



Shire Hall
Westgate Street
Gloucester
GL1 2TG

Wednesday, 10 November 2021

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, 18th November 2021** at **6.45 pm** for the purpose of transacting the following business:

AGENDA

1. **APOLOGIES**

To receive any apologies for absence.

2. **BY-ELECTION RESULTS**

To note the result of the Longlevens By-Election on 4 November 2021 as set out below:

Sarah Sawyer (Liberal Democrat)

3. **MINUTES (Pages 9 - 24)**

To approve as a correct record the minutes of the Council Meeting held on 23 September 2021.

4. **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.

5. **CALL OVER**

(a) Call over (items 10, 11 and 16) will be read out at the meeting and Members invited to reserve the items for discussion.

- (b) To approve the recommendations of those reports which have not been reserved for discussion.

6. 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.

7. 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 or deputation is in relation to:

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

8. ANNOUNCEMENTS

To receive announcements from:

- (a) The Mayor
- (b) Leader of the Council
- (c) Members of the Cabinet
- (d) Chair of Committees
- (e) Head of Paid Service

9. MEMBERS' QUESTION TIME

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

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

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

Only one supplementary question is allowed per question.

- c) Questions to Chairs of Meetings (15 Minutes)

ISSUES FOR DECISION BY COUNCIL

10. GAMBLING ACT 2005 - REVISED STATEMENT OF PRINCIPLES FOLLOWING 10 WEEK CONSULTATION (Pages 25 - 84)

To consider the report of the Head of Communities concerning the revised draft Gambling Act 2005 Statement of Principles.

11. CONSTITUTIONAL CHANGES (Pages 85 - 108)

To consider the report of the Head of Paid Service concerning proposed changes to the council's Constitution.

12. REVIEW OF POLITICAL BALANCE ON COMMITTEES AND VARIOUS APPOINTMENTS (Pages 109 - 112)

To receive the report of the Head of Paid Service concerning a review of political balance following the Longlevens by-election and changes to various committee appointments.

MOTIONS FROM MEMBERS

13. NOTICES OF MOTION

1. PROPOSED BY COUNCILLOR PULLEN

“For many years Gloucester has been home to a wide and diverse community with people from many nationalities, faiths and cultures living in the city.

The city has been pleased to offer homes to people from all backgrounds and has strived to be a welcoming and friendly place.

Gloucester recognises the contribution that people from diverse cultures and faiths make to the city and values the positive part they play.

Gloucester is committed to welcoming asylum seekers, refugees and those fleeing violence and conflict.

This council therefore wishes for the good work that is already in place to be further developed and recognised by supporting Gloucester to become a City of Sanctuary.

Whilst there are many aspects of good practice in place there is still a process to go through to ensure that the whole city fully understands and meets the City of Sanctuary framework. Specifically, this would include:

- Continuing to develop a culture of welcome, respect and hospitality for people from all backgrounds and particularly for those seeking sanctuary.
- Valuing the contribution those seeking sanctuary can make to the city.

- Developing a plan to work towards greater inclusion and equality for people seeking sanctuary.
- Creating greater public awareness of the needs and issues faced by those seeking sanctuary across the whole city, through a range of initiatives, projects and activities.

Council resolves:

1. To seek recognition as a City of Sanctuary.
2. To sign up to the City of Sanctuary Charter and its principles and values.
3. Join the City of Sanctuary local authority network.
4. To set up a task and finish group to oversee the process working in partnership with key partners and community groups to establish a timetable and action plan for achieving City of Sanctuary status.
5. That an initial report be brought to the Overview and Scrutiny Committee and Cabinet at the earliest possible opportunity outlining the actions needed to obtain City of Sanctuary designation.”

2. PROPOSED BY COUNCILLOR HYMAN

“This Council supports the Government in its commitment to abolish conversion therapy. It notes the consultation period which ends on 10th December and requests the Managing Director to complete the online consultation form on behalf of the City Council (<https://equalityhub.citizenspace.com/government-equalities-office/banning-conversion-therapy/>). Abolishing conversion therapy would help the work of support groups.

Conversion therapy is the practice of attempting to change an individual's sexual orientation from homosexual or bisexual to heterosexual using psychological, physical, or spiritual interventions. There is no actual evidence that sexual orientation can be changed and medical institutions warn that conversion therapy practices are ineffective and potentially harmful.

This Council considers, therefore, conversion therapy to be a barbaric outdated practice which has caused immeasurable harm to many both physically and mentally. It has no place in a civilised society.

Section 149 of the Equality Act 2010 places a public sector equality duty on the council to eliminate harassment and victimisation and to foster good relations between persons who share or don't share a protected characteristic. Therefore, someone with a protected characteristic should not try to change that of another by conversion therapy.

This Council urges the Government to ban conversion practices outright whether

5 they be by physical means, such as electric shock treatment or hormone therapy, or by counselling including exorcisms. There is plenty of evidence from survivors that these methods do not work and adverse effects can include shame, guilt, depression, suicide, sacrificed same sex relationships, experimental opposite sex marriages, self-imposed isolation and loneliness. The list goes on.

This Council notes the current proposals allow adults to give “informed consent”. This is usually when people are at their most vulnerable. This Council urges the Government not to allow anti LGBT opinion to water down the legislation making it less effective.”

3. PROPOSED BY COUNCILLOR HILTON

“This council agrees that the kerbside collection of plastics and other materials for recycling is a positive action this council can take to protect the environment.

This council notes that the city council’s contractor Urbaser has been failing to meet its contractual obligations to collect dry waste put out for recycling, with neighbourhoods across the city suffering from missed collections.

This council calls on the cabinet to take urgent action to rectify the situation and to restore the weekly collection of dry recyclable materials so that no area of the city is missed out in the future.”

4. PROPOSED BY COUNCILLOR FIELD

“Council notes that Small Business Saturday 2021 is coming up on 4th December. Small Business Saturday has grown into a significant event – with a record £1.1 billion spent with small businesses during last year’s event.

Council recognises that this is an excellent opportunity to promote small businesses in Gloucester and to celebrate the contribution smaller businesses make to our city.

Council believes that Small Businesses are the heart and soul of our local high streets. It is only by supporting our local independent businesses that we can also help our local high streets to thrive.

Council resolves to:

- (a) Ask the Leader of the Council to ensure that the Council participates fully in Small Business Saturday on 4th December 2021.
- (b) Request that officers work closely with local business organisations and smaller enterprises across Gloucester to make them aware of the day and encourage them to sign up.
- (c) Ensure that Small Business Saturday is promoted thoroughly and prominently on the Council’s website, social media channels and other external communications.

- (d) Develop a year round communications plan to continue promoting local small businesses and encouraging residents in Gloucester to shop small and shop local all year round.
- (e) Investigate further ways to increase shopper numbers around Small Business Saturday and in the lead up to Christmas – such as free car parking in the city centre on busy shopping days – and establish a regular programme of measures to support small businesses.”

14. WRITTEN QUESTIONS TO CABINET MEMBERS (Pages 113 - 114)

Written questions and answers. Only one supplementary question is allowed per question.

15. 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.

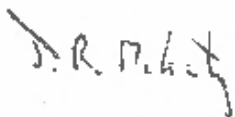
Agenda Item No.	Description of Exempt Information
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16	Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).
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16. GLOUCESTERSHIRE AIRPORT LIMITED (GAL) (Pages 115 - 136)

To consider the report of the Leader of the Council concerning Gloucestershire Airport Limited (GAL).

Yours sincerely



Jon McGinty
Managing Director

NOTES

Disclosable Pecuniary Interests

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

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

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share

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

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

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

Access to Information

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

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

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

Recording of meetings

Please be aware that meetings may be recorded. There is no requirement for those wishing to record proceedings to notify the Council in advance; however, as a courtesy, anyone wishing to do so is advised to make the Mayor aware before the meeting starts.

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.

