



Gloucester City Council

Licensing and Enforcement Committee

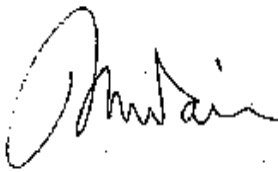
**Meeting: Tuesday, 11th September 2012 at 6.30 pm in Committee Room
1, North Warehouse, The Docks, Gloucester, GL1 2EP**

Membership:	Cllrs. Noakes (Chair), Porter (Vice-Chair), Brown, Tracey, Durrant, C. Witts, Lugg, Ravenhill, Hanman, Mozol, Randle, Toleman and Gilson
Contact:	Sonia Tucker Democratic Services Officer 01452 396126 sonia.tucker@gloucester.gov.uk

AGENDA

1.	APOLOGIES To receive any apologies for absence.
2.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
3.	MINUTES (Pages 1 - 6) To approve as a correct record the minutes of the meeting held on 26 th June 2012.
4.	PUBLIC QUESTION TIME (15 MINUTES) To receive any questions from members of the public provided that a question does not relate to: <ul style="list-style-type: none">• Matters which are the subject of current or pending legal proceedings, or• Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers
5.	PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON) To receive any petitions and deputations provided that no such petition is in relation to: <ul style="list-style-type: none">• Matters relating to individual Council Officers, or

	<ul style="list-style-type: none"> • Matters relating to current or pending legal proceedings
6.	<p>REVISED GAMBLING ACT STATEMENT OF PRINCIPLES (Pages 7 - 48)</p> <p>Report of the Corporate Director for Services and Neighbourhoods</p>
7.	<p>HEALTH, WORK AND WELL-BEING (Pages 49 - 86)</p> <p>Report by the Corporate Director of Services and Neighbourhoods</p>
8.	<p>MEMBERS' UPDATE FOR LICENSING AND ENFORCEMENT COMMITTEE (Pages 87 - 94)</p> <p>Report of the Corporate Director for Services and Neighbourhoods</p>
9.	<p>DATE OF NEXT MEETING</p> <p>Tuesday, 11th December 2012 at 6.30 p.m.</p>



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Julian Wain
Chief Executive

Date of Publication: Monday, 3 September 2012

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either –

- i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

Access to Information

Agendas and reports can be viewed on the Gloucester City Council website: www.gloucester.gov.uk and are available to view five working days prior to the meeting date.

For further details and enquiries about this meeting please contact Tanya Davies, 01452 396125, tanya.davies@gloucester.gov.uk.

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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LICENSING AND ENFORCEMENT COMMITTEE

- MEETING** : Tuesday, 26th June 2012
- PRESENT** : Cllrs. Noakes (Chair), Porter (Vice-Chair), Brown, Durrant, C. Witts, Lugg, Toleman, Gilson and Randle

Officers in Attendance

Steve Isaac, Solicitor

Lisa Jones, Food Safety and Licensing Service Manager

Gill Ragon, Group Manager, Environmental Health and Regulatory Services

Julie Wells, Group Manager, Regeneration Services, Facilities and Support

Sonia Tucker, Democratic Services Officer (Secretary)

- APOLOGIES** : Cllrs. Tracey, Ravenhill, Hanman and Mozol

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

Members noted that Councillors Noakes and Porter had been appointed as Chair and Vice-Chair respectively at the Annual Meeting of the Council. Councillor Durrant indicated that he would be acting as Spokesperson for the Labour Group and Councillor Witts confirmed that he would be acting as Spokesperson for the Liberal Democrats Group.

The Chair welcomed new Members to the Committee.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The minutes of the meeting held on 13th March 2012 were confirmed as a correct record subject to an amendment to Minute 31, on page 3 relating to the first bullet point under matters clarified by the Licensing and Enforcement Manager which was amended to read:-

**LICENSING AND ENFORCEMENT COMMITTEE
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- *The policies would cover all public highways within the City and not just those in the City Centre. However, the City Council had no jurisdiction under Highway Act 1980 powers to licence 'A' Boards and Tables and Chairs on private land including the Docks and Gloucester Quays.*

4. PUBLIC QUESTION TIME (15 MINUTES)

There were no questions from members of the public.

5. PETITIONS AND DEPUTATIONS (10 MINUTES, MAXIMUM 3 MINUTES PER PERSON)

There were no petitions and deputations.

6. STREET TRADING APPEAL - ICE CREAM VAN, KING'S SQUARE (MR COPNER)

The Chair explained the procedure for hearing the case against the Officer decision. As the appellant was not present the Officer would present the case and take questions from Members before the matter was debated by the Committee. The Chair drew the Committee's attention to the revised legal implications which had been circulated. The revised legal implications expanded upon those in the report and indicated that objections to the proposal based on competition should be disregarded. The Committee was advised that the recommendations set out in the report would need to be edited to reflect this revision if the Committee was to uphold them, following debate.

The Council's Case

The Regeneration Group Manager – Property and City Centre Services, presented an appeal against the Council's decision to allow Mr Chris Copner to trade from an ice-cream van in King's Square from between 10 am and 6 pm Monday to Saturday and from 10 am to 4 pm on Sunday.

The Committee was advised that in April 2009 the City Council had adopted a new policy and process for Street Trading applications which had resulted in significant improvements in street trading activity both in the City Centre and the surrounding areas.

In accordance with the policy, there had been consultation on Mr Copner's proposal with the relevant stakeholders resulting in the receipt of four representations from King's Walk retailers, one from the Gloucester City Centre Community Partnership, one from the relevant Cabinet Member and one from Ward Councillor Pam Tracey.

Following evaluation of the proposal against the agreed criteria and taking into account the resultant consultation, the Regeneration Group Manager – Property and City Centre Services, had refused the application on the following grounds:-

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- (1) *The unit does not provide a service of benefit to the public which enhances the area, by introducing new products or adding vitality of the area as there are already a number of ice cream providers nearby.*
- (2) *The unit is not considered to be compatible with the character of the area in which it is proposed to be sited.*

Mr Copner had appealed against the Officer's decision on 19th March 2012, pointing out that as he had not been asked to provide a detailed breakdown of the products he would be selling that the decision was unfair. Mr Copner had submitted photographs to substantiate his belief that King's Square was a suitable venue for his van and had asserted that his products would include specialist ice-cream products which were not widely available.

The Regeneration Group Manager – Property and City Centre Services, had responded to Mr Copner's appeal by suggesting that he might consider becoming a mobile ice-cream trader, or that he might wish to look for another fixed location and re-submit his application in the future. Mr Copner had also been advised to contact the Events Team and had been passed details of a promotional event in the City which he might wish to trade at.

The Regeneration Group Manager – Property and City Centre Services informed the Committee of the work which she had carried out, in liaison with local Councillors, to keep King's Square free of vehicles and pointed out that the application, if granted, would mean that diesel fumes would be emanating from the parked van 7 days a week.

The Committee was advised to uphold the Officer's decision and dismiss the appeal on the following grounds which had been revised in the light of the revised Legal Implications and was reminded to disregard any objections based on competition:-

- (1) *The unit does not provide a service of benefit to the public which enhances the City Centre, by introducing new products or adding vitality to the City Centre.*
- (2) *The unit is not considered to be compatible with the character of the area in which it is proposed to be sited because it is a vehicle.*

The following matters were clarified by the Regeneration Group Manager – Property and City Centre Services following questions from the Committee:-

- Mr Copner resided in Abergavenny, but this was irrelevant to Members' consideration of the appeal
- The land in King's Square was in the City Council's ownership
- If Members wished to grant a licence it would be renewable annually

The Committee voted to debate the matter in public session.

Members were sympathetic towards Mr Copner's business aspirations, but considered that it was undesirable to have a van emitting fumes 7 days a week. Members also believed that if the licence was granted it would be a retrograde step

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in view of all the work which had been done by Officers and Members to keep King's Square clear of vehicles.

RESOLVED

That the appeal STAPP22 (Mr Copner) be dismissed for the following reasons:-

- (1) The unit does not provide a service of benefit to the public which enhances the City Centre, by introducing new products or adding vitality to the City Centre.
- (2) The unit is not considered to be compatible with the character of the area in which it is proposed to be sited because it is a vehicle.

7. POLICIES FOR THE LICENSING OF ITEMS TO BE PLACED ON THE HIGHWAY (TABLES AND CHAIRS AND ADVERTISING BOARDS)

The Food and Licensing Services Manager presented a report detailing the results of a consultation exercise which had been carried out between 12th April 2012 and 25th May 2012 on the draft policies for licensing Advertising Boards and Tables and Chairs on the Highway. Members were requested to note the consultation feedback and to approve and adopt the final versions of each of the Policies.

The Committee was advised of the background to the report and the key issues which needed to be considered by them in their evaluation. The Food and Licensing Services Manager summarised the five formal written responses which had been received during the consultation and highlighted where these responses had necessitated changes to the draft policies which required Member approval.

Questions to the Food and Licensing Services Manager and Committee debate

Councillor Toleman asked how businesses in the Docks would be controlled as he was aware of residents' concerns that 'A' boards and tables and chairs should not cause a problem. The Food and Licensing Services Manager responded that she had raised this with the City Council's Conservation Team and that there would be liaison with the Docks Management Company and other agencies to ensure consistency of approach on privately owned land.

Councillor Brown enquired if existing 'A' board licence holders could be given 6 months to comply with the new policy and it was agreed that this would be included in the policy.

Councillor Porter queried whether there were sufficient staff resources to enforce the new policies. The Food and Licensing Services Manager remarked that there would be help from the Planning Conservation Team and Neighbourhood Officers. Councillor Toleman suggested that the team also liaised with the Markets and City Centre Service Manager.

**LICENSING AND ENFORCEMENT COMMITTEE
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Councillor Porter asked whether there had been any complaints in the past from the Police or Highways Authority concerning 'A' boards on main highways which advertised businesses in side streets. It was confirmed that there had not been any complaints. The Committee agreed that side street traders should not be denied the right to an 'A' board and that this would be reflected in the policy.

Councillor Porter remarked that he considered it was unnecessary and onerous for businesses to have to provide CCTV as had been suggested by Gloucestershire Constabulary in 4.8 of the report. Councillor Randle commented that most public houses already had CCTV in operation. The Committee voted on whether to accept this condition and there was a majority vote in favour of the recommendation.

Councillor Randle believed that a condition to remove tables and chairs after 23.00 hours would cause difficulty for some small businesses who did not have storage facilities. The Group Manager for Environmental Health and Regulatory Services advised the Committee that provided nuisance was not an issue that there could be flexibility with this requirement.

RESOLVED

1. That the consultation feedback on the two policies to place Items on the Highway be noted.
2. That the proposed amendments as detailed in paragraphs 4.3, 4.5 and 4.7 be noted and included in the final policy for placing Advertising Boards on a Highway plus the following additions:-
 - i. A further condition that existing 'A' Board licence holders be required to comply with the policy within six months from 1st July 2012
 - ii. Insertion of the word 'normally' in the criteria regarding sides streets under 'Guidance' within the policy.
3. That the proposed amendments as detailed in paragraphs 4.7 and 4.8 be noted and included in the final policy for placing Tables and Chairs on a Highway.

8. SAFETY ADVISORY GROUP

The Group Manager, Environmental Health and Regulatory Services, presented a report prepared by the City Council's Health and Safety Service Manager which outlined the establishment of a Safety Advisory Group (SAG) with partner agencies and detailed a protocol which had been agreed as part of the process. The Committee noted that the SAG would be a multi agency group which would bring together all relevant partners to plan and prepare for an event in a co-ordinated way. The role of the SAG would be separate from the operational management of the event with the event organiser still having ultimate responsibility for health and safety planning.

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The Committee welcomed the report.

RESOLVED

That the report be noted.

9. MEMBERS' UPDATE FOR LICENSING AND ENFORCEMENT COMMITTEE

Members were presented with an update on key licensing activities carried out in the last quarter, including information on staffing matters and the implications of changes to the Licensing Act 2003 which took effect from 25th April 2012. The Committee was advised that there had been no Licensing Court cases for Gloucester City Council in the last quarter.

Details of future work and the updated Forward Work Plan to June 2015 were also included in the report.

The Chair reminded the Committee that there would be another opportunity later in the year for Members to witness evening economy matters in the City Centre in order to gain an awareness of the pressures faced by Gloucestershire Police when combating anti-social behaviour and alcohol related issues.

Councillor Randle added that the Licensed Victuallers' Association had extended an open invitation to Licensing and Enforcement Committee Members to attend their next meeting which was being held at 2 pm on Wednesday 4th July at the Old Bell Inn, Southgate Street, Gloucester.

RESOLVED

That the report be noted.

10. DATE OF NEXT MEETING

Tuesday 11th September 2012 at 18.30 hours.

Time of commencement: 18:30 hours

Time of conclusion: 19:48 hours

Chair

Gloucester City Council

Meeting:	Licensing & Enforcement Committee Council	Date: 11 th September 2012 29 th November 2012
Subject:	Revised Gambling Act Statement of Principles	
Report Of:	Martin Shields, Corporate Director for Services and Neighbourhoods	
Wards Affected:	All	
Key Decision:	Yes	Budget/Policy Framework: Yes
Contact Officer:	Lisa Jones	
	Email: lisa.jones@gloucester.gov.uk	Tel: 396047
Appendices:	1. Consultation Documentation 2. Copy of revised Gambling Act Statement of Principles	

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To present the revised Gambling Act Statement of Principles for consideration by the Licensing & Enforcement Committee to recommend for approval and adoption by the Council.

2.0 Recommendations

- 2.1 GLT is asked to **note** the contents of the revised Gambling Act Statement of Principles
- 2.2 Cabinet is asked to **note** the contents of that the revised Gambling Act Statement of Principles
- 2.3 Licensing and Enforcement Committee is asked to approve and **RECOMMEND** that
- (1) The revised Gambling Act Statement of Principles is approved and adopted by Full Council
- 2.4 Council is asked to **RESOLVE** that

(1) The revised Gambling Act Statement of Principles is approved and adopted by the Council.

3.0 Background and Key Issues

- 3.1 Section 349 of the Gambling Act 2005 requires that the Council produce, consult on and publish a Statement of Principles that they propose to apply when exercising its functions under the Act.
- 3.2 Section 349 of the Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.
- 3.3 The Council published its existing Statement of Principles in December 2009 and this was effective from 31st January 2010.
- 3.4 The revised Statement of Principles will need to be published to take effect from 31st January 2013.
- 3.5 There has been no substantial change to the legislation and the revised Statement of Principles has simply been updated to include minor amendments, deletions and additions, these are shown in grey highlight in the document at Appendix 2. The revised Statement is based on an original template produced by LACORS (Local Authorities Coordinators of Regulatory Services).
- 3.6 Section 349 of the Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:-
- The Chief Officer of Police;
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
 - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Gambling Act 2005.
- 3.7 The revised Gambling Act Statement of Principles was consulted upon from the 20th June 2012 until 7th September 2012, due to the timescales of the Council's Committee meetings this report is published before the consultation period ends, therefore a verbal update will be provided at the Licensing and Enforcement Committee should there be any further consultation responses received between the publishing of this report and the closing of the consultation period.
- 3.8 This report will be updated after the Licensing and Enforcement Committee to include any additional consultation responses and decisions of the Committee before it is submitted to the Council for approval.

- 3.9 All consultees were written to and invited to make a written comment either by way of the form provided or by e-mail. In addition, the consultation was advertised on the Council's website with provision to respond.
- 3.10 One response was received and this was from Gloucester Fire and Rescue Services who stated that they had 'no further comments' on the consultation process.
- 3.11 No other comments were received.

4.0 Alternative Options Considered

- 4.1 Members may choose to accept the suggested changes as noted on the revised document in whole, or alternatively accept the revisions in part.
- 4.2 Members may request for further amendments to be made to the suggested revisions which they consider suitable for the Committee to consider.

5.0 Reasons for Recommendations

- 5.1 These principles set out how Gloucester City Council intends to administer its duties under the Gambling Act 2005.
- 5.2 The Council must ensure that they comply with the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I. 636 of 2006). The Regulations govern the form Statements must take, the procedure to be followed in relation to the preparation, review or revision of Statements and the publication of Statements.
- 5.3 A large part of the revision concerns 'tidying up' of the original wording and updating the Council's contact details for their list of responsible authorities. It should be noted that the differences between the existing Statement of Principles and the revised one are not of a controversial nature.

6.0 Future Work and Conclusions

- 6.1 The Council must publish its Statement of Principles at least 4 weeks before the date it is to come into effect. The effective date is 31st January 2013.
- 6.2 The Act requires that publication is to be:-
- On the Council's website, and
 - For public inspection in one or more public libraries or other premises in the Council's area such as the Council's own offices.

6.3 The Council must advertise the publication of the Statement of Principles by publishing a notice on the Council's website and in one or more of the following places:-

- A local newspaper circulating in the area covered by the Statement.
- A local newsletter, circular or similar document circulating in the area covered by the Statement.
- A public notice board in or near the principal office of the Council
- A public notice board on the premises of public libraries in the area covered by the Statement.

6.4 Due to the publication and advertising requirements the Council will need to approve and publish the Statement of Principles no later than 3rd January 2013 and will therefore need to agree the revised Statement at Full Council on 29th November 2012.

7.0 Financial Implications

7.1 The recommendations have no impact on the Council's budgets.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

8.1 The legal implications are adequately dealt with in the main body of the report

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

9.1 The risk management implications for this report and Statement of Principles are as follows:-

- Statement of Principles unfair, or too prescriptive.
- Revised Statement of Principles not published on time (on or by 3rd January 2013)
- Consultation is inadequate

10.0 People Impact Assessment (PIA):

10.1 A screening Assessment has been carried out and considered the following factors; Disability, Race, Age, Gender, Transgender, Sexual Orientation, Religion and socio-economic groups.

10.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, there a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

- 11.1 The statement of principles promote community safety because the Gambling Act licensing objectives prevent gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.

Sustainability

- 11.2 None

Staffing & Trade Union

- 11.3 None

Background Documents:

Gambling Act 2005

Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales)

Regulations 2006 (S.I. 636 of 2006)

LACORS Draft template statement of Principles and Notes

Gambling Commission's guidance to Licensing Authorities (3rd Edition)

HM Government Code of Practice on Consultation

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APPENDIX 1

Your Ref:

Our Ref: ADM/GAM

«Address»

20 June 2012

Dear Sir / Madam

**Gambling Act 2005 –
Consultation on Draft Revised Gambling Act Statement of Principles**

You are invited to submit your comments on our Draft Revised Gambling Act Statement of Principles.

These Principles set out how Gloucester City Council intends to administer its duties under the Gambling Act 2005.

The current Statement of Principles has been in place since January 2010 and it is a statutory requirement that this is reviewed on a three yearly cycle.

There has been no substantial changes to the legislation and the revised Statement of Principles has simply been updated to include minor amendments, deletions and additions. These are shown in red in the document.

We are required, as part of the review, to consult with stakeholders, interested parties and the community in order to seek feedback. The consultation exercise will run until 07 September 2012. All comments will be considered when deciding the final content of the Statement of Principles although we shall not be able to respond individually to all those making comments.

The final version of the Statement of Principles will be presented in a report to Full Council on 29 November 2012 for ratification. The Statement will then be published on our website either on or before 3 January 2013.

/cont'd

ENVIRONMENTAL HEALTH

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GLOUCESTER
CITY COUNCIL

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A copy of the Draft Revised Gambling Act Statement of Principles is available to view on our website www.gloucester.gov.uk under Gambling Act-Consultation together with a downloadable response form. If you have any comments that you would like to be considered please complete and return this form to the Licensing Team, Environmental Health, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ or email your comments to licence.team@gloucester.gov.uk by no later than 07 September 2012.

If you would prefer a hard copy of the Statement of Principles please let us know and we will send that to you,

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

Anthony D Moseley
Licensing and Enforcement Officer

STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

JUNE 2012

FINAL DRAFT

ENVIRONMENTAL HEALTH & REGULATORY SERVICES

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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 an estimated population of 121,700 (2011 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. The Docks and Quays area of the City is a focus of a major regeneration and there is a substantial housing development to the south of the City in an area known as Kingsway situated between the Quedgeley by-pass and the M5 Corridor

Licensing authorities are required by the Gambling Act 2005 to publish a Statement of the Principles which they propose to apply when exercising their functions. This Statement must be published at least every three years. The Statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The Statement must be then republished.

Gloucester City Council will consult widely upon this Statement before finalising and publishing. A list of those persons who will be consulted is provided in Appendix B.

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 22 July 2009 and 12 October 2009 and we had regard to the HM Government Code of Practice on Consultation (July 2008) which is available at www.bis.gov.uk/files/file47158

The policy was considered for approval at a meeting of the Full Council on 26 November 2009 and will be published via our website www.gloucester.gov.uk on or by 3 January 2010. Copies will be 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 Officer

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 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The principles are:-

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities this Authority designates the Gloucestershire Safeguarding Children Board for this purpose.

The contact details of all Responsible Authorities under the Gambling Act 2005 are 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 8.11 to 8.19 (*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.

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.

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 Licensing Authority has adopted and implemented a risk-based inspection programme based on:-

- The Licensing Objectives
- Relevant Codes of Practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this Statement of Principles

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 should 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/compliance protocols/written agreements are available upon request to the Licensing Department (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.

A table outlining how this Authority will delegate its functions under this Act is attached at Appendix D.

PART B

PREMISES LICENCES : CONSIDERATION OF APPLICATIONS

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 14](#)) and also that unmet demand is not a criterion for a Licensing Authority.

Meaning of "premises" – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

The licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:-

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity names on the premises licence.

The guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

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

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

~~7.25 of the Guidance:~~

Casinos

- The principal access entrance to the premises must be from a ‘street’ (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage whether a thoroughfare or not)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which hold a gambling premises licence.

Adult Gaming Centre

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

Betting Shops

- Access must be from a street (as per para. 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

Premises "ready for gambling" - The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

~~More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59 – 7.66 of the Guidance.~~

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.

Planning – The Gambling Commission Guidance to Licensing Authorities states:-

~~7.59~~ In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

The authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:-

~~7.66~~ When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

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 cannot be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this Authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

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 15.

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

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary ~~(as per Guidance, Part 33)~~.

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.

Licence considerations/conditions –This Licensing Authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

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 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

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.

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 – Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines – This Licensing Authority will, ~~as per part 6 of the Gambling Commission's Guidance,~~ take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

The Gambling Act ~~(Section 151)~~ requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. ~~(See Guidance to Licensing Authorities, para.20.28).~~

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. ~~(See Guidance to Licensing Authorities, para.20.29).~~

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. ~~(See Guidance to Licensing Authorities, para.20.31).~~

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. ~~(See Guidance to Licensing Authorities, para.20.32).~~

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. ~~(See Guidance to Licensing Authorities, para.20.33).~~

8. Travelling Fairs

This Licensing Authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:-

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

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

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

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

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

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

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

10. Reviews

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

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

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

This Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

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

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:-

- (a) add, remove or amend a licence condition imposed by the Licensing Authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:-

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Review and Customs

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))

Automatic entitlement: 2 machines

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.

Permit: 3 or more machines

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

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;
- that the gaming offered is within the law;
- clear policies that outline the steps to be taken to protect children from harm.

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

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no.3157 : The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with “premises”, the definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”.

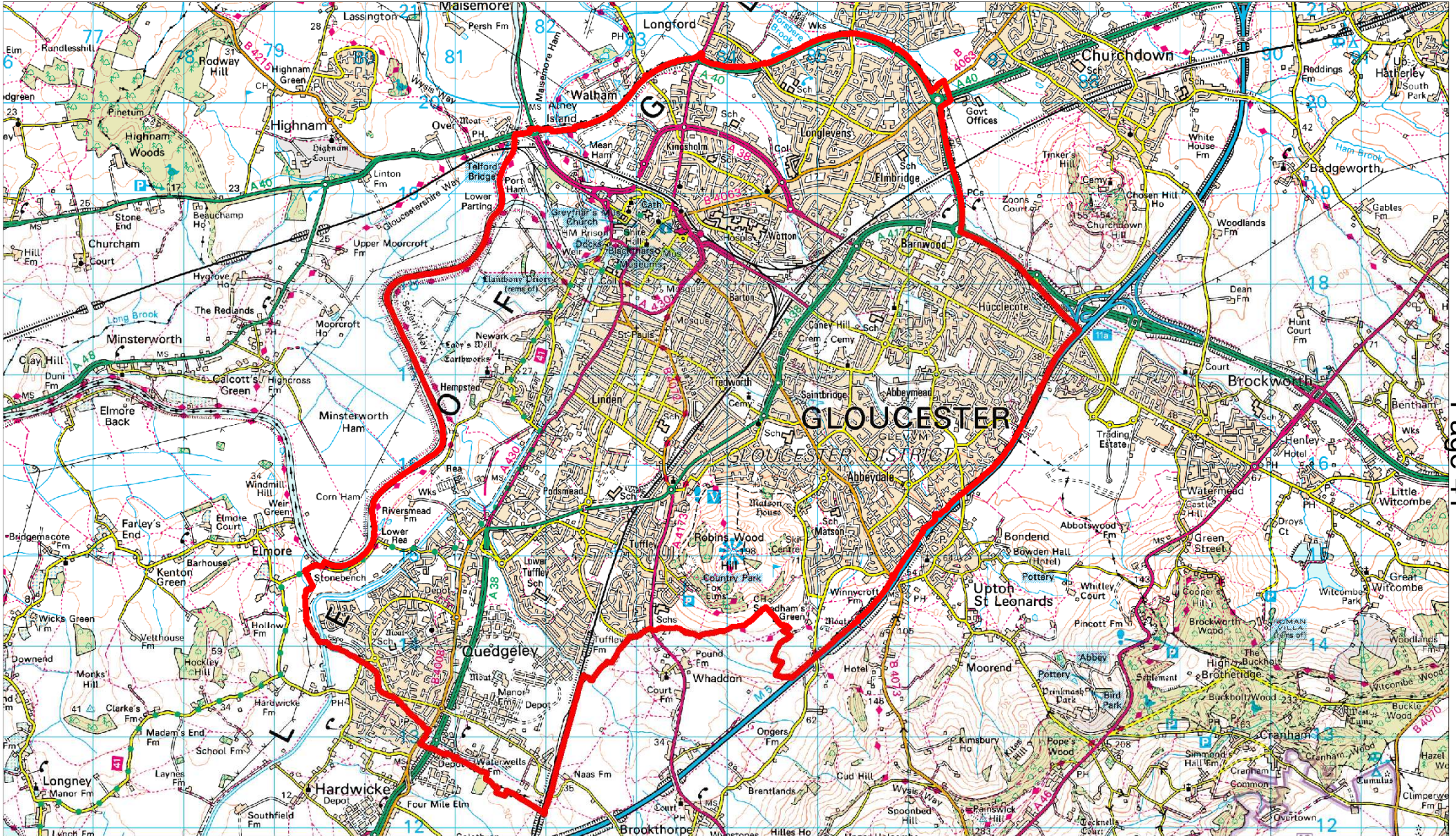
In considering whether a place falls within the definition of “a set of premises”, the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission’s Guidance to Licensing Authorities.

6. Occasional Use Notices

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will though consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

This Authority will notify the Gambling Commission of any notices made under this provision and share with them any relevant information.



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Statement of Principles - Gambling Act 2005 (DECEMBER 2012)

CONSULTEES

The Authority intends to consult the following on the content of this Statement of Principles:-

- National Casino Industry Forum (NCIF)
- British Amusement Catering Association (BACTA)
- The Bingo Association
- Association of British Bookmakers Ltd (ABB)
- Business in Sport and Leisure (BISL)
- The British Association of Leisure Parks, Piers & Attractions Ltd (BALPA)
- Chief Officer of Police
- Elected Members of Gloucester City Council
- Richard Graham MP
- Citizens Advice Bureau
- 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

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

Licensing Unit
Community Engagement Dept.
Police HQ
No1 Waterwells
Quedgeley
Gloucester
GL2 2AN

Telephone: 01452 754482
Email: licensing@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 REVENUE & CUSTOMS

Betting and Gaming
National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ

Telephone 0141 555 3339
Email nrubetting&gaming@hmrc.gsi.gov.uk

For relevant premises e.g. vessels, the following may also be Responsible Authorities:

BRITISH WATERWAYS

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

(Note in practice, the Secretary of State for Transport who acts through the Maritime and Coastguard Agency)

Telephone: 020 7211 6200
email: enquiries@culture.gov.uk

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)

10 Brick Street

London

W1J 7HQ

Tel: 207 518 0023

Fax: 207 518 0174

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

PO Box 5382

London

W1A 6SA

National Help Line: 08700 50 88 80

Midlands 0121 233 1335

Gamblers Anonymous (UK)

Birmingham 0121 233 1335

Gam Care

2nd Floor

7-11 St John's Hill

London

SW11 1TR

Tel: 020 7801 7000

Fax: 020 7801 7033

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

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Gloucester City Council

Meeting:	Organisational Development Committee	Date:	3 September 2012
	Licensing and Enforcement Committee		11 September 2012
Subject:	Health, work and well-being		
Report Of:	Martin Shields		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Ed Pomfret, Health and Safety Service Manager		
	Email: edward.pomfret@gloucester.gov.uk Tel: 396069		
Appendices:	1: Workplace Wellbeing Charter – Making well-being at work your business 2: Self Assessment Standards – Workplace Wellbeing Charter		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To outline work done around health, work and well-being within Gloucester City Council and update on proposals for future work in this area.

2.0 Recommendations

- 2.1 To note the work done up to now on health and well-being at work.
- 2.2 To note the set of standards, as outlined in the report, to improve the health and well-being of Gloucester City Council employees.
- 2.2 To note that, following development of the standards within Gloucester City Council, the Health and Safety team will then encourage our partners and businesses in Gloucester to sign up to this scheme.

3.0 Background and Key Issues

- 3.1 There is plenty of evidence to demonstrate the impact that poor health and well-being is having on both individuals and their employers:

- Around 135 million working days were lost to sickness absence – approximately five days per employee – in the year to March 2011
- More than 90% of people with common health conditions could be helped to return to work if basic principles of good health care and workplace management principles were followed
- The total annual cost of statutory sick pay to employers is estimated to be more than £1.5 billion

3.2 In relation to Gloucester City Council, 1615 working days were lost to sickness absence between March 2010 and April 2011. This equates to approximately seven days per year per employee.

3.3 Some examples of the benefits of implementing well-being programmes include:

E.on – implemented a variety of well-being initiatives that made health relevant for each employee:

- 25% reduction in number of new cases and days lost through mental health-related absence
- Continuous reduction in sickness absence over three years led to around £28.23 million cost savings

Airbus – introduced mental health initiatives to meet the needs of their male-dominated workforce:

- 89% of staff remain in work while using the service
- Overall absence down from 5% to 3.4%
- Savings of £1.1 million in absence costs
- Increased productivity

Doncaster Metropolitan Borough Council – introduced a revised stress management policy to provide managers with support, advice and tools to effectively manage work-related stress. The number of stress related sickness days lost reduced by 13,194 from 39,699 days. More managers and staff take advantage of training and development opportunities which has given employees the opportunity to gain new skills and raise their awareness of stress management.

3.4 Work done in the city council to date has included:

- A well-being launch day held in February 2011. This was well attended by employees and there were representatives from a variety of organisations who were able to provide advice and support for staff.
- Health walks have been re-introduced and are now a regular occurrence on Friday lunchtimes.
- Use of GL1 has been encouraged through a staff discount scheme.

3.5 Health, Work and Well-being is a cross-government initiative to protect and improve the health and well-being of working age people. It promotes the

positive links between health and work and aims to help more people with health conditions to stay or return to employment. It brings together employers, trade unions, healthcare professionals and other partners and builds on a growing evidence base that working is good for health.

- 3.6 As part of this initiative, a Workplace Wellbeing Charter has recently been introduced (Appendix 1). It is an opportunity for employers to demonstrate their commitment to the health and well-being of their workforce. The positive impact that employment can have on health and well-being is now well documented. There is also strong evidence to show how having a healthy workforce can reduce sickness absence, lower staff turnover and boost productivity - this is good for employers, workers and the wider economy.
- 3.7 The Wellbeing Charter provides employers with an easy and clear guide on how to make workplaces a supportive and productive environment in which employees can flourish. Employers who volunteer to sign up will find help and support available through their regional Health, Work and Well-being Co-ordinator.
- 3.8 The co-ordinators can provide employers with access to the services and advice they need to meet the charter, and help them to build the healthy workforce that business needs for the future.
- 3.9 The Charter is a statement about the way an organisation is run and how the workforce is supported, demonstrated by adherence to a set of standards. The aims and objectives of the Charter are:
- Introduce clear, easy to use well-being standards
 - Improve well-being and reduce absenteeism
 - Provide tools to measure and evaluate progress
 - Identify and share good practice and real-life examples
 - Show that workplace health and well-being is a worthwhile investment
- 3.10 The purpose of the standards is to provide a guide as to what steps can be taken and give an indication of where improvements can be made or where things are being done well. Under each area, the standards are separated into three categories: commitment, achievement and excellence:

Commitment: the organisation has addressed each area and provides employees with the tools to help themselves to improve their health and well-being

Achievement: having put the building blocks in place, steps are being taken to actively encourage employees to improve their lifestyle and some basic interventions are in place to identify serious health issues

Excellence: Not only is information easily accessible and well publicised, but the leadership of the organisation is fully engaged in well-being and employees have a range of intervention programmes and support

mechanisms to help them prevent ill-health, stay in work or return to work as soon as possible.

In order to progress from one level to another, e.g. from commitment to achievement, all the standards of the lower level must be fully met.

- 3.11 The Charter is a voluntary, self assessment scheme open to all public, private and voluntary sector organisations based in England. The self assessment standards are attached at Appendix 2.
- 3.12 To gain recognition, the assessment can be submitted to an accreditation panel and a Charter Award would be valid for two years. This time can be used to further develop the health and well-being programme and progress to a higher level. Work is currently being carried out to set up an accreditation panel in Gloucestershire.

4.0 Alternative Options Considered

- 4.1 None considered.

5.0 Reasons for Recommendations

- 5.1 The adoption of the national standards will help to protect and improve the health and well-being of employees and demonstrate the council's commitment and productivity.

6.0 Future Work and Conclusions

- 6.1 Whilst some work has already been done, it is difficult to measure outcomes. For real benefits to be achieved, measurable objectives should be set.
- 6.2 By signing up to the Workplace Wellbeing Charter, there are a set of standards that an organisation can aim to achieve. This can then help to develop a sustainable plan for health and well-being within the council and give clear targets to aim for.
- 6.3 By promoting the Charter to businesses, encouraging them to sign up and gain accreditation will benefit Gloucester's workforce, employers and the city's economy.
- 6.4 It is important that future work is sustainable and embedded within the organisation if measurable outcomes in terms of performance and health improvements are to be achieved.
- 6.5 The Workplace Wellbeing Charter is a useful tool that can help an organisation to see how it is performing in terms of health and well-being and focus on the areas that need improvement.

6.6 It is proposed that Gloucester City Council signs up to the Workplace Wellbeing Charter to assess measures already in place and identify areas for improvement with the aim of ultimately achieving “excellence” in all areas.

6.7 It is proposed that businesses in the city are encouraged to sign up to the Charter.

7.0 Financial Implications

7.1 None.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

8.1 Will ensure continued compliance with health, safety and welfare legislation.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

9.1 Positive outcomes will be achieved by reducing working days lost through ill health.

10.0 People Impact Assessment (PIA):

10.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact. Therefore, a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

11.1 None

Sustainability

11.2 None

Staffing & Trade Union

11.3 None

Background Documents: None

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Workplace Wellbeing Charter

Making well-being at work your business



This pack contains an overview of the Workplace Wellbeing Charter, including the Charter Framework, the Assessment Standards and other separate documents relevant to the Charter and to your business.

For additional copies of any of these documents and further information about the Workplace Wellbeing Charter please visit:

www.wellbeingcharter.org.uk

Useful contacts

Health, Work and Wellbeing	www.dwp.gov.uk/health-work-and-well-being
Health and Safety Executive	www.hse.gov.uk
Equality Act 2010	www.equalityhumanrights.com
Health for Work Adviceline	www.health4work.nhs.uk 0800 0 77 88 44
Business Link	www.businesslink.org.uk
Mindful Employer	www.mindfulemployer.net
Bullying at Work	www.banbullyingatwork.com
Institute for Employment Studies	www.employment-studies.co.uk
Department of Health	www.responsibilitydeal.dh.gov.uk
NHS Plus	www.nhsplus.nhs.uk
The Faculty of Public Health	www.fph.org.uk
Well@Work	www.bhf.org.uk/thinkfit
Let's get healthy	www.letsgethealthy.co.uk
Federation of Small Businesses	www.fsb.org.uk
Chambers of Commerce	www.britishchambers.org.uk
ACAS (Advisory, Conciliation and Arbitration Service)	www.acas.org.uk
Chartered Institute of Environmental Health	www.cieh.org

Workplace Wellbeing Charter England

Welcome...

The Workplace Wellbeing Charter is an opportunity for employers to demonstrate their commitment to the health and well-being of their workforce. The positive impact that employment can have on health and wellbeing is now well documented. There is also strong evidence to show how having a healthy workforce can reduce sickness absence, lower staff turnover and boost productivity - this is good for employers, workers and the wider economy.

The Wellbeing Charter provides employers with an easy and clear guide on how to make workplaces a supportive and productive environment in which employees can flourish. Employers who volunteer to sign up will find help and support available through their regional Health, Work and Well-being Co-ordinator.

The co-ordinators can provide employers with access to the services and advice they need to meet the charter, and help them to build the healthy workforce that business needs for the future.

I urge all employers to consider signing up to the charter, so they can take advantage of what it has to offer both them and their employees.



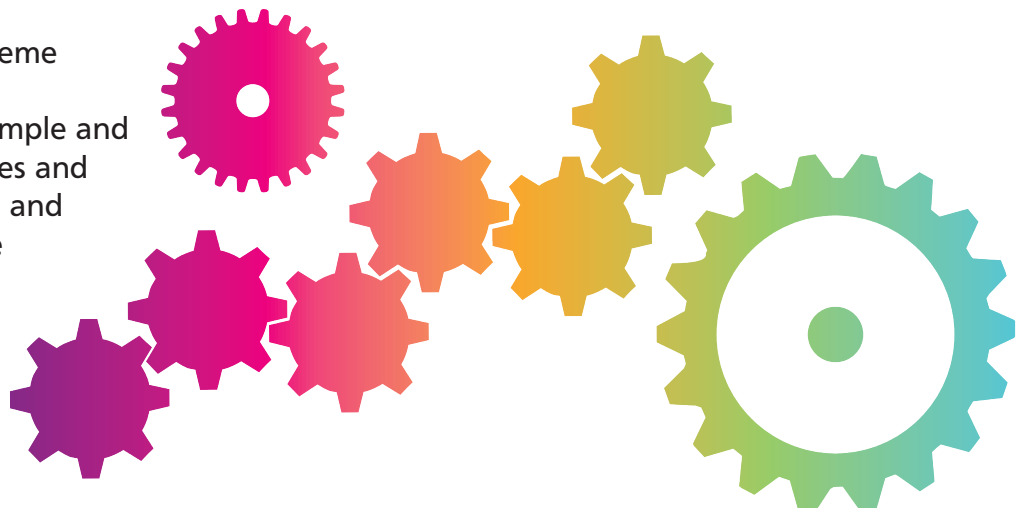
Dame Carol Black

National Director for Health and Work

What is Health, Work and Well-being?

Health, Work and Well-being is a cross-Government initiative to protect and improve the health and well-being of working age people. The initiative promotes the positive links between health and work and aims to help more people with health conditions to stay in or return to employment. It brings together employers, trade unions, healthcare professionals and other partners and builds on a growing evidence base that working is good for health.

This Charter is a voluntary scheme designed to help employers understand these links, find simple and effective support for employees and realise the significant financial and performance benefits that are possible.



Introduction: What is the Charter?

The Workplace Wellbeing Charter is a statement about the way in which you run your business and support your workforce, demonstrated by adherence to a set of standards. To achieve the Charter you will be asked to demonstrate your commitment and support by taking action to implement any changes which may be necessary in your organisation.

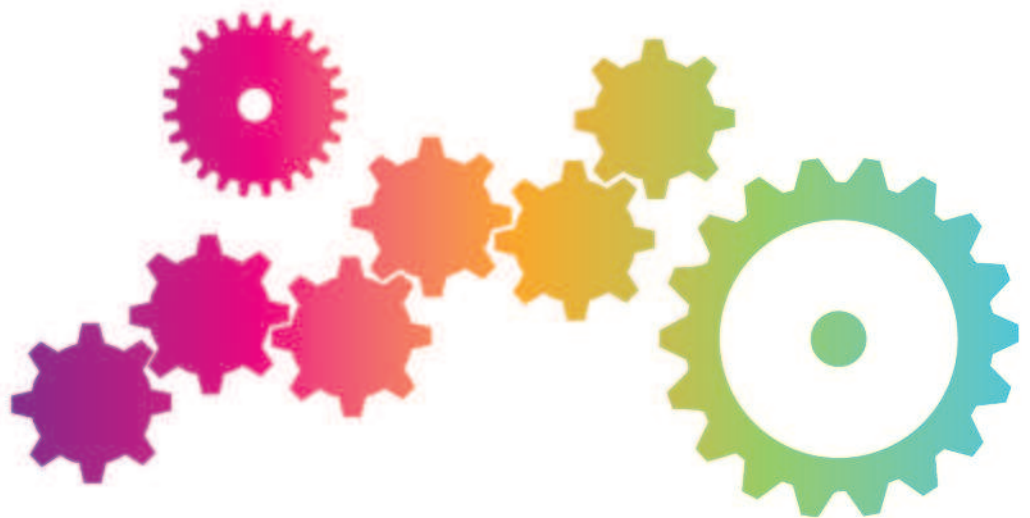
The standards contained within this charter are not exhaustive and are intended to set a minimum standard on which your organisation can build. They are a guide to what success can look like and a way of benchmarking that success against others.

Charter aims and objectives:

- introduce clear, easy to use well-being standards
- improve well-being and reduce absenteeism
- provide tools to measure and evaluate progress
- identify and share good practice and real-life examples
- show that workplace health and well-being is a worthwhile investment

Who is this for?

The Workplace Wellbeing Charter is a voluntary, self-assessment scheme open to all public, private and voluntary sector organisations based in England. Whatever their size, all organisations and businesses can benefit from working towards Charter standards.



Why you should take part

There is a growing body of evidence to show the financial benefits enjoyed by organisations that implement well-being programmes, including reduced sickness absence, improved productivity and reduced staff turnover.

Case studies from the Health, Work and Well-being website show the benefits achieved by businesses across a variety of sectors (www.dwp.gov.uk/health-work-and-well-being).

'Employees' experience of work, and the satisfaction that they derive from it, can have an important impact on their physical and mental health and well-being, their commitment to their job and, therefore, their performance. Ultimately, this can affect the productivity and profitability of their employer.'

The Future of Workplace Relations – Acas (January 2010)

E.ON...

implemented a variety of well-being initiatives that made health relevant for each employee...

- 25% reduction in number of new cases and days lost through mental health-related absence.
- Continuous reduction in sickness absence over three years led to around £28.23m cost savings.

"We have always known that our most valuable asset is our workforce – recognising that having fit, healthy and motivated employees brings valuable benefits to the company... we have almost doubled our turnover and bucked the trend by increasing our staffing levels by 70% in the last year."

Karen Newman – Personnel and Development Manager, Air and Ground Aviation Limited

"After consulting with staff we ran a series of stress awareness workshops and activities at lunchtime. One of the unexpected outcomes has been a change in working relationships, they are at a different level now, much more supportive, making it a friendlier place to work."

Sarah Jewell – Manager of Health and Administrative Services, Learning Links, Portsmouth

Airbus...

introduced mental health initiatives to meet the needs of their male-dominated workforce...

- 89% of staff remain in work while using the service.
- Overall absence down from 5% to 3.4%.
- Savings of £1.1million in absence costs.
- Increased productivity.

Do it for **demographic** reasons...

Did you know that your workforce is ageing? Those aged 65 or over account for 1 in 5 of us, those aged 16 and under account for only 1 in 6.¹ On current estimates, by 2024 almost 40% of the population will be aged 50 or over.²

As we age, we become more susceptible to chronic diseases, such as heart disease and diabetes, which are on the increase. Nowadays, through sensible lifestyle choices and condition management, most of us can continue to lead normal and productive lives.

As an employer it is in your interests to help your employees by supporting their well-being through the workplace. Heart disease is often the result of poor diet, smoking and a lack of exercise – all of which can be affected by the workplace. Failing to take action is likely to lead to lower productivity, higher absence and greater staff turnover, all of which will levy a significant cost on your business.

It is basic good practice in business to protect and maintain your assets – your workforce is your most precious asset.

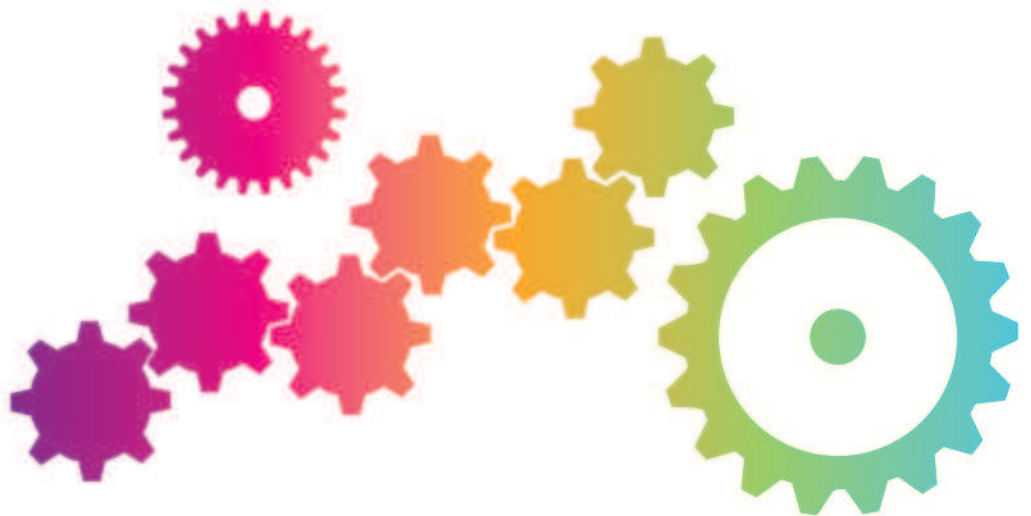
Do it for **financial** reasons...

Sickness absence and worklessness associated with ill-health costs the British economy £100 billion a year.³

With employers and employees bearing the burden of sickness absence costs, and the economy losing the output of those who are not in work, it's in everyone's interests to improve the health and well-being of working age people.

'For many employers, the costs of ill-health, which, given the ageing population and the increase in chronic disease, will only grow in the absence of intervention, is enough to justify a comprehensive wellness scheme.'

PriceWaterhouseCoopers LLP
Building the Case for Wellness (2008)



¹ Office for National Statistics (2007). Population Estimates.

² Department for Work and Pensions (2007). Welfare Reform.

³ Dame Carol Black's report: Working for a healthier tomorrow (2008)

There is plenty of evidence to demonstrate the impact that poor health and well-being is having on both individuals and their employers.

The facts:

- Around **135 million working days** were lost to sickness absence – approximately five days per employee – in the year to March 2011 (Labour Market Survey)
- More than **90% of people with common health conditions** could be helped to return to work if basic principles of good health care and workplace management principles were followed (Waddell, G., Burton, A.K. and Kendall, N. Vocational rehabilitation: what works, for whom and when?)
- The total annual cost of Statutory Sick Pay to employers is estimated to be more than **£1.5 billion** (Department for Work and Pensions estimate – July 2011)

‘At one level this is a matter of corporate social responsibility, but employers are also concerned about the impact of sickness absence on organisational performance and productivity. High levels of absence represent a waste of productive potential.’

‘Good Work’: Job Quality in a Changing Economy – The Work Foundation (2008)

Do it for **social** reasons...

As an employer, is your only success measured in terms of financial profit? Many larger organisations are now measuring their employee satisfaction and well-being as an indication of success because it leads to increased performance and, therefore, profitability.

This shift is also likely to be a reflection of the benefits reaped in the labour market – high competition for skilled staff means those organisations looking after their employees will be more attractive to the right people. This in turn makes them more attractive to their customers.⁴

⁴Sinclair, A. (2007). Creating a Well Workforce: A Case Study. Institute for Employment Studies.

Do it for **legal** reasons...

The Charter standards will help your organisation to consider the variety of ways your employees are affected by work, some of which you may be under a legal obligation to monitor. For more information, please visit the Health and Safety Executive and Equality Act 2010 websites listed under 'Useful Contacts'.

There are many reasons why health and well-being initiatives can help your organisation. Follow the Charter standards and you can introduce a programme to put your business ahead...



To achieve the maximum benefit and return on employee health and well-being, it is important your organisation has three key elements in place to make your initiatives both successful and sustainable – **Leadership, Culture and Communication**.

The diagram below shows some examples of what could support each of these areas.

The Three Key Elements of the Charter Framework



Next steps...

1 How healthy is your business?
Where are you now?
Identify your business and staff needs.

2 Embedding workplace health
into your business.
Do you have a workplace health
and well-being champion?
Are your senior staff supportive?

3 Are you engaging
with your staff?
Are your staff involved?
Have staff been asked
what their priorities are?

4 How will you know if you
have got it right?
Identify outcomes you want.
What will success look like?
What are the quick wins?

5 How will you evaluate your work?
Has the programme worked?
What has worked well and what
needs improving?

6 What are your next steps?
How will you change it to
make it better next time?
What difference has it made?



Now look at the standards and visit the Wellbeing Charter website to find information on how to get started.

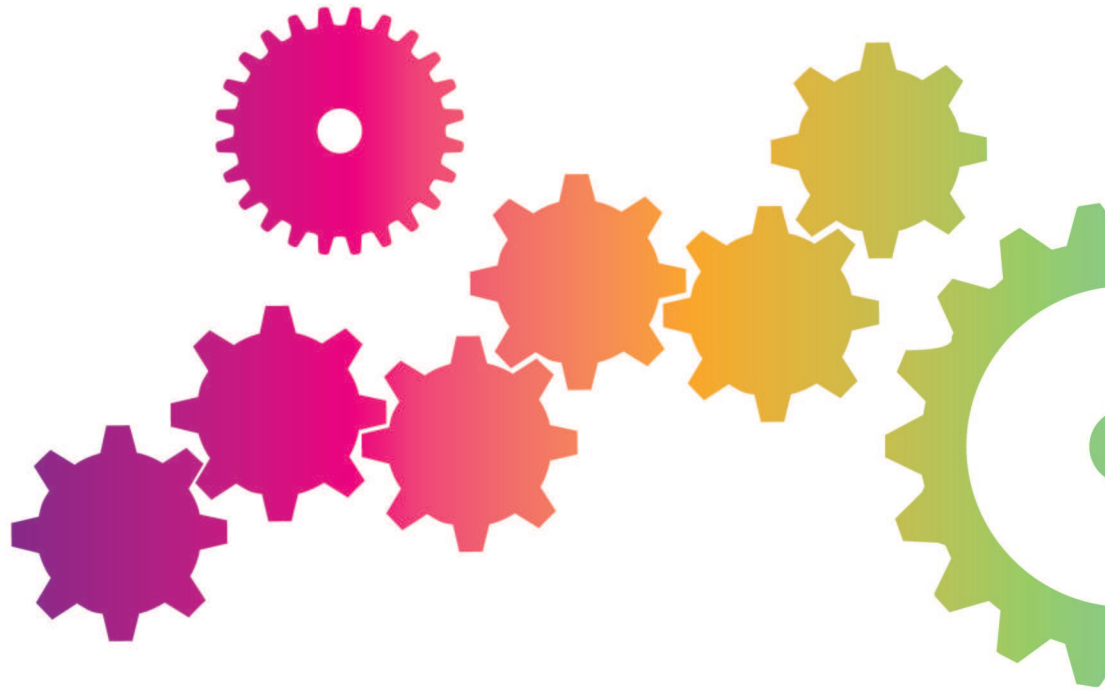


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Visit the Workplace Wellbeing Charter website for full details of why and how your business would benefit from improved and sustained workplace well-being. The site includes comprehensive information about the Charter, useful links and an online self-assessment tool.

www.wellbeingcharter.org.uk



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Self Assessment Standards

Workplace Wellbeing Charter



Introduction

This self-assessment contains standards under each of the main areas that your organisation can address to improve the health and well-being of your employees. The purpose of the standards are to provide a guide as to what steps can be taken and give an indication of where you may need to improve, or where you are doing well.

Under each area, the standards are separated into three categories: Commitment, Achievement and Excellence. These categories are there to provide a general overview as to how you are performing in each area.

Commitment

Your organisation has addressed each area and provides employees with the tools to help themselves to improve their health and well-being.

Achievement

Having put the building blocks in place, steps are being taken to actively encourage employees to improve their lifestyle and some basic interventions are in place to identify serious health issues.

Excellence

Not only is information easily accessible and well publicised, but the leadership of the organisation is fully engaged in well-being and employees have a range of intervention programmes and support mechanisms to help them prevent ill-health, stay in work or return to work as soon as possible.



Guidance

In order to progress from one level to another, e.g. from commitment to achievement, you must fully meet all of the standards in the lower level.

Against each standard are four options. These indicate where your organisation currently stands on any particular issue:

Fully Met (FM)

Every aspect of the standard has been met or exceeded. The organisation can evidence this both by documented and practical examples where applicable.

Partially Met (PM)

Some or most of the standard has been met and can be evidenced. This option should be selected if the organisation undertakes activities to meet the standard but cannot evidence it or have not effectively communicated with employees about it.

Not Met (NM)

None or very little of the standard has been met. This option should be selected if activities, procedures or systems are still under development or have not been implemented.

Not Applicable* (NA)

The standard covers an area that does not relate to the organisation due to the nature of its activities, location or other practical reason.

Examples and references

Brief examples are provided for each standard. These are simply a guide as there are a large number of activities and actions that can be undertaken.

Please note that the specific websites given throughout this document are subject to change – if links are broken, return to the home page of the organisation involved and navigate to the relevant section by the usual means. A comprehensive list of useful contacts is also available at www.wellbeingcharter.org.uk

* Standards are also considered fully met if indicated as 'Not Applicable'.

Self-assessment Standards for Leadership

Commitment	FM	PM	NM	NA	Examples and Guidance	Notes/Evidence
The organisation has assessed its needs and priorities around health and work.	●	●	●	●		
Equality guidance and legislation is in place, and are known and adhered to by all staff.	●	●	●	●	ACAS Equality and Diversity audits: www.acas.org.uk • Tackling discrimination and promoting diversity. Government Equalities Office: www.equalities.gov.uk	
Evidence of consistent and positive approach to employee well-being at senior level of business.	●	●	●	●	Reports at Board meetings e.g. on sickness absence and staff surveys. Health, Work and Wellbeing Champion on Board, if applicable – designated role.	
Management demonstrate that they understand the importance of effective communication with staff.	●	●	●	●	Staff surveys/team minutes/focus groups/notice boards/newsletters. Management training on effective communication.	
Achievement						
A communication policy is in place and available to all staff.	●	●	●	●	Policy and methods of communication with staff taking into account different media and barriers to access. An open-door policy that staff are aware of.	Page 70
An effective policy and procedure to tackle bullying and harassment.	●	●	●	●	Business Link: www.businesslink.gov.uk • Bullying and harassment guidance at work – ACAS: www.acas.org.uk • Management Standards: www.hse.gov.uk/simple-health-safety	
Effective policies in place to manage disciplinary and grievance procedures.	●	●	●	●	Standard forms and guidance available from ACAS: www.acas.org.uk	
Effective policies in place for attendance management and return to work procedures.	●	●	●	●	Standard forms and guidance available from ACAS: www.acas.org.uk	
A system is in place that recognises and rewards good work.	●	●	●	●	A system is in place which recognises hard work and achievements of all employees. There is a culture where it is easy to say 'thank you' for a piece of good work completed or if someone has exceeded their work requirements.	
Managers understand the main issues that impact on the health and well-being of their team.	●	●	●	●	Sickness absence management records HSE Management Standards: www.hse.gov.uk/simple-health-safety • Staff focus group feedback forms, Staff surveys, Manual Handling Training, Personal Protective Equipment guidance: www.hse.gov.uk/simple-health-safety • Commission appropriate Occupational Health services: www.nhsplus.nhs.uk and www.health4work.nhs.uk	

<p>Line managers have management training.</p>					<p>Line Managers training www.cipd.co.uk • Leadership and Management training from Learn Direct: www.learnirect.co.uk • Chartered Institute of Personnel and Development: www.cipd.co.uk • BPP Professional Education: www.bpp.com HSE line manager competency tool: www.hse.gov.uk/simple-health-safety</p>	
<p>Excellence</p>						
<p>Line Managers demonstrate collaborative working, shared decision making process and autonomy for staff.</p>					<p>Regular team meeting minutes • Staff focus group minutes • Employee suggestion scheme • Personal Development review process</p>	
<p>Line Managers have training in how to have difficult conversations, developing people skills and resolving disputes.</p>					<p>ACAS – Managing conflict at work: www.acas.org.uk • Chartered Institute of Personnel and Development: www.cipd.co.uk • Team building</p>	
<p>Employees offered learning and development opportunities to maximise their potential.</p>					<p>Learning and development records • Information available on courses at local colleges/training providers • Learning and development forms part of performance reviews</p>	
<p>Work-life balance is embedded in the organisation's conditions of employment. Alternative working practices are offered where reasonably practical.</p>					<p>Information about work/life balance is included in staff induction. Employment conditions are clear about flexible working and how employees can apply for it. Policy, procedure or system documentation with evidence of completed and accepted requests. ACAS – Work life balance and flexible working: www.acas.org.uk • Working Better: a managers' guide to Flexible Working: www.equalityhumanrights.com • The Work Foundation: www.theworkfoundation.com • Direct gov: www.direct.gov.uk • Business Link: www.businesslink.gov.uk • Chartered Institute of Personnel and Development: www.cipd.co.uk</p>	
<p>Evidence of managing organisational change appropriately.</p>					<p>Understanding the impact of change. Chartered Institute of Personnel and Development: www.cipd.co.uk • Learn Direct: www.learnirect.co.uk • Communication documents to staff on changes. Team meeting minutes. Training opportunities to develop employee skills.</p>	
<p>The organisation has a health, work and well-being action plan.</p>					<p>An action plan document that meets identified needs of staff.</p>	

Self-assessment Standards for Attendance Management

Commitment	FM	PM	NM	NA	Examples and Guidance	Notes/Evidence
<p>Absence rates and causes are collected and monitored.</p>	●	●	●	●	<p>For example: Is sickness/absence data adequately collected and reported? Is it broken down into categories? Is it investigated for trends? (e.g. stress or back injuries in specific groups of employees) Is there evidence of proactive actions to address absence trends? Is there a return to work policy?</p>	
<p>Interventions are undertaken where patterns indicate trends of absence.</p>	●	●	●	●	<p>Records of absence and monitoring. Examples of interventions put in place.</p>	
<p>Contact is maintained with absent employees to provide support and aid return to work.</p>	●	●	●	●	<p>Absence records with contact details. Contact type and regularity should be agreed with the employee at the first opportunity and the help and support offered recorded. Small and medium-sized businesses may seek help from the free Health for Work Advice line 0800 0 77 88 44 www.health4work.nhs.uk See also www.yourworkhealth.com</p>	Page 72
<h2>Achievement</h2>						
<p>A clear attendance management policy is in place and procedures are known to staff.</p>	●	●	●	●	<p>Evidence of staff involvement or knowledge such as signed circulation sheet, meeting minutes, staff survey etc. Investors in People, ACAS – Health, well-being and managing attendance: www.acas.org.uk • Chartered Institute of Personnel and Development: www.cipd.co.uk</p>	
<p>Documented return to work procedures are in place and followed.</p>	●	●	●	●	<p>Copy of procedure, pro-forma, management records.</p>	

<p>Return to work interviews are conducted and recorded with concerns /appropriate support recorded and provided.</p> <p>Reasonable adjustments are made in line with recommendations made in a Statement of Fitness to Work.</p>		<p>Completed interviews and records of escalation for issues encountered. Staff survey.</p> <p>Fit Note Guidance: www.dwp.gov.uk Equality Act 2010 guidance: www.acas.org.uk</p>	
<p>Excellence</p> <p>Absence trends are monitored across the organisation and specific programs are designed and implemented to address these issues to prevent further absence.</p>		<p>Statistical reports, identification of manager responsible for the activity and details of actions taken (if needed).</p>	
<p>The organisation’s return to work policies are designed to support rehabilitation and early return to work with adjustments made to accommodate this when necessary.</p>		<p>Fit Note Guidance: www.dwp.gov.uk Policy and evidence of actions taken. Fit for Work services: www.businesslink.gov.uk • Nationally accredited Occupational Health services. Counselling. Employee Assistance Programmes (EAP) www.eapa.org.uk • Physiotherapy.</p>	
<p>The organisation raises awareness of, and supports staff to manage, long-term conditions in the workplace.</p>		<p>The organisation runs campaigns, training or events aimed at raising awareness of some long-term conditions, such as, cancer, diabetes, arthritis, asthma. NICE guidance: www.nice.org.uk • Chartered Institute of Personnel and Development: www.cipd.co.uk</p>	

Self-assessment Standards for Health and Safety Requirements

Commitment	FM	PM	NM	NA	Examples and Guidance	Notes/Evidence
<p>Demonstrate an awareness of legal obligations in relation to health and safety and display health and safety law poster.</p>	●	●	●	●	<p>Evidence of HSE guidance being followed www.hse.gov.uk/simple-health-safety Notices, procedures, risk assessments, training, policies etc.</p>	
<p>Responsibilities under Equality Act 2010, and other equality legislation are known and adhered to.</p>	●	●	●	●	<p>Equality Act 2010: www.acas.org.uk • See guidance at: www.businesslink.gov.uk • Could be evidenced by recruitment policy, job adverts, meeting notes, incident reporting procedure with staff knowledge of it etc.</p>	
<p>All staff are informed of workplace risks and controls in place to minimise them.</p>	●	●	●	●	<p>Staff questionnaire, local induction programme, manuals, health and safety procedures, risk assessments, notices and displays etc.</p>	
<p>Appropriate training is given to all staff on health and safety.</p>	●	●	●	●	<p>Employee training records, certificates, staff questionnaire. Health and Safety Executive guidance: www.hse.gov.uk/simple-health-safety • Learn Direct training: www.learnirect.co.uk</p>	
<h2>Achievement</h2>						
<p>Relevant policies and procedures are in place to demonstrate compliance with health and safety legislation.</p>	●	●	●	●	<p>Policies and procedures with evidence of regular review and employee knowledge of their existence (possibly evidenced via staff survey or circular).</p>	
<p>Systems are in place for staff to raise and resolve health and safety issues.</p>	●	●	●	●	<p>Procedures, evidence of staff forums, health and safety representatives in place etc. www.hse.gov.uk/simple-health-safety</p>	
<p>All health and safety policies and workplace activities are regularly monitored for new hazards and improvements made.</p>	●	●	●	●	<p>Records of meetings, staff comments and amendments. Regular risk assessments. Health and Safety Executive guidance: www.hse.gov.uk/simple-health-safety • Business Link: www.businesslink.gov.uk</p>	

Excellence						
<p>Staff representatives have been involved in the development or evaluation of health and safety policies. There is a clear emphasis on prevention across all policies.</p>	●	●	●	●	<p>Policies and procedures. Records of staff involvement, meeting minutes, recommendations, consultations with trade unions etc. when applicable.</p>	
<p>All managers have received appropriate health and safety training. There is an identified health and safety representative.</p>	●	●	●	●	<p>Health and safety representative details and evidence of time allocation/activity in this role. Training records etc. Health and Safety Executive guidance: www.hse.gov.uk/simple-health-safety</p>	
<p>Regular health and safety meetings are held and recorded.</p>	●	●	●	●	<p>Minutes from meetings and actions taken.</p>	

Self-assessment Standards for Mental Health and Wellbeing

Commitment	FM	PM	NM	NA	Examples and Guidance	Notes/Evidence
Provide information about mental health and well-being, including work-related stress, and make sources of further information readily available to staff at all levels.	●	●	●	●	Notice board, staff intranet, leaflets prominently displayed, staff meeting minutes and external websites. NICE guidance Promoting Wellbeing at Work (2009): http://guidance.nice.org.uk • Awareness training programme. Mental Health Foundation: www.mentalhealth.org.uk	
Ensure employees are aware that mental health and well-being issues are valid and seeking to address these issues is fully supported by the organisation at all levels.	●	●	●	●	Policy document; management training; staff survey; review records; prominent notices; meeting minutes etc. Monitor HR data for changes in reported stress-related issues/absence. RCPsych Work and Mental health resource: www.rcpsych.ac.uk/workandmentalhealth	
The organisation should provide commitment to, and appropriate information about, resilience (the ability to recover quickly from illness or change).	●	●	●	●	Details of EAP or counselling service if provided. Signpost to external services e.g. IAPT: www.iapt.nhs.uk • Policy document. Management team(s) offered resilience awareness training within generic management skills development. Monitor HR data for changes in reported stress-related issues/absence.	
The organisation ensures employees are made aware of their legal entitlements regarding working conditions, for example Equality Act 2010.	●	●	●	●	Policy, procedure, staff survey and staff manual/induction: www.equalityhumanrights.com and www.hse.gov.uk/stress Equality Act 2010 guidance: www.acas.org.uk	
Achievement						
Undertake and act on an organisational stress risk assessment following recognised standards.	●	●	●	●	Stress risk assessment available at www.hse.gov.uk/stress • Records of assessments and actions taken to be monitored, followed by re-assessments to measure progress.	
Provide information and support to line managers to reduce stigma around mental ill-health and to improve the identification of, and support to people with mental health problems in the workplace.	●	●	●	●	Training, meeting minutes, circulars, guidance notes, procedures, talks etc. YHIP Line Manager Training: www.workplacementalhealth.co.uk • Mindful Employer Charter and Line Manager resource: www.mindfulemployer.net • Consider provision of subject specific training e.g. Mental Health First Aid.	
Evidence of implementation of the Health and Safety Executive management standards for work-related stress in policies, procedures and everyday activity.	●	●	●	●	Policy, procedure, staff survey: www.hse.gov.uk/stress	
Bullying and harassment and whistle-blowing policies and systems are in place and staff at all levels are made aware of them.	●	●	●	●	Policy, procedure, staff survey ACAS Guidance: www.acas.org.uk • Awareness of Public Information Disclosure Act 1998 (PIDA)	

Excellence

A mental health and well-being strategy is in place, or is being developed and followed, that addresses investment in the mental well-being of the workforce and recruitment/retention issues. This policy has been developed collaboratively with staff.

Ensure organisational and individual change is accompanied by support, information or targeted intervention programmes e.g. retirement, redundancy planning.

Staff consultations/surveys take place that seek information on the mental well-being of staff and also cover working conditions, communication, work-life balance, staff support and work-related, or other causes of, stress with action plans drawn up to address major issues.

Procedures, guidance or policies are in place that address how staff are kept informed of change within the organisation.

Education and development opportunities are routinely available to managers and staff to enhance their skills and knowledge around workplace mental health issues.

Social support groups, volunteering and out-of-work activities are actively encouraged and supported by the organisation.

Policies and procedures. Records of staff involvement i.e. in policy development, focus groups, staff representatives. Copy of action/implementation plan including review date. Staff survey to indicate knowledge of the policy. Evidence of how policy/information is cascaded to employees. Sign-up to Mindful Employer initiative. Examples of templates to support this are available. Periodic job reviews/evaluation/appraisals etc. are in place and are used to consult with employees on issues that affect mental health. Evidence demonstrating implementation of HSE Management Standards by the organisation or equivalent: www.hse.gov.uk/stress RCPsych Work and Mental health resource: www.rcpsych.ac.uk/workandmentalhealth

Case studies. Retirement planning programmes. CV and job skills workshops. Pension advice clinics.

Survey/consultation documentation supported by statistical analysis of results and prioritised actions contained within an action plan or strategy document. Areas of good practice highlighted and adopted.









Copy of policy/procedure and evidence that all key staff are aware of this. Evidence of newsletters, team briefings etc.

Further information can be found at: www.mind.org.uk • Good awareness of facilities should be demonstrated through the use of intranet, circulars and meetings. Care should be taken to ensure that communications do not make staff feel that they would be penalised for seeking help.

Staff are made aware of opportunities via communication methods and, where practical, offered the flexibility to attend during work time. Activities do not need to be planned or controlled by the organisation, but staff should be supported, where possible, to get involved and be encouraged to sustain that involvement.

Self-assessment Standards for Smoking and Tobacco-related ill-health

Commitment	FM	PM	NM	NA	Examples and Guidance	Notes/Evidence
All staff are aware of the smoke-free and tobacco control laws and how they are applied in their workplace.	●	●	●	●	Notices, training records, intranet, policy and proof of staff having seen it, staff survey etc. www.smokefreeengland.co.uk	
Sources of further information and support to quit smoking are readily available.	●	●	●	●	Notice board, staff intranet, leaflets in prominent locations, staff meeting minutes etc. Local NHS Stop Smoking services: www.smokefree.nhs.uk • NICE Guidance: www.nice.org.uk	
The organisation complies with smoke free legislation, including signage. Organisation has a clear stance on control of tobacco.	●	●	●	●	Environmental Health inspection report, internal compliance report, on-site evidence or photographs.	
A smoke-free policy is in place and staff are aware of it.	●	●	●	●	Smoke free policy template.	Page 78
Achievement						
'No smoking' signs are displayed at all building entrances and company vehicles.	●	●	●	●	Physical evidence, reports etc.	
Excellence						
Building managers, reception staff, ground staff and those operating in communal areas are aware of how to report breaches of the smoke-free policy.	●	●	●	●	Procedures, training records, staff survey, previous reports of breach etc.	
Open areas (outdoor) that are accessed by passing public or customers are clearly signposted as smoke-free and steps are taken to prevent smoking in these areas.	●	●	●	●	Internal compliance report, on-site evidence or photographs, clear signage etc.	

<p>Actively promote 'stop-smoking' services and allow staff time to attend.</p>					<p>Local NHS Stop Smoking services: www.smokefree.nhs.uk</p>	
<p>Actively promote 'stop-smoking' services.</p>					<p>Guidance on legal limits of tobacco and alcohol into the UK: www.hmrc.gov.uk</p>	

Self-assessment Standards for Physical Activity

Commitment	FM	PM	NIM	NA	Examples and Guidance	Notes/Evidence
Information is made available on the benefits of physical activity.	●	●	●	●	Notice board, intranet page, newsletter etc. See British Heart Foundation for further information and support: www.bhf.org.uk • NICE guidelines: www.nice.org.uk	
The minimum legally required breaks are taken by all staff.	●	●	●	●	Managers/supervisors are instructed to monitor breaks and ensure that sufficient rest time is taken. Guidance is provided and recorded.	
Achievement						
Physical activity in the workplace is actively encouraged and supported by the physical environment.	●	●	●	●	Provide signage to stairs as well as lifts. Promoting Physical Activity in the Workplace NICE guidance: www.nice.org.uk • CHEW audit tool: www.riskfactor.cancer.gov • Intranet pages, links with support agencies etc. can be used here. Change4Life: www.nhs.uk/change4life British Heart Foundation: www.bhf.org.uk	
Staff are encouraged to take regular breaks.	●	●	●	●	Policy, management training or guidance notes, staff circular (signed) survey etc. Senior management lead by example.	
Physical activity opportunities in the local area are actively promoted to staff and supported by the organisation. Out of hours groups are supported or memberships of local groups that promote physical activity.	●	●	●	●	Newsletters, in house challenges. Bicycle user groups or walking clubs, external groups, yoga etc. Support can be in flexibility around time, facilities or funding etc. Contact local authority leisure services. County Sports Partnerships: www.sportengland.org • Sport England: www.sportengland.org	
Excellence						
Opportunities for physical activity linked to the workplace have been investigated and implemented. These activities are sustained over long periods to become embedded in the organisational culture.	●	●	●	●	This will include in-house sports and physical activities e.g. Five-a-side, Walking for Health, partnerships with local leisure centres for discounted rates; information on local walks made available; organised walks or cycle rides; or information about travel options. British Heart Foundation: www.bhf.org.uk • Global Corporate Challenge: www.gettheworldmoving.com • Corporate games: www.corporate-games.com	

The organisation has a travel plan designed to remove barriers to physical activity in travelling to work and promotes physical activity during working hours where possible.



Travel plan approved by senior management or other evidence of formal adoption by the organisation. Cycling mileage is paid where vehicle equivalents are available and assisted cycle purchase schemes are supported where possible. Showering and cycle parking facilities are available at all sites or reasonable alternatives are provided. Reasonable alternatives could involve use of facilities in neighbouring buildings, employees given extra time for amenities further away etc. Offer cycling training and maintenance. Sustrans: www.sustrans.org.uk

Self-assessment Standards for **Healthy Eating**

Commitment	FM	PM	NM	NA	Examples and Guidance	Notes/Evidence
Provide information on healthy eating.	●	●	●	●	Notice board, intranet page, newsletter etc. Further information and support from: Change 4 Life: www.nhs.uk/change4life • Local health promotion teams. NHS good food health advice: www.nhs.uk/LiveWell • NICE guidance: www.nice.org.uk	
The organisation actively promotes healthy food options.	●	●	●	●	Information is made available on healthy choices. Change 4 Life: www.nhs.uk/change4life	
Where food is 'provided on site' (vending machines, canteens/restaurants or mobile catering) healthy options are provided.	●	●	●	●	Healthy options are marked.	
Any kitchen facilities or beverage areas are in good condition, and comply with food hygiene regulations.	●	●	●	●	Physical evidence. Evidence from any Environmental Health inspections Toolkit for employers. Food Standards Agency: www.food.gov.uk and www.workplacesafetyadvice.co.uk	Page 82
Achievement						
Any on-site catering facilities provide healthier options that are actively promoted.	●	●	●	●	'Commissioning Healthier Catering and Hospitality: Investing in a Healthier Workforce – Guidance on healthier catering and hospitality' www.emphasissetwork.org.uk • Sustain web: www.sustainweb.org	
All workplaces have access to fresh drinking water.	●	●	●	●	Physical evidence.	
Staff are supported to eat healthy meals.	●	●	●	●	Information is provided on sugar, salt and fat content of food/menu options. Provision of fridges and microwaves in beverage and kitchen areas. Provision of information on healthy self catering. Balance of good health. Change 4 Life: www.nhs.uk/change4life • Staff involvement in menu development. Free or subsidised fruit provided for staff.	

Excellence

A corporate healthy eating food plan, guidelines or similar has been produced in consultation with staff that covers:

- Corporate hospitality
- Catering provision
- Local sourcing of food using local providers
- Vending/in-house catering pricing strategy to promote healthy options
- Local healthy food availability for staff considered as part of facilities management

Tailored programmes to improve understanding and take-up of healthier diets are offered.

All food policies, plans and provision are reviewed on a regular basis with active staff engagement. Policies are supported at board level.

Wherever possible, eating facilities are provided away from work areas that are clean and user friendly. Use of these facilities is promoted to ensure regular breaks from the work area.

Plan or policy supported by evidence of collaboration with employees at all levels. Further assistance can be found at: Change 4 Life: www.nhs.uk/change4life

- www.eatwell.gov.uk • www.food.gov.uk • www.5aday.nhs.uk • Includes review of in-house menu which complies with commissioning guidance on healthy catering and hospitality.

Information should be easy to access and well promoted. Staff should be aware of how to access this information and its existence. Weight management programmes. Incentives to promote healthy options e.g. healthy options are cheaper. Change 4 Life pack for employers www.nhs.uk/change4life

Policy approval documentation and review schedule. Board/Executive support should be indicated in Board minutes or formal approval. Staff Forums.

Physical evidence supported by employee opinion via survey, working group or staff representative. Guidance for employees on use of the facility is well publicised. Where not possible, this is justified and reasonable with evidence of consideration.

Self-assessment Standards for Alcohol and Substance Misuse

Commitment	FM	PM	NM	NA	Examples and Guidance	Notes/Evidence
<p>Employees are provided with information about the effects of alcohol and substance misuse. Sources of further information and support are readily available.</p>	●	●	●	●	<p>Notice board, intranet page, newsletter, minutes of meetings etc. See: www.nhs.uk/livewell • Signposting to local services and availability/provision of information and self help leaflets to enable employees to seek independent and confidential advice and support e.g. Department of Health 'Your drinking and you' leaflets: www.drinking.nhs.uk • Change4Life swap materials: www.nhs.uk/Change4Life</p>	
<p>Employees are supported in seeking help to treat alcohol or substance misuse issues.</p>	●	●	●	●	<p>Staff survey indicating knowledge or evidence of intranet/staff newsletter, location of further information etc.</p>	
<h3>Achievement</h3>						
<p>A policy is in place regarding the use of alcohol and other substances in the workplace that is clear and consistent.</p>	●	●	●	●	<p>Policy and methods of communication with employees. Model policy available from the Health and Safety Executive website with guidance on how to deal with workplace alcohol and drugs issues, see www.hse.gov.uk/simple-health-safety</p>	Page 84
<p>Employees are aware of the policy, what it means and the support available.</p>	●	●	●	●	<p>Minutes of meetings, staff survey indicating knowledge or evidence of intranet/staff newsletter location of further information etc.</p>	
<p>Managers at all levels are aware of why staff may be reluctant to come forward with their problems with alcohol and substance misuse. Managers actively promote the use of external help and rehabilitation when approached.</p>	●	●	●	●	<p>Management training, guidance or policy etc. Clear signposting of support available. Identification and Brief Advice (IBA) Tools training for leaders to help support staff experiencing problems. See Alcohol Learning Centre: www.alcohollearningcentre.org.uk</p>	
<p>Employees need to be aware of link between alcohol, substance misuse and stress in the workplace.</p>	●	●	●	●	<p>See: www.drinkaware.co.uk and www.healthatwork.org.uk</p>	

Excellence

<p>Staff representatives from various levels of the organisation are involved in the development or review of the policy which addresses alcohol and other substances.</p>	●	●	●	●	<p>Copy of minutes from meetings, emails, reports, staff survey etc.</p>	
<p>Alcohol policy includes guidelines on the use of alcohol at business functions.</p>	●	●	●	●	<p>Copy of policy and confirmation of approval from director or board level.</p>	
<p>Employee code of conduct has been established and well publicised.</p>	●	●	●	●	<p>Copy of code and evidence of publication methods/staff awareness via staff survey etc.</p>	
<p>Managers have access to information on how to identify the signs of alcohol/substance misuse and are aware of where to obtain support or signpost employees with a problem.</p>	●	●	●	●	<p>Staff survey, training records from appropriate courses, policy, procedure etc. Identification and Brief Advice (IBA) training. See Alcohol Learning Centre: www.alcohollearningcentre.org.uk Signposting to local services and availability/provision of information and self-help leaflets. Contact local health promotion teams. See www.talktofrank.com</p>	
<p>New staff are made aware of how to access relevant policies, information and support services at the point of induction.</p>	●	●	●	●	<p>Induction information, staff survey etc. Must be relevant to staff regarding health and well-being and can be generic as long as alcohol is covered.</p>	

How do I do this?

1 How healthy is your business?

- Health surveys
 - health status of staff and the business
 - awareness of health needs – ask them!

2 Is workplace health **embedded** into your business?

- Identify a workplace health and well-being champion
- Board reports on progress
- Policies and procedures in place

3 Are you engaging with your **staff**?

- Staff focus-groups
- Suggestion box
- Health, Work and Wellbeing group
- Good communication using appropriate media

4 What will **success** look like?

- Action plans
- Identify quick wins and longer term goals
- Make local connections to health promotion teams

5 How will you know you've **got it right**?

- Evaluate your programme
- Record your progress
- What changes in absenteeism have you seen?
- Has it been easier to recruit new staff?
- Has your staff turnover reduced?
- Have you seen an improvement in productivity?
- Has your business reduced costs?
- Is there a change in morale? Make sure you find out staff opinion!
- Is there a change in disciplinary numbers?



Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	11 th September 2012
Subject:	Members Update for Licensing and Enforcement Committee		
Report Of:	Martin Shields, Director of Services and Neighbourhoods		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Lisa Jones, Food Safety and Licensing Service Manager		
	Email: lisa.jones@gloucester.gov.uk		Tel: 396047
Appendices:	None		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To outline to Members, details of key Licensing Activities carried out in the last quarter, including enforcement work, progress updates of our work plan and any changes in Licensing Law.

2.0 Recommendations

- 2.1 Members of the Licensing and Enforcement Committee note the contents of this report.

3.0 Updates on Licensing Activities in the last Quarter

- 3.1 On 6th August 2012, The Licensing and Enforcement Sub-Committee considered a disciplinary hearing regarding a driver who had submitted fraudulent insurance documents to the Council upon applying for his vehicle licence and consequently received a caution for doing so by the Police. The Sub-Committee decided to revoke the drivers Private Hire Driver Licence because they did not consider him to be a fit and proper person to hold a Private Hire Driver's Licence for the following reasons :-
- i) He was prepared to carry passengers knowing full well that he was not properly insured so to do;

- ii) He had further demonstrated this by non-disclosure of penalty points in his applications to the Licensing Authority dated 4th October 2010 and 15th September 2011.
- 3.2 Licensing Officers took part in a pilot operation with Trading Standards and Gloucestershire Constabulary on 22nd June to tackle illicit alcohol and tobacco. Four premises in Barton were targeted and no illicit alcohol or tobacco was found. This may demonstrate the good work that our partnership working has previously done to crack down on these products. Some of the chemicals found in these illicit products can have harmful effects, which can lead to blindness or even death. Further Operations will be scheduled in the future to protect our public and prevent further emergence of these products.
- 3.3 The Licensing Team are currently consulting upon a proposal to have a new designated public place order (DPPO) in the Barton and Tredworth Ward. Barton Street (from Barton lights to India Road) is already included under the City Centre DPPO; however, the side streets and other spaces for dispersal were not included but have now been identified as areas experiencing nuisance street drinking. Feedback from the consultation will determine whether a DPPO is appropriate and this will be brought back to Licensing and Enforcement Committee in December for a final decision.
- 3.4 Guinness World Records
Three young men from Gloucestershire have succeeded in achieving two Guinness World records, the first 'longest distance ever driven in a taxi' completed December 2011 and the second 'First round the world trip in a taxi' completed May 2012. They have made Gloucester proud by using a Gloucester City licensed Taxi to achieve these records and managed raise more than their £20,000 target for charity. They will be displaying the Gloucester taxi plates in the London British Transport Museum, to show off their world record achievements. If you want to check out their route you can see it on: <http://itsonthemetre.com/route.html>
- 3.5 New Licensing Applications
Between 1st June 2012 and 1st August 2012 we have received 66 new licensing applications; the majority consisted of Temporary Events Notices where 55 were received. 20% of all Licence applications received related to Private Hire and Taxi Licensing, and 65% related to applications under the Licensing Act 2003.
- 4.0 Court cases and other Enforcement Work**
- 4.1 There have been no Licensing Court cases for Gloucester City Council in the last quarter.

- 4.2 The introduction of a Private Hire Knowledge Test was agreed by members of Licensing and Enforcement Committee in 2010, as a way to ensure that private hire drivers in Gloucester City held a basic level of Mathematics and spoken English to ensure they could hold a basic conversation with a customer and also count out their change correctly. Following the introduction of the test in May 2011, the first test was held on June 17th 2011 and from this date all new private hire drivers had to pass the test before a licence was granted whilst existing drivers were given 12 months to successfully complete the test.
- 4.3 12 Months after its introduction 48 out of the 268 licensed Private Hire Drivers, (17%) had not yet passed this knowledge test. These 48 drivers received final reminders allowing 28 days to pass the test, and Licensing Officers also contacted them by telephone to remind them. Extra test dates were also scheduled to allow extra opportunities to pass by the deadline. Licensing Officers have served Suspension Notices on 24 drivers who had not successfully passed this test by 20th July 2012. Suspension does not take immediate effect as it allows a 21 appeal period, during which time the drivers had another opportunity to pass the test. The appeal period has now passed and suspension took effect on just four remaining drivers, none of which have lodged an appeal to the Magistrates Court. Once these drivers successfully pass this knowledge test, they will have their drivers licence re-instated.

5.0 Future Work

- 5.1 **Taxi Tariff** – Last Year it was agreed that the tariff fares would be reviewed each year with view for any changes to take effect each December. The current tariff took effect in February 2012 where a 4% increase was applied to bring the fares in line with the South West average. This year, the Council is not proposing any change for the following reasons:
- The current tariff rates sit in line with the South West and Midlands average, and our formula suggests only a 1.3% increase would need to be applied to bring it exactly in line.
 - The current tariff is higher than the national average and the County local average.
 - Petrol and diesel costs have decreased since September 2011, when the fares were last reviewed.
 - Gloucester City Council was the most recent authority in the County to change the tariff and currently hold the highest flag fall figure (the minimum charge a customer can expect to pay upon accepting the vehicle).
- At the time this report was published the Hackney Carriage Association were unable to provide a response to this proposal, therefore a verbal update will be presented to Members at the Committee meeting.
- 5.2 **Taxi Ranks** – The City Taxi's ranks are under review, the Licensing team are monitoring the demand at the various ranks and liaising with the trade to identify

the key issues and improvements needed at each of the ranks. From this review we hope to identify other potential hailing points or additional ranking space needed in other areas of City.

- 5.3 **Eastgate Street Strategic Group** - The agencies of Safer Gloucester have prioritised Eastgate Street as a target area for crime and disorder. The Partnership have, as part of their Plan for 2012-2013 a priority '*Work to ensure that residents and visitors to Gloucester city centre on a Friday and Saturday night are and feel safe, focusing resources into any area that is causing concern*'. In preparation for the (unsuccessful) bid to the Community Alcohol Fund, agencies shared their ideas to make the area safer and although no funding was received this group was set up to ensure any good ideas can be taken forward.

There are some unresolved issues e.g. lighting in Eastgate Street, late night pedestrianisation of the street including raising the bollards, location of the taxi rank and also the bus shelter, use of taxi marshals or security staff, and because of the longevity of these issues, rather than trying to do small initiatives in a piecemeal way, the group would like to develop a long term strategy to improve the area. The first meeting is scheduled for 6th September 2012.

- 5.4 **Cumulative Impact Policy** – A request has been received to review the Cumulative Impact Policy to consider including the Barton area. This matter has been referred to the Community Alcohol Partnership for consideration as the appropriate group seeking way to address such alcohol related issues. The Licensing Act Statement of principles will be reviewed again next year and any changes will be consulted upon from June 2013. Any changes to the cumulative impact policy will be included in this review.

- 5.5 **Late Night Levy** – The late night levy is a power for the licensing authorities to introduce a charge for all premises in the local authority area that are authorised to sell alcohol between midnight and 6am. The option to implement the levy is at the discretion of the local authority which should make the decision based on the situation in the local area. If adopted the revenue is split 30% to local authorities and 70% to the Police. The provisions for a late night levy are due to commence on 31st October 2012.

Gloucester City have approximately 190 licensed premises that are open for the sale of alcohol between midnight and 6am, but, upon removing those premises that could be subject to discretionary local exemptions, it leaves only 80 premises in the City. Potentially we could generate a total revenue of £67K, based on these 80 premises but it is unclear how many of these businesses will choose to reduce their opening hours to finish before midnight. Feedback from Gloucester's LVA has indicated their dissatisfaction with any levy proposal and that a large proportion of this trade may reduce their opening hours. However, this will remain uncertain until such consultation is put forward and consideration is given by Gloucester City on whether a Late Night Levy is appropriate. Gloucester City

Council strives to boost the vibrancy of its night-time economy, so any detrimental impact will be given strong consideration in determining whether or not a late night levy is appropriate.

6.0 Forward work plan and Conclusions

6.1 The table below outlines our proposed work plan for Full Licensing and Enforcement Committee meetings over the next 3 years. As the years goes on, additional matters may need to be brought to Members attention or further requests may be presented for decision. However, the items below illustrate expected matters that are scheduled for consideration Committee dates are in **bold** and shaded grey.

LICENSING AND ENFORCMENT COMMITTEE	POLICY ITEM
<i>July & August 2012</i>	<i>Consult on Gambling Act Statement of Principles over 12 weeks Review of Taxi Rank Provision</i>
September 2012	Gambling Act Statement of principles for approval (to take effect Dec 2012) Update on proposed Taxi Tariff (to take effect December 1st 2012) Cumulative Impact Policy - Licensing Act Policy Statement Review Quarterly Licensing Update for Members (including taxi rank progress)
<i>October 2012</i>	<i>Consult on Taxi Meter Tariff over 14 days Taxi and Private Hire Fees Review Assessment, Inform Chair of L and E Committee of proposals to Taxi fees, Review of Taxi Rank Provision Consultation of Barton and Tredworth DPPO (over 6 weeks)</i>
<i>November 2012</i>	<i>Consult on Taxi and Private Hire fees over 28 days</i>
December 2012	Update Committee on Taxi Meter Tariff set (following consultation) Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2013) Designated Public Place Order in Barton and Tredworth Ward Quarterly Licensing Update for Members (including late night levy, taxi rank review and cumulative impact policy review).
March 2013	Street Trading Policy Review Quarterly Licensing Update for Members
<i>May 2013</i>	<i>Members Training</i>
June 2013	Review of Licensing Act Statement of principles Quarterly Licensing Update for Members
<i>July 2013</i>	<i>Consult on Licensing Act 2003 Statement of Principles over 12 weeks</i>
September 2013	Licensing Act 2003 Statement of principles (to take effect January 2014)

	Update on proposed Taxi Tariff (to take effect December 1st 2013) Quarterly Licensing Update for Members
<i>October 2013</i>	<i>Consult on Taxi Meter Tariff over 14 days Taxi and Private Hire Fees Review Assessment, Inform Chair of L and E Committee of proposals to Taxi fees,</i>
<i>November 2013</i>	<i>Consult on Taxi and Private Hire fees over 28 days</i>
December 2013	Update Committee on Taxi Meter Tariff set (following consultation) Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2014) Quarterly Licensing Update for Members
March 2014	Sex Establishment Policy Review Quarterly Licensing Update for Members
<i>May 2014</i>	<i>Members Training</i>
June 2014	Sex Establishment Policy Review (to take effect July 2014) Quarterly Licensing Update for Members
September 2014	Update on proposed Taxi Tariff (to take effect December 1st 2014) Quarterly Licensing Update for Members
<i>October 2014</i>	<i>Consult on Taxi Meter Tariff over 14 days Taxi and Private Hire Fees Review Assessment, Inform Chair of L and E Committee of proposals to Taxi fees,</i>
<i>November 2014</i>	<i>Consult on Taxi and Private Hire fees over 28 days</i>
December 2014	Update Committee on Taxi Meter Tariff set Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2015) Quarterly Licensing Update for Members
March 2015	Review of Advertising Board and Tables and Chairs Policy Quarterly Licensing Update for Members
<i>May 2015</i>	<i>Members Training</i>
June 2015	Review of Private Hire and Hackney Carriage Policy Quarterly Licensing Update for Members

6.2 At each quarterly Licensing and Enforcement Committee meeting, we will continue to update Members on any activities carried out in the last quarter, this will include a summary of what has happened in the team, including number of new Licences, any enforcement work carried out and details of any appeals or prosecutions held, the outcomes of those hearings and any further court cases pending.

7.0 Financial Implications

7.1 There are no financial implications attached to the recommendations in this report.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

8.1 There are none at this time.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

9.1 In Compliance with the Council's risk management strategy any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.

10.0 People Impact Assessment (PIA):

10.1 There are no key decisions included in this report.

10.2 A separate PIA will be carried out for each Policy when it is brought before the Licensing and Enforcement Committee.

11.0 Other Corporate Implications

Community Safety

11.1 None

Sustainability

11.2 None

Staffing & Trade Union

11.3 None

Background Documents: None

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