speaking against the application, Mr Lowdell again referred to the incremental encroachment on green space and said that the matter had been aggravated because procedures had been ignored, negating the neighbours' democratic right to object.

The Chair reminded Members that ignoring planning procedures was always an emotive issue but that the Committee were constrained to consider the application entirely on its merit.

Members generally agreed with the concluding sentiment of the officer's report, sympathising with the frustrations of residents that works had proceeded without the benefit of planning permission, but considered that the works comprised an acceptable minor alteration to the hardstanding

arrangement. Planting of new trees could not be made a condition. The Chair intended to write to the applicant to express the Committee's disappointment at the retrospective nature of the application and to ask them to consider a replacement tree as a token of goodwill to neighbours.

RESOLVED

That the application be approved.

9. Application No. 06/01010/FUL - First floor extension to the side and provision of pitched roof to existing detached garage at 23a Dinglewell

Having previously declared a personal interest, the Chair left the meeting for this item.

The Planning Officer presented the report. A previous application dating from 2004 had included the addition of a pitched roof over an existing detached garage. The works now substantially complete differed from those works approved so as to raise the height of the eaves level and roof addition and inserted a second storey level doorway to the rear accessed via an external staircase. An application to regularise the consent for these amended works had been refused by the Committee in June. The current application also sought a first floor extension to the house.

Speaking on behalf of the application, Mr Ian Selwood apologised that alterations had been made without necessary permission, but he had been wrongly advised by his builder. He had no objection to the conditions imposed on the application by officers.

In discussion, Members were content that the conditions imposed by officers in the report would meet the objection raised by neighbours.

RESOLVED

That permission be granted, subject to the conditions detailed by officers in their report.

10. Application No. 06/01175/FUL - Demolition of existing premises and erection of buildings comprising 8 self-contained flats with parking facilities at 104-106 Tredworth Road.

The Development Control Manager presented the report. He reminded Members that the principle of development had been agreed by an inspector on appeal and that outline planning permission for this development had been approved by the Committee in May.

The Principal Engineer agreed with Members' concerns that the vehicular entrance was on a hazardous stretch of Tredworth Road, but said that the inspector had not agreed.

Rather unhappily, but feeling constrained by the inspector's decision, the Committee agreed with the officer's recommendation to approve the application.

RESOLVED

That the application be approved, subject to the conditions detailed by officers in the report.

44. MATTER FOR REPORTS (PT07116B)

RESOLVED

That the report be noted.

45. DELEGATED DECISIONS (1ST - 30TH SEPTEMBER) (PT07116C)

RESOLVED

That the report be noted.

46. DATE OF NEXT MEETING

Tuesday 5 December 2006.

Time of commencement: 18:00 hours
Time of conclusion: 22:13 hours

Chair

LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 19th September 2006

PRESENT : Cllrs. Durrant (Chair), Blakeley (Mayor), Tracey, Gillespie, Noakes, Reeve, Hanman, Power (Vice-Chair), Gardiner, Gill and Emerton

Officers in Attendance

Gill Ragon, Principal Environmental Health Officer
Tony Moseley, Licensing Enforcement Manager
Philippa Finnegan, Licensing Enforcement Officer
Steve Isaac, Solicitor

Agenda Item 7 applicant
Chief Inspector Richard Smith, Gloucestershire Constabulary

APOLOGIES : Cllr. D. Wilson

19. DECLARATIONS OF INTEREST

There were no declarations of interest.

20. MINUTES

1. The minutes of the meeting held on 18 July 2006 were taken as read and signed by the Chair.
2. The Chair introduced Chief Inspector Smith who had been invited to attend the meeting to discuss with Members matters arising from the minutes of 28 June 2006.

Chief Inspector Smith said that the decision to withhold more detail of the objections expressed about the applicant on that occasion was taken at a high level and any police representative attending that meeting would have been unable to answer any questions on the matter. However, he did undertake that should a similar situation arise in the future, a representative of the constabulary would attend the meeting. He also undertook that if the Committee need information or advice on any specific issue, the constabulary representative would attend the meeting.

Members made clear their confidence in Detective Constable Guy Hall as the new representative.

The Chair thanked Chief Inspector Smith for attending the meeting and for his reassurances.

21. PUBLIC QUESTION TIME

There were no questions from the public.

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22. PETITIONS AND DEPUTATIONS

There were no petitions or deputations.

23. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during the following item of business for the grounds stated in the agenda.

24. CONSIDERATION OF OBJECTION - PRIVATE HIRE DRIVERS LICENCE APPLICATION (ES20615)

The Licensing Enforcement Manager presented his report.

He reminded Members of their statutory powers and the Council guidelines, the cornerstone of which was public safety. He emphasised that the Committee was not to further punish the applicant for past offences, but to decide whether he was a fit and proper person to drive vulnerable people in a private hire vehicle.

The Licensing Enforcement Manager distributed to Members a copy of the Criminal Records Bureau disclosure showing all the offences that had been committed by the applicant over a period of 20 years.

The applicant asked for a definition of "a fit and proper person" and the Licensing Enforcement Manager said that probably no exact legal definition existed, but for this purpose meant matters such as whether a vulnerable person travelling alone in the vehicle would be driven safely, not attacked or cheated or spoken to in an inappropriate way.

The applicant expressed his nervousness at having to speak in front of the Committee. It was an unfamiliar experience for him and he was not good with words. He said had been out of trouble for nine years, five of which had been in prison, and was trying to lead a proper life, trying to get on with his life. He admitted a long criminal record, starting when he was 13 years old. He had now worked in a takeaway for three years.

In summing up, the Licensing and Enforcement Manager said Members would have to consider if the applicant had done enough in the last four years to show he had changed his ways. The applicant had nothing further to add.

The applicant, officers and Chief Inspector Smith left the meeting. They were invited to return to the meeting when Members had completed their discussion and had made their decision.

The Chair thanked the applicant for attending and said that the Committee were pleased that he had stayed out of trouble for the past four years, before announcing the decision.

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DECISION

That the application be refused on the grounds that the severity and number of the relevant offences listed in the Criminal Records Bureau disclosure were such that he could not be considered a fit and proper person to hold a private hire drivers' licence.

The applicant was advised of his right to appeal to a Magistrates' Court.

25. DATE OF NEXT MEETING

Tuesday 10 October 2006.

Time of commencement: 18:30 hours

Time of conclusion: 19:17 hours

Chair

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AUDIT COMMITTEE

- MEETING** : Tuesday, 26th September 2006
- PRESENT** : Cllrs: Hilton, Lawlor, D. Wilson and Emerton
David Clegg, Strategic Director
Keith Birtles, Strategic Director (S151)
Amanda Wadsley, Assistant Director (Policy and Communications)
Nigel Kennedy, Assistant Director (Finance and Asset Management)
Gary Spencer, Monitoring Officer
Rupert Charley, Policy and Performance Manager
Steve Malyn, Audit Commission, District Auditor
Mr Roy Bedford, Audit Commission, Audit Manager
- APOLOGIES** : Cllrs: Suddards-Moss
Terry Rodway, Head of Internal Audit

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. ELECTION OF CHAIR AND VICE-CHAIR

Councillor Lawlor was nominated for the post of Chair by Councillor Emerton and this was seconded by Councillor D Wilson. There being no other nominations Councillor Lawlor was duly elected Chair.

Councillor Emerton was nominated for Vice-Chair by Councillor D Wilson and seconded by Councillor Hilton. There being no other candidates Councillor Emerton was duly elected Vice-Chair.

3. COMMITTEE TERMS OF REFERENCE

Referring to the Council's Constitution, Article 4, paragraph 4a (xvi), the Strategic Director (S101) said that the intention had been that the Audit Committee both review and approve the Annual Statement of Accounts. He proposed that the sub-paragraph be duly amended. In response to a question he clarified that the Annual Statement of Accounts would not therefore need to go to Council; Council would be asked to note the Committee report only.

The Chair suggested that, due to the volume of business, a special meeting could be devoted to the Annual Statement of Accounts.

4. ANNUAL GOVERNANCE REPORT

1. The District Auditor, presented his report in detail, explaining that this was a new format report appropriate for a new Committee. He emphasised the importance of timing and that the report had to be approved by the end of September.

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The scope of the report covered Financial Statements and Use of Resources, whether the Council had proper arrangements for securing economy efficiency and effectiveness.

2. Financial Statements

The report submitted to the Committee was work in progress and still subject to amendment.

Expected modifications to the auditors' report, paragraph 16, were unlikely and an unqualified audit opinion was expected.

There were no uncorrected misstatements, paragraph 17-19, and the auditors accepted the explanations provided though they did differ upon interpretation.

There were no significant misstatements, paragraph 20.

In reply to a question, the District Auditor said that materiality, for Audit Commission purposes, was £1m.

Qualitative aspects, report paragraph 21-23, concerned incorrect treatment of accruals and declarations by Members of related party transactions.

Material weakness in internal control arose from the Barton and Tredworth Developments Limited (BTD) and Housing Contract Management. The Assistant Director (Finance and Asset Management) said that he was still waiting for the BTD accounts for 2005-2006. The District Auditor said that the turn-over of the Company fell below the limits requiring an audit to the accounts but the Council and Audit Commission still needed to see them. The Assistant Director (Finance and Asset Management) confirmed that the BTD accounts for 2004/2005 had been received.

The Chair said he would like to see this matter dealt with as soon as possible so that it would cease to be a problem. The District Auditor said that if they were not available by the end of this week the auditors would need assurance from the Council that it was content with the estimated figures provided. The Strategic Director (S151) suggested a regular report back to the Committee and the Chair asked that an Action Plan update would be a standing agenda item.

The District Auditor said that the Housing Contract management was an ongoing weakness but it was being dealt with and so no opinion would be given in the report.

There were no matters arising specifically required by other auditing standards, report paragraphs 34 and 35, and the Audit Commission were comfortable that action had been taken in all aspects on other matters of governance interest, report paragraphs 36 to 40.

3. Use of Resources

The report did not cover seven themes considered to be operating at least of an adequate level. Five themes were not operating at an adequate level of which Monitoring and Reviewing Performance, report paragraphs 47 and 48, and Data Quality, report paragraphs 49 to 52, required particular attention.

The second bullet point to report paragraph 47 began “the high level reports to Members are flawed”. The District Auditor said that this was an overstatement and would be changed in the Council report. Members queried a reference to “five indicators which may be materially misstated or misrepresented for 2005/2006” in report paragraph 50, but the District Auditor was unable to give more detail.

4. At the time of writing this report, the District Auditor said he had not known what the final conclusion was going to be. He could confirm to the meeting that the report on Financial Statements would be unqualified and that the report on use of resources would also be unqualified except for the five themes mentioned.

The Audit Commission were content with the response with the Action Plan - Appendix 7 - but Members queried why the response and date for Recommendation 7 was to be announced. The Assistant Director (Policy and Communications) explained that the Data Quality Review was produced separately and the response would depend on its outcome.

It was agreed that an update on the Appendix 7 Action Plan would be part of the regular update to Committee.

RESOLVED

That the report be agreed.

5. AUDIT COMMISSION AUDIT AND INSPECTION PLAN 2006/2007 (PC200612)

The District Auditor presented his Audit and Inspection Plan for 2006 and 2007. He said the Plan had been drawn up from the Audit Commission Risk Based Appropriate Audit Planning and pointed to the Summary of Use of Resources Audit Risks Table 2 and Summary of Opinion Risks Table 3. He also pointed Members’ attention to Appendix 3, a list of dates for reports.

RESOLVED

That the report be noted.

6. MATTERS ARISING FROM THE AUDIT OF ACCOUNTS AND USE OF RESOURCES JUDGEMENT 2004/2005

1. Audit of Accounts

The Strategic Director (S151) presented his report. He noted that action taken and improvements made had been noted in the Annual Government’s report.

Paragraphs 41 and 42 referred to advice that would be circulated to managers. Paragraph 43 referred to a disciplinary hearing which had gone to appeal. A result was expected in the new year and was hoped a report would be available for the March meeting of the Committee. The Chair declared a personal interest in this particular matter as a Board Member of Gloucester City Homes.

Investigations were continuing into the under-claimed grant in respect of 'old scheme' rent allowances. This was not a matter raised in the Annual Governance report and a reserve has been set aside to cover this matter.

2. Use of Resources Judgement

The overall score of 2 for Use of Resources was reported to the Council by the Audit Commission in March 2006. However, some areas were scored at 1 and these were the focus of the report. Some had already been highlighted by the District Auditor in his earlier report. A recommendation that reserves do not fall below 90% of the approved figure without further reference to Council will be reported to Cabinet on 11 October.

The Strategic Director (S151) directed attention to the Action Plan relating to internal control matters.

In reply to questions from Members the Strategic Director (S151) said that a review of Officer response to the Action Plan and new guidance was a charge to Internal Audit. Members noted that the District Auditor had already reported improvements. The Chair asked the Assistant Director (Finance and Asset Management) to continue to press the Department for Work and Pensions on the outstanding "old scheme" rent allowances matter.

Officers agreed that the level of reserves to be monitored and reported to Scrutiny Committee would also be reported to the Audit Committee.

RESOLVED

That the report be noted.

7. INTERNAL AUDIT PLAN: MONITORING REPORT (RDF 2626)

In the absence of the Head of Internal Audit, the Strategic Director (S151) drew attention to the waivers of Contract Standing Orders on page 14 and 15 of the report. The Vice-Chair was comforted that the list was not too long. The Strategic Director (S151) undertook to write to Members on the inventory for Civic Silver and Regalia.

RESOLVED

That the audit work undertaken to date be endorsed and assurance is given on the adequacy of internal controls operating the system is accepted.

8. STATEMENT ON INTERNAL CONTROL - ACTION PLAN 2006/07 (RDF 2627)

The Strategic Director (S151) presented the report reminding Members that the District Auditor had already said it met the minimum requirements. The Committee had already agreed that progress on the Plan would be regularly reported to the Committee. The Strategic Director (S151) accepted the Chair's suggestion that a 'traffic light' system be added to future editions of the Plan to indicate progress.

RESOLVED

That the work undertaken to date and the action taken or to be taken to obtain the required level of internal control be noted.

9. ANTI-FRAUD AND CORRUPTION POLICY (RDF 2628)

The Strategic Director (S151) said that the report arose from concerns raised in the training session for Members earlier in the year. There were some amendments to the policy but nothing major and he said he would welcome any suggestions from Members.

Members raised the difficulty of verifying references including professional and educational qualifications of new employees and Officers said this was a problem that CMT were actively considering.

It was agreed that Members of the Committee would benefit from a training session on Risk Management and that this should form part of the Induction training for new Councillors, possibly from 2007/2008.

10. FUTURE TRAINING

The Strategic Director (S151) distributed to Councillors a CD Rom - Guide to Local Government Finance - he said that he would contact Members in a month or so, when they had had an opportunity to view the CD Rom, to see if they had any requests or suggestions for future training.

Members suggested that the Local Government Association and Birmingham University may both be a source of training and seminars useful for Members.

11. DATES OF THE NEXT MEETING AND PROPOSED DATES FOR 2007/2008

Thursday 21 December at 6.30 pm
Tuesday 27 March 2007 at 6.30 pm
Wednesday 20 June 2007 at 6.30 pm (NB * possibility of extra date in June)
Tuesday 25 September 2007 at 6.30 pm
Wednesday 19 December 2007 at 6.30 pm
Thursday 20 March 2008 at 6.30 pm

Time of commencement: 18:30 hours
Time of conclusion: 19:58 hours

Chair

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

MEETING : Monday, 9th October 2006

PRESENT : Cllrs. D. Wilson (Chair), Smith (Vice-Chair), Jones, Durrant, Crawford, Power and Gardiner

Other Members Present

Cllrs. Morgan, Hanman, Hawthorne and James

Officers in Attendance

David Clegg, Acting Chief Executive

Keith Birtles, Acting Deputy Chief Executive (S151)

Phil Staddon, Assistant Director (Regeneration)

Others in Attendance

Rob Ayliff, LAA Project Manager, Gloucestershire County Council

APOLOGIES : Cllrs. S. Lewis and Noakes

41. DECLARATIONS OF INTEREST

Councillor Smith declared a personal interest as she worked for the Gloucester Law Centre.

42. MINUTES

The minutes of the meeting held on 4 September 2006 were taken as read and signed by the Chair.

43. PUBLIC QUESTION TIME

There were no questions from the public.

44. PETITIONS AND DEPUTATIONS

There were no petitions or deputations.

45. LOCAL AREA AGREEMENT FOR GLOUCESTERSHIRE - FIRST DRAFT

Rob Ayliffe, Local Area Agreement (LAA) Project Manager, Gloucestershire County Council, gave a presentation on the draft Gloucestershire Local Area Agreement. He explained that the primary objective of an LAA was to deliver genuinely sustainable communities through better outcomes for local people. The LAA represented a three year agreement between central government and partners in Gloucestershire. The County Council was the accountable body. The LAA set out what the County wanted to achieve through partnership working. It represented a new process for existing funding streams although some new funding in the form of "stretch targets" would be made available. These were targets to be achieved over a three year period in exchange for a reward. Essentially this comprised a pump

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priming grant of £1.3 million which was, in the case of Gloucestershire, £100,000 per target. In terms of the national framework for LAAs, there were four blocks: Children and Young People, Economic Development and Enterprise, Healthier Communities and Older People and Safer and Stronger Communities. In addition, partners in Gloucestershire acknowledged that the natural and built environment was an important issue for local people and thus this represented the fifth block.

The LAA Project Manager outlined the benefits of an LAA as follows : a clear shared focus for partnership work, stronger performance management, enabling measures (freedoms and flexibilities) to remove bureaucratic hurdles, pooling and aligning government funding (and reporting), extra funds in terms of the stretch targets and making real improvements for local people.

With regard to the timetable, the project started in April 2006 and between May and June 2006 ideas regarding outcomes were generated. It was agreed at a conference in July 2006 that 33 outcomes would be taken forward. The first draft had now been written and between October and December, there would be a process of re-drafting and refining the LAA. The LAA Project Manager highlighted that this was an evolutionary process and partners were being consulted for their contributions. The final submission would be sent to government at the end of December and the final negotiations would take place between January and March 2007.

He outlined the outcomes that had been decided upon in the various blocks and outlined the areas for stretch that had been identified in the various blocks. These are attached to these minutes for information.

With regard to governance arrangements, the LAA Project Manager explained that the existing partnerships within Gloucestershire were designed for a different purpose so would need to change for the purposes of the Local Area Agreement. He explained that discussions were ongoing, facilitated by the Tavistock Institute with the focus on fitness for purpose. District local strategic partnerships would be involved in discussions through the chairs.

In response to a question with regard to the ambitious areas for stretch which had been identified and why such a wide range of targets had been identified rather than focusing on one or two, the Project Manager of the LAA explained that the outcomes were broad statements of intent based on existing strategy. He highlighted that in the draft LAA a spread of measures had been incorporated so all partners would share in the delivery of the agreement rather than relying on one single partner. He acknowledged that the stretch targets were opportunistic, but they had been identified as being achievable in bringing new funding into the county. He acknowledged that there was a long list which would need to be filtered down and the test would be in the deliverability and accuracy and availability of the baseline information.

The Leader of the Council explained that so far, there had been very little political input into the drafting of the LAA. Politicians would still need to look at the impact and see if the balance was right. The joined-up approach would require skill in negotiating this balance. He also stated that it was important to ensure that there was a strong focus on areas of deprivation, supported by adequate resources. In

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terms of the work of the Tavistock Institute, he explained that findings had revealed that there was a clear appetite for joined-up working and resources if the structures were right. Partnerships already in existence had organically grown and did not necessarily represent the structure that would work or add value to the lives of local people. He urged Members to submit comments on the draft.

A question was raised with regard to the stretched targets and the detailed costings. The Project Manager explained that detailed costings of the stretched targets were expected at the end of the week and would be submitted to the project board meeting at the end of October.

Concern was expressed that the targets were too ambitious and would perhaps not be sufficiently resourced by the councils in the county. In response, the LAA Project Manager explained that this was a shared concern. He informed Members that there would be a meeting of the chairs of the various partnerships next month which would examine the resource issue in more detail. He explained that it was also about pooling government money and that the County Council would also be examining how to use its resources differently.

The Acting Chief Executive highlighted that Members should see this draft LAA in context. He highlighted that it was very early on in the process and the document was incomplete. There was work to do before the final submission to government on 23 December. It was an evolving process.

In response to a question on the complexity of the LAA and whether this was due to so many partners being involved in the process, the Acting Chief Executive explained that all partners needed to be involved in the process. Agreement had been reached on what was important in the county, but funding was a key issue. He highlighted that the targets identified reflected the urban rural divide in the county. He recognised these difficulties, but he would make the case for the city of Gloucester.

The Leader of the Council explained that the aims and objectives in unitary authorities were clearer than in two tier authorities like Gloucestershire. He highlighted the clear urban-rural split in the county and stated that there was a need for further debate on the balance between the urban and rural areas.

A question was raised with regard to how the districts could monitor their targets and how they would take ownership of them. In addition, it was asked how additional funding would be shared out if achieved. The LAA Project Manager said that the districts would be able to monitor progress by examining quarterly performance data. He explained that Local Strategic Partnerships within the districts could look at the local picture against what was happening in the county. In terms of the distribution of the reward if this was obtained, he acknowledged the difficulty in terms of sharing in broad terms. In principle, the reward would be allocated to those making investment and bearing the risk at the front of the process. The Project Manager highlighted that the LAA Project Board were committed to reach an agreement on the reward issue prior to the delivery phase.

With regard to the specific targets, the Committee highlighted that some figures were missing. It was acknowledged that there were gaps in baseline data which

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would need to be addressed. Some detailed comments were raised on the specific targets.

In terms of Gloucester City's involvement in the process, the Project Manager of the LAA explained that for each block there was a named lead in Gloucester City and they would be represented in most areas. A more detailed action plan beneath each outcome would be developed and the information would be entered on a single performance management system to enable quarterly performing against key tasks. Reporting would be exception based.

The Assistant Director (Regeneration) had been appointed lead officer on the outcome relating to Gloucester and Cheltenham's economic performance.

In response to a question on perception-based indicators, the Project Manager explained that some indicators were mandatory, for example, crime reduction. The challenge was to find other indications to measure what needed to be known.

RESOLVED

That the report be noted.

46. NEW AND IMPROVED COMMUNITY FACILITIES IN ABBEYMEAD

The Leader of the Council introduced the report which presented a way forward with regard to the use of Section 106 monies available from improving community facilities in the Abbeymead area of the city and the use of the area of open space off Lobleys Drive in Abbeymead. This was the outcome of long discussions.

RESOLVED

1. That the outcome of the discussions be welcomed.
2. That the report be noted.

47. HIGHWAYS MINI AGENCY AGREEMENT

The Assistant Director (Regeneration) introduced the report which explained the proposal to retain a range of streetcare related minor highways functions under a mini agency agreement. It also sought Cabinet's approval to enter into such an agreement, subject to the successful outcome of negotiations with the County Council and it sought delegated authority to be given to the Assistant Director (Regeneration) to negotiate and conclude the agreement.

The Assistant Director (Regeneration) explained the functions carried out by the highways agency to date and which would be transferred to the County Council and its contractor, W.S. Atkins. He explained that there was the possibility of retaining a range of services which were outlined in 4.2 of the report, including horticultural maintenance of highway land, such as grass cutting of verges, roundabouts and other highway land and maintenance of horticultural displays thereon, arboricultural maintenance of trees located within highway land, weed control and removal from highway carriageways and footways, the placement of City Council owned street

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furniture on highway land, enforcement duties, the making of gating orders and the granting of all licences, permissions and consents under the Highways Act 1980. A high level member officer meeting had taken place in September and the City Council was now working on the details of the draft agency agreement. He explained that this issue was time critical given much of the works anticipated would be included in the current draft Streetcare Contract which was hoped to be signed in November. He explained that the County Council was aware of this timetable and it was hoped that the outstanding issues would be resolved by the end of the week.

A question was raised on how other areas were funded where there was no mini agency. The Assistant Director (Regeneration) explained that the figures in the report under 7.1 were historic and environmental works came from another funding stream. He explained that other districts entered into service level agreements with the County Council whereby extra funds could be put in by the district to undertake enhanced works.

With regard to highway tree matters, it was highlighted that through the highways agreement which had been in place since 1974, the City Council had been responsible for trees within the highway. In the draft highways mini agency agreement, the City Council would continue with this function.

RESOLVED

1. That the proposal for a highways mini agency proposal be welcomed.
2. That the report be noted.

48. DECRIMINALISATION OF PARKING ENFORCEMENT

The Assistant Director (Regeneration) explained that this was an updated report on the progress made by the County Council to introduce decriminalised parking enforcement, now known as civil parking enforcement (CPE). He explained that the police were reducing resources for on-street parking enforcement as other policing priorities had taken precedence. He also explained that the introduction of civil parking enforcement would help to reduce delays and accidents and improve accessibility. He outlined that there would be a modest extension of on-street pay and display areas in the city of Gloucester (approx. 120 spaces) which would help achieve these objectives. There would be no requirement for the districts to make a financial contribution from off-street revenue. He explained that there would be significant efficiency savings to be made in combining on-street and off-street enforcement under an agency agreement. He also explained that a single co-ordinated approach for all parking matters in the city would help avoid the problems experienced elsewhere in introducing civil parking enforcement by introducing and implementing performance standards for customer care and promoting transparency.

Members acknowledged that there was a problem with parking enforcement in the city. The Leader of the Council explained that the requirement for additional parking spaces in Gloucester was relatively low and posed a much bigger problem in other areas of the county. He explained that civil parking enforcement would

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enable other schemes to be introduced which previously the police had objected to. He also explained that the use of more legitimate parking would increase revenue for the city. County-wide negotiations on the implementation were underway. He also explained that the use of the extra revenue in Gloucester's case would not be used strictly within the city boundary as the city's parking demands came from beyond the administrative boundaries.

Members welcomed the fact that the introduction of civil parking enforcement would afford the city council more flexibility in introducing other schemes relating to parking, e.g. to tackle commuter parking in residential areas.

In terms of the detail of implementing civil parking enforcement, the Assistant Director (Regeneration) explained that the role of the council had yet to be determined although it was hoped that decriminalisation could be used creatively, for example, in implementing residents' parking schemes in problem areas. The Leader of the Council informed the meeting that the County Council was planning a meeting with Cheltenham and Gloucester to discuss these issues.

Concern was expressed about the requirement for providing additional spaces earmarked for the Horton Road/Great Western Road area and its impact on parents taking children to and from school. The Assistant Director (Regeneration) explained that the City Council was aware of existing problems in and around the hospital area. He explained that due process would be followed in terms of traffic orders and consultation before the additional spaces were put into place.

The issue of ensuring that disabled parking bays were provided as appropriate amongst the additional parking required was raised.

RESOLVED

That the report be noted.

49. SCHEDULE OF INDIVIDUAL EXECUTIVE DECISIONS

There had been no individual executive decisions taken since the last meeting of the Overview and Scrutiny Management Committee on 4 September 2006.

50. SCHEDULE OF CABINET DECISIONS

RESOLVED

That the decisions be noted.

51. SCRUTINY WORK PROGRAMMES AND CABINET FORWARD PLAN

The Democratic Services Manager updated Members on the nominations for task and finish groups. He highlighted that a nomination from the Conservative Group for the External Scrutiny Task and Finish Group was still awaited. He explained that the Constitutional Review Task and Finish Group had had difficulties in finding a mutual date for a meeting, but consultation had been undertaken electronically on

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the issues to be raised. He also reported that a meeting of the ICT Working Party would be convened and details would follow.

With regard to the Leisure Services Task and Finish Group the Democratic Services Manager explained that the Assistant Director (Culture, Learning and Leisure) would ensure that the Leisure Management task and finish group would be involved as the project developed. He reported that a meeting had been convened of the Tree Management Task and Finish Group which would scope the work.

RESOLVED

That the Scrutiny Work Programmes and Cabinet Forward Plan be noted.

52. DATE OF NEXT MEETING

Monday 13 November 2006.

RESOLVED

That the meeting scheduled on 11 December be brought forward to Thursday 7 December 2006.

Time of commencement: 18:30 hours

Time of conclusion: 20:05 hours

Chair

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OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

MEETING : Monday, 13th November 2006

PRESENT : Cllrs. D. Wilson (Chair), Jones, Durrant, S. Lewis (Spokesperson),
Noakes, Crawford, Power and Gardiner

Other Members Present

Cllrs. Hawthorne, A. Lewis, Morgan and White

Officers in Attendance

David Clegg, Acting Chief Executive

Keith Birtles, Acting Deputy Chief Executive

George Milne, Assistant Director (Streetcare)

Alan Webb, Assistant Director (Legal, Democratic and Personnel Services)

Others in Attendance

(none)

APOLOGIES : Cllrs. Smith

53. DECLARATIONS OF INTEREST

Councillors Durrant, Noakes and Power (by virtue of their membership of the Board of Gloucester City Homes) declared personal interests in the presentation on the Streetcare Partnering Contract, and the reports on the award of the Streetcare Partnering Contract and the creation of a Streetcare Partnering Board and Forum and the Streetcare Depot Improvements.

54. MINUTES

The Minutes of the meeting held on 9 October 2006 were taken as read and signed by the Chair.

55. PUBLIC QUESTION TIME

There were no questions from the public.

56. PETITIONS AND DEPUTATIONS

There were no petitions or depositions.

57. STREETCARE PARTNERING CONTRACT

The Assistant Director (Streetcare) supported by the Streetcare Project Team gave a presentation to Members of the Committee and other Members of Council who had been invited to observe the presentation, on the Streetcare Partnering Contract.

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He indicated that the programme had started in January 2005 and explained the process by which the Council was now in a position to enter the Streetcare Contract.

The main features of the presentation were as follows:

Accord Bid

The evaluated price for the Accord bid was £5.35m. This amount could change dependent on the final negotiations that are currently taking place around risk share and contract details. The features of the contract included a commitment to achieve the top quartile performance by 2009/10, community engagement, flexible use of resources, multi-functional area teams and central team support.

An undertaking had been given by the bidder that all staff to be transferred to the organisation would have jobs.

Waste and Recycling Team

The garden waste collection service would be extended and the extension introduced by the summer of 2007, kitchen waste by 2008 and a greater range of dry recyclables by 2008.

Public Conveniences would have extended opening hours and the cleansing of streets would be improved through an extension of the Night Owl service. £200,000 would be invested in the improvement of parks and open spaces.

What if Things Go Wrong?

In the event of the Company failing to perform to the standards required in the contract the following mechanisms were available:

- Payment and profit mechanism – profit at risk
- Termination provision in the event of a significant and/or repeated under-performance
- Best Value Reviews at year 2, 5, and 7 and also a year 10, and 13, in the event of the initial contract length being 15 years rather than 10.

The Assistant Director drew the attention of the Scrutiny Committee to the recommendations set out in the report of the Cabinet Member for Streetcare entitled “Award of the Streetcare Partnering Contract” which appeared at Item 6 on the Committee’s agenda. Members of the Scrutiny Committee were invited to ask questions of the Assistant Director and the team. The following principal points arose from questions:

The contract is outcome based and involves a flexible approach to delivery. This will allow Accord to vary the way the service is delivered to achieve performance targets.

The Company, Accord, had indicated that they wished to maintain the level of staff to be transferred to the Partnership to deliver the service required by the contract.

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A kitchen waste service for households that do not have a garden waste collection will be introduced in 2008.

The Council required Accord to enter into a Bond to protect the Council in the event of the Company arbitrarily terminating the contract. The value of the Bond based on a contract length of 10 years is 10% of the contract price. Capital investment of £250,000 for the improvement of Public Conveniences is included in the Council's capital programme for 2007/08.

The current performance in respect of Streetcare varied depending on the element of Streetcare for example, waste collection compared favourably with other Local Authorities being in the upper quartile whilst cleansing fell within the lower quartile.

Councillor Hawthorne, the Leader of the Council, thanked the Assistant Director and the team for the work that they had undertaken in preparing and negotiating the contract and in addition thanked the work of the Scrutiny Task and Finish Group which had overseen the work of the Streetcare team, thanks to the Cabinet Member for Streetcare, Councillor Lewis, and also to the Trade Union representative Andy Brazington who had worked closely with the project.

The Scrutiny Committee thanked the Assistant Director for his presentation.

58. AWARD OF THE STREETCARE PARTNERING CONTRACT

The Scrutiny Committee considered a report by the Cabinet Member for Streetcare being submitted to the Cabinet on 15 November 2006 and to Council on 30 November 2006.

The attention of the Committee was also drawn to the Trade Union comments on the report tabled at the meeting.

No further questions were added to those already raised in the previous presentation.

RESOLVED

That the recommendations to Cabinet and Council as set out in Section 2.0 of the report be noted.

59. CREATION OF THE STREETCARE PARTNERING BOARD AND FORUM

The Scrutiny Committee considered a report by the Cabinet Member for Streetcare being submitted to the Cabinet on 15 November 2006 and to Council on 30 November 2006 setting out proposals for the creation of the Streetcare Partnering Board and Forum made up of representatives from the Council, community, businesses and the Streetcare Partner to ensure the delivery of excellent streetcare services in Gloucester that are informed by and reflect local needs.

The attention of the Committee was drawn to the Trade Union comments on the report tabled at the meeting.

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RESOLVED

That the recommendations as set out in paragraph 2 of the report be noted.

60. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during the following item of business (Minute 61) on the grounds that it is likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public are present during consideration of this item or items there will be disclosure to them of exempt information as defined by Section 100I of the Local Government Act 1972. The reason for exemption related to information concerning the financial business affairs of any particular person (including the authority holding that information) – paragraph 3 – Schedule 12A.

61. STREETCARE DEPOT IMPROVEMENTS

The Scrutiny Committee considered a report by the Assistant Director of Finance and Asset Management to be considered by Cabinet on 15 November 2006 and by Council on 30 November 2006 requesting approval to negotiate for the purchase of land at Eastern Avenue Depot currently used as a Driving Test Centre.

RESOLVED

That the recommendations as set out in paragraph 2.0 of the report be noted.

62. DISABILITY EQUALITY SCHEME

The Scrutiny Committee considered a report by the Cabinet Member for Corporate Performance, Finance and Resources presenting the Council's Disability Equality Scheme, a legal requirement of the Disability Discrimination Act 2005 and associated Regulations. The Scheme was due to be considered by Cabinet on 15 November 2006 and had been the subject of consultation with the Disability Equality Forum, Generic Equality Standard Steering Group, Corporate Management Team and Cabinet Briefing.

In answer to a question from a Member, the Scrutiny Committee was informed that equality issues at a strategic level were considered on a monthly basis and periodically the Generic Equality Standard Steering Group met to consider impact statements and monitor their implementation.

It was pointed out that on page 103 disability should be addressed in the actions listed under Revenues and Benefits.

RESOLVED

That the recommendations as set out in paragraph 2.0 of the report be noted.

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63. FINANCIAL MONITORING REPORT-1 APRIL 2006-30 SEPTEMBER 2006

The Scrutiny Committee considered the report by the Assistant Director of Finance and Asset Management briefing Directors and Members on the financial health of the organisation for the six months ending 30 September 2006.

The Acting Deputy Chief Executive (S151) undertook to write to Members about the problem with the Morrison interface.

Thanks were expressed for the resolution of the Investec situation.

RESOLVED

That the information as set out in the report be noted.

64. SCHEDULE OF INDIVIDUAL EXECUTIVE DECISIONS

The Scrutiny Committee received a Schedule of Individual Executive Decisions that had been taken since the last meeting of the Committee.

RESOLVED

That the Schedule of Individual Executive Decisions taken since the last meeting of the Committee be noted.

65. SCHEDULE OF CABINET DECISIONS

The Scrutiny Committee received a list of Cabinet Decisions taken by Cabinet on 11 October 2006.

RESOLVED

That the Decisions be noted.

66. SCRUTINY WORK PROGRAMMES & CABINET FORWARD PLAN

RESOLVED

That the Scrutiny Work Programmes and the Cabinet Forward Plan be noted.

67. DATE OF NEXT MEETING

The Scrutiny Committee noted the revised date of its next meeting, Thursday 7 December 2006 at 6.30 p.m.

Time of commencement: 18:30 hours

Time of conclusion: 19:30 hours

Chair

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ORGANISATIONAL DEVELOPMENT COMMITTEE

MEETING : Monday, 21st August, 2006

PRESENT : Cllrs. Hawthorne (Chair), Gravells (Vice-Chair), Hilton, D. Wilson and Smith
Resource Manager (Corporate Personnel), Assistant Resource Manager (Corporate Personnel).

6. APOLOGIES

Apologies were received from Cllr Durrant.

7. DECLARATIONS OF INTEREST

There were no declarations of interest.

8. MINUTES

The minutes of the meeting held on 31 July 2006 were signed as a correct record.

9. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during the following item of business on the grounds that it is likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public were present during consideration of this item or these items there would be disclosure to them of exempt information as defined by paragraph 1 of Schedule 12a of the Local Government Act 1972 as amended by the Local Government (Access To Information)(Variation) Order 2006.

10. ORGANISATIONAL DEVELOPMENT-MANAGEMENT RESTRUCTURING

The Committee considered the report from the Resource Manager (Corporate Personnel) which was an update of the report circulated at the meeting held on 31 July 2006. Further work had been undertaken on gradings and the incorporation of performance assessment and outstanding issues surrounding terms and conditions.

RESOLVED

1. That the Chief Executive salary is increased, following job evaluation.
2. That the Strategic Director salaries are appropriate and remain as at present, following job evaluation.
3. That Assistant Directors are paid on the same grade, modified as described at appendix 5, following job evaluation.
4. That a number of amendments are made to CMT Terms and Conditions as part of a tidying up of terms as described at appendix 3.

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5. That the effective implementation date is 11 September 2006.
6. That the criteria for progression to M+ will be subject to further consultation as part of the Performance Culture project and will be agreed by 31 October 2006.

Time of commencement: 18:00 hours

Time of conclusion: 18:45 hours

Chair

ORGANISATIONAL DEVELOPMENT COMMITTEE

MEETING : Thursday, 2nd November 2006

PRESENT : Cllrs. Hawthorne (Chair), Gravells (Vice-Chair), Hilton, D. Wilson and Durrant

Others in Attendance

David Clegg, Acting Chief Executive
Patience Tsakpo, Head of Personnel
Mrs Terry McDougall, Solace Enterprises

APOLOGIES : Cllr. Smith

11. DECLARATIONS OF INTEREST

David Clegg, Acting Chief Executive declared a personal and prejudicial interest in Agenda Item 5 and was not present for this item.

12. MINUTES

The Minutes of the meeting held on 21 August 2006 were approved as a correct record.

13. CRITERIA FOR ASSESSING PERFORMANCE PAY FOR THE ASSISTANT DIRECTORS

The Head of Personnel introduced the report which presented to Members an outline framework on Performance Management with Achievement Award Scheme. Following preliminary work and discussions with the former Chief Executive and of late with the Acting Chief Executive and Deputy it was concluded that more time than originally thought was needed for a robust scheme to evolve and therefore at this stage a discussion paper was included. This paper included key considerations that should be taken account of in the development of Performance Management with Achievement Award Scheme. Members were asked to discuss the paper and the broad framework as outlined and to give an indication whether a scheme based on the outlined framework was acceptable for the Council.

Members commented that it was important to ensure that Performance Management with Achievement Award Scheme was robust and incorporated attributes such as transparency, user friendliness, easy to understand, SMART compatible, integral to corporate policy objectives, fair, equitable and flexibly applied, delivered value for money and led to increased productivity.

The extent of member involvement in the review and monitoring of performance was discussed and it was agreed that the Organisational Development Committee would scrutinise the assessment process for fairness and consistency upon the advice of the Chief Executive. Its role would also be to ensure that the process was robust and open and it would have the ability to request a review of the process if it felt that things were not going right. The Head of Personnel outlined the three

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broad areas. There would be common compulsory targets and specific ones within each portfolio.

The specific targets within each portfolio would be aligned to the Blueprint for Change but within that challenging elements would be recommended over and above what Managers are expected to produce. In terms of consultation there would be consultation with individual members of the CMT, collective CMT and CMT would contribute to the development of the model. If successful, the scheme could roll out to Managers' Forum over time.

RESOLVED

- To note the report.
- To request that officers take the comments of this meeting to inform a comprehensive scheme for further discussion and approval at the next meeting of the Organisational Development Committee.
- That a scheme is developed and implemented by 31 March 2007.

14. DISCUSSION ON ARRANGEMENTS FOR THE APPOINTMENT OF A CHIEF EXECUTIVE

The Head of Personnel reminded Members that the Organisational Development Committee would be fully involved in the selection process and interviews for the position of Chief Executive.

Terry McDougall, Director Solace Enterprises, provided Members with an updated timetable with regard to the selection process. Members were given the opportunity to ask questions about the process and noted that the preliminary shortlisting would take place on 27 November at 6.00 pm.

RESOLVED

To note the report.

**Time of commencement: 18:00 hours
Time of conclusion: 19:15 hours**

Chair