FIRE / EMERGENCY EVACUATION PROCEDURE

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

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



COUNCIL

MEETING : Thursday, 23rd September 2021

PRESENT : Cllrs. Finnegan, Cook, H. Norman, Gravells MBE, Hudson, Morgan, Hilton, Pullen, Tracey, Lewis, Wilson, D. Brown, Taylor, Field, Patel, Brooker, J. Brown, Hyman, Melvin, Bowkett, Ackroyd, Castle, A. Chambers, S. Chambers, Chambers-Dubus, Conder, Dee, Evans, Kubaszczyk, O'Donnell, Padilla, Radley and Zaman

Others in Attendance

Managing Director

Head of Law (Commercial and Property), One Legal

Head of Communities

Head of Culture

Head of Place

Head of Policy and Resources

Democratic and Electoral Services Team Leader

Democratic and Electoral Services Officer

Democratic and Electoral Services Officer

APOLOGIES : Cllrs. Bhaimia, Williams, Organ, Toleman and Durdey

23. ELECTION OF SHERIFF AND DEPUTY MAYOR

- 23.1 The Mayor invited members to nominate a Sheriff and Deputy Mayor for the remainder of the Council year 2021/22.
- 23.2 Councillor Cook, Leader of the Council and Cabinet Member for Environment proposed, and Councillor Norman, Cabinet Member for Performance and Resources seconded the nomination of Councillor Tracey for the position of Sheriff and Deputy Mayor for the remainder of the Council year 2021/22.
- 23.3 Councillor Norman stated that everybody present would appreciate that Councillor Tracey was incredibly hardworking, that she was passionate about the City of Gloucester and that there was no doubt that she would excel in the role.
- 23.4 Councillor Hilton stated that he was disappointed with the situation, where the Sheriff had resigned a few months after taking up the position. He added

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that he and his group would abstain from the vote to nominate Councillor Tracey as position of Sheriff and Deputy Mayor.

- 23.5 The nomination of Councillor Tracey to the position of Sheriff and Deputy Mayor for the remainder of the Council year 2021/22 was put to a vote and carried.
- 23.6 **RESOLVED that:-** Councillor Tracey be appointed Sheriff and Deputy Mayor for the remainder of the Council year 2021/22.
- 23.7 Councillor Tracey thanked members who voted for her to be Sheriff and Deputy Mayor. She stated that she wanted to bring the City together and that it was stronger when everyone worked together. She thanked the Mayor and noted that she had been doing the job of Mayor and Sheriff for the previous couple of months. She said that she did not want people to argue and wanted them to come together.

24. MINUTES

24.1 The minutes of the meetings held on the 8th July 2021 were confirmed and signed by the Chair as a correct record.

25. DECLARATIONS OF INTEREST

25.1 There were no declarations of interest.

26. CALL OVER

- 26.1 The Mayor invited Members to indicate whether they wished to reserve agenda items 10, 11, 13, 14 and 15 for discussion. Members indicated that they wished to reserve items 10, and 15 for discussion. Agenda Item 12 (Appointments to Committees) could not be called over as nominations were required.
- 26.2 Councillor Cook (Leader of the Council) moved and Councillor H Norman (Deputy Leader of the Council) seconded that the Cumulative Impact Assessment, Appointment of Independent Remuneration Panel, and Urgent Decision on the Managing Director be approved.
- 26.3 **RESOLVED that:** - Council adopts the Cumulative Impact Policy within the Licensing Policy Statement 2021-2026 – Licensing Act 2003.
- 26.4 **RESOLVED that:** - the following be appointed to the Independent Remuneration Panel for a period of three years:

Ms Kim Hawkins
Mr Chris Markley
Mr John Morris
Mr Graham Russell.

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26.5 **RESOLVED that:** - the urgent decision of the Managing Director designating Jodie Townsend as Monitoring Officer from 16 August to 30 September be noted.

27. PUBLIC QUESTION TIME (15 MINUTES)

27.1 There were no public questions.

28. PETITIONS AND DEPUTATIONS (15 MINUTES)

28.1 There were no petitions or deputations.

29. ANNOUNCEMENTS

The Mayor

29.1 The Mayor welcomed Councillor Tracey as the Sheriff and Deputy Mayor of the Council. She stated that the Civic Charity Ball held on the 17th September 2021 was a tremendous success, that raised a lot of money for charity and she thanked all those who attended.

Members of the Cabinet

29.2 Councillor Morgan, the Cabinet Member for Culture and Leisure announced that the 1st October 2021 would see the launch of JOLT by the Gloucester Culture Trust. He invited members to get in touch with him, should they wish to attend the launch which would be occurring between 5pm and 7pm. He stated that he was also pleased to announce that Arts Council England had announced that Gloucester had been designated as one of their 11 priority places across the South West for their Lets Create strategy. He stated the Arts Council England saw that Gloucester was an ideal city for investment. Councillor Morgan also notified Members that he had recently been present at the unveiling of a plaque in memory of the former City Councillor and Mayor, Lise Noakes. He stated that the location of the Plaque (The Guildhall) was particularly fitting as she had been instrumental in ensuring that there was more seating at the Guildhall.

29.3 Councillor Gravells, the Cabinet Member for Planning and Housing Strategy announced that the Council had now received the Planning Inspectors post-hearings letter. He stated that this was an important milestone and was the next step in the Council having a fully adopted City plan for the first time since 1983. He said that the Planning Policy Team did a fantastic job in putting the Council's case forward and this was evident from the Inspector's letter. He stated that when updated, the City Plan would deliver against the Council's climate change commitments, deliver the number and type of

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homes that meet the needs of Gloucester's communities, support the Council's social value objectives through employment and skills development and prevent falls from tall buildings, which was a policy he believed was a first for any Council in the country. He said that he also wished to update the Council on the resettlement programme of refugees from Afghanistan. He stated that the first Afghan family had now moved into their home in Gloucester. He added that support was being provided by colleagues at GARAS (Gloucestershire Action for Refugees and Asylum Seekers). He said that properties were still required to house families resettling from Afghanistan and that the Council were continuing to encourage private sector landlords to come forward to help with the resettlement to meet demand. He concluded by stating that the work was being delivered as part of the Countywide Housing Partnership effort.

30. MEMBERS' QUESTION TIME

- 30.1 Councillor Hilton asked Councillor Morgan why the Council's bid for Gloucester to become the City of Culture in 2025 was withdrawn after it being announced that a bid would be pursued. In response Councillor Morgan stated that it was withdrawn because of the short period between the deadline to express an interest and to put in a formal bid. It had become clear that everything required for a complete bid could not come as quickly or as effectively as hoped. Therefore, it was decided that it was more sensible to not put in a bid that was not ready owing to time constraints rather than an incomplete one. In response to a supplementary question regarding why the potential bid had not been dropped sooner when it had been pointed out that a bid may be costly and not deliverable, Councillor Morgan stated that they decided to withdraw after discussing the issue with partner organisations.
- 30.2 Councillor Hilton asked Councillor Cook, why there had not been a replacement food store that had been promised following the closure of Sainsburys on Northgate Street. In response Councillor Cook stated that the site he was referring to was owned by a private sector company therefore Councillor Hilton would need to get in contact with them. In response to a supplementary question regarding whether Councillor Melvin had been overly optimistic in an assertion made at a Council Meeting on the 19th November 2020, Councillor Cook stated that he could not speak for other Councillors, that schemes to develop on sites took time and that the Coronavirus Pandemic had caused delays in nearly all areas of life.
- 30.3 Councillor Pullen asked Councillor Gravells how many Afghan families the Council hoped to resettle and what would be done to ensure that those that resettled in Gloucester were properly looked after. In response Councillor Gravells stated that the work to resettle Afghan families was being coordinated by the Gloucestershire Strategic Housing Partnership in conjunction with other local authorities. He stated that the long-term aim was to acquire 35 houses in the County to rehouse families. He stated that he had been disappointed to hear that only one family had currently been resettled but this was because there was a process that needed to be followed to ensure that families were properly looked after once they came to

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the country. He stated that he wanted to help partner organisations who had helped with the resettlement scheme such as the County Council and GARAS. He encouraged any landlord in the private sector who wanted to help with the resettlement scheme to get in touch with himself or the Head of Communities.

- 30.4 Councillor Pullen asked Councillor Morgan why they continued to pursue the City of Culture bid, when it had been briefed that a bid may be all-consuming, may cost in the region of £500,000, did not have cross-party support, and had inconsistent support from districts. In response, Councillor Morgan stated that he was not embarrassed to be ambitious for the City of Gloucester and that he did not believe opposition parties could be against an idea that had not been finalised. He stated that he did not understand why anyone would be against the principle of Gloucester becoming the City of Culture. He stated that there was a point where it became clear that a City of Culture application would have been unsuccessful, which was why it was withdrawn. In response to a supplementary question regarding whether the administration would give assurances that cross-party support would be sought before launching such large scale bids in the future, Councillor Morgan stated that the administration had a good record of discussing major items on a cross-party basis, and their measure of co-operation was greater than in most authorities.
- 30.5 Councillor Field asked Councillor Cook whether he would support the introduction of more water top up points. In response Councillor Cook stated that he had discussed the refill project numerous times in the chamber. He stated that he was not inclined to introduce water fountains across the City as they were not necessarily hygienic and were costly. In response to a supplementary about whether Councillor Cook would support the principle of more top up points, not water fountains if it had support from the business community, Councillor Cook stated that he did not believe it was for the Council to tell Private Business Owners whether they wanted a water top up point and that there were already 40-50 businesses signed up to the refill scheme in Gloucester.
- 30.6 Councillor Lewis asked Councillor Morgan whether he was aware that Gloucester now had its first ever professional female Basketball Team. In response, Councillor Morgan stated that he was aware that Gloucester City Queens was the first professional female basketball team in Gloucester, and that they had won their first match. He further added that there would soon be a male equivalent professional basketball team called Gloucester City Kings.
- 30.7 Councillor Hyman asked Councillor Cook, whether he agreed with Richard Graham MP that Elmbridge residents should vote for a Tewkesbury MP. Councillor Cook responded that regardless of the results of the Boundary Commission Review, the residents of Elmbridge would still vote for Gloucester City Councillors. He stated that he believed that it was not an issue that was his to get involved with, that he sympathised with any

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residents of Elmbridge that felt that they were not properly represented but in any case they would vote for a City Councillor.

- 30.8 Councillor D.Brown asked Councillor Morgan why the Scriptorium at Blackfriars was closed prior to the History Festival. In response, Councillor Morgan stated that the closure of the Scriptorium was a surprise to everyone. He stated that his understanding was that there was a routine survey undertaken by a surveyor and that it was felt unwise to have activity under the scriptorium. He stated that the bookstore needed to be relocated. He added that he did not believe that there was a safety issue with the scriptorium but that it was an ongoing discussion. In response to a supplementary question, Councillor Morgan responded that he would be pleased to keep Councillor D.Brown updated on the situation. Councillor Cook added that his understanding was that the area on the floor had been closed for safety reasons, and that whilst the upstairs was not yet reopened, the ground floor had.
- 30.9 Councillor Chambers-Dubus asked Councillor Cook about whether residents would be compensated for missed Green Bin Collections. Councillor Cook responded that last year, during the first National Lockdown, bin collections were very difficult and that there were several weeks where there were no green bin collections whatsoever. He stated that the issue this year was caused by a lack of drivers and considerable numbers of people being required to self-isolate. He stated that no household had more than one missed green bin collection this year. He stated that last year, residents received more in compensation, than was lost through missed green bin collections. He added that he applauded the work that the groundwork team had been doing. In response to a supplementary regarding how residents would be informed that there would be no compensation, Councillor Cook stated that a resident could contact the Here to Help service and that it would be made clear that there would be no compensation. He added that if the situation changed in the future and there were numerous missed bin collections owing to the Pandemic, then compensation may be considered. However, he stated that if there was a refund for recent missed bin collections, it would be approximately a £1.87 for each resident and that the cost of providing a refund would possibly be higher than the refund itself.
- 30.10 Councillor Wilson asked Councillor Cook whether he had had conversations with Urbaser to try and solve the issue regarding the lack of drivers. In response, Councillor Cook said that Urbaser had raised the salary of drivers to try and attract more and that he had had discussions with them. He stated that a new driver had been hired but failed to turn up to a shift on Friday. He stated that there were wide ranging issues regarding driver shortages and would not be resolved until the Government got more people to take HGV tests. In response to a supplementary, Councillor Cook stated that the issue of a lack of drivers was a Europe wide issue and that he would therefore not blame Brexit for the shortage.

31. NET ZERO 2045 AND UK100

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- 31.1 Councillor Cook moved, and Councillor Norman seconded the motion. Councillor Cook introduced the report and noted that queries about how the project would be funded had been addressed at a meeting of the Overview and Scrutiny Committee.
- 31.2 Councillor Pullen noted that the Council's declaration of a Climate Emergency was a Labour Party motion in 2019. He stated that it had been two years since a Climate Emergency had been declared by the Council and that very little action had been taken since. He stated that in early 2021, the Leader had presented a climate change strategy. He said that former Councillor Stephens had pointed out that they needed a more detailed action plan, which included milestones and actions. He said that it was agreed a more detailed report would be brought before Cabinet at the earliest possibility, which had not happened. He said that the Labour Group supported joining the UK100 network but believed that the Council needed to act quicker and needed to make getting to Net Zero their top priority.
- 31.3 Councillor Wilson stated that it was an important discussion to have. He stated that the proposal to bring forward the City Council's net zero carbon commitment by five years to 2045 showed that the Council had more ambition. He stated that he would want to see regular updates at meetings of the Overview and Scrutiny Committee. He stated that there was no reason not to join the UK100 and would support the motion.
- 31.4 Councillor Cook stated that the Council had recently hired a Climate Change Manager who was committed to making sure the Council hit their Climate Change targets, and that he would be providing regular updates. He stated that one of the three Key themes for the City Councils Plan would be protection of the environment. He stated that he would ensure that the Council was at the forefront of mitigating the worst excesses of Climate Change. He stated that he wanted to assure everyone that the administration was keen to be at the forefront of combating climate change.

31.5 **RESOLVED that: -**

(1) Gloucester City Council joins the UK100 Local Authority leaders' group and international Race to Zero commitment in advance of the 2021 United Nations Climate Change Conference (COP26), to be held in the City of Glasgow.

(2) as a condition of UK100 membership, Gloucester City Council bring forward its 2050 net zero target to 2045.

(3) Gloucester City Council becomes a signatory to the Global Covenant of Mayors for Climate and Energy.

32. CUMULATIVE IMPACT ASSESSMENT

32.1 Councillor Cook (Leader of the Council) moved and Councillor Hannah Norman (Deputy Leader of the Council) seconded the motion.

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32.2 **RESOLVED that:** - Council

- (1) Adopts the Cumulative Impact Policy within the Licensing Policy Statement 2021-2026 – Licensing Act 2003.

33. APPOINTMENTS TO COMMITTEES

33.1 Councillor Cook proposed and Councillor Norman seconded the motion to appoint Councillor K. Williams to the position of Chair of the Licensing Committee. Councillor Cook stated that whilst Councillor K. Williams could not be present at tonight's meeting of Full Council, he had spoken to her and that she would be happy to take the position.

33.2 As an alternative nomination, Councillor Hilton nominated Councillor Bowkett to be the Chair of the Licensing Committee. This alternative nomination was seconded by Councillor Radley.

33.3 The alternative nomination was put to a vote and the vote was lost.

33.4 Councillor Hilton asked the Leader whether the proposed nomination of Councillor K. Williams would lead to changes as to who chaired the General Purposes Committee as she would be the chair of two committees. In response, Councillor Cook stated that there may be a change in the future but did not believe that it was relevant to discuss that at present.

33.5 The motion to appoint Councillor K. Williams to the position of Chair of the Licensing Committee went to a vote and passed.

33.6 **RESOLVED that:** - Councillor K. Williams be appointed to the vacant position of Chair of the Licensing and Enforcement Committee.

34. APPOINTMENT OF INDEPENDENT REMUNERATION PANEL

34.1 Councillor Cook moved, and Councillor Norman seconded the motion.

34.2 **RESOLVED that:** - the following be appointed to the Independent Remuneration Panel for a period of three years:

Ms Kim Hawkins
Mr Chris Markley
Mr John Morris
Mr Graham Russell.

35. URGENT DECISION OF THE MANAGING DIRECTOR

35.1 Councillor Cook moved, and Councillor Norman seconded the motion.

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35.2 **RESOLVED that:** - the urgent decision of the Managing Director designating Jodie Townsend as Monitoring Officer from 16 August to 30 September be noted.

36. DESIGNATION OF MONITORING OFFICER

36.1 Councillor Cook proposed the motion, which was seconded by Councillor Norman.

36.2 Councillor Hilton noted that this would be the fourth Monitoring Officer in a 12-month period. He stated that the Council were also two directors short. He stated that it would be useful to have received advice from the Local Government Association (LGA). He stated that it was important that the issue had a speedy resolution. He stated that it was vital to appoint a dedicated Monitoring Officer and that the Monitoring Officer was interviewed by Councillors at the Senior Appointments Committee.

36.3 Councillor Pullen stated that he agreed with Councillor Hilton. He stated that they needed continuity with a Monitoring Officer so Councillors can get to know the officer. He stated that there were proposals from the LGA as to what the make-up of the Senior Management Team could be. He stated that he believed that it may be beneficial if the new Monitoring Officer was included in the new Senior Management Structure.

36.4 Councillor Norman stated that she had been in a leadership meeting where the topic of the Monitoring Officer being included in the Senior Management Structure was discussed. She stated that the administration would be working closely with the LGA, that the most qualified candidate would be hired, and that she would be keen to hear feedback from Councillor Pullen and Hilton as part of the Senior Appointments Committee.

36.5 Councillor Cook thanked members for their support of the motion.

36.6 **RESOLVED that:** -

(1) Stephen Taylor be designated Monitoring Officer for the City Council in accordance with section 5 of the Local Government and Housing Act 1989 with effect from 1 October for an interim period of up to 6 months but no more than 12 months.

(2) To enter into an agreement to second the above-mentioned officer from Stroud District Council to Gloucester City Council on terms to be agreed between Stroud District Council, Gloucester City Council and the officer.

(3) To delegate authority to the Managing Director to agree the terms of the secondment and to sign the secondment agreement on behalf of Gloucester City Council and to make any necessary consequential amendments to the Council's Constitution arising from the agreed terms and any re-assignment of the current Monitoring Officer functions.

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(4) To note that the Managing Director took an urgent decision on 13th August 2021 to appoint Jodie Townsend as Interim Monitoring Officer for the period 16 August 2021 until 30 September 2021.

37. NOTICES OF MOTION

37.1 Councillor Chambers-Dubus moved and Councillor Pullen seconded the following motion:

“This council is pleased that Ubico has been awarded the waste and recycling, street cleaning and grounds maintenance contract and will commence delivery of services in April 2022.

When bidding for the contract Ubico demonstrated their competency not only to 4 deliver and improve existing services but also their willingness to consider the development of new initiatives that would benefit both the council and residents.

Many people in Gloucester use the Household Recycling Centre (HRC) at Hempsted to dispose of their household waste and recycling. Despite the impact of Covid and the current appointments only arrangements the service is widely used.

However, not everyone in Gloucester is able to access or have transport to use the HRC. Similarly, some people do not have enough rubbish to justify the expense of a full-size skip, or an adequate place to locate one.

Councils in other areas have identified this as an issue and have developed a ‘Big Wheelie Bin Scheme’ where residents can hire a large bin for a fixed period at a reasonable cost. This has been found to be a cost effective and convenient service and has had an impact and reduction in fly tipping.

This council is therefore instructed to hold discussions with Ubico and explore developing a ‘Big Wheelie Bin’ scheme for residents who wish to take advantage of such a service.”

37.2 Councillor Cook proposed the following amendment that was seconded by Councillor Melvin.

“This council is pleased that Ubico has been awarded the waste and recycling, street cleaning and grounds maintenance contract and will commence delivery of services in April 2022.

When bidding for the contract Ubico demonstrated their competency not only to deliver and improve existing services but also their willingness to consider the development of new initiatives that would benefit both the council and residents.

Many people in Gloucester use the Household Recycling Centre (HRC) at Hempsted to dispose of their household waste and recycling. Despite the impact of Covid and the current appointments only arrangements the service is widely used. However, not everyone in Gloucester is able to access or have transport to use the

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HRC. Similarly, some people do not have enough rubbish to justify the expense of a full-size skip, or an adequate place to locate one.

Councils in other areas have identified this as an issue and have developed a 'Big Wheelie Bin Scheme' where residents can hire a large bin for a fixed period at a reasonable cost. This has been found to be a cost effective and convenient service and has had an impact and reduction in fly tipping.

This council is ~~therefore instructed to~~ **will** hold discussions with Ubico and explore **options to trial** developing a 'Big Wheelie Bin' scheme for residents who wish to take advantage of such a service."

37.3 The amendment was accepted, which became the substantive.

37.4 The amended motion was put to a vote and carried.

37.5 **RESOLVED that: -**

This council is pleased that Ubico has been awarded the waste and recycling, street cleaning and grounds maintenance contract and will commence delivery of services in April 2022.

When bidding for the contract Ubico demonstrated their competency not only to deliver and improve existing services but also their willingness to consider the development of new initiatives that would benefit both the council and residents.

Many people in Gloucester use the Household Recycling Centre (HRC) at Hempsted to dispose of their household waste and recycling. Despite the impact of Covid and the current appointments only arrangements the service is widely used. However, not everyone in Gloucester is able to access or have transport to use the HRC. Similarly, some people do not have enough rubbish to justify the expense of a full-size skip, or an adequate place to locate one.

Councils in other areas have identified this as an issue and have developed a 'Big Wheelie Bin Scheme' where residents can hire a large bin for a fixed period at a reasonable cost. This has been found to be a cost effective and convenient service and has had an impact and reduction in fly tipping.

This council will hold discussions with Ubico and explore options to trial a 'Big Wheelie Bin' scheme for residents who wish to take advantage of such a service.

37.6 Councillor Bowkett moved and Councillor Field seconded the following motion:

"This council notes the importance of planting more trees in Gloucester and understands that those saplings together with mature trees will also need to be maintained. It welcomes the guiding principles of the 2020 Gloucestershire Tree Strategy, valuing the many benefits that a high-quality green infrastructure brings to our communities, which includes growing trees near where people live and work.

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This council recognises that while there are valuable contributions from development and external grants, for example, the Forestry Commission, there is a pressing shortfall in tree planting, maintenance and resources, the fixed budget per financial year is acutely inadequate, and this status quo has already placed increasing pressure on achieving the objectives of the 2020 strategy.

As such, this Council calls on the Cabinet Member to provide members with a written report, delivered in good time for members to consider before the next budget, that will:

- (a) identify ways we can do more to support tree planting and maintenance
- (b) identify further City Council funds for this purpose
- (c) encourage the County Council to boost funding for Highway trees, and
- (d) set targets and map them against such further funding so that the 2020 Strategy for Gloucester can be fulfilled.

In essence, this council agrees that preparing a more realistic annual budget to 5 commence from the next financial year is vital to support the planting and maintenance of trees and increase biodiversity in Gloucester.”

37.7 Councillor Cook moved and Councillor A. Chambers seconded the following amendment.

“This council notes the importance of planting more trees in Gloucester and understands that those saplings together with mature trees will also need to be maintained. It welcomes the guiding principles of the 2020 Gloucestershire Tree Strategy, valuing the many benefits that a high-quality green infrastructure brings to our communities, which includes growing trees near where people live and work.

This council recognises that while there are valuable contributions from development and external grants, for example, the Forestry Commission, there is a pressing shortfall in tree planting, maintenance and resources, the fixed budget per financial year is acutely inadequate, and this status quo has already placed increasing pressure on achieving the objectives of the 2020 strategy.

This Council notes that the Cabinet Member agreed as part of the Budget delivered in February 2020 and delayed for a year by Covid that up to 300 trees would be provided to each Member to plant in their own wards with the help of local community groups and that virtually none of this has yet been taken up.

As such, this Council calls on the Cabinet Member to provide members with a written report, delivered in good time for members to consider before the next budget, that will:

- (a) identify ways we can do more to support tree planting and maintenance

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(b) identify **consider in the light of competing priorities** whether further City Council funds **can be identified** for this purpose

(c) encourage the County Council to boost funding for Highway trees, and

(d) set targets and map them against such further funding so that the 2020 Strategy for Gloucester can be fulfilled.

In essence, this council agrees that ~~preparing a more realistic annual budget to commence from the next financial year~~ it is vital to support the planting and maintenance of trees and increase biodiversity in Gloucester.”

37.8 The amended motion was put to a vote and carried.

37.9 **RESOLVED that: -**

This council notes the importance of planting more trees in Gloucester and understands that those saplings together with mature trees will also need to be maintained. It welcomes the guiding principles of the 2020 Gloucestershire Tree Strategy, valuing the many benefits that a high-quality green infrastructure brings to our communities, which includes growing trees near where people live and work.

This council recognises that while there are valuable contributions from development and external grants, for example, the Forestry Commission, there is a pressing shortfall in tree planting, maintenance and resources, the fixed budget per financial year is acutely inadequate, and this status quo has already placed increasing pressure on achieving the objectives of the 2020 strategy.

This Council notes that the Cabinet Member agreed as part of the Budget delivered in February 2020 and delayed for a year by Covid that up to 300 trees would be provided to each Member to plant in their own wards with the help of local community groups and that virtually none of this has yet been taken up.

As such, this Council calls on the Cabinet Member to provide members with a written report, delivered in good time for members to consider before the next budget, that will:

(a) identify ways we can do more to support tree planting and maintenance.

(b) consider in the light of competing priorities whether further City Council funds can be identified for this purpose.

(c) encourage the County Council to boost funding for Highway trees, and

(d) set targets and map them against such further funding so that the 2020 Strategy for Gloucester can be fulfilled.

In essence, this council agrees that it is vital to support the planting and maintenance of trees and increase biodiversity in Gloucester.

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37.10 Councillor Hilton moved and Councillor Hyman seconded the following motion.

“This council notes the election on the 6th of May of Chris Nelson as Gloucestershire’s new police and crime commissioner.

This council also notes that Chris Nelson pledged during the election to put more police officers, special constables and police and community support officers on patrol on the streets of Gloucestershire, with the aim of cutting anti-social behaviour in half.

This council agrees that increasing the number of police officers and PCSOs patrolling in Gloucester to cut anti-social behaviour and reduce crime is an objective this council can support.

Council, therefore agrees that a letter should be sent to Gloucestershire’s PCC, from the three group leaders inviting Mr Nelson to address council in open session on his plans to improve community policing in the city of Gloucester, allowing for a question and answer session from elected members following Mr Nelson’s address to council.

The details of the session to be agreed between the three group leaders and the PCC.”

37.11 The motion was accepted.

37.12 RESOLVED that: -

This council notes the election on the 6th of May of Chris Nelson as Gloucestershire’s new police and crime commissioner.

This council also notes that Chris Nelson pledged during the election to put more police officers, special constables and police and community support officers on patrol on the streets of Gloucestershire, with the aim of cutting anti-social behaviour in half.

This council agrees that increasing the number of police officers and PCSOs patrolling in Gloucester to cut anti-social behaviour and reduce crime is an objective this council can support.

Council, therefore agrees that a letter should be sent to Gloucestershire’s PCC, from the three group leaders inviting Mr Nelson to address council in open session on his plans to improve community policing in the city of Gloucester, allowing for a question and answer session from elected members following Mr Nelson’s address to council.

The details of the session to be agreed between the three group leaders and the PCC.

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37.13 Councillor Morgan moved and Councillor Hudson seconded the following motion:

“This Council welcomes the opening by The Music Works and Gloucester Culture Trust of their respective new facilities at King’s House next to King’s Square.

The Music Works will now provide state of the art premises and equipment to anyone seeking to further their interest or career as a performer or technician.

JOLT has various opportunities as a start up hub for artists and entrepreneurs to work in the creative industries right next to the heart of Gloucester.

This Council wishes to record its thanks to all the individuals, partners, sponsors and organisations, including Officers of the City Council, for their parts in creating these exciting and exceptional opportunities for the furtherance of the lives of artists and musicians in Gloucester.”

37.14 The motion was put to the vote and was carried.

37.15 **RESOLVED that:** -

This Council welcomes the opening by The Music Works and Gloucester Culture Trust of their respective new facilities at King’s House next to King’s Square.

The Music Works will now provide state of the art premises and equipment to anyone seeking to further their interest or career as a performer or technician.

JOLT has various opportunities as a start-up hub for artists and entrepreneurs to work in the creative industries right next to the heart of Gloucester.

This Council wishes to record its thanks to all the individuals, partners, sponsors and organisations, including Officers of the City Council, for their parts in creating these exciting and exceptional opportunities for the furtherance of the lives of artists and musicians in Gloucester.

38. WRITTEN QUESTIONS TO CABINET MEMBERS

38.1 In respect of question 1, Councillor Hyman asked the Leader the City Council, Councillor Cook, whether the City Council worked with other authorities to work out the best practice to deal with Dog Fouling. In response, the Leader responded that, City Council Officers did not work formally with other authorities on the issue, and there were unfortunately not many instances of authorities being successful in catching Dog Foulers in the act.

38.2 In respect of question 2, Councillor Hilton asked the Cabinet Member for Planning and Housing Strategy what had gone wrong with the housing stock survey. In response, Councillor Gravells stated that he could not be held responsible for delays that had occurred during the Pandemic. He stated that

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there had been legal issues when the six local authorities went out to tender. He stated that he was keen for the survey to progress and would provide an update as soon as possible.

- 38.3 In respect of question 8, Councillor J.Brown asked the Leader why it was considered permissible for products and services which were damaging to the environment to advertise on the side of recycling vehicles. In response, Councillor Cook stated that he was not aware of the adverts in question and would require more detail.
- 38.4 In respect of Question 15, Councillor Castle asked the Cabinet Member for Planning and Housing Strategy, whether the land could be transferred to the City Council. In response, Councillor Gravelles stated that he believed that it was a County Council issue but would be happy to signpost the member in the right direction, should she wish to get in touch.

Time of commencement: 6.30 pm hours

Time of conclusion: 9.07 pm hours

Chair



Meeting:	Licensing and Enforcement Committee Full Council	Date: 14 September 2021 18 November 2021
Subject:	Gambling Act 2005 – Revised Statement of Principles following 10 week consultation	
Report Of:	Head of Communities	
Wards Affected:	All	
Key Decision:	No	Budget/Policy Framework: Yes
Contact Officer:	Rebecca Tuck, Community Wellbeing Officer Email: Rebecca.Tuck@gloucester.gov.uk Tel: 396678	
Appendices:	<ol style="list-style-type: none"> 1. Revised Statement of Principles 2. Response from Gambleaware 3. Response from Gosschalks on behalf of the Betting and Gaming Council 4. Response from Gloucestershire County Council Safeguarding Panel (GCSP) 5. Draft content for webpage – ‘Problem Gambling’ 	

1.0 Purpose of Report

- 1.1 The committee is asked to consider the responses received during the recent consultation on the revised draft Gambling Act 2005 Statement of Principles and recommend to Council that the revised Statement of Principles for 2022-2025 be formally approved and adopted.

2.0 Recommendations

- 2.1 The Licensing and Enforcement Committee is asked to **APPROVE** the Statement of principles and **RECOMMEND** that the revised Gambling Act 2005 Statement of Principles is approved and adopted by Council before it can advertise and publish it.
- 2.2 Council is asked to **RESOLVE** to adopt the Gambling Act 2005 Statement of Principles for 2022-2025 and to authorise the Head of Communities to publish and advertise it.

3.0 Background and Key Issues

- 3.1 The Council is the Licensing Authority for the purposes of the Gambling Act 2005
- 3.2 The Gambling Act 2005 sets out the regulatory system that governs the provisions of all gambling in Great Britain, other than the National Lottery. The Act requires us

to prepare a Statement that we propose to apply in exercising our functions under the Act.

- 3.3 The Statement is a licensing policy which sets out the general approach we will take when carrying out our regulatory role under the Act.
- 3.4 As of September 2007, licensing authorities were granted powers to licence gambling premises within their area as well as undertaking functions in relation to lower stake gaming machines and club and minor's welfare institutes. The Act also provides for a system of Temporary Use Notices. These authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling for limited periods.
- 3.5 The Gambling Act contains three licensing objectives which underpin the functions that the Gambling Commission and Gloucester City Council will perform. These Objectives are central to the regulatory regime created by the Act. They are:-
- Preventing gambling from being a source of Crime and Disorder.
 - Ensuring that gambling is conducted in a fair and open way and;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.6 Section 349 of the Act requires Gloucester City Council to prepare and publish a Statement of Principles that is proposes to apply in exercising its functions under the Act. The statement is a licensing policy which sets out the general approach that will be taken when carrying out its regulatory duties under the Act. This should be kept under review and must be re-published every three years.
- 3.7 The current Statement of Principles is due to expire in December 2021 and a new Statement of Principles must be in place by 31 January 2022.
- 3.8 The Act provides that the Licensing Authority must consult with:-
- The Chief Officer of Police for the Authority's area
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area, and
 - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.
- 3.9 There were no proposed changes to the Statement of Principles other than minor amendments to the Council's address details following relocation to Shire Hall and one minor change to the Max Stake for B2 machines at Appendix E of the document. In view of the minor changes having no effect on the overall content of the document it was approved for consultation by Cllr Clive Walford, Chair of the Licensing and Enforcement Committee on 11 May 2021 without the need for a full report to committee.
- 3.10 The document has been subject to a 10 week consultation between 03 June 2021 and 12 August 2021.

- 3.11 On 03 June 2021 all consultees were emailed with a link to the Council's website and invited to make a written comment.
- 3.12 During the consultation period three responses were received.
- 3.13 The first response was from Gambleaware who are an independent charity set up to fund research, education and treatment services to help to reduce gambling-related harm in Great Britain.

Gambleaware's response is generic and doesn't relate specifically to this draft statement. The Community Wellbeing Team are aware of the LGA publications that have been referred to and agree that there are a range of ways in which different Council services can support local residents who are affected by gambling related harm. We will provide leaflets in the Council's reception area for residents if and when it re-opens and will take into consideration the need to train frontline staff in recognising potential cases where harmful gambling may be present. We will create a page on our website to provide information about problem gambling. A draft of the proposed content for the webpage is attached as (Appendix 5) to this report.

The Community Wellbeing Team will continue to work with Becky Maclean the Gambling lead for Public Health at Gloucestershire County Council in developing a local area plan which will be published as a separate document on the Council's website.

- 3.14 The second response was from Gosschalks Solicitors on behalf of the Betting and Gaming Council their first comment relates to the use of the words 'promoting the licensing objectives' at paragraphs 2 and 5 of Part A. In response and in line with section 153 of the Gambling Act 2005 and the Gambling Commission's most recent guidance to licensing authorities at paragraph 6.7 it is proposed that the relevant paragraphs be amended to remove the words 'promoting the licensing objectives' to avoid any confusion with the Licensing Act 2003 and replace with 'pursue' the licensing objectives. Changes to the document can be seen shaded in grey.

Their second comment relates to Paragraph 5 of Part A headed 'Local Area Risk Assessment'. The Community Wellbeing Team agree that having reviewed the list of bullet points referred to that not all the matters are relevant to any assessment to risk to the licensing objectives and propose to amend the paragraph as follows:

This Licensing Authority will expect applicants and operators to consider factors such as:-

- *whether the premises is in an area of deprivation (refer to Part A, paragraph 3 headed City of Gloucester);*
- *whether the premises is in an area subject to high levels of crime and/or disorder;*
- *whether the premises is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;*
- *the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres libraries and other areas where children are likely to gather; and*
- *policies and procedures in place at the premises detailing how children and vulnerable people, including people with gambling dependencies are protected.*

- This could include staff training records on how to identify excessive gambling and vulnerable people and the steps to be taken to mitigate the risk;*
- *the layout of the premises including the siting of age restricted gaming machines to ensure that staff have an unobstructed view at all times of persons using the premises;*
 - *the location and operation of CCTV at the premises. This licensing authority will expect operators to retain images for a minimum of 31 days, images must be downloadable to disc and made available to the designated officer of any of the responsible authorities named in the Act. If the equipment becomes inoperative the Police and the Licensing Authority must be notified as soon as is reasonably practicable and steps must be taken to repair the system as soon as possible. Staffing levels should be taken into consideration during any period of downtime;*
 - *keeping details of people who have self-excluded;*
 - *keeping details of under-age refusals and the results of any test-purchasing carried out at the premises.*

Their third comment relates to mention of an outdated version of the 'Gambling Commissions Guidance to Licensing Authorities' within paragraph 1 of Part B. This has been amended to remove mention of the outdated version and replace with the relevant section of the Guidance namely Part 7 which remains the same in the most recent version published on 1 April 2021.

Their fourth comment relates to the section headed 'Location' on page 12 of Part B. In particular mention of where gambling premise should not be located. In response and in line with the Gambling Commission's most recent Guidance to Licensing Authorities it is proposed to amend the last sentence as follows:-

'Any revision to the policy in this regard would be justified by evidence and subject to consultation, It should be noted that any such area-specific policy would not preclude any application being made and each application will be decided on its merits and depend to a large extent on the type of gambling that is proposed for the premises'.

Their last comment relates to Part B page 14 'conditions attached to licences'. It is proposed that no change is required to this paragraph as paragraph 1 of Part B makes mention of the Mandatory and Default conditions attached to premises licences and page 14 is referring specifically to additional conditions that can be attached by the Licensing Authority where it is believed to be appropriate.

- 3.15 The third response was from Gloucestershire Safeguarding Children Partnership (GSCP). In response and to reflect the change of name of the Responsible Authority for the protection of children from harm paragraph 9 of Part A and Appendix B have been updated accordingly.

4.0 Social Value Considerations

- 4.1 There are no social value impacts, engaging effectively with communities through various media such as the consultation process positively engages with communities.

5.0 Environmental Implications

5.1 There are no Environmental Impacts.

6.0 Reasons for Recommendations

6.1 The Statement of Principles sets out how Gloucester City Council intends to administer its duties under the Gambling Act 2005.

6.2 To ensure that the Council complies with the Gambling Act 2005.

7.0 Future Work and Conclusions

7.1 The Council must publish its Statement of Principles at least 4 weeks prior to the date it is to come into effect. The effective date is 31 January 2022.

7.2 The Act requires that publication is to be:-

- On the Authority's website, and;
- For public inspection in one or more public libraries or other premises in the Council's area such as the Council's own offices.

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

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

7.4 Due to the publication and advertising requirements the Council will need to approve and publish the Statement of Principles no later than 1 January 2022. Therefore, the revised Statement of Principles will need to be agreed by Full Council on 18 November 2021 as that is the last meeting of full Council before the 1 January 2022 deadline.

8.0 Financial Implications

8.1 There are no financial implications associated with this report. We receive income through licence fees and this covers the cost of carrying out this function.

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

9.0 Legal Implications

- 9.1 The Act requires Gloucester City Council to prepare and approve a Statement of Principles to cover each 3 year period. The statement must contain the principles that the Council proposes to apply in exercising its function under the Act during the period.
- 9.2 Section 2 of the Act provides that the Council is the licensing authority for the purposes of the Gambling Act 2005. Section 157 of the Act provides that in relation to premises, the licensing authority in whose area the premises are situated is also a responsible authority. Therefore it is lawful and entirely proper for the licensing authority to carry out both of these roles.
- 9.3 Regulation 7 of the Gambling Act 2005 requires the Council to advertise and publish the statement for a period of four weeks before it takes effect.
- 9.4 If the Council approves that statement and advertises it for the required period prior to publication it will comply with its requirements as above.

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

10.0 Risk & Opportunity Management Implications

10.1 The risk management implications for this report are as follows:-

- Statement of Principles unfair, or too prescriptive;
- Revised Statement of Principles not published on time (on or by 1st January 2022)
- Consultation is inadequate

11.0 People Impact Assessment (PIA) and Safeguarding:

11.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion.

12.0 Other Corporate Implications

Community Safety

12.1 The Statement of Principles promote community safety because the Gambling Act 2005 Licensing Objectives prevent gambling from being a source of Crime and Disorder, being associated with Crime and Disorder or being used to support crime.

Sustainability

12.2 None

Staffing & Trade Union

12.3 None

Background Documents:

Gambling Act 2005

Gambling Commission's guidance to Licensing Authorities (5th Edition) published 1 April 2021 last updated (13 May 2021)

LGA Tackling Gambling Related Harm – A Whole Council Approach

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STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

2022-2025

COMMUNITY WELLBEING

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PART A

1. The Licensing Objectives

In exercising most of its functions under the Gambling Act 2005, Gloucester City Council (“the licensing authority”) must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:-

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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

Gloucester City Council is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Authority’s Statement of Licensing Policy

2. Introduction

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

Gloucester City Council will consult widely upon this Statement before finalising and publishing. A list of those persons who will be consulted is provided in Appendix A. The Gambling Act requires that the following parties are consulted by licensing authorities:-

- The Chief Officer of Police;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority’s area;
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority’s functions under the Gambling Act 2005.

Gloucester City Council recognises that the best means of pursuing the Licensing Objectives is through the co-operation and partnership of all the responsible authorities, local businesses and residents.

In developing a Statement of Principles that will deliver the Licensing objectives locally, consultation has taken place in accordance with the revised Code of Practice and the Cabinet Office Guidance on consultations by the public sector.

Our consultation took place between 03rd June 2021 and 12th August 2021 and we had regard to the HM Government Code of Practice.

The policy will be considered for approval at a meeting of the Full Council on 18th November 2021 and will be published via our website www.gloucester.gov.uk on or by 31st January 2022. A copy will be available by emailing community.wellbeing@gloucester.gov.uk or by visiting www.gloucester.gov.uk.

Should you have any comments as regards this Policy Statement please send them via email or letter to the following contact:-

Name: Rebecca Tuck, Community Wellbeing Officer

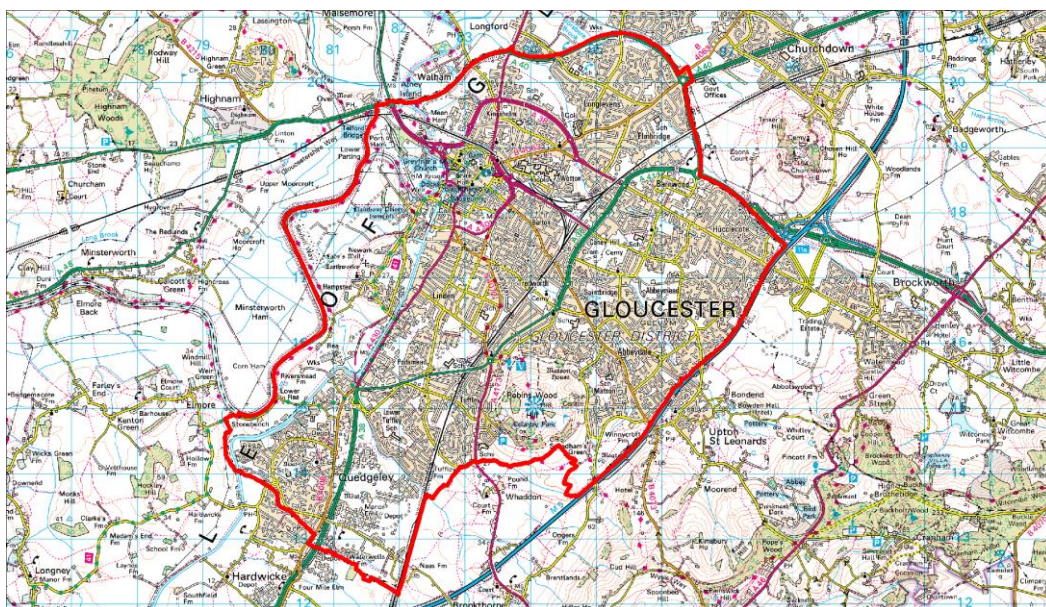
Address: Community Wellbeing Team, Gloucester City Council, Shire Hall, Westgate Street, Gloucester GL1 2TG

Email: community.wellbeing@gloucester.gov.uk

It should be noted that this Policy Statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. The City of Gloucester

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 129,128 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.



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The key provided identifies the city's boundaries and wards. The following wards are also noted as areas of deprivation: Westgate and Barton & Tredworth, with the Westgate Ward a focus for regeneration including a new bus station and improvements to the railway station providing enhanced transport links to and from the City. The Docks and

Quays area of the City is a focus of a major regeneration and there is a substantial housing development to the south of the City in an area known as Kingsway situated between the Quedgeley by-pass and the M5 Corridor.

4. Local Area Profile

This Licensing Authority will continue to work with Gloucestershire County Council's Public Health team to develop a Local Area Profile to assist applicants and licensees with their local area risk assessments. When a local area profile has been produced it will be a separate document to this Statement of Principles and will be made available on the Council's website.

5. Local Area Risk Assessment

The Gambling Commission has introduced provisions in its social responsibility code within the Licence Conditions and Code of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. The national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risk associated with gambling.

A risk-based approach provides a better understanding of risk, and enables a proportionate response. This approach includes looking at future risks and thinking or probable risks. Risk is not necessarily related to an event that has happened, it is also related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

The LCCP states that licensees must review (and update as necessary) their local risk assessments:-

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

Local Risk Assessments apply to all Adult Gaming Centres, Family Entertainment Centres, Non Remote Betting, Non Remote Bingo, Non Remote Casinos and Betting Intermediaries (trading room only).

This Licensing Authority requires applicants to provide a risk assessment when applying for a premises licence or when applying for a variation to an existing licence.

This Licensing Authority will expect applicants and operators to consider factors such as:-

- whether the premises is in an area of deprivation (refer to part a, paragraph 3) headed The city of Gloucester);
- whether the premise is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;
- the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres, libraries and other areas where children are likely to gather; and
- the demographics of the area in relation to vulnerable groups

- policies and procedures in place at the premises detailing how children and vulnerable people, including people with gambling dependencies, are protected. This could include staff training records on how to identify excessive gambling and vulnerable people and the steps to be taken to mitigate the risk;
- the layout of the premises including the siting of age restricted gaming machines to ensure that staff have an unobstructed view at all times of persons using the premises;
- the location and operation of CCTV at the premises. This licensing authority will expect operators to retain images for a minimum of 31 days, images must be downloadable to disc and made available on request to a delegated officer of any of the responsible authorities named in the Act. If the equipment becomes inoperative the police and the licensing authority must be notified as soon as is reasonable practicable and steps must be taken to repair the system as soon as possible. Staffing levels should be taken into consideration during any period of downtime;
- keeping details of people who have self-excluded;
- keeping details of under-age refusals and the results of any test-purchasing carried out at the premises.

This list is not exhaustive it simply provides examples of matters that may be relevant to pursue the licensing objectives.

A significant change in local circumstances that would require an Operator to review their local area risk assessment may include:-

- a substantial building development, residential or otherwise, which could lead to an increase in children or vulnerable persons in the local area, examples may include, homeless hostels, addiction support facilities, hospitals or doctor's surgeries;
- a new or significant change to an educational establishment;
- where an increase in anti-social behaviour or alcohol/drug related behaviour in the local area has been identified;
- any new pay day loan or pawn brokers open in the local area;
- Changes are made to the location and/or timings of public transport in the local area, such as a bus stop used by children going to/from school is moved to a location within the proximity of a gambling premises;
- where there has been a significant change to the layout of a gambling premises that could undermine the promotion of the licensing objectives;

This licensing authority expects that the local area risk assessment is kept at the individual premises and that staff are aware of the content of the risk assessment and can locate it for inspection on request by a Police Officer or an Authorised Officer of Gloucester City Council or the Gambling Commission.

6. Plans of the Premises

All new applications for a premises licence, and where relevant variation applications, must include a plan of the premises. This Authority expects the plan to show the outline of the premises defined in red, all exit/entrance points, any fixed structures and the position of counters, gaming machines etc.

7. Public Health and Gambling

This Licensing Authority agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.

Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without exhibiting any signs of problematic behaviour. There are, however, significant numbers of people who do experience significant harm as a result of their gambling.

For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse.

There can also be considerable negative effects experienced by the wider group of people around a gambler. The health and wellbeing of partners, children, and friends can all be negatively affected.

Therefore the Licensing Authority considers that Public Health teams, whilst not a responsible authority under the Act, can still assist the Licensing Authority to address gambling related harm in its area.

This Licensing Authority will, therefore, continue to engage with the local Public Health team in the future development of this Statement of Principles and in developing a Local Area Profile. Public Health at Gloucestershire County Council recognises gambling-related harm and considers it a key issue when assessing risk to the wellbeing of their communities. The Public Health team will be able to help the Licensing Authority:-

- identify and interpret health data and evidence to inform the review of the statement and develop a local area profile;
- make decisions that benefit and protect the health and wellbeing of local communities;
- be clear on issues which they can have regard to when deciding on licences for a wide range of gambling activities.

8. Declaration

In producing this Statement, Gloucester City Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance to Local Authorities issued by the Gambling Commission, and any responses from those consulted on the draft Statement.

9. Responsible Authorities

Responsible Authorities are public bodies that must be notified of applications and who are entitled to make representations to the licensing authority if they are relevant to the Licensing Objectives.

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The principles are:-

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

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities this Authority designates the Gloucestershire Safeguarding Children Partnership for this purpose. The Gloucestershire Safeguarding Partnership comprises of Gloucestershire Clinical Commissioning Group, Gloucestershire County Council and Gloucestershire Constabulary. The GSCP Executive will review and delegate its duties as responsible authority to the most suitable safeguarding partner for this purpose every three years setting out its arrangements in its own 'Published Arrangements' document.

The contact details of all Responsible Authorities under the Gambling Act 2005 are attached as Appendix B.

10. Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:-

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person -

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) has business interests that might be affected by the authorised activities; or
- (c) represents persons who satisfy paragraph (a) or (b).”

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:-

Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance for local authorities at 8.11 to 8.17 (*Note: If a licensing authority does not wish to follow the Gambling Commission’s Guidance in any respect it is advised to state this in its Statement. Note though that decisions on premises licences and temporary use notices must be “in accordance” with Gambling Commission Guidance (Section 153)*). It will also consider the Gambling Commission’s Guidance that the term “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate/relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Community Wellbeing on 01452 396396 or by email: community.wellbeing@gloucester.gov.uk

11. Exchange of Information

Licensing authorities are required to include in their Statements the principles to be applied by the Authority in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Details of applications and representations which are referred to the Licensing Sub-Committee for determination will be detailed reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

12. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified

This Licensing Authority's principles are that:-

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:-

Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;

Consistent: rules and standards must be joined up and implemented fairly;

Transparent: regulators should be open and keep regulations simple and user friendly; and

Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

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

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

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but should be notified to the Gambling Commission.

The Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/arrangements are available upon request to the

Community Wellbeing Team (email: community.wellbeing@gloucester.gov.uk). Our risk methodology will also be available upon request.

13. Licensing Authority Functions

Gloucester City Council has a duty under the Act to licence premises where gambling is to take place and to licence certain other activities. 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery. In particular Gloucester City Council will be responsible for:

- The licensing of premises where gambling activities are to take place by issuing *Premises Licences*.
- Issue *Provisional Statements*.
- Regulate *Members' Clubs and Miners' Welfare Institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issue *Club Machine Permits to Commercial Clubs*.
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*.
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register *small society lotteries* below prescribed thresholds.
- Issue *Prize Gaming Permits*.
- Receive and endorse *Temporary Use Notices*.
- Receive *Occasional Use Notices*.
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'Information Exchange').
- Maintain registers of the permits and licences that are issued under these functions.
- Setting and collecting licence/permit fees.
- Inspection, compliance and enforcement locally in relation to licences, permits and permissions issued under the above functions.

It should be noted that the Gambling Commission regulates remote gambling and issues personal and operating licences for premises

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

14. The Gambling Commission

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.

The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally. It also produces guidance under Section 25 of the Act detailing how local authorities should exercise their licensing functions.

In addition, the Commission's role is to issue codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.

Information about the Gambling Commission can be found at:
<http://www.gamblingcommission.gov.uk/Home.aspx>

PART B

PREMISES LICENCES : CONSIDERATION OF APPLICATIONS

1. General Principles

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

This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Authority's Statement of Licensing Policy

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for a Licensing Authority.

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

The Gambling Commission states in its Guidance to Licensing Authorities Part 7 that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

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

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

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

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

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

This authority recommends that all holders of Premises Licences sign up to Gloucester City Safe. For further details please contact the Community Wellbeing Team on 01452 396396.

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

Casinos

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

Adult Gaming Centre

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

Betting Shops

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

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

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

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

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

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

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

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

Location - This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Any revision to the policy in this regard would be justified by evidence and subject to consultation, it should be noted that any such area-specific policy would not preclude any application being made and each application will be decided on its merits and depend to a large extent on the type of gambling that is proposed for the premises.

Planning – The Gambling Commission Guidance to Licensing Authorities states:-
In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

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

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

Duplication with other regulatory regimes - This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which cannot be met by licensees due to planning restrictions, should such a situation arise.

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

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

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

Ensuring that gambling is conducted in a fair and open way - This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regards to tracks which is explained in more detail in the 'tracks' section below - page 17.

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

This Licensing Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs". This Licensing Authority will consider this licensing objective on a case by case basis. A list of organisations set up to give help and advice about problem gambling is attached as Appendix D.

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

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

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

The Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;

- the area where these machines are located is arranged so that it can be observed by the staff of the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:-

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

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

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

2. Adult Gaming Centres

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

This Licensing Authority may consider measures to meet the licensing objectives such as:-

- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.

- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

3. (Licensed) Family Entertainment Centres

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

This Licensing Authority may consider measures to meet the licensing objectives such as:-

- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Measures/training for staff on how to deal with suspected truant school children on the premises and how to identify and report safeguarding and child sexual exploitation (CSE) concerns.

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

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

4. Casinos

No Casinos resolution - This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this Policy Statement with details of that resolution. Any such decision will be made by the Full Council.

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

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

5. Bingo Premises

This Licensing Authority notes that the Gambling Commission's Guidance states:-

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

A holder of a Bingo Premises Licence may make available for use, a number of Category B machines not exceeding 20% of the total number of gaming machