



Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Wednesday, 9 July 2014

TO EACH MEMBER OF GLOUCESTER CITY COUNCIL

Dear Councillor

You are hereby summoned to attend a **MEETING OF THE COUNCIL** of the **CITY OF GLOUCESTER** to be held at the Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP on **Thursday, 17th July 2014** at **19:00** hours for the purpose of transacting the following business:

AGENDA

1. **APOLOGIES**

To receive any apologies for absence.

2. **MINUTES (Pages 9 - 32)**

To approve as a correct record the minutes of the Council Meeting held on 9 June 2014.

3. **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.

4. **PUBLIC QUESTION TIME (15 MINUTES)**

The opportunity is given to members of the public to put questions to Cabinet Members or Committee Chairs provided that a question does not relate to:

- 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)**

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

- Matters relating to individual Council Officers, or
- Matters relating to current or pending legal proceedings

6. **ANNOUNCEMENTS (COUNCIL PROCEDURE RULE 2(VII))**

To receive announcements from:

- a) The Mayor
- b) Leader of the Council
- c) Members of the Cabinet
- d) Chair of Overview and Scrutiny Committee
- e) Head of Paid Service

ISSUES FOR DECISION BY COUNCIL

7. **SUSPENSION OF COUNCIL PROCEDURE RULES**

To waive Council Procedure Rules to allow the relevant officers to address the Council in respect of items 16 and 17 on the agenda.

8. **COUNCIL PLAN 2014-2017**

To receive the report of the Leader of the Council and the Cabinet Member for Performance and Resources concerning the Council Plan for 2014-2017 (**report to follow**).

9. **ADOPTION OF THE DRAFT SEX ESTABLISHMENTS POLICY STATEMENT FOLLOWING CONSULTATION (Pages 33 - 72)**

To receive a report of the Chair of the Licensing and Enforcement Committee concerning the results of consultation on the draft revised Sex Establishments Policy Statement and seeking its adoption.

10. **AUDIT COMMITTEE ANNUAL REPORT 2013-14 (Pages 73 - 82)**

To receive the report of the Chair of the Audit and Governance Committee which sets out the work of the Committee during 2013/14.

11. **OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT 2013-14 (Pages 83 - 104)**

To receive the report of the Chair of Overview and Scrutiny Committee which sets out the work and achievements of the Committee during 2013/14.

12. **QUESTIONS BY MEMBERS (COUNCIL PROCEDURE RULE 12)**

a) Written questions to Cabinet Members

Written questions and answers. Only one supplementary question is allowed per question (**report to follow**).

b) Leader and Cabinet Members' Question Time (45 minutes)

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

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

Only one supplementary question is allowed per question.

c) Questions to Chairs of Meetings (15 Minutes)

MOTIONS FROM MEMBERS

13. **NOTICES OF MOTION**

(1) **MOVED BY COUNCILLOR MCLELLAN**

"This council agrees with Simon Stevens, the Chief Executive of the NHS that smaller community hospitals should play a bigger role especially in the care of older patients.

This council further believes that there is an urgent need for a community hospital in Gloucester and will write to the Chairs of the Gloucestershire Clinical Commissioning Trust and the Gloucestershire Care Trust to seek their support in establishing a community hospital in Gloucester."

14. **EXCLUSION OF PRESS AND PUBLIC**

To resolve:-

"That the press and public be excluded from the meeting during the following item of business on the grounds that it is likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public are present during consideration of this item there will be disclosure to them of exempt information as defined in Schedule 12A of the Local Government Act 1972 as amended".

Agenda Item No.	Description of Exempt Information
15	Paragraph 3: information relating to the financial or business affairs of any particular person (including the Authority holding that information).
16	Paragraph 1: information relating to any individual; and Paragraph 3: information relating to the financial or business affairs of any particular person (including the Authority holding that information).
17	Paragraph 5: information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

15. RETAIL DEVELOPMENT AT KINGS QUARTER (Pages 105 - 118)

To receive the report of the Cabinet Member for Regeneration and Culture.

16. REVIEW OF GOVERNANCE ARRANGEMENTS FOR GLOUCESTERSHIRE AIRPORT LIMITED (Pages 119 - 174)

To receive the report of the Corporate Director of Services and Neighbourhoods.

17. USE OF SPECIAL URGENCY PROVISIONS (Pages 175 - 178)

To receive the report of the Leader of the Council.

Yours sincerely



.....
Martin Shields
Corporate Director of Services and Neighbourhoods

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

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For further details and enquiries about this meeting please contact Sonia Tucker, 01452 396126, sonia.tucker@gloucester.gov.uk.

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

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Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

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- 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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COUNCIL

MEETING : Monday, 9th June 2014

PRESENT : Cllrs. Chatterton (Mayor), Hansdot (Sheriff & Deputy Mayor), James, Dallimore, Organ, Patel, Haigh, Hilton, Gravells, Tracey, Hobbs, McLellan, C. Witts, Smith, Lugg, Noakes, Ravenhill, Hanman, Lewis, Wilson, Bhaimia, S. Witts (part), Field, Williams, Llewellyn, Brown, Dee, Porter, Taylor, Beeley, Randle, Toleman, Gilson, Norman and Pullen

Others in Attendance

Pete Gillett, Corporate Director of Resources

Martin Shields, Corporate Director of Services and Neighbourhoods

Sue Mullins, Head of Legal and Policy Development

Jon Topping, Head of Finance

Tanya Davies, Democratic and Electoral Services Manager

Marcus Grodentz, Marketing and Communications Service Manager

Natalie Wilder, Communications Officer

Angie Marshall-Smith, Capita

APOLOGIES : Cllr. Mozol

1. ELECTION OF COUNCILLORS

Abbey

Andrew Gravells
(Conservative - 2016)

Barnwood

Phil McLellan
(Liberal Democrats - 2016)

Barton & Tredworth

Said Hansdot
(Labour - 2016)

Elmbridge

Chris Witts
(Liberal Democrat - 2016)

Grange

Nigel Hanman
(Conservative - 2016)

Hucclecote

Jim Beeley
(Liberal Democrat - 2016)

Kingsholm & Wotton

Jeremy Hilton
(Liberal Democrat - 2016)

Longlevens

Paul James
(Conservative - 2016)

Matson & Robinswood

Jan Lugg
(Labour - 2016)

Moreland

Terry Pullen
(Labour - 2016)

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Podsmead
Jennie Dallimore
(Conservative - 2016)

Quedgeley Fieldcourt
David Norman
(Conservative - 2016)

Quedgeley Severn Vale
Andrew Lewis
(Conservative - 2016)

Tuffley
Colin Organ
(Conservative - 2016)

Westgate
Pam Tracey
(Conservative - 2016)

2. ELECTION OF MAYOR

2.1 Moved by Councillor Lewis, seconded by Councillor James.

2.2 **RESOLVED** - That Councillor Deb Llewellyn be elected Mayor of the City of Gloucester until the Annual Council Meeting in 2015.

3. ELECTION OF SHERIFF AND DEPUTY MAYOR

3.1 Moved by Councillor Taylor, seconded by Councillor Randle.

3.2 **RESOLVED** - That Councillor Lise Noakes be elected Sheriff and Deputy Mayor of the City of Gloucester until the Annual Council Meeting in 2013.

4. MINUTES

4.1 **RESOLVED** – That, subject to a number of minor amendments and the correction of Members named at paragraph 102a.1 of the minutes of the ordinary meeting of Council held on 27 March 2014, the minutes of the following Council meetings be approved and signed by the Mayor as a correct record:

- Special Meeting No 1 held on 27 March 2014
- Special Meeting No 2 held on 27 March 2014
- Ordinary Meeting held on 27 March 2014
- Special Meeting held on 8 April 2014.

5. DECLARATIONS OF INTEREST

5.1 Councillors Lugg, Randle, Beeley, Hansdot and Toleman declared disclosable pecuniary interests in Item 14, a report of the Cabinet Member for Housing, Health and Leisure concerning the draft housing stock transfer offer document, because they were each members of the Gloucester City Homes Board.

5.2 Councillor Smith declared a personal interest in Item 14 because her daughter was employed by Gloucester City Homes.

5.3 Councillor S. Witts declared a personal interest unrelated to matters on the agenda.

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6. ANNOUNCEMENTS (COUNCIL PROCEDURE RULE 2(VII))

Mayor's Announcements

- 6.1 The Mayor congratulated the newly elected Members and thanked outgoing Councillors for their service to the Council and the City.
- 6.2 The Mayor reminded Members that a civic reception would take place for former Councillor Nick Durrant on 13 June 2014.

7. ELECTION OF LEADER OF THE COUNCIL

- 7.1 The Mayor invited nominations for the position of Leader of the Council.
- 7.2 Councillor Patel moved the following motion, which was seconded by Councillor Williams:
- “That for the 2014-15 municipal year, Councillor James be elected Leader of the Council.”
- 7.3 Councillor Haigh (Leader of the Labour Group) stated that the Labour Group did not support the proposed appointment.
- 7.4 Councillor Hilton (Leader of the Liberal Democrat Group) stated that the Liberal Democrat Group did not oppose the proposed appointment, but would abstain from the vote.
- 7.5 **RESOLVED** - That for the 2014-15 municipal year, Councillor James be elected Leader of the Council.

Following election, the Leader of the Council advised of appointments to the Cabinet and allocations of portfolios as follows:

Councillor Paul James	Regeneration and Culture
Councillor Jennie Dallimore	Communities and Neighbourhoods
Councillor Colin Organ	Housing, Health and Leisure
Councillor Jim Porter	Environment
Councillor David Norman	Performance and Resources

The Leader also advised the Council that he had appointed Councillor Dallimore as Deputy Leader of the Council to act in his absence.

The Leader thanked Councillor Patel (former Cabinet Member for Environment) and former Councillor Fred Wood (former Cabinet Member for Performance and Resources) for their previous service as Members of the Cabinet.

8. SUSPENSION OF COUNCIL PROCEDURE RULES

- 8.1 Moved by Councillor James (Leader of the Council and Cabinet Member for Regeneration and Culture), seconded by Councillor Dallimore (Deputy Leader of the Council and Cabinet Member for Communities and Neighbourhoods) –

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8.2 **RESOLVED** - That Council Procedure Rules be suspended to allow the relevant officers to address the Council in respect of agenda items 16 (Adoption of the Constitution) and 17 (Strategic Economic Partnership – Establishment of a Joint Committee and approval of terms of reference).

9. APPOINTMENT TO COMMITTEES, CONSULTATIVE FORUMS AND WORKING PARTIES AND NOMINATION FOR CHAIRS OF COMMITTEES AND VICE-CHAIRS FOR 2014/15

9.1 The Council considered the Schedule of Appointments to Committees, Consultative Forums and Working Groups, and nominations for Chairs and Vice Chairs for the municipal year 2014-15 (see Appendix 1). The appointment of Chairs and Vice Chairs to committees would be made at the first meeting of each committee.

9.2 Moved by Councillor James, seconded by Councillor Dallimore:

9.3 **RESOLVED** –

(1) That the Schedule of Appointments of Members to Committees, Consultative Forums and Working Groups for 2014-15 be approved.

(2) That all Members be appointed as named deputies for all those meetings (with the exception of Cabinet, Planning Committee and Licensing and Enforcement Committee) to which the Member has not been appointed.

(3) That, in respect of the Planning Committee, the Members named in the Schedule be appointed as substitutes.

(4) That the nominations for Chair and Vice Chair of Committees, as set out in the Schedule be noted and that each Committee at its first meeting in the new municipal year 2014-15 will confirm and appoint its Chair and Vice Chair.

10. APPOINTMENTS TO OUTSIDE BODIES FOR 2014/15

10.1 The Council considered the Schedule of Appointments to Outside Bodies for the municipal year 2014-15 (see Appendix 2).

10.2 Moved by Councillor James, seconded by Councillor Dallimore:

10.3 **RESOLVED** - That the schedule of appointments to Outside Bodies be approved, subject to the following clarification:

(1) That Councillor McLellan be appointed as the Council's representative on the Gloucestershire Economic Growth Overview and Scrutiny Committee and Councillor Haigh be appointed as the substitute.

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11. APPOINTMENT OF RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

- 11.1 The Council considered a report of the Monitoring Officer concerning the appointment of an Electoral Registration Officer and Returning Officer (ERO/RO).
- 11.2 Councillor James moved the recommendations set out in the report.
- 11.3 Councillor Dallimore seconded the motion.
- 11.4 Councillor Haigh moved an amendment, which was seconded by Councillor Chatterton (Deputy Leader of the Labour Group). She stated that the appointment of an ERO/RO should be temporary until the review of senior management arrangements was concluded and that the review should include all senior management functions including the appointment of an ERO/RO. She requested that the review be brought forward.
- 11.5 Councillor James rejected the amendment and stated that it was not possible to appoint a temporary ERO/RO. He confirmed that the review of senior management arrangements would take place after the current arrangements had been in place for six months, as previously agreed by Council, and that the review would include consideration of the EO/RO appointments.
- 11.6 Councillor Haigh withdrew the amendment.
- 11.7 Councillor Hilton thanked the Corporate Director of Resources for acting as Returning Officer for the recent local and European elections.
- 11.8 **RESOLVED –**
- (1) That, in terms of the Representation of the People Act 1983 and all related legislation, Martin Shields be appointed as Electoral Registration Officer for the City.
 - (2) That, in terms of Section 41 of the Local Government Act 1972 and all related legislation, Martin Shields be appointed as Returning Officer for the City Council, with authority to act in that capacity for elections to the City and Quedgeley parish council.
 - (3) That the City Council Returning Officer also be appointed or authorised to act in respect of all related electoral, poll or referendum duties, including in relation to County Council elections, elections to the European Parliament, and for national and regional polls or referenda.
 - (4) That the Electoral Registration Officer and the Returning Officer be authorised to appoint a deputy or deputies in relation to these roles.
 - (5) That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such an appointment, the Returning Officer shall be entitled to be remunerated in accordance with the scale of

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fees approved by the Gloucestershire Election Fees Working Party for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referenda.

- (6) That in all cases where it is a legal requirement or normal practice to do so, fees paid to the Returning Officer shall be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such contribution from central government or other agencies where this can be done.
- (7) That in relation to the conduct of local authority elections and polls, and elections to the UK Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain insurance, indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or the Returning Officer and/or the cost of holding another election in the event of the original elections being declared invalid (provided that such proceedings or invalidation are the result of accidental contravention of any legislation governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially action for them in connection with the election or poll).
- (8) That, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance reserve or otherwise, will indemnify the Returning Officer up to the value of such an excess.

12. APPOINTMENT OF CHIEF FINANCIAL OFFICER (SECTION 151 OFFICER)

- 12.1 The Council considered a report of the Corporate Director of Resources concerning the appointment of a Chief Finance Officer (CFO) in accordance with Section 151 of the Local Government Act 1972.
- 12.2 Councillor James moved the recommendations set out in the report.
- 12.3 Councillor Dallimore seconded the motion.
- 12.4 Councillor Haigh sought confirmation that the appointment of a CFO be included in the review of senior management arrangements.
- 12.5 Councillor Pullen questioned the impact of the proposed appointment on staff lower down the organisation and how existing responsibilities would be reallocated to ensure that the appointee had sufficient capacity to perform the role.
- 12.6 Councillor Smith raised concerns about the capacity of the Senior Management Team to carry out the new functions delegated to them and requested that the review of those arrangements be brought forward.

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- 12.7 Councillor James stated that the position of Corporate Director of Resources had a broad range of responsibilities and, that by detaching the CFO functions from that post, the Council would have more flexibility in appointing a replacement. He advised that the Council would have access to support from Gloucestershire County Council in the intervening period, but confirmed that recruitment of a replacement director would not be delayed and that the review of senior management arrangements would take place after 6 months as previously agreed.
- 12.8 **RESOLVED** – That Jon Topping, Head of Financial Services be appointed as the Council's Chief Financial Officer (S151 Officer).

13. TREASURY MANAGEMENT STRATEGY 2014-15

- 13.1 The Council considered a report of the Corporate Director of Resources concerning the Treasury Management Strategy, the Prudential Indicators and was requested to note the treasury activities.
- 13.2 Councillor James moved the recommendations set out in the report and thanked members of the Audit and Governance Committee for monitoring progress against the strategy throughout the year.
- 13.3 Councillor Dallimore seconded the motion.
- 13.4 **RESOLVED** –
- (1) That the treasury management strategy which sets out how the Council's treasury service will manage external borrowing and investments in support of the capital programme be approved;
 - (2) That the borrowing authorised borrowing limit be approved at:-
 - a. 2014/15 £86m
 - b. 2015/16 £86m
 - c. 2016/17 £86m
 - (3) That the Housing Revenue Account capital financing requirement be limited to £62.750m in accordance with the debt cap imposed through the HRA self financing regime.
 - (4) That the prudential indicators set on in section two of the strategy which set out the capital plans, financing, minimum revenue provision policy statement and affordability on the Council tax and rents be approved.

14. HOUSING FUTURES - STOCK TRANSFER OFFER DOCUMENT

Note: Councillors Lugg, Randle, Beeley, Hansdot and Toleman withdrew from the debate pursuant to their declarations of a disclosable pecuniary interest and did not take part in the vote.

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- 14.1 The Council considered a report of the Cabinet Member for Housing, Health and Leisure concerning the stock transfer proposals and to seek approval from Members for the draft Offer Document to proceed to Stage 1 of the formal consultation.
- 14.2 Councillor Organ (Cabinet Member for Housing, Health and Leisure) moved the recommendations set out in the report and drew Members' attention to the updated draft offer and addendum, which explained some improvements to the offer made as a result of comments made by Councillors, tenants and GCH Board members at recent Councillor, Customer Forum and GCH Board meetings. He confirmed that the formal transfer bid submission had been approved by the Secretary of State for Communities and Local Government and explained that the approval gave the Council permission to formally consult with its tenants about the transfer.
- 14.3 Councillor James seconded the motion.
- 14.4 **RESOLVED –**
- (1) That the terms of the formal offer to tenants be noted and agreed.
 - (2) That the Council proceeds to the formal consultation Stage 1.
 - (3) That it be noted that the outcomes of the consultation will be reported to a special Council meeting during August 2014.

15. BOUNDARY REVIEW - COUNCIL SIZE SUBMISSION

- 15.1 The Council considered a report of the Head of Legal and Policy Development seeking Council approval for the draft Council Size Submission to the Local Government Boundary Commission for England (LGBCE) as part of the review of the electoral arrangements for Gloucester City Council.
- 15.2 Councillor Haigh (Chair of the Boundary Review Working Group) moved the recommendations set out in the report. She noted that the timetable had been set by the LGBCE and thanked the Boundary Review Working Group (BRWG) for their work on the Council Size Submission. She reported that the BRWG considered all options and concluded that the changing role of both the Council and Members supported an increase in the number of Members and that cross-party agreement had been reached the proposal that Council size be increased to 39 Members.
- 15.3 Councillor Hilton seconded the motion.
- 15.4 Councillor James stated that the LGBCE had indicated that the current size of the Council was not a significant concern and that an increase would not necessarily be unwelcome. He advised that the appropriate number of Members was essential for ensuring that the Council could support its residents and transact business effectively.

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15.5 Councillor Hilton explained that the proposed increase in Members was supported by electorate forecasts and that it was necessary in order to safeguard the service provided to residents into the future.

15.6 **RESOLVED** – That the draft Council Size Submission document at Appendix 1 be approved for submission to the Local Government Boundary Commission for England.

16. ADOPTION OF THE CONSTITUTION

16.1 The Council considered a report of the Monitoring Officer concerning adoption the Council's Constitution for the municipal year 2014-2015.

16.2 Councillor Taylor (Chair of the Constitutional and Electoral Working Group) moved the recommendations set out in the report.

16.3 Councillor Field (Deputy Chair of the Constitutional and Electoral Working Group) seconded the motion.

16.4 **RESOLVED** – That the Constitution approved by Council at its meeting on 27 March 2014 as amended by:

(1) Changes made by the Monitoring Officer under delegated powers to reflect the change to the Head of Paid Service role and functions; and

(2) Changes made to the Audit and Governance Committee Frequency of meetings and Terms of Reference and Council Procedure Rules,

be adopted for the municipal year 2014-2015.

17. STRATEGIC ECONOMIC PARTNERSHIP - ESTABLISHMENT OF JOINT COMMITTEE AND APPROVAL OF TERMS OF REFERENCE

17.1 The Council considered a report of the Cabinet Member for Regeneration and Culture concerning the establishment of a Gloucestershire Economic Growth Joint Committee.

17.2 Councillor James moved the recommendations set out in the report and highlighted the importance of co-operating with neighbouring Councils at a strategic level in relation to economic development, while also pursuing the City's own priorities.

17.3 Councillor Dallimore seconded the motion.

17.4 **RESOLVED** –

(1) That the Council becomes a member of the Gloucestershire Economic Growth Joint Committee (GEGJC) in accordance with Sections 101 and 102 of the Local Government Act 1972 and under Section 9EB of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions)(England)Regulations 2012;

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- (2) That authority be delegated to the Corporate Director of Resources, in consultation with the Leader, to finalise and complete the Inter Authority Agreement (including the Constitution) and any other necessary documentation on terms to be approved by the Head of Legal and Policy Development and to take all necessary steps to create the GEGJC;
- (3) That the above recommendations will not be effective until equivalent resolutions have been passed by all the Gloucestershire Councils named in this report;
- (4) That the delegation to the GEGJC of this Council's functions as described in Appendix 1 and subject to the protocols proposed, be authorized upon the establishment of the GEGJC;
- (5) That the appointment of Gloucestershire County Council as Administering Authority be approved; and
- (6) That the Leader be appointed to be the Council's representative on the GEGJC and that the Deputy Leader be appointed as his substitute.

18. REVIEW OF MEMBERS' ALLOWANCES 2014

- 18.1 The Council considered a report of the Chair of the Members' Allowances Panel concerning the timetable for the current review of the Members' allowances and the scheme for the payment of allowances in 2014-15.
- 18.2 Councillor James moved the recommendations set out in the report and stated that it would be the fourth year that the Council would be agreeing a freeze on the level of Members' allowances.
- 18.3 Councillor Dallimore seconded the motion.
- 18.4 Councillor Haigh noted that the Panel would report on the current review in January 2015 and that the timetable for future reviews was yet to be determined.
- 18.5 **RESOLVED –**
- (1) That the extension to the Members' allowances review timetable for the current review be noted.
 - (2) That Members' Allowances be frozen at the levels detailed in the 2013-14 Scheme, and set out in Appendix 1, until the recommendations from the extended review are considered by Council.

Time of commencement: 15:00 hours
Time of conclusion: 18:15 hours

Chair



FINAL

**APPOINTMENTS MADE AT
ANNUAL COUNCIL MEETING
MONDAY 9 JUNE 2014**

**Including appointments to Committees, Consultative Forums and Working Parties
and Nomination for Chairs of Committees and Vice Chairs for 2014/15**

***NB. The appointment of Chairs and Vice Chairs to Committees
will be confirmed at the first meeting of each Committee***

Recommendations

Council is asked to **RESOLVE** that

- (1) The schedule of appointments of Members to Committees, Consultative Forums and Working Groups for 2014/15 be approved.
- (2) In respect of the above, the Council, in accordance with Council Procedure Rules, appoint all Members as named deputies for all those meetings (with the exception of Cabinet, Planning Committee and Licensing and Enforcement Committee) to which the Member has not been appointed.
- (3) That the nominations for Chair and Vice Chair of Committees, as set out in the schedule, be noted and that each Committee at its first meeting in the new municipal year 2014/15 confirms and appoints its Chair and Vice Chair.

The political balance calculation in respect of the total number of committee seats includes main or parent committees only. Seats on sub-committees are determined separately. In accordance with the Council's Constitution, representation on the following committees/bodies is **not** subject to political balance rules.

- Constitution and Electoral Working Group
- ICT Working Group
- Equality Champions Group
- Regeneration Advisory Board
- Boundary Review Working Group

Alternative arrangements for appointments to these committees/bodies can be approved provided no Member of the Council votes against.

The number of seats held by the three political groups expressed as a percentage on the City Council (36) is:

Conservative 18 seats (% of 36) **Page 19**

Liberal Democrat 9 seats (% of 36) = 25%
 Labour 9 seats (% of 36) = 25%

When applied to the total number of committee seats (62) seats these percentages give the following aggregate entitlement (rounded up/down to the nearest whole seat) for each Group:-

Conservative 50% of 62 = 31
 Liberal Democrat 25% of 62 = 16
 Labour 25% of 62 = 16

Variance in total seats = +1

When the same percentages are applied to the number of seats on each committee/body (assuming the committees/bodies remain the same size as in the last municipal year) they give the following provisional entitlement to seats on each committee/body, rounded up or down to the nearest whole seat:-

	Con	Lib Dem	Lab	
Committee Size				Seat Variance
15	8	4	4	+1
13	7	3	3	0
7	4	2	2	+1
6	3	2	2	+1
5	3	1	1	0

The calculation above results in a total variance of +3 seats across all committees/bodies subject to political proportionality. To reach the total available number of seats (62), allocations are adjusted as follows:

	Con	Lib Dem	Lab	
Committee Size				Seat Variance
15	7	4	4	0
13	7	3	3	0
7	3	2	2	0
6	2	2	2	0
5	3	1	1	0

Using the adjusted calculation, the variation of the number of seats based on proportionality and each political party's entitlement is as follows:

	Provisional allocation (as indicated in schedule below)	Entitlement to seats on committees/bodies based on proportionality/Widdicombe principles	Variation
Conservative	30	31	-1
Liberal Democrat	16	16	0
Labour	16	16	0

Committees, Consultative Forums and Working Parties subject to political proportionality

OVERVIEW & SCRUTINY COMMITTEE			
Membership (15)	Con (7)	Lib Dem (4)	Lab (4)
Cllr. Lugg	(Lab)	(Chair)	
Cllr. S. Witts	(Lib)	(Vice Chair)	
Cllr. Gravells	(Con)	(Spokesperson)	
Cllr. Beeley	(Lib)		
Cllr. Dee	(Con)		
Cllr. Field	(Lib)		
Cllr. Haigh	(Lab)		
Cllr. Hanman	(Con)		
Cllr. Hansdot	(Lab)		
Cllr. Lewis	(Con)		
Cllr. Pullen	(Lab)		
Cllr. Ravenhill	(Con)		
Cllr. Taylor	(Con)		
Cllr. Toleman	(Con)		
Cllr. Wilson	(Lib)		

PLANNING COMMITTEE			
Membership (13)	Con (7)	Lib Dem (3)	Lab (3)
Cllr. Taylor	(Con)	(Chair)	
Cllr. Lewis	(Con)	(Vice Chair)	
Cllr. Chatterton	(Lab)		
Cllr. Dee	(Con)		
Cllr. Hanman	(Con)		
Cllr. Hilton	(Lib)		
Cllr. Hobbs	(Lab)		
Cllr. McLellan	(Lib)		
Cllr. Mozol	(Lib)		
Cllr. Noakes	(Con)		
Cllr. Ravenhill	(Con)		
Cllr. Smith	(Lab)		
Cllr. Toleman	(Con)		
		Named Substitutes:	
		Con	- Tracey
		Lab	- Bhaimia and Hansdot
		Lib	- Brown and Wilson

LICENSING & ENFORCEMENT COMMITTEE			
Membership (13)	Con (7)		Lib Dem (3)
Cllr. Randle	(Con)	(Chair)	
Cllr. Patel	(Con)	(Vice Chair)	
Cllr. Brown	(Lib)		
Cllr. Chatterton	(Lab)		
Cllr. Gilson	(Lab)		
Cllr. Hanman	(Con)		
Cllr. Llewellyn	(Con)		
Cllr. Lugg	(Lab)		
Cllr. Mozol	(Lib)		
Cllr. Noakes	(Con)		
Cllr. Ravenhill	(Con)		
Cllr. Tracey	(Con)		
Cllr. C. Witts	(Lib)		

AUDIT & GOVERNANCE COMMITTEE			
Membership (7)	Con (3)		Lib Dem (2)
Cllr. Wilson	(Lib)	(Chair)	
Cllr. Hobbs	(Lab)	(Vice Chair)	
Cllr. Haigh	(Lab)		
Cllr. Llewellyn	(Con)		
Cllr. McLellan	(Lib)		
Cllr. Noakes	(Con)		
Cllr. Taylor	(Con)		

NB. Comprised of non-Executive Members

ORGANISATIONAL DEVELOPMENT COMMITTEE			
Membership (5)	Con (3)		Lib Dem (1)
Cllr. James	(Con)	(Chair)	
Cllr. Dallimore	(Con)	(Vice Chair)	
Cllr. Haigh	(Lab)		
Cllr. Hilton	(Lib)		

Cllr. Norman (Con)

NB. Members drawn from each of the political groups

EMPLOYEE FORUM			
Membership (3 Cllrs)	Con (1)	Lib Dem (1)	Lab (1)
Cllr. Brown	(Lib)		
Cllr. Llewellyn	(Con)		
Cllr. Lugg	(Lab)		

GRANTS & COMMUNITY SERVICES FORUM			
Membership (6 Cllrs) plus Cabinet Member for Communities and Neighbourhoods	Con (2)	Lib Dem (2)	Lab (2)
Cllr. Beeley	(Lib)		
Cllr. Bhaimia	(Lab)		
Cllr. Brown	(Lib)		
Cllr. Dee	(Con)		
Cllr. Pullen	(Lab)		
Cllr. Williams	(Con)		

NB Chaired by voluntary sector

Sub-Committees subject to separate political proportionality

PLANNING POLICY SUB COMMITTEE			
Membership (5)	Con (3)	Lib Dem (1)	Lab (1)
Cllr. Taylor	(Con)	(Chair)	
Cllr. Lewis	(Con)	(Vice Chair)	
Cllr. Dee	(Con)		
Cllr. McLellan	(Lib)		
Cllr. Smith	(Lab)		

Committees, Consultative Forums and Working Parties NOT subject to political proportionality

CONSTITUTIONAL & ELECTORAL WORKING GROUP			
Membership (6)	Con (2)	Lib Dem (2)	Lab (2)
Cllr. Chatterton	(Lab)		
Cllr. Field	(Lib)		
Cllr. Hilton	(Lib)		
Cllr. Noakes	(Con)		
Cllr. Smith	(Lab)		
Cllr. Taylor	(Con)		

NB. Nominations for Chair and Vice Chair to be considered at the first meeting

REGENERATION ADVISORY BOARD			
Membership (3 Cllrs)	Con (1)	Lib Dem (1)	Lab (1)
Cllr. Chatterton	(Lab)	plus <ul style="list-style-type: none"> ▪ Dean of Gloucester Cathedral, Reverend Stephen Lake (Chair) ▪ University of Gloucestershire representative ▪ One representative of the former GHURC Board ▪ Major employer member ▪ SME member ▪ Community member ▪ Heritage member 	
Cllr. Field	(Lib)		
Cllr. Randle	(Con)		
Plus the Cabinet Member for Regeneration and Culture in an ex-officio capacity			

EQUALITY CHAMPIONS GROUP			
Membership (3)	Con (1)	Lib Dem (1)	Lab (1)
Cllr. Dallimore	(Con)		(Chair)
Cllr. Haigh	(Lab)		
Cllr. Wilson	(Lib)		

ICT WORKING GROUP			
Membership (3)	Con (1)	Lib Dem (1)	Lab (1)
Cllr. Taylor	(Con)		(Chair)
Cllr. Gilson	(Lab)		
Cllr. Wilson	(Lib)		

BOUNDARY REVIEW WORKING GROUP			
Membership (9)	Con (3)	Lib Dem (3)	Lab (3)
Cllr. Haigh	(Lab)	(Chair)	
Cllr. Llewellyn	(Con)	(Deputy Chair)	
Cllr. Brown	(Lib)		
Cllr. Chatterton	(Lab)		
Cllr. Field	(Lib)		
Cllr. Gravells	(Con)		
Cllr. Hilton	(Lib)		
Cllr. Porter	(Con)		
Cllr. Smith	(Lab)		

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**COUNCIL APPOINTMENTS TO OUTSIDE BODIES,
COMMUNITY BODIES AND FORA, ETC. FOR 2014/15
CONFIRMED AT ANNUAL COUNCIL ON 9 JUNE 2014**

Organisation		Representatives 2013/14	Representatives 2014/15	Term of Office	Meeting frequency
1.	Aspire Sports and Cultural Trust	1. Cllr. Porter 2. Cllr. Hobbs	1. Cllr. Patel 2. Cllr. Hobbs	1 year	Quarterly
2.	Barton and Tredworth Development Ltd	1. Cllr. Patel	1. Cllr. Patel	1 year	Monthly, usually Mondays 5.00pm
3.	Charity of John Ward	1. Cllr. Lugg 2. Mr B. Large 3. Mr T. Haines 4. Mr S. Ayland	1. Cllr. Lugg 2. Mr B. Large 3. Mr T. Haines 4. Mr S. Ayland	4 years	Quarterly
4.	Citizens' Advice Bureau	1. Cllr. Hansdot 2. Cllr. Toleman	1. Cllr. Pullen 2. Cllr. Williams	1 year	Bi-monthly, evenings AGM lunchtime in June
5.	Environment and Ecology Forum	1. Cllr. Patel 2. Cllr. Brown 3. Cllr. Lewis 4. Cllr. Field 5. Vacant	1. Cllr. Bhaimia 2. Cllr. Brown 3. Cllr. Field 4. Cllr. Lewis 5. Cllr. Porter	1 year	Bi-monthly evenings
6.	Free Hospital Fund for Children	1. Ms A. Wedley 2. Mrs D. Fenton 3. Mr D. Newcombe 4. Mrs Balderstone	1. Ms Balderstone 2. Mrs D Fenton 3. Mr D. Newcombe 4. Ms A Wedley	4 years	Quarterly
7.	Gloucester Docks Estate Company Ltd	1. Cllr. Llewellyn	1. Cllr. Llewellyn	1 year	Quarterly

Organisation		Representatives 2013/14	Representatives 2014/15	Term of Office	Meeting frequency
8.	GL Communities	1. Cllr. Gravells 2. Cllr. Haigh 3. VACANT	1. Cllr. Toleman 2. Cllr. Pullen 3. VACANT	1 year	Monthly
9.	Gloucestershire Playing Fields Association	1. Cllr. Dallimore	1. Cllr. Norman	1 year renewed each December	Quarterly
10.	Gloslinks	1. Cllr. Gravells 2. Cllr. Tracey 3. Cllr. C. Witts 4. Cllr. S. Witts	1. Cllr. Chatterton 2. Cllr. Gravells 3. Cllr. Tracey 4. Cllr. S. Witts	1 year	Annually and ad-hoc
11.	Gloucester Charities Trust	1. Cllr. Lugg 2. Cllr. Porter 3. Cllr. Tracey 4. Mr G Heath 5. Mr G Howell 6. Mr T Haines 7. Mr R Ring	1. Cllr. Lugg 2. Cllr. Porter 3. Cllr. Tracey 4. Mr G Heath 5. Mr G Howell 6. Mr T Haines 7. Mr M White	20 May 2015 23 May 2016 23 May 2016 22 Nov 2016 18 May 2017 18 May 2017 28 Nov 2016	Monthly, daytime
12.	Gloucester City Homes Board (3 year period)	1. Cllr. Beeley 2. Cllr. Hansdot 3. Cllr. Lugg 4. Cllr. Randle 5. Cllr. Toleman	1. Cllr. Beeley 2. Cllr. Hansdot 3. Cllr. Lugg 4. Cllr. Randle 5. Cllr. Toleman	9 June 2017 9 June 2017 9 June 2015 9 June 2017 9 June 2017	Monthly, Weds
13.	Gloucester City Homes Customer Forum (3 years)	1. Cllr. Hanman 2. Cllr. McLellan 3. Cllr. Smith	1. Cllr. Hanman 2. Cllr. McLellan 3. Cllr. Smith	20 May 2016 9 June 2017 9 June 2017	Bi-monthly
14.	Gloucester Historic Buildings Limited	1. Cllr. Dee 2. Cllr. Ravenhill 3. Mr G Heath 4. Mrs G. Gillespie	1. Cllr. Chatterton 2. Cllr. Dee 3. Cllr. Ravenhill 4. Mr. G. Heath	1 year	Bi-monthly

Organisation		Representatives 2013/14	Representatives 2014/15	Term of Office	Meeting frequency
15.	Gloucester Law Centre Management Committee	1. Cllr. Lugg 2. Cllr. Wood	1. Cllr. Lugg 2. Cllr. Norman	1 year	Monthly
16.	Gloucester Operatic and Dramatic Society - Executive Committee	1. Cllr. Brown	1. Cllr. Brown	1 year	Bi-monthly
17.	Gloucester Partnership	1. Cllr. James 2. Cllr. Dallimore	1. Cllr. James 2. Cllr. Dallimore	The Leader of the Council or their appointed nominee	Quarterly
18.	Gloucester Relief in Sickness Fund	1. Cllr. Bhaimia	1. Cllr. Bhaimia	4 years	Monthly usually second Monday of month
19.	Gloucester United Schools Charity	1. Cllr. Lugg	1. Cllr. Lugg	June 2015	4 times a year
20.	Gloucestershire Airport Ltd - 3 Directors	1. Cllr. Hilton 2. Cllr. Lugg 3. Cllr. Porter	1. Cllr. Hilton 2. Cllr. Lugg 3. Cllr. Taylor	3 years	Monthly
21.	Gloucestershire Airport Consultative Committee	1. Cllr. Beeley	1. Cllr. Beeley	Ongoing	Quarterly

Organisation		Representatives 2013/14	Representatives 2014/15	Term of Office	Meeting frequency
22.	Gloucestershire Economic Growth Overview and Scrutiny Committee 1 member and 1 substitute required	N/A	1. Cllr. McLellan Substitute Cllr. Haigh	Ongoing	Bi-monthly
23.	Gloucestershire Health and Care Overview and Scrutiny Committee	1. Cllr. Lugg Substitute: Cllr. Patel	1. Cllr. Lugg Substitute Cllr. Patel	1 year	Bi-monthly
24.	Gloucestershire Police and Crime Panel	1. Cllr. Dee Substitute: Cllr Randle	1. Cllr. Dee Substitute: Cllr. Randle	1 year	Monthly
25.	Joint Airport Scrutiny Working Group (JASWG)	1. Cllr. Gilson 2. Cllr. Taylor 3. Cllr. C. Witts	1. Cllr. Hansdot 2. Cllr. Noakes 3. Cllr. C. Witts	1 year	Twice a year, plus Ad-hoc
26.	Llanthony Secunda Priory Trust	1. Cllr. Toleman	1. Cllr. Toleman	1 year	Bi-monthly
27.	Lower Severn Drainage Board	1. Cllr. Porter	1. Cllr. Porter	1 year	Quarterly plus ad-hoc
28.	Marketing Gloucester Limited	1. Cllr. James	1. Cllr. James	The Leader of the Council or their appointed nominee	Bi-monthly
29.	National Association of Black, Asian and Ethnic Minority Councillors	1. Cllr. Bhaimia 2. Cllr. Hansdot 3. Cllr. Patel	1. Cllr. Bhaimia 2. Cllr. Hansdot 3. Cllr. Patel	1 year	AGM
30.	National Parking Adjudication Service	1. Cllr. James	1. Cllr. James	Executive Member with responsibility for parking	AGM

Organisation		Representatives 2013/14	Representatives 2014/15	Term of Office	Meeting frequency
31.	South West Councils	1. Cllr. James	1. Cllr. James	The Leader of the Council or their appointed nominee	3 per year plus AGM
32.	South West Provincial Council	1. Cllr. James	1. Cllr. James	The Leader of the Council or their appointed nominee	Twice a year
33.	St Ann Society of Gloucester	1. Cllr. Tracey	1. Cllr. Tracey	1 year	Not known

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Meeting:	Licensing and Enforcement Committee Council	Date:	15 July 2014 17 July 2014
Subject:	Adoption of the draft Sex Establishments Policy Statement following consultation		
Report Of:	Chair of the Licensing and Enforcement Committee		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	Yes
Contact Officer:	Philippa Golden, Licensing and Enforcement Officer		
	Email: Philippa.golden@gloucester.gov.uk		Tel: 396028
Appendices:	1. Revised draft Sex Establishments Policy Statement		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To present to Members the result of the consultation on the draft revised Sex Establishments Policy Statement.
- 1.2 For Members to consider and agree the final version of the Sex Establishments Policy Statement to recommend approval and adoption by Full Council

2.0 Recommendations

- 2.1 Licensing and Enforcement Committee are asked to **RECOMMEND** to Council that:
 - (1) The revised Sex Establishments Policy Statement be approved and adopted.
- 2.2 Council are asked to **RESOLVE** that:
 - (1) The revised Sex Establishments Policy Statement be noted by Members and approved and adopted, to take immediate effect.

3.0 Background and Key Issues

- 3.1 On 1st November 1982 the Council resolved to adopt the provisions of Part II Section 2 (1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This came into force on 11th January 1983 and introduced a licensing regime for sex shops and sex cinemas.
- 3.2 On 24th February 2011 this Council resolved to adopt that part of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as it had been amended Section 27 of the Policing and Crime Act 2009. This introduced a licensing regime for 'Sexual Entertainment Venues' and came into force on 1st April 2011. This

allows local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the Local Government (Miscellaneous provisions) Act 1982.

3.3 Following the adoption of the above powers, the Council's Sex Establishments Policy Statement was revised to incorporate Sexual Entertainment Venues. The Council adopted the existing Sex Establishments Policy on 21st July 2011.

3.4 At the time the Council adopted the existing Sex Establishments Policy Statement, Gloucester City had two Sex Shops which were licensed prior to the implementation of the new powers since at least 2002. One of these two Sex Shops has now ceased trading.

3.5 Gloucester City Council currently licences one Sex Shop in the City. There have not been any further applications received for new sex establishment licences of any category since the new licensing provisions were adopted in 2011.

3.6 Gloucester City Council aims to review its Sex Establishments Policy Statement at least once every five years. The existing statement was adopted in 2011 and is now being reviewed. It is not proposed to completely re-write the policy and standard conditions but it is considered that changes are required following the original implementation of the new licensing regime. It is recommended that the new statement takes immediate effect in July 2014.

3.7 **Appendix A** contains the revised draft Sex Establishments Policy Statement and includes all proposed amendments, which are highlighted throughout the policy in 'grey' and other changes are as follows;

a) 'Profile of the City' has been updated with the aim to promote the areas of the City where regeneration is being undertaken with the number of licensed sex establishments currently in situ. A map showing the City boundary is also included in Appendix 1 of the policy.

b) Inclusion of fees;

The fees have been reviewed against current service costs and no changes are proposed to take effect for April 2014. Details on obtaining the current fees have been noted within the Policy for clarification, because the fees will be reviewed annually, and may change more frequently than this Policy is reviewed.

c) Delegation of Functions;

There are no changes to the delegation of functions, however, where a matter concerning the determination of a Policy Statement, in this case the approval of the final version of the Licensing Sex Establishments Policy Statement, it is clarified in the Policy that this will be a matter for Full Council to approve.

d) A further minor amendment to (Appendix E) the Standard conditions for Sexual Entertainment replaces the word 'tape' recordings to 'DVD' recordings;

(Condition 20) DVD recordings shall be made available to an authorised Officer of the Council or the Police together with facilities for viewing.

4.0 Progress

4.1 The revised Sex Establishments Policy Statement supersedes all previous policies and was consulted upon over a 12 week period starting on 13th March 2014 and ending 6th June 2014.

4.2 The consultees are listed as follows:-

- Gloucestershire Constabulary
- Gloucestershire Fire and Rescue
- The Council's Environmental Protection Team
- The City Council's Planning Team
- The City Council's Health and Safety Team
- Gloucestershire Trading Standards
- Children and Young People's Directive (Safeguarding)
- Existing Licence Holders
- Gloucester Licensing Victuallers Association
- Relevant Trade Associations

4.3 The consultation was also published on the council's website and a press release was published in the Citizen.

4.4 No responses were received from any of the consultees.

5.0 Future Work

5.1 It is intended to review this policy every five years. The next review of the Policy is scheduled for 2019; however it may be amended prior to this, depending on changes to the legislative framework, national guidance or changes to internal procedures/processes.

6.0 Conclusions

6.1 The revised Sex Establishment Policy Statement has been widely consulted upon and Members must decide whether they wish for any other amendments to be made before the final version is approved by Full Council.

6.2 Members are referred to the recommendations at paragraph 2.0 in the report.

6.3 Once the Council approve and publish the Sex Establishment Policy Statement it will need to take immediate effect, to ensure the Policy can be applied to any applications for Sex Establishments.

7.0 Financial Implications

7.1 There are no direct financial implications associated with this report.

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

8.0 Legal Implications

8.1 The Council has not delegated to the Licensing and Enforcement Committee the responsibility or function in relation to the adoption of policy guidelines for Sex Establishments.

8.2 Approval of this policy in the decision making process will enable the Council to minimise successful legal challenges and appeals. Licensing Officers and the Committee should have regard to all the circumstances of a particular case and would be entitled to have due regard to this policy.

8.3 Local Authorities must take into account any rights the existing operator may have under Article 1, Protocol 1 of the European Convention of Human Rights, (which entitles every person to the peaceful enjoyment of their possessions) and Article 10 (freedom of expression).

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

9.0 Risk and Opportunity Management Implications

9.1 Approval of this policy will provide clarity when determining applications and reduces the risk of challenge and appeal.

9.2 Consultation with relevant stakeholders will minimise the risk of challenge.

9.3 The risk management implications for this report and the Sex Establishment Policy Statement include conducting an inadequate consultation and approving a policy that is unfair or too prescriptive.

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 Licensing Sex Establishments in accordance with the Act will ensure control over the location, number and conduct of these licensed premises so that they do not cause offence in the community, harm to children or contribute towards crime.

Sustainability

- 11.2 Relevant stakeholders will be consulted on applications, the aim being to encourage intelligence sharing and joint working to eliminate crime which may be associated with sex establishments.

Staffing & Trade Union

- 11.3 None

Background Papers : Standard regulations – Sex Establishment licences
Sex Shop Licensing Policy

Published Papers : Local Government (Miscellaneous Provisions) Act 1982
Policing and Crime Act 2009
Licensing Act 2003

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THE COUNCIL OF THE CITY OF GLOUCESTER

**SEX ESTABLISHMENTS
POLICY STATEMENT**

**Schedule 3 Local Government (Miscellaneous Provisions) Act 1982,
as amended by Section 27 Policing and Crime Act 2009**

2014-2019

PREFACE

This Sex Establishments Policy Statement sets out ~~the Gloucester City~~ Council's requirements for premises to be licensed as Sex Establishments within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009.

The Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) can be viewed at www.opsi.gov.uk.

~~Gloucester City~~ The Council resolved to adopt the original provisions of Part II Section 2(2) of Schedule 3 of the 1982 Act for Sex Cinemas and Sex Shops on 1st November 1982. This came into force on 11th January 1983. The new provisions for Sexual Entertainment Venues under the amendments of Section 27 of the Policing and Crime Act 2009 were adopted on 24th February 2011 and took effect from 1st April 2011.

Adoption of Schedule 3 ~~of the 1982 Act~~ allows the Council to set terms and conditions and fees for the grant, variation, renewal and transfer of such licenses and the number of Premises to be licensed in a given area, which may be Nil.

The previous Sex Shop Licensing Policy Guidelines and Standard ~~Regulations-Conditions~~ for Sex Establishment Licenses were approved by Council on 10th July 2002. Following this further Guidelines Relating to Pole/Lap/Striptease Dancing were approved by the Licensing and Enforcement Committee on 26th July 2005.

In this Policy Statement ~~we the Council~~ refers to all sex cinemas, sex shops and sexual entertainment venues as 'Sex Establishments'. This document is the first version of a Sex Establishments Policy Statement which controls all three types of Sex Establishments.

~~This new~~ The current Sex Establishments Policy Statement was consulted on between 14th March 2011 and 6th June 2011, and was approved by the Licensing and Enforcement Committee on 21st July 2011.

~~Gloucester City~~ The Council will review its Sex Establishment Policy at least once every ~~three-five~~ years and if necessary it will be revised.

The initial consultation was conducted with local residents, existing and potential holders of Sex Establishment Licenses in ~~the Gloucester~~ City, the statutory Responsible Authorities under the Licensing Act 2003, and holders of Premises Licenses and Club Premises Certificates under the Licensing Act 2003 in ~~the Gloucester~~ City.

Comments and queries should be directed to:

Lisa Jones
Food, Licensing and Markets Manager
Public Protection
Gloucester City Council
Herbert Warehouse
The Docks
GL1 2EQ
Fax: 01452 396340
Email: heretohelp@gloucester.gov.uk

Further copies may be obtained from the above address or from the Council's website www.gloucester.gov.uk

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1. Profile of the City of Gloucester

Gloucester City Council comprises principally the City of Gloucester, which is the County City and one of the six district councils within Gloucestershire. The City is located on the River Severn and is close to both the M5 and the M4. The City has a population of 114,500 of which 9.9% are from ethnic groupings. The total area of the authority is 15.64 square miles. The historic city of Gloucester is heavily urbanised with commercial and residential areas covering the City with the associated tourism, hospitality and food and drink activities.

Gloucester has a very strong cultural identity and socialising here has traditionally been based around pubs and social clubs, reflecting the rich ethnic, political and manufacturing mix of the city. At weekends the streets around the Cross are full of groups of young people moving between pubs and nightclubs. But it also has one of the best arts centres in the region, a growing community of artists and four museums full of two million years of history.

At the time of adopting this Policy Statement the Council licenses two Sex Shops under the 1982 Act. One premise is authorised under the Licensing Act 2003 to provide entertainment which would require licensing as a Sexual Entertainment Venue.

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 map outlines the City's boundaries and Wards. Westgate, Barton and Tredworth Wards are areas of deprivation with Westgate Ward a focus for upcoming development. The Docks and Quays area of the City are in the process of major regeneration and stretches from the South of the City to an area known as Kingsway situated between the Quedgeley by-pass and the M5 Corridor.

2. Purpose and Aim of Policy

- 2.1 This Policy Statement sets out the Gloucester City Council's guidance, application procedure, terms and conditions and fees regarding the regulation of Sex Establishments.
- 2.2 This document supersedes all previous policies adopted by Gloucester City the Council and will guide current licence holders, potential licence holders and the Council when considering applications for Sex Establishments.
- 2.3 The Council does not take any moral stand in adopting this policy. The Council recognises that Parliament has made it lawful to operate Sex Establishments, and that such businesses are a legitimate part of the retail and leisure industries. It is this Council's role as the Licensing Authority Council to administer the licensing regime in accordance with the law.
- 2.4 In developing this Policy Statement, we the Council took into account the legal requirements of the 1982 Act and our their duties under:
- a) Section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the City;
 - b) The Regulators Compliance Code (set out under the legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out to particularly consider the impact of regulations on smaller businesses; and
 - c) The Provisions of Services Regulations 2009 to ensure requirements are:
 - i) Non-discriminatory
 - ii) Justified by an overriding reason relating to the public interest
 - iii) Proportionate to that public interest objective
 - iv) Clear and unambiguous
 - v) Objective
 - vi) Made public in advance, and
 - vii) Transparent and accessible
- 2.5 This document relates to applications for Sex Establishment Licences covering:
- Sex Cinemas
 - Sex Shops
 - Sexual Entertainment Venues
- 2.6 Each application will be determined on its own merits.

3. Sex Establishment Licensing Applications

Any person wishing to operate a Sex Establishment as defined by Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended requires a Sex Establishment Licence.

3.1 Right to Waiver

- 3.1.1 Applications can be made to waive the requirement for a sex establishment licence. This can be made either as part of the licence application or made separately.
- 3.1.2 ~~Gloucester City~~ The Council can grant a waiver if they consider that to require a licence would be unreasonable or inappropriate. Each application for waiver will be considered on its own merits and will only be granted in exceptional circumstances. Where a waiver is granted, the Council will inform the applicant that they have granted the waiver application.
- 3.1.3 The waiver may last for such a period that the ~~City~~ Council think fit, however the Council may at any time terminate the waiver on such date not less than 28 days from the date the applicant is given notice.
- 3.1.4 The ~~Licensing Authority Council~~ does not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence in respect of Sex Shops and Sex Cinemas, except in exceptional circumstances considered by the Licensing and Enforcement Committee (for example, to allow a temporary re-location of a business following damage to licensed Premises).
- 3.1.5 The ~~Licensing Authority Council~~ does not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence in respect of Sexual Entertainment Venues, particularly as the legislation allows relevant entertainment on an infrequent basis of no more than eleven occasions within a 12 month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

3.2 Application for grant of a Licence

- 3.2.1 To apply for the grant of a new sex establishment licence an applicant must submit to the Council:-
- a) A completed application form;
 - b) A plan to scale of 1:100 of the Premises to which the application relates showing (amongst other things) all means of ingress and egress to and from the Premises, parts used in common with any other building, and details of how the Premises lie in relation to the street;
 - c) A site plan scale 1:1250;
 - d) Drawings showing the front elevation as existing and as proposed to a scale of 1:50, and
 - e) The appropriate fee
- 3.2.2 In addition to ~~submitting the things set out in~~ the list above, the applicant must:
- a) Display a notice on or near the Premises in a conspicuous location, for 21 days beginning with the date of the application;
 - b) Advertise the application in a local newspaper within 7 days after the date of application;

- c) Send a copy of the application and plan to the Chief Officer of Police for the area within 7 days of making the application to the Council.

3.2.3 The Council will also notify all applications for grant, renewal, transfer or variation of a licence to the following bodies who may comment on or object to the application within 28 days of the date of the application:-

- Chief Officer of Police
- Local Safeguarding Children Board
- Fire Safety Officer
- Trading Standards
- Planning Authority
- Relevant Town / Parish Council

3.3 Public Notices

3.3.1 A Notice must be displayed at or on the Premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the application was given to the Council, in a position where it can be conveniently read from the exterior of the Premises.

3.3.2 Where the Premises cover an area of more than 50 metres, a further identical notice must be displayed every 50 metres along the external perimeter of the Premises abutting the highway.

3.3.3 The Notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in a font size equal to or larger than 16.

3.3.4 The Notice must state:

- a) Details of the application and activities that it is proposed will be carried on or from the Premises;
- b) The full name of the applicant;
- c) The postal address of the Premises, or in the case where there is no postal address, a description of the Premises sufficient to enable the location and extent of the Premises to be identified;
- d) The date, being 28 days after that on which the application is given to the Council, by which objections should be made to the Council and that the objections should be made in writing.
- e) That there is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£20,000) for which a person is liable on summary conviction of the offence.
- f) A similar notice must be published in a local newspaper or similar document within 7 days of giving the application to the Council.

3.4 Variation of a Licence

3.4.1 The holder of a Sex Establishment Licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.

3.4.2 The process of applying for a variation is the same as that for applying for an initial grant except that a plan of a premise is not required unless the application involves structural alterations to the Premises.

3.5 Renewal of a Licence

- 3.5.1 The holder of a Sex Establishment Licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application form together with the appropriate fee must be submitted before the current licence expires.
- 3.5.2 The process of applying for the renewal of the licence is the same as that for applying for an initial grant except that the plan of the Premises is not required.

3.6 Transfer of a Licence

- 3.6.1 A person may apply for the transfer of a licence at any time.
- 3.6.2 The process of applying for the transfer of a licence is the same as that for applying for an initial grant except that a plan of the Premises is not required.

4. Determination of Applications

In determining an application for the grant, renewal, transfer or variation of a licence, the Council will have regard to any representations received that are relevant to the grounds set out in paragraphs 4.1 and 4.2 below.

4.1 Mandatory grounds for refusal (Paragraph 12 of Schedule 3 of the 1982 Act)

- 4.1.1 Specific Mandatory grounds for refusal of a licence are set out in the Act.
A licence cannot be granted:
- a) To any person under the age of 18 years;
 - b) To any person who is for the time being disqualified due to the persons having had a previous licence revoked in the Gloucester City area within the last 12 months;
 - c) To any person, other than a body corporate, who is not resident in an European Economic Area State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
 - d) To a body corporate which is not incorporated in an European Economic Area State; or
 - e) To any person who has, within a period of 12 months immediately preceding that date when the application was made, been refused the grant or renewal of a licence for the Premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- 4.1.2 **Please note there is no right of appeal against refusal on these mandatory grounds for refusal set out in paragraph 4.1.1 above.**
- 4.1.3 If none of the above mandatory grounds for refusal applies to the applicant and no objections have been received and there are no other statutory grounds for refusal, including that the application does not exceed any permitted numbers, the application will be granted by way of delegated authority.
- 4.1.4 However, if any objections have been received, or if there are concerns regarding the characteristics of the locality, the application will be referred to the Council's Licensing and Enforcement Committee for a hearing of the application.

4.2 Discretionary grounds for refusal

- 4.2.1 The Council may refuse an application for grant or renewal of a licence on one or more of the grounds specified below:-

- a) The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if they made the application themselves;
- c) That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the Council consider is appropriate for that locality (nil may be an appropriate number).
- d) That the grant or renewal of the licence would be inappropriate, having regard:
 - i) To the character of the relevant locality; or
 - ii) To the use to which any Premises in the vicinity are put; or
 - iii) To the layout, character or condition of the Premises, vehicle, vessel or stall in respect of which the application is made.

4.2.2 Any decision to refuse a licence **MUST** be relevant to one or more of the grounds stated in 4.1 and/or 4.2 above.

4.3 Suitability of Applicant

4.3.1 In determining applicant suitability for the grant of a new licence, renewal of a licence, or the transfer of an existing licence, the Council will take the following into account:

- Previous relevant knowledge and experience of the applicant;
- Any evidence of the operation of any existing or previous licence(s) held by the applicant, including any licence held in any other District or Borough;
- Any report about the applicant and management of the Premises received from objectors.

4.3.2 In particular the Council will liaise closely with the Police and any other relevant appropriate agencies in determining the fitness of the applicant.

4.3.3 Whilst every application will be considered on its merits, the Council will be unlikely to grant an application from any person, or for the benefit of any person, with unspent relevant criminal convictions.

4.4 Location of Premises (Paragraph 12 of Schedule 3 of the 1982 Act)

4.4.1 The Council shall decide on the suitability of a particular locality for a Sex Establishment as a matter of fact to determine the particular circumstances of each case and not by the prescription of boundaries as stated on a map.

4.4.2 The Council is mindful of its power to determine that no sex establishment should be located in a particular locality. In deciding the appropriate number of Premises to be licensed, the Licensing and Enforcement Committee must consider the character of the relevant locality and what is the appropriate number of sex establishments for the relevant locality. The number can be nil.

4.4.3 In considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use of which any Premises in the vicinity are put. The Licensing and Enforcement Committee shall consider the following circumstances in deciding whether the grant of the application would be inappropriate for that proposed location:

- The general character of the relevant locality
- The proximity of residential premises

- The proximity of places of public religious worship
- The proximity of any schools or other educational establishments
- The proximity of any playing fields and play areas
- The proximity of any leisure centres or swimming pools
- The proximity of any libraries or other public buildings
- The proximity of any youth clubs
- The proximity of any other licensed Sex Establishments
- The proximity of shops or markets directed for use by families or children
- The proximity of any other premises that may be frequently visited by children.

4.4.4 When hearing an application for the grant of a sex establishment licence, the **Licensing and Enforcement** Committee shall have regard to this Policy Statement's provisions as set out above but subject to the overriding principle that each application will be determined on its merits.

4.4.5 Applications in respect of Premises must state the full address of the Premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.

4.4.6 The Council would normally expect that applications for licences for permanent commercial Premises should be from businesses with planning consent for the property concerned.

4.5 Objections

4.5.1 When considering an application for the grant, renewal, variation or transfer of a Sex Establishment Licence the Council will have regard to any observations submitted to it by the Chief Officer of Police and any objections that have been received from anyone else within the statutory 28 day period from the date of the application being given to the Council.

4.5.2 Any person can object to an application but the objection should be relevant either to the **mandatory grounds** for refusal set in **paragraph 4.1 above** or to the **discretionary grounds for refusal** set out in **paragraph 4.2 above**.

4.5.3 Objections should not be made on moral grounds or values. Any decision to refuse a licence will be relevant to one or more of the grounds in **paragraphs 4.1 and 4.2** above.

4.5.4 Objectors must give notice of their objection in writing, stating the general terms of the objections.

4.5.5 Where the Council receives notices of any objections it will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the Council shall not without the consent of the person making the objection reveal their name or address to the applicant.

4.6 Granting of a Licence

4.6.1 In determining an application relating to a Sex Establishment licence the Council will assess the application on its merits having regard to the content of this Policy **Statement**, the relevant legislation and any relevant guidance that may be issued from time to time.

4.6.2 Where it is necessary for the Council to depart substantially from this Policy Statement, clear and compelling reasons for doing so will be given. Only a Licensing Committee the Council may authorise a departure from this Policy Statement if it feels it is appropriate for a specific application.

4.6.3 All applications for the grant of a new Sex Establishment licence will be referred to the Licensing and Enforcement Committee for determination. They will take into account the criteria as set out in paragraphs 4.1 and 4.2 with regards to the character, relevant locality and the appropriate number of Sex Establishments for the relevant locality.

4.7 Duration of a Licence

4.7.1 The Council will consider granting licences of 12 months duration or for a shorter term if deemed appropriate.

5. Hearings

5.1 Where applications are referred to a Licensing and Enforcement Sub-Committee, the hearing will take place within 20 working days of the end of the period in which objections may be made.

5.2 The hearing provides all parties to the application including those making objections, the opportunity to air their views openly and will be considered by the Licensing and Enforcement Sub-Committee.

6. Appeals

6.1 There is no right of appeal:

- a) Against the grounds of refusal as detailed in paragraph 4.1.1 (a), (b), (c), (d) and (e) above, unless the applicant can prove that the ground of refusal does not apply to them, and
- b) Against the grounds as detailed in paragraph 4.2.1 (c) and (d) above.

6.2 The grounds of refusal under paragraph 4.2.1 (c) and (d) above can only be challenged by the applicant by way of judicial review.

6.3 All relevant grounds for appeal, other than these detailed in paragraph 6.1 (a) and (b) above and can be made to the Magistrates Court within 21 days from the date on which the person is notified in writing of the decision.

7. Fees

- 7.1 The appropriate fees for applications can be found on the Council's website. Application fees must be paid in full at the time of submission of the application.
- 7.2 The current fees for all Sex Establishment applications are reviewed annually and available from the Licensing Team and published on the Council's website.
- ~~7.3 It is intended to review the current fees for sex establishments; this will include consideration of the introduction of a fee for sex entertainment venues (both transitional and standard) and a reduced variation fee in relation to the change of name and premises only.~~
- 7.3 Unsuccessful new and renewal applications would qualify for a partial refund of the total application fee, the refund amount can be seen listed with the current fees for Sex Establishment applications.
- 7.4 Where permission is granted to carry out a service within the city UK the amount charged and the process of charging fees must comply with the requirements of the EC Services Directives and the Provision of Services Regulations 2009. Fees must be Non-discriminatory, justified, proportionate, clear and objective and made in public in advance, transparent and accessible.
- 7.5 Article 13(12) of EC Directive 123/2006 and the Provision of Services Regulations 2009 means that any fees charged for establishing a service that falls within a scope of the Directive can only be based on cost recovery and cannot be set at an artificially high level to deter specific service sectors from an area.

8. Standard Conditions

- 8.1 ~~Section~~ Paragraph 13 of Schedule 3 of the 1982 Act allows the Council to make regulations prescribing Standard Conditions applicable to Sex Establishments and the Standard Conditions applicable to Sex Shops and Sex Cinemas as approved the Council in July 2002 are attached in Appendix C.
- 8.2 The Standard Conditions for Sexual Entertainment Venues are attached at Appendix D, these conditions incorporate and supersede the Guidelines ~~for~~ pole/lap/striptease Dancing.

9. Specific Conditions

- 9.1 Under Paragraph 8 Schedule 3 of the 1982 Act the Council may grant to an applicant, and from time to time renew, a licence for Sex Establishment on such terms and conditions and subject to any restrictions as may be specified. These specific terms and conditions will be tailored for each individual Premises and each type of Sex Establishment licence.

10. Enforcement

- 10.0.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the trade.
- 10.0.2 In pursuing its objective of encouraging responsible businesses, the Council will operate a proportionate enforcement regime in accordance with the Council's ~~Corporate Enforcement Policy. This has been drafted with reference to the Statutory Regulator's Compliance Code.~~
- 10.0.3 The responsibility for the overall supervision of sex establishment licensing lies with the relevant Corporate Director.

10.1 Offences

- 10.1.1 The offences under Schedule 3 of the 1982 Act are set out in paragraphs 20 to 23 of that schedule and include:
- Knowingly causing or permitting the use of any Premises as Sex Establishment without a licence;
 - Being the holder of a licence, knowingly employing a person in a Sex Establishment who is disqualified from holding a licence;
 - Being the holder of a licence, knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence
 - Being the servant or agent of the holder of a licence, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence
 - Being the holder of a licence, without reasonable excuse knowingly permits a person under the age of 18 years to enter the establishment;
 - Being the holder of a licence, employs a person known to them to be under 18 years of age in the business of the establishment.

10.1.2 A person guilty of any of the above offences is liable on summary conviction to a fine not exceeding £20,000.

10.1.3 It is also an offence for the holder of a licence, without reasonable excuse to fail to exhibit a copy of the licence and any Standard Conditions applicable to the licence in a suitable place as specified in the licence. A person guilty of this offence shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale.

10.2 Revocation of Licences

10.2.1 The Council may, after giving the ~~Licence~~ holder ~~of a licence~~ an opportunity of appearing before and being heard by them, at any time revoke the licence on any of the following grounds:-

- a) that one of the mandatory grounds for refusing to grant a licence exists and has come to light since the grant of the licence.
- b) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- c) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if they made the application themselves.

10.2.2 The Council will consider whether or not to revoke a licence upon a request to do so from the Police or at the recommendation of the relevant Corporate Director following representations from any other person or body.

11. European Convention on Human Rights

~~11.1 As far as existing operators are concerned the Government has decided having listened to views from previous consultations that 'Grandfather Rights' will not apply.~~

~~11.2 The Transitional Order allows local authorities to refuse applications whether they are from existing operators or new applicants, one or more grounds as under paragraph 12 Schedule3 as detailed in Sections 4.1 and 4.2 above.~~

11.1 When making such decisions, local authorities must take into account any rights the existing operators have under Article 1, Protocol 1 of the European Convention on Human Rights (which entitles every person to peaceful enjoyment of their possessions) and Article 10 (freedom of expression).

~~11.4 The Council will have regard to the fact that it will be prudent to assume that the freedom of expression includes the right to use particular premises as Sexual Entertainment Venues and that a person who is denied the right to use his premises as a Sexual Entertainment Venue where he already has a licence to do so under the Licensing Act 2003 (or in future under the 1982 Act) has been deprived of possessions.~~

12. Amendments to this Policy

12.1 Any significant amendment to this policy will only be implemented after further consultation with the trade and the public. All such amendments to this Policy ~~Statement~~ will be undertaken in accordance with the Council's Constitution.

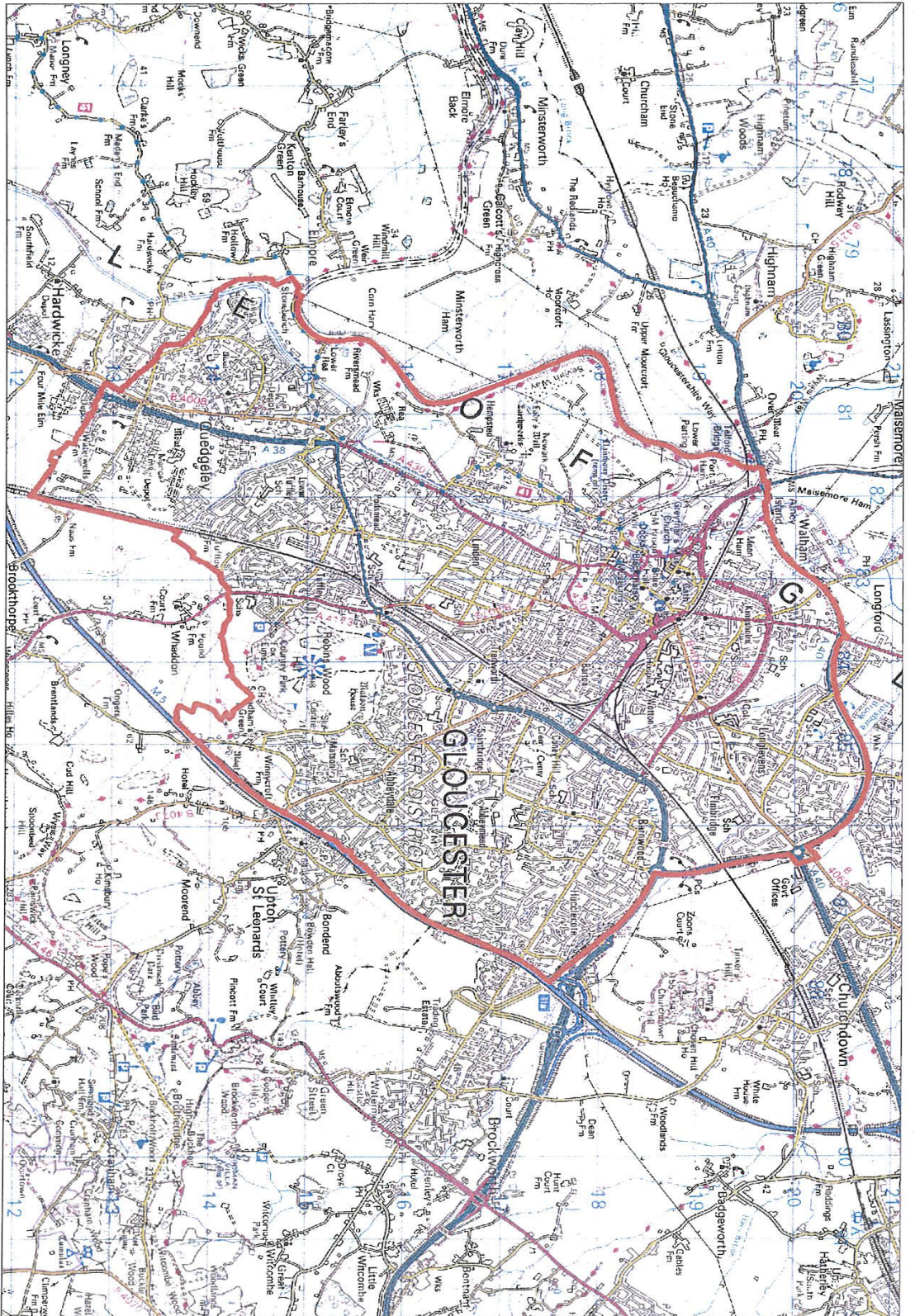
12.2 For the purpose of this paragraph 12 any significant amendment is defined as one that:

- a) is likely to have a significant financial effect on licence holders, or
- b) is likely to have a significant procedural effect on licence holders, or
- c) is likely to have a significant effect on the community.

13. Further Information

The following can be viewed at www.opsi.gov.uk:

- The Local Government (Miscellaneous Provisions) Act 1982
- The Policing and Crime Act 2009
- Crime and Disorder Act 1998
- Provision of Services Regulations 2009
- Legislative and Regulatory Reform Act 2006
- Human Rights Act 1998



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APPENDIX A B – Glossary of Terms (Legal Definitions)

TERM	DEFINITION
the Act	Local Government (Miscellaneous Provisions) Act 1982(as amended)
Authorised Officer	any Officer of the Council authorised under the Council’s Scheme of Delegation as contained within the Constitution
the Council	Gloucester City Council
he, his	all references to ‘he’ or ‘his’ also include ‘she’ or ‘hers’
Relevant Corporate Director	the current post-holder with responsibility for the relevant Service Area (or any nominated Deputy) as set out in the Council’s Constitution and Scheme of Delegation
Licence Holder	a person who holds a Sex Establishments Licence under the Act
this Policy Statement	Gloucester City Council’s Sex Establishments Policy Statement
Premises	A building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a Sex Establishment Licence granted under the Act
Sex Establishment	As defined in Schedule 3 of the Act (as amended) A sex establishment means a sex shop, sex cinema or sexual entertainment venue as defined below in extracts from the Act.
Sex Cinema	As defined in Schedule 3 of the Act (as amended) 3. — (1) In this Schedule, “sex cinema” means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which— (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage— (i) sexual activity; or (ii) acts of force or restraint which are associated with sexual activity; or (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted. (2) No premises shall be treated as a sex cinema by reason only— (a) if they may be used for an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (which the meaning of section

136 of that Act), of their use in accordance with that authorisation;
or

(b) of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of the Cinemas Act 1985.

TERM

DEFINITION

Sex Shop

As defined in Schedule 3 of the Act, as amended

4. —

(1) In this Schedule “sex shop” means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—

(a) sex articles; or

(b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—

(i) sexual activity; or

(ii) acts of force or restraint which are associated with sexual activity.

(2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

(3) In this Schedule “sex article” means—

(a) anything made for use in connection with, or for the purpose of stimulating or encouraging—

(i) sexual activity; or

(ii) acts of force or restraint which are associated with sexual activity; and

(b) anything to which sub-paragraph (4) below applies.

(4) This sub-paragraph applies—

(a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and

(b) to any recording of vision or sound,

which—

(i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or

(ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

Sexual Entertainment Venue

As defined in Schedule 3 of the Act (as amended)

2A -

(1) In this Schedule “sexual entertainment venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

(2) In this paragraph “relevant entertainment” means —

- (a) any live performance; or
- (b) any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

(3) The following are not sexual entertainment venues for the purposes of this Schedule—

(a) sex cinemas and sex shops;

(b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time—

(i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;

(ii) no such occasion has lasted for more than 24 hours; and

(iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));

“audience” includes an audience of one;

“display of nudity” means—

(a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and

(b) in the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of —

(a) the relevant entertainment; or

(b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

APPENDIX B C – Delegation of Functions

Matter to be dealt with	Licensing and Enforcement Committee	Officers
Application for a new sex establishment licence	In all cases	
Application for variation of a sex establishment licence	In all cases	
Application for transfer of a sex establishment licence	Where objections are received	In all other cases
Application for renewal of a sex establishment licence	Where objections are received	In all other cases
Application for waiver from the requirement for a licence	In all cases	
Setting of all fees in relation to sex establishment licences		All cases (Ratified by Full Council)
Determine Policy for licensing sex establishments	Ratified by Full Council	
Consideration of the revocation of a sex establishment licence	In all cases	

APPENDIX C D – Standard Conditions for sex shops and sex cinemas

General

1. In the event of a conflict between these regulations Standard Conditions and any special conditions contained in a licence relating to a sex establishment, the special conditions shall prevail.
2. The grant of a licence for a sex establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the third schedule of the Local Government (Miscellaneous Provisions) Act 1982.

Use

3. The Premises shall only be open for business during the days and times that are specified in the licence.
4. A Sex Shop shall be conducted primarily for the purposes of the sale of goods by retail.
5. No change of use of any portion of the Premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
6. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.
7. Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.

Conduct and Management

5. A copy of the licence must be displayed within the Premises so as to be clearly visible to customers in the Premises.
6. The licensee Licence Holder shall retain control over all portions of the Premises and shall not let, licence, or part with possession of any part of the Premises.
7. The licensee Licence Holder shall maintain good order in the Premises.
8. No person under the age of 18 shall be admitted to the Premises or employed in the business of the Premises, and the persons specified in regulation Standard Condition 6 shall make all necessary enquiries to this end.
9. The licensee Licence Holder shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved by the council.
10. Neither the licensee Licence Holder nor any employee or other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside the vicinity of the Premises.
11. The licensee Licence Holder shall comply with all statutory provisions and any regulations made there under.

12. The licence shall not be assigned or transferred without the prior written consent of the council.
13. Any application to vary the conditions of the licence shall be advertised by the ~~licensee~~ Licence Holder in the same manner as an application for the issue, renewal or transfer of the licence.

External appearance

14. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:-
 - i) A notice fixed to the entrance to the Premises clearly stating "WARNING - persons passing beyond this notice will find material on display which they may consider indecent. No admittance under 18 years of age".
 - ii) A notice stating the opening hours of the Premises.
 - iii) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing shall have been approved by the local planning authority. The words "INSERT NAME OF BUSINESS" however granted by the council.
 - iv) Any notice of a size and in a form approved by the council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a licence granted by the council.
15. The entrance(s) to the Premises and all windows and openings other than entrances shall be made of a material(s) or covered with a material(s) which will render the interior of the Premises invisible to passers by.
16. The external doors to the Premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order. The external door shall only be opened at such time or times as person(s) require access and egress to the interior of the Premises.
17. There shall be provided within the entrance of the Premises a partition, screen or design feature so that the interior of the Premises cannot be seen by passers by at all times whilst the entrance doors may be opened.
18. All external parts of the Premises shall be kept in a well maintained condition and in good decorative order.

Goods

19. All purchases shall be discreetly wrapped in an unmarked bag or plain paper before customers leave the Premises.
20. No film or video shall be exhibited sold or supplied unless it has been passed by the British Film Board or Film Classification and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

Interior

21. All parts of the interior of the Premises shall be kept in a clean and wholesome condition to the satisfaction of the council.
22. Alterations or additions either external or internal and whether permanent or temporary to the structure, lighting or layout of the Premises shall not be made except with the prior approval of the Council.
23. The ~~licensee~~ Licence Holder shall take all reasonable precautions for the safety of the public and employees and in particular shall comply with any fire precautions and safety measures that may be required by the Chief Fire Officer.
24. The ~~licensee~~ Licence Holder shall seek and comply with crime prevention advice and security measures that are recommended by the Chief Officer of Police.

APPENDIX D E – Standard Conditions for sexual entertainment venues

Conditions applicable to entertainments involving nudity, semi-nudity or transparent clothing

1. In the event of a conflict between these Standard Condition and any special conditions contained in a licence relating to a sex establishment, the special conditions shall prevail.
2. The grant of a licence for a sex establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the third schedule of the Local Government (Miscellaneous Provisions) Act 1982.
3. The Premises shall only be open for business during the days and times that are specified in the licence.
4. Only activities which have previously been agreed in writing by the Licensing Authority Council shall take place.
5. The agreed activities shall take place only in designated areas of the Premises approved by the Licensing Authority Council.
6. The sexual entertainment shall be provided by the professional performers only. The audience must at all times remain fully clothed.
7. No handbills (flyers) shall be distributed within the City.
8. No change of use of any portion of the Premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
9. The performance must not be visible from the street and any person who can be observed from the outside of the Premises must be properly and decently dressed. Scantily clad individuals employed in the Premises must not exhibit themselves in the entrance or in the vicinity of the Premises.
10. Entertainers or performers not performing must not be in a licensed area in a state of undress.
11. When the Premises are open for sexual entertainment no person under the age of 18 shall be allowed on the premise and a proof of age scheme will be operated on the Premises.
12. A clear notice shall be displayed at each entrance to the Premises or to the licensed area in a prominent position stating:

WARNING

Persons passing beyond this notice will find material nudity on display which they may consider indecent. No admittance to persons under 18 years of age”.
13. Performers shall be aged not less than 18 years. An adequate record must be maintained of the names, addresses and dates of birth of all performers including adequate identity checks.

14. There shall not be displayed outside the Premises any photographs or images that indicate or suggest that striptease dancing takes place on the Premises.
15. During any performance there must be no physical contact between the performer and any member of the viewing public. A safe distance of 30cms (12 inches) should be maintained between performers and customers immediately before, during or immediately after the performance of striptease except:
 - a) The leading of a patron hand in hand to and from a chair or to and from a designated dance area
 - b) The simple handshake greeting
 - c) The placing of monetary notes or dance vouchers into the hand or garter worn by the performer
 - d) The customary kiss on the cheek of the patron by the dancer at the conclusion of the performance
 - e) If the contact is accidental
16. At the completion of the dance the performers shall dress themselves immediately and leave the performance area.
17. Performers are not to solicit, exchange addresses or telephone numbers with customers or liaise with customers of the Premises.
18. An appropriate room shall be set aside to provide changing and rest area for performers and restricted access to the room be maintained at all times whilst the performers are on the Premises
19. Patrolling Security Industry Authority licensed door supervisors shall continually monitor all areas of the Premises that the public have access to. SIA registered door supervisors shall be employed at a minimum ratio of 1:50 customers on the Premises whilst sexual entertainment activities are taking place.
20. When performers leave the Premises they are to be escorted to their cars or taxi by a member of staff.
21. A CCTV system shall cover all areas where dancing will take place including any dancing booths provided. All cameras shall continually record whilst the Premises are open to the public and the video/DVD recordings shall be kept for a minimum of 28 days with time and date stamping.
22. ~~Tape~~ DVD recordings shall be made available to an Authorised Officer of the Council or the Police together with facilities for viewing.
23. A code of conduct for dancers shall be produced by the ~~licensee~~ Licence Holder together with a disciplinary procedure for breaches of the code which shall be implemented if approved in writing by the Council. The code of conduct for dancers shall prohibit activities that might be thought to lead to prostitution or other unlawful activities. No amendments shall be made to the code or disciplinary procedure without the prior consent of the Council.
24. Rules shall be produced by the ~~licensee~~ Licence Holder for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed at appropriate locations within the ~~club~~ Premises, where they can be clearly visible by patrons.

25. In relation to points Conditions 12 and 22 above, these procedures and rules must be produced for inspection by the Licensing Authority Council and the Police within 14 days of issue of the licence.
26. The licensee Licence Holder or nominated manager shall be present on the Premises at all times whilst the entertainment is taking place. A nominated person shall be present to oversee the activities of the performers.
27. A register shall be maintained and kept on the Premises and be available for inspection at any time by Police or Authorised Officer of the Council, to clearly record the identity of the licensee Licence Holder (s) or nominated manager on duty, and the record shall be retained for a period of not less than 12 months after the last entry in the register.
28. A copy of the Licence Conditions must be on display at the Premises for performers and all members of staff to view at any time.
29. The licensee Licence Holder shall maintain good order in the Premises.

APPENDIX F – Specimen Application Form



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

SCHEDULE 3
(as amended by Section 27 Policing and Crime Act 2009)

GLOUCESTER CITY COUNCIL

Licensing Service, Environmental Health, Hebert Warehouse, The Docks, Gloucester, GL1 2EQ

APPLICATION FOR A SEX ESTABLISHMENT LICENCE

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

1. Type of Application

Grant		Renewal		Variation		Transfer	
-------	--	---------	--	-----------	--	----------	--

2. Applications by Individuals

Full Name							
Permanent Address							
Age		Date of Birth		Place of Birth			

Are you eligible to work in the United Kingdom?

YES / NO

3. Applications by corporate or unincorporated bodies

Full Name of Body							
Address of Registered or Principle Office							

Registered Body No. (where applicable)

4. Details of Directors or other persons responsible for the management of the establishment (continue on separate sheet if necessary).

Full Name					
Permanent Address					
Age		Date of Birth		Place of Birth	

Full Name					
Permanent Address					
Age		Date of Birth		Place of Birth	

Full Name					
Permanent Address					
Age		Date of Birth		Place of Birth	

Full Name					
Permanent Address					
Age		Date of Birth		Place of Birth	

5. Offences – (See Notes for Guidance at the end of this form)

Have you any convictions recorded against you? Or if a body corporate or unincorporated body, that body or any of its directors or other persons responsible for its management? If so please state

Date of Conviction	Offence	Sentence Imposed

6. Residency / Incorporation

Have you been resident in the United Kingdom throughout a period of six months immediately preceding the date of this application? **YES / NO**

If the application is made on behalf of a body corporate is that body incorporated in the United Kingdom? **YES / NO**

7. Premises / Vehicle / Vessel / Stall Details

Name & Postal address of Premises or, if none, ordnance survey map reference or description

If this application relates to a vehicle / vessel / stall give description and state where it is to be used as a sex establishment

8. Trading Hours

During which hours do you wish to trade?

Monday		Tuesday	
Wednesday		Thursday	
Friday		Saturday	
Sunday			

9. Type of Premises

Are the premises to be used as a sex cinema, a sex shop or a sexual entertainment venue?
Please state

10. Disqualification / Previous Applications

Are you (or, if a corporate body or unincorporated body, that body) disqualified **YES / NO**

from holding a licence for a sex establishment?

Have you ever been refused a licence for a sex establishment?

YES / NO

If yes give details (continue on a separate sheet if necessary)

11. Declaration (See Notes for Guidance at the end of this form)

I declare that I have checked the information given on this application form and to the best of my knowledge and believe it is correct.

I understand that I must now give public notice of this application in accordance with the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

I understand that I must not later than 7 days after the date of the application, send a copy of the application to the chief officer of police.

I have enclosed the relevant fee.

I understand that if I fail to comply with the above, my application will be rejected.

Signed _____ Date _____

Print Name _____

Notes for guidance

1. Disclosure of Convictions

- a) All live convictions must be disclosed.
- b) Spent convictions, as defined below should not be included.

Sentence	Becomes spent after
Imprisonment of between 6 months and 30 months	10 years
Imprisonment of up to 6 months	7 years
Borstal training	7 years
A fine or other sentence not otherwise covered in this table	5 years
Absolute discharge	6 months
Probation order, conditional discharge or bind over	1 year (or until order expires, whichever is longer)
Detention Centre Order	3 years
Remand home, attendance centre or approved school order	The period of the order and a further year after the order expires
Cashiering, discharge with ignominy or	10 years.

dismissal with disgrace from the Armed Forces.	
Dismissal from Armed Forces.	7 years.
Detention.	5 years.

- c) A of sentence of more than 2½ years imprisonment can never become spent.
- d) If you were under 17 years of age on the date of conviction, please halve the period shown in the right hand column.

2. Giving Public Notice of the Application

- a) Notice of this application must be given by the publishing of an advertisement in a newspaper in circulation in this authority’s area. This publication shall not be later than 7 days after the date of the application.
- b) Where the application is in respect of the Premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the Premises and in a place where the notice can conveniently be read by the public.
- c) Every notice which relates to Premises shall identify the Premises and every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment.

3. False Statements in Connection with Applications

Any person who, in connection with an application for the grant, renewal or transfer of a licence under this Schedule, makes a false statement which he knows to be false in any material respect or which he does not believe to be true, shall be guilty of an offence. This offence carries a maximum penalty of £20,000.

APPENDIX G – Specimen Public Notice

**Local Government (Miscellaneous Provisions) Act 1982
Schedule 3**

**NOTICE OF APPLICATION FOR GRANT / RENEWAL/ VARIATION / TRANSFER
OF A SEX ESTABLISHMENT LICENCE**

Name/s of Applicant/s	
Postal address of Premises including name of the Premises and post code (where possible) or a description to enable the location to be identified.	
Summary of application (hours of trading, type of licence, etc):	
<p>NOTICE IS HEREBY GIVEN that an application has been made to Gloucester City Council for a licence to use the above Premises as a sex establishment.</p> <p>Copies of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (which defines the type of activity that may be carried on under a licence) and of the application may be inspected at Gloucester City Council, Herbert Warehouse, The Docks, Gloucester, GL1 2EQ between 9.00am and 5:00pm (Monday to Friday except public holidays).</p> <p>Any objections in respect of the above application must be made in writing to the Council at the above address by</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">(28 days after the date of the application)</p> <p>It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by a maximum fine of £5,000.</p>	

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Gloucester City Council

Meeting:	Audit & Governance Committee Council	Date: 26 June 2014 17 July 2014
Subject:	Audit & Governance Committee Annual Report 2013/14	
Report Of:	Chair - Audit & Governance Committee	
Wards Affected:	N/A	
Key Decision:	No	Budget/Policy Framework: No
Contact Officer:	Terry Rodway Audit, Risk & Assurance Manager	
	Email: terry.rodway@gloucester.gov.uk	Tel: 39-6430
Appendices:	A: Audit & Governance Committee Annual Report 2013/14 B: Audit & Governance Committee – Revised Terms of Reference	

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 The report introduces the Annual Report of the Audit and Governance Committee. The Annual Report sets out the work and achievements of the Council's Audit and Governance Committee during 2013/14.

2.0 Recommendations

- 2.1 Council is asked to **RESOLVE** that:

- (1) The Annual Report of the Audit and Governance Committee 2013/14 be approved.

3.0 Background and Key Issues

- 3.1 The preparation of an annual report by the Council's Audit and Governance Committee is recognised as good practice within both the public and private sectors.

- 3.2 This Annual Report, which details the work and achievements of the Audit and Governance Committee during 2013/14 was discussed, and approved, by the Audit & Governance Committee at its meeting held on 26th June 2014.

- 3.3 The report, when agreed, will be published and circulated to interested groups.

4.0 Alternative Options Considered

- 4.1 Not applicable.

5.0 Reasons for Recommendations

- 5.1 Best practice from both the public and private sectors indicates that the audit committee should report directly to the governing body of the organisation. In the case of a local authority, the full Council. This will assist in giving it independence from the executive and scrutiny functions, and in addition provides status and clarity to the role.

6.0 Future Work and Conclusions

- 6.1 Best practice from both the public and private sectors indicates that the audit committee should report directly to the governing body of the organisation. The Audit & Governance Committee will continue to present an annual report to the full Council.

7.0 Financial Implications

- 7.1 None specific to this report.

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

8.0 Legal Implications

- 8.1 None specific to this report.

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

9.0 Risk & Opportunity Management Implications

- 9.1 Good corporate governance requires independent, effective assurance about both the adequacy of corporate, operational and financial management and reporting, and the management of other processes required to achieve the organisation's corporate and service objectives. These functions are best delivered by an audit committee, independent from the executive and scrutiny functions.

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 There are no community safety implications arising out of this report.

Sustainability

- 11.2 There are no sustainability implications arising out of this report.

Staffing & Trade Union

- 11.3 There are no staffing and trade union implications arising out of this report.

Background Documents: Audit & Governance Committee meeting minutes 2013/14

Audit & Governance Committee Annual Report 2013/14

1. Background

- 1.1 The original Audit Committee was established by the Council in May 2006. Whilst there is no statutory obligation to have an Audit Committee, they are widely recognised as a core component of effective governance. In recent years there has been a significant amount of regulation and guidance issued in governance arrangements for private and public sector bodies, the common feature of governance arrangements being the existence of an Audit Committee.
- 1.2 As a result of the Localism Act 2011, which made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors, the Council agreed, in May 2012, to combine the roles of the Standards Committee and the Audit Committee and establish an Audit and Governance Committee. The transfer of responsibility from the Standards Committee to the Audit and Governance Committee necessitated changes to the Terms of Reference for the Audit and Governance Committee.
- 1.3 Good corporate governance requires independent, effective assurance about both the adequacy of corporate, operational and financial management and reporting, and the management of other processes required to achieve the organisation's corporate and service objectives. Effective audit committees help raise the profile of internal control, risk management and financial reporting issues within an organisation, as well as providing a forum for the discussion of issues raised by internal and external auditors.
- 1.4 The Terms of Reference for the Audit & Governance Committee are based on CIPFA guidelines. As a result of the issue by CIPFA of updated guidance i.e. 'Audit Committees – Practical Guidance for Local Authorities and Police (2013 Edition)', a review of the Terms of Reference for the Committee was carried out in March 2014. A copy of the revised Terms of Reference, which have been recommended to Council for approval, can be found at Appendix 1 of this report.

2.0 Membership & Attendance

2.1 The Committee has enjoyed the benefit of a settled membership over the last couple of years, with only a small number of changes in membership. This has helped to build and retain the expertise within the Committee, which has led to the Committee being able to demonstrate that they are operating within a best practice framework.

2.2 The following were Members of the Audit and Governance Committee for 2013/14:

Cllr Declan Wilson – Chair
Cllr Mark Hobbs – Vice Chair
Cllr Phil McLellan
Cllr Lise Noakes
Cllr Jim Porter
Cllr Debbie Llewellyn
Cllr Matthew Gilson

2.3 During 2013/14, the Audit & Governance Committee met on the following dates:

24th June 2013

23rd September 2013

25th November 2013

27th January 2014 – Special Meeting re update on Peer Review

17th March 2014

2.4 The Cabinet Member for Performance (Cllr Fred Wood) was a regular attendee, as an observer, at Committee meetings during the year.

2.5 Senior Officers from the Council also attended Audit and Governance Committee meetings, with the Director of Resources, the Audit, Risk & Assurance Manager, the Head of Legal & Policy Development, and the Head of Financial Services being regular attendees. A representative from the Council's External Auditors, KPMG, also attended every Committee.

2.6 The Chair and Vice Chair also attended briefing meetings with the Director of Resources, the Audit, Risk & Assurance Manager, the Head of Legal & Policy Development, and the Head of Financial Services, before each Committee meeting.

3.0. Programme of Reports 2013/14

3.1 Detailed below is the programme of reports considered by the Audit and Governance Committee during 2013/14, and how they relate to the Committees Terms of Reference.

Governance, risk and control

- Annual Governance Statement 2012/13
- Annual Governance Statement Action Plan 2013/14
- Review of Whistleblowing Policy
- Risk Management Annual Report 2013
- RIPA - Annual review of Procedural Guidance
- Peer Review
- Service Risk Registers (verbal updates)

Internal Audit

- Audit, Risk & Assurance Manager Annual Report 2012/13
- Review of Effectiveness of Internal Audit 2012/13
- Public Sector Internal Audit Standards
- Internal Audit Plan 2013/14 - Quarterly Monitoring Reports
- Internal Audit Annual Plan 2014/15
- Response to Internal Audit Recommendations – Streetcare, Markets, Payroll Contract, Response Repairs Contract.

External Audit

- Annual Audit Letter 2011/12
- Annual Audit Letter 2012/13
- Progress Report – 2012/13 audit
- Certification of Grants and Returns 2012/13
- External Audit Plan 2013/14

- Annual Audit Fee 2013/14

Financial Reporting

- Year End Statement of Accounts 2012/13
- External Auditor Report to Those Charged with Governance (ISA 260) 2012/13
- Financial Services Improvement Plan

Treasury Management

- Treasury Management Strategy 2013/14
- Treasury Management Strategy 2014/15
- Treasury Management Quarterly Performance Monitoring Reports

Constitution and Standards

- Annual Complaints Monitoring
- Review of the Council's Standards Arrangements
- Committee on Standards in Public Life – Annual Report 2012/13
- Standards arrangements under the Localism Act 2011
- Local Government Ombudsman – Annual Review Letter

4.0 Annual Report

- 4.1 The work of internal and external audit provided detailed assurance on the reliability and integrity of the information held in the financial statements as well as on the key control framework in operation across the Council.
- 4.2 The assurances from the Director of Resources and the Head of Financial Services, and, the work of internal and external audit, together support the committee in forming their opinion of the financial statements, enabling them to agree for the Chair of the Committee to sign the Statement of Accounts 2012/13 within the statutory timeframe.
- 4.3 The Committee reviewed and approved the Annual Governance Statement (AGS) at the same time as the approval of the Statement of Accounts.
- 4.4 The Committee considered the effectiveness of the internal audit arrangements by reviewing the annual assessment of the Director of Resources, the view of external audit, and, the quality of reports, actions and follow ups through the quarterly monitoring reports submitted throughout the year to Committee.
- 4.5 In accordance with good practice, the Committee held their annual, private meeting with the Council's External Auditors (KPMG).
- 4.6 The Committee is able to request Managers to attend the Committee to give an update on progress against agreed actions to reduce risk and/or improve the existing control environment. During 2013/14, the Committee invited the Head of Neighbourhood Services, the Asset Manager, the Markets Manager, and, the Financial Projects Supervisor to provide an update on the implementation of internal audit recommendations within their respective areas.
- 4.7 During the year, the Committee maintained an Action Plan. This was reviewed at each committee meeting to monitor progress with implementing agreed actions.

4.8 As stated above, as a result of the issue by CIPFA of updated guidance i.e. 'Audit Committees – Practical Guidance for Local Authorities and Police (2013 Edition)', a review of the Terms of Reference for the Committee was carried out in March 2014. A copy of the revised Terms of Reference, which have been recommended to Council for approval, can be found at Appendix 1 of this report.

4.9 Due to current workload of the Committee, a review was also undertaken of the frequency of Committee meetings. This resulted in a recommendation being made to Council to increase the frequency of meeting from 4 to 5 per civic year.

5.0 Future Work

5.1 During 2014/15, the Audit & Governance Committee will continue with the existing aim of being an important source of assurance about the organisation's arrangements for managing risk, maintaining an effective control environment, and reporting on financial and other performance.

Audit & Governance Committee – Revised Terms of Reference (Subject to approval by Council)

Governance, risk and control

1. To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
2. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
3. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
4. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
5. To monitor the effective development and operation of risk management in the Council.
6. To monitor progress in addressing risk-related issues reported to the Committee.
7. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
8. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
9. To monitor the counter-fraud strategy, actions and resources.

Internal Audit

10. To approve the internal audit charter.
11. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
12. To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
13. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
14. To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.
15. To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - a. Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.
 - b. Regular reports on the results of the Quality Assurance and Improvement Programme.
 - c. Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.

16. To consider the Head of Internal Audit's annual report:
 - a. The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement.
 - b. The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with a summary of the work supporting the opinion.
17. To consider summaries of specific internal audit reports as requested.
18. To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
19. To contribute to the Quality and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
20. To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.
21. To support the development of effective communication with the Head of Internal Audit.

External Audit

22. To consider the external auditor's annual letter, relevant reports, and the report of those charged with governance.
23. To consider specific reports as agreed with the external auditor.
24. To comment on the scope and depth of external audit work and to ensure it gives value for money.
25. To commission work from internal and external audit.
26. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial reporting

27. To review the statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
28. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Treasury Management

29. To review and monitor treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.

Accountability arrangements

30. To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
31. To report to full Council on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

Constitution and Standards

32. To consider and review changes to the Council's constitution in respect of Contract Standing Orders, Financial Regulations, and Codes of Conduct and behaviour.
33. To monitor the operation of the Council's codes and protocols (see Part 5 of this Constitution) and the Council's complaints process and to advise the Council on the adoption or revision of such codes.
34. To consider the Council's compliance with its own published standards and controls.
 35. To review any issues referred to it by the Chief Executive or a Corporate Director or any Council body.
35. To receive allegations and any accompanying report from the Monitoring Officer and to refer the allegation to the Monitoring Officer for formal investigation or informal resolution.
36. To set up, where necessary, a Hearings Panel to consider any alleged breach of the Members' Code of Conduct.
37. To promote and maintain high standards of conduct by Councillors and co-opted Members.
38. To assist Councillors and co-opted Members to observe the Members' Code of Conduct.
39. To advise the Council on the adoption, revision of, or publicity on the Members' Code of Conduct.
40. To advise, train or arrange to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct.
41. To grant dispensations to Councillors and co-opted Members from the requirements relating to interests set out in the Members' Code of Conduct or other Council codes and protocols where:
 - (a) without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
 - (b) the Committee considers that the dispensation is in the interests of persons living in the Council's area; or
 - (c) the Committee considers that it is otherwise appropriate to grant a dispensation.
42. To consider appeals against decisions made by the Monitoring Officer in exercise of their dispensation powers.
43. To set up, where necessary, a Sub-Committee to shortlist and interview candidates for the role of Independent Person and to make recommendations to Council regarding the appointment of Independent Persons.
44. To provide such advice and assistance as appropriate regarding the appointment of the Independent Person as required under Part 7 of the Localism Act 2011.
45. To set the allowances and expenses payable to the Independent Person and Reserve Independent Persons.

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Meeting:	Council	Date: 17 July 2014
Subject:	Overview & Scrutiny Committee Annual Report 2013-14	
Report Of:	Chair of the Overview & Scrutiny Committee	
Wards Affected:	All	
Key Decision:	No	Budget/Policy Framework: No
Contact Officer:	Sonia Tucker, Democratic Services Officer (Scrutiny Support)	
	Email: sonia.tucker@gloucester.gov.uk	Tel: 396126
Appendices:	1. Overview & Scrutiny Committee Annual Report 2013-14	

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 This report introduces the Overview & Scrutiny Committee Annual Report 2013-14. The Annual Report sets out the work and achievements of the Council’s Overview & Scrutiny Committee during 2013-14.

2.0 Recommendations

2.1 Council is asked to **RESOLVE** that

- (1) the Overview & Scrutiny Committee Annual Report 2013-14 be noted.

3.0 Background and Key Issues

3.1 Article 6 of the Council’s Constitution requires that the Overview & Scrutiny Committee shall ‘provide and co-ordinate the input into an annual report to Full Council on such issues and topics as the Committee sees fit’ (Article 6.08.h).

3.2 The Annual Report sets out the areas focused on by the Committee in 2013-14 and Task and Finish Group activity.

4.0 Alternative Options Considered

4.1 Not Applicable.

5.0 Reasons for Recommendations

5.1 The Council has adopted the Leader and Cabinet model for its executive arrangements under the Local Government Act 2000. These arrangements must provide for the appointment of one or more overview and scrutiny committees and the Constitution provides that an annual report on the Committees activities be presented to Council.

6.0 Future Work and Conclusions

- 6.1 The Annual Report highlights the workload anticipated in 2014-15 and the Committee will shortly be determining the work programme for Task and Finish Group activity for the forthcoming year.

7.0 Financial Implications

- 7.1 There are no financial implications arising out of this report.

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

8.0 Legal Implications

- 8.1 The Council's Constitution requires that the work of the Overview & Scrutiny Committee is reported to Council on an annual basis. This report fulfils that requirement.

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

9.0 Risk & Opportunity Management Implications

- 9.1 Not applicable.

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 There are no community safety implications arising out of this report.

Sustainability

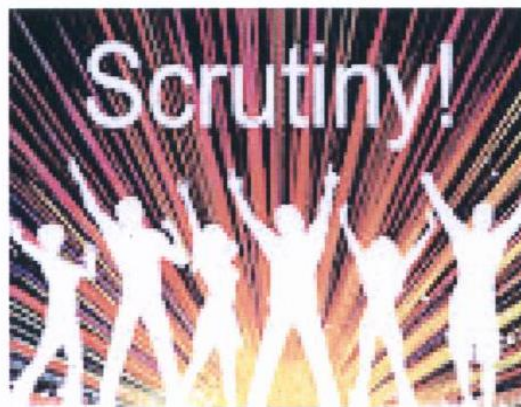
- 11.2 There are no sustainability implications arising out of this report.

Staffing & Trade Union

- 11.3 There are no staffing or trade union implications arising out of this report.

Background Documents: None

Gloucester City Council



OVERVIEW AND SCRUTINY COMMITTEE

ANNUAL REPORT

2013/14

Published by Democratic Services
www.gloucester.gov.uk
July 2014

Introduction from Chair



It is my privilege again as Chair of the Overview and Scrutiny Committee to introduce this report on the Committee's activities during 2013/14.

The Committee has had an eventful and varied programme of work looking at wide-ranging issues from managing trees to high profile consultations on the future of Gloucestershire's Airport.

With the prospect of even tighter curbs on Local Government spending in the future, the Committee will continue to have a high profile role and the scrutiny of our partners' performance and the monitoring of the impact of budget cuts will feature predominantly in the Committee's future work programme.

I would like to thank my fellow Committee Members, the Cabinet, all Councillors who have contributed to the Task and Finish Groups, and the Democratic Services team for their support and co-operation during 2013/14 and I look forward to the challenges of the next municipal year.

Councillor Jan Lugg
Chair Overview and Scrutiny Committee 2013/14

Meet the Members



Councillor Janet Lugg
Chair



Councillor Jim Beeley
Vice-Chair



Councillor Deb Llewellyn
Spokesperson



Councillor Kate Haigh



Councillor Andrew Gravells



Councillor Susan Witts



Councillor Sebastian Field



Councillor Gerald Dee



Councillor Kathy Williams



Councillor Gordon Taylor



Councillor Said Hansdot



Councillor Tarren Randle



Councillor Paul Toleman



Councillor Declan Wilson



Councillor Chris Chatterton

The Role of Scrutiny at Gloucester City Council

Overview and Scrutiny has the powers to:

- Provide a sounding board for the Cabinet on key policy decisions.
- Hold decision makers to account.
- Challenge and improve performance.
- Support the achievement of value for money.
- Influence decision makers with evidence based recommendations.
- Bring in the views and evidence of stakeholders, users and citizens.



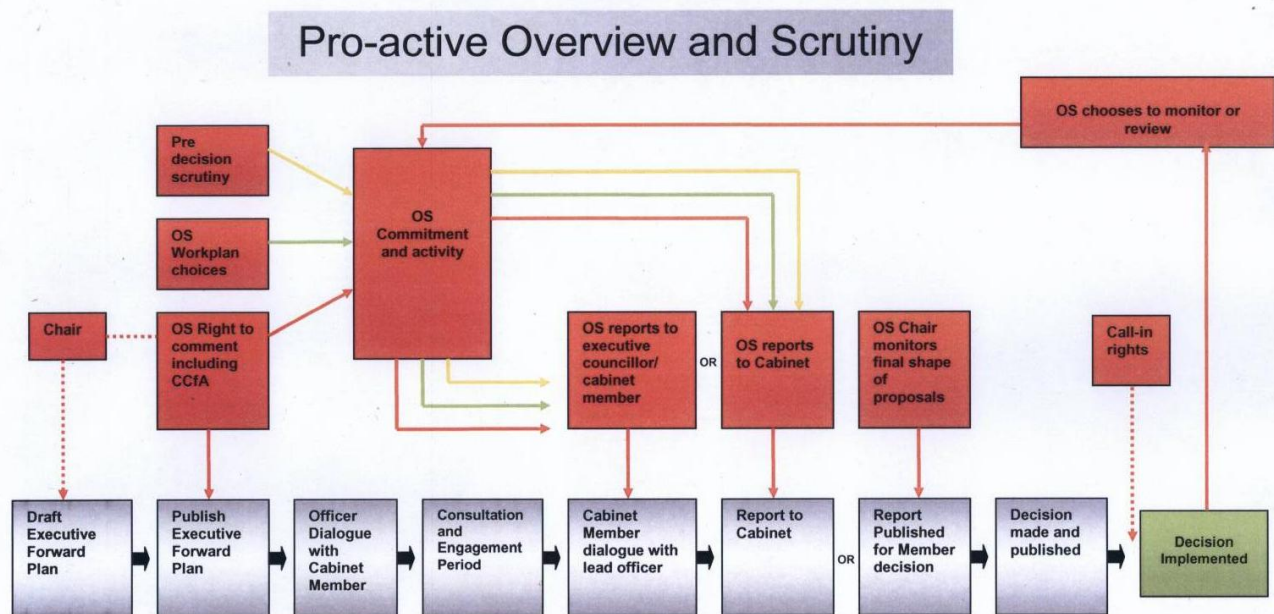
Successful scrutiny:-

- Provides a “critical friend” challenge to executive as well as external agencies.
- Reflects the concerns of the public and community (actively engage with the public).
- Takes the lead in scrutinising on behalf of the public (community leadership).
- Makes an impact on the delivery of public services (contribute to performance).



Successful scrutiny is a central element of the Council’s aims and objectives and a key part of the democratic process. The Overview and Scrutiny Committee meets in public to fulfil its role of holding the Cabinet to account against the background of the administration’s stated purpose, aims and objectives. However, the guiding principle for its work is that it should make a *proactive* and *positive* contribution to the development of policy and the discharge of the Council’s function.

The Role of Scrutiny at Gloucester City Council (continued)



How does Scrutiny work at Gloucester City Council?

There is one Overview and Scrutiny Committee which meets monthly. The agenda usually comprises no more than 3-4 substantive items to enable meaningful and constructive debate on matters. Agenda items are taken from the Cabinet Forward Plan and the Scrutiny Work Programme. The Committee also has a 'rolling' work programme of items which crop up at specific times of the year. Cabinet Members are invited to attend for their respective items. The Committee often acts as a consultee on various strategies as is evidenced later in this report. Task and Finish Group topics are selected following discussion by the Committee and a one page scoping document is produced clearly setting out the aims and objectives of the review.

'Call In' Meetings

The Council's Constitution sets out the rights of Overview and Scrutiny Committee Members to 'call in' a Cabinet decision if they feel it has not been made in accordance with decision-making principles set out in Article 12 of the Constitution. The 'call in' procedure may result in the convening of a special meeting to consider the matter unless the next programmed meeting falls within the deadlines set in the Council's Constitution.

In 2013/14 there was **one** Cabinet decision was called in and it concerned the release of covenants for Llanthony Secunda Priory. This resulted in the Committee resolving to refer the matter to Full Council where the legal documentation relating to the Priory was revised to the satisfaction of the Members who had called in the original decision.

The Role of Scrutiny at Gloucester City Council (continued)

What the Constitution says about the role of Overview and Scrutiny

The Council's Constitution sets out that the Overview and Scrutiny Committee will:-

- (a) co-ordinate, champion and lead on the scrutiny of Council and Executive decisions;
- (b) have all of the functions, powers and duties conferred by Section 21 of the Local Government Act 2000(as amended);
- (c) have all the powers and functions, powers and duties conferred by Section 19 of the Police and Justice Act 2006 and to act as the Council's Crime and Disorder Committee;
- (d) determine the allocation of work in the event that the scope of the subject matter of a scrutiny study or investigation overlaps the role of more than one Task and Finish Group;
- (e) review the operation of the scrutiny process and work programmes of the Overview and Scrutiny Task and Finish Groups and inform and advise Council in relation to priorities and the allocation of resources;
- (f) oversee and review the resources, support, training and development of Overview and Scrutiny Members;
- (g) develop a positive "critical friend" approach to the role of scrutiny of the Council and Community issues;
- (h) provide and co-ordinate the input to an annual report to Full Council on such issues or topics as the Committee sees fit;
- (i) give consideration to the management of matters called in for review under paragraph 14 of the Overview & Scrutiny Rules;
- (j) give consideration to matters referred to it by the Councillors' Call for Action;
- (k) review and scrutinise the work of the Executive;
- (l) review and scrutinise the content of the Forward Plan;
- (m) review and scrutinise the policies and proposed policies of the Council;
- (n) consider any matters which affect the authority, the City of Gloucester (or part of it) or its inhabitants (or some of them).



The Resources of Scrutiny

Officer Support and Professional Advice

Support is provided by the Democratic Services Officer (Scrutiny Support) under the direction of the Democratic and Electoral Services Manager. The DSO works closely with the Chair, Vice-Chair and Spokesperson and takes a proactive role in managing the Committee's work programme. The Centre for Public Scrutiny (CfPS) is regarded as a focal reference point for professional advice, case studies and tips for best practice.

Networking

The Gloucestershire Scrutiny Group provides an opportunity for Scrutiny Chairs and Officers to meet others within the County in order to discuss respective workloads and share information. Additionally, the DSO has a good relationship with the County Council's Democratic Services Team and has recently shadowed its Officers at one of their Overview and Scrutiny meetings.

Budget

The Committee does not have its own dedicated budget and its work is funded from the Democratic Services team's budget.

Member Training

In November 2013, the Committee received training from Graham Russell, Independent Local Government Consultant. This was a good opportunity for new and existing Members to be reminded of the value of the role of scrutiny to the organisation. Members were also able to pick up some useful tips on questioning skills.

In February 2014, the Committee viewed a DVD on the work of Select Committees in the House of Commons which demonstrated how effective scrutiny could be with the right witnesses and preparation of lines of questioning.



The Scrutiny Year in Focus

Introduction

It has been another busy and successful year for the Overview and Scrutiny Committee. This section of the report highlights the key activities of the Committee. It is not an exhaustive list, but is intended to give a flavour of the Committee's work programme during 2013/14.

Challenge, Change, Improve!

The Committee views scrutiny of the performance of the City Council's partnering bodies and stakeholders as an important part of its work. Diminished financial resources continue to put pressure on our partners as they strive to meet their performance targets whilst providing a good service to the residents of Gloucester.

In 2013/14 there was robust scrutiny of our partners **Civica** (Revenues and Benefits), **Aspire** and **Gloucester City Homes**. Members were satisfied with the performance levels of these organisations and will receive an update in 2014/15. Additionally, the work of the Evictions Appeals Panel which is managed by Gloucester City Homes on behalf of the Council was reviewed and found to be satisfactory.

The performance of the Council's streetcare partner **Amey** inevitably continues to be under the spotlight as it is a highly visible service. Amey, in common with our other partners, has received a cut in the funding it receives from the City Council resulting in the need to streamline its services. In January 2014 the Committee questioned the Account Director of Amey on the organisation's activities, leading to a request for detailed performance monitoring figures to be presented to a future meeting of the Committee. It is worth mentioning here the recent work of the Overview and Scrutiny Committee's Task and Finish Group on Recycling and Bulky Items, which recommended a number of changes to enhance and restyle the service.

Members took a keen interest in a report presented to them in December 2013 on the future of **Marketing Gloucester** when plans to co-locate it with the City Council's award winning Tourist Information Centre were discussed. The Committee raised access and equality issues for the proposed site and discussed the performance of Marketing Gloucester in general.



The Scrutiny Year in Focus (continued)

Money, Money, Money!

The Overview and Scrutiny Committee plays an important role in examining the Cabinet's budget proposals. There is early engagement with the Cabinet on its Draft Money Plan with each Cabinet Member presenting their respective portfolio to the Committee.

In December 2013, Cabinet Members were robustly interrogated on the Draft Money Plan proposals. As a result, the Committee was able to make a positive contribution to the budget consultation process and its views were submitted to Full Council in February 2014.

'Pliced' to meet you!

In June 2013 the Committee met with the newly appointed Police and Crime Commissioner for Gloucestershire, Martin Surl. Members received a summary of the Commissioner's Police and Crime Plan for 2013-2017 and learned of Mr Surl's aspirations for his role. In response, the Committee was able to usefully share local issues with the Commissioner.



Service Reviews

In June 2013 the Committee reviewed the Council's **Pest Control Service** following a request by the Cabinet to procure the services of an external contractor to carry out the work. There was a lively debate on these matters and as a result the Committee requested an update on the Council's gull management strategy which was presented to Members in February 2014.

The future of the Council's **Building Control Service** was explored in September 2013 when the Committee analysed proposals for entering into a shared service with two neighbouring authorities. At the meeting, Members sought assurances that the service to Gloucester residents would not suffer.

The findings of the review into the **Business Transformation and Technology Service** were examined in September 2013. The review highlighted the need for changes in service delivery and recommended entering into a tendering process for the outsourcing of the service. The Committee had a useful debate on these matters and concluded that it was important for the Council to have a modern, fit for purpose system. The service has now been outsourced to Civica and the Committee will look forward to reviewing its performance data in due course.

Speaking Up – Scrutiny’s part in consultation

Introduction

The Overview and Scrutiny Committee has an important part to play in contributing to consultations which can range from in depth examination of new Government legislation, to looking at new and revised Council strategies and policies. Highlights of consultation work in 2013/14 are detailed below.

Draft Council Plan

In January 2014 the Committee was asked to comment on the Cabinet’s Draft Council Plan for the period 2014-2017. Members proposed a number of changes and enhancements to the document, which were agreed and incorporated into a further draft of the Plan which was then brought back to the Committee in March 2014.

Community Right to Bid (Assets of Community Value)

In July 2013, the Committee examined a proposed policy and procedure for dealing with applications under the Community Right to Bid for Assets of Community Value legislation. As a result, Members were able to suggest modifications to the policy and procedure and also to ensure that Ward Councillors would be engaged in the process.

Tree Management Guidelines

In March 2014 the Committee was asked to comment on revised tree management guidelines for City Council owned trees. Members were pleased to endorse the proposals.



Open Space Strategy 2014-2019

The Committee was consulted upon was the Open Space Strategy for 2014-2019. The Cabinet Member for Environment and the Leader of the Council were robustly questioned by the Committee on detailed aspects of the document. The debate prompted a request to the Cabinet to withdraw the Strategy to allow further revisions to be made. As a consequence of this intervention, the Strategy was deferred for further revision.

Speaking Up – Scrutiny’s part in consultation (continued)

Future of Gloucester City Council’s Events Co-ordination

In March 2014, the Committee welcomed the new Chief Executive of Marketing Gloucester, Jason Smith, when he attended to co-present a report which sought approval for changes to the City’s events programme and its delivery. There was a lively debate on the subject with Members airing concerns about the proposed central events team being able to cope with the large number of civic events and having the expertise to deal with the associated protocols. The Committee recommended to Cabinet that management of the Council’s civic events remained in-house.

The Future of Gloucestershire Airport

In November 2013 the Committee was consulted on the findings of a report by York Aviation on the future of Gloucestershire Airport. On this occasion the Committee had to consider the item in a private session because of the commercial sensitivity of the subject. Members contributed positively by endorsing the recommendations of the report and by adding two extra recommendations of their own which were accepted.



Guildhall 12 Month Strategy and Action Plan

In July 2013 the Committee was asked for its views on a proposed 12 month Strategy and Action Plan for the Guildhall. The subject prompted debate on evening economy matters and the Committee was able to draw on the experience of those Members who were part of the Evening Economy Task and Finish Group at that time. An outcome from the discussion was a request from the Committee for further financial data to be provided.

Speaking Up – Scrutiny’s part in consultation (continued)

Review of the ‘Call-In’ Procedure

In March 2014 the Committee was asked to examine its own Procedure Rules for ‘Call In’ as set out in the Council’s Constitution. The request had come from the Council’s Constitutional and Electoral Working Group following a review of the procedures that had been followed at the recent call in of a decision regarding Llanthony Secunda Priory in October 2014. As a result of the review the call in procedure was enhanced to include a flowchart and a proforma for making a request to call in a decision. This led to the Overview and Scrutiny Procedure Rules being amended in the Constitution.

Rugby World Cup

The Committee was pleased, on two occasions in the year, to examine progress made on plans for delivering the Rugby World Cup in Gloucester in 2015. The Committee will be keeping a watchful eye on this topic in the lead up to this prestigious event and has tabled regular updates in its work programme.



Task and Finish Group Activity

Introduction

Task and Finish Groups are set up to look at issues in detail by gathering evidence, and talking to witnesses and service users. Site visits are also carried out where appropriate. A one page scoping document sets the scene for the Group's work. The Group's conclusions are documented in a report for the Cabinet which details its findings and recommendations. 2013/14 saw the successful conclusion of two quite different Task and Finish Groups.

Recycling and Bulky Items Task and Finish Group (concluded in December 2013)

Membership: Councillor Field (Chair), Councillor Haigh, Councillor Taylor

Ambitions for the review (identified in the scoping document):-

- To increase recycling percentages
- To make recycling more accessible to the community



Recommendations from the review:-

- **A report should be prepared to go to Cabinet within the next six months** suggesting a number of changes to the existing service with a view to implementation in two years using computer modelling. The revised scheme should coincide with the replacement of the current fleet of vehicles. Any new scheme should include the following:-
 - An analysis should be carried out of the current waste stream as the recycling profile has changed. This could be performed by examining the contents of a fleet vehicle at the Depot.
 - Consideration of a change of vehicles to a split-back refuse truck or a 'May Gurney' type vehicle similar to that used in Bristol. This would achieve a key objective of increasing the number of items that can be recycled.
 - Exploration of collecting garden waste and cardboard at the same time within a split-back truck.
 - The current rounds should be re-examined to take account of local issues and changes which have taken place since they were originally drawn up. For example, access problems in Kingsway and anti-social behaviour in Barton and Tredworth and City Centre properties caused by bins being left out on the streets on busy nights.

Task and Finish Group Activity (continued)

- Rounds should be remodelled using a computerised model approach.
- Crews and shift patterns will need to be examined and the necessary changes made.
- There should be a trial using a split-back vehicle on one round such as Tuffley for a period of three months.



- When the new service is introduced the opportunity of changing existing bin sizes can be explored bearing in mind the constraints posed to residents living in terraced properties.
- There should be a relaunch of the food waste service using '*Love Food – Hate Waste*' as a slogan so that residents are aware they can use compostable bags or newspaper to line food caddies. Local supermarkets should be encouraged to join in with the campaign and sponsor free caddy bags to residents.
- Amey should have a containerised area at the Depot for holding furniture collected via the Council's Bulky Waste Service so that local charities such as Emmaus and the Furniture Recycling Project can be invited to view it to see if it is suitable for recycling.
- The City Council's website should be updated to provide better information for residents. The message should emphasise what can be recycled, rather than what can be thrown away.

Response from the Cabinet

The Cabinet welcomed the report at its meeting in February 2014 and acknowledged that it was timely in view of the need to seek a reduction in costs. Cabinet resolved that the recommendations in the report be addressed and actioned at the earliest opportunity, with matters requiring more detailed consideration being the subject of a further report to Cabinet as necessary.

Task and Finish Group Activity (continued)

Evening Economy Task and Finish Group

Membership: Councillor Chatterton (Chair), Councillor Gravells, Councillor Field

Ambitions for the review (identified in the scoping document)

- To target specific groups to discover what they would be seeking in order to encourage them into the City Centre and Docks.
- To look at ways of linking the evening economy offer in the Quays and the City Centre.
- To 'talk up' the City.
- To identify a lead organisation to have overall co-ordination of existing Evening Economy Groups.

Recommendations from the review

Key Points

- The new Chief Executive for Marketing Gloucester should come from a professional marketing background and should be tasked with developing a long-term strategic marketing plan as a matter of urgency.
- The current Evening Economy Group should raise its profile and liaise more widely with local stakeholder groups. This will strengthen the Group's influence and foster a strong co-ordinated approach to promoting the City Centre.
- Marketing Gloucester should be actively approaching other organisations to publicise the City's attractions and not expect businesses to come to them. A regularly maintained, simple to use and comprehensive listings website would enhance the organisation's profile in this respect.
- Marketing Gloucester and the Evening Economy Group should devise a strategy to draw the potential extra visitors from the new Gloucester Quays leisure complex into the City Centre.



Task and Finish Group Activity (continued)

Pub/Club/Restaurant/Theatre/Shopping Facilities

- The development of a recognised restaurant quarter in the City Centre should be explored in common with other cities.
- Pubs and restaurants should be encouraged to offer promotions to coincide with events and ensure opening times are aligned to meet customer demand.
- Those clubs and pubs that cater for a wide range of musical tastes and live music should be encouraged to advertise more widely.
- The existing comedy clubs in the City need to build on their reputation and publicise their events.
- In respect of theatres, a niche should be found for established venues such as the King's Theatre and the Picturedrome.
- Retailers should be encouraged to co-ordinate late night shopping evenings to link with night-time markets and other key events in the City Centre.



Transport Considerations

- There should be liaison with local bus companies to ensure that available to meet demand for key events in the City Centre such as Three Choirs, Christmas Lights Switch on, etc.
- Discussions should be held with local bus companies and First Great Western to explore incorporating tickets for local attractions with journeys.
- Parking schemes and tariffs should be harmonised to give greater clarity for visitors to the City Centre.

Environmental Considerations

- Businesses should be encouraged to modify their trade refuse collection regime to ensure that bags and cardboard are not left in doorways, so that the appearance of the streetscene is improved.
- Street lighting and flood-lighting should be improved to give a feeling of security and also to illuminate and enhance the features of prominent buildings.

Task and Finish Group Activity (continued)

Gloucester Train Station

- The Leader of the Council should write to Network Rail to request them to refurbish the building
- The City Council should explore entering into a contract with the Severnside Rail Partnership to allow sponsorship of the station.
- The City Council should investigate marketing opportunities at the station, at nearby stations and on trains.



Response from the Cabinet

At a meeting of Cabinet in February 2014, the findings of the Task and Finish Group were welcomed and the Cabinet were pleased to report that some of the recommendations had already been actioned. Cabinet resolved to address and action the recommendations of the Group at the earliest opportunity and that matters requiring more detailed consideration be the subject of a further report to Cabinet as necessary.

Future Task and Finish Groups for 2014/15

At the time of publication of this report the Overview and Scrutiny Committee is looking to build on its successful Task and Finish Group activity by adopting two new topics for the forthcoming year. It is anticipated that these will also involve site visits.



Scrutiny – Challenges for the Next 12 months

Looking Ahead

In the Municipal year 2014/15 the Committee welcome a new Vice-Chair, Councillor Susan Witts, and a new Spokesperson, Councillor Andrew Gravells. The Committee also has four new Members, Councillors Hanman, Lewis, Pullen and Ravenhill.

The Committee's Work Programme is already filling up for the year and in addition to its rolling programme of work the Committee has recently been asked to carry out financial monitoring of the Council's budget on a quarterly basis.

There will continue to be robust and rigorous examination of the Council's partners and other stakeholders and a varied programme of work during the year.



Overview and Scrutiny Meetings held in 2013/14

Nature of Meeting	Date
Ordinary business	10 June 2013
Ordinary business	8 July 2013
Ordinary business	9 September 2013
Call-In meeting	14 October 2013
Ordinary business	11 November 2013
Ordinary business	2 December 2013
Budget proposals and consultation	9 December 2013
Ordinary business	6 January 2014
Ordinary business	3 February 2014
Ordinary business	3 March 2014
Ordinary business	31 March 2014

Members' Attendance Record for 2013/14

Name	Meetings attended
Councillor Janet Lugg (Chair)	8
Councillor Jim Beeley (Vice-Chair)	10
Councillor Deb Llewellyn (Spokesperson)	10
Councillor Kate Haigh	11
Councillor Andrew Gravells	8
Councillor Declan Wilson	10
Councillor Susan Witts	8
Councillor Sebastian Field	6
Councillor Kathy Williams	6
Councillor Gerald Dee	10
Councillor Gordon Taylor	10
Councillor Said Hansdot	10
Councillor Tarren Randle	6
Councillor Paul Toleman	8
Councillor Chris Chatterton	10

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Agenda Item 15

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of the Local Government Act 1972.

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Agenda Item 16

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of the Local Government Act 1972.

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Agenda Item 17

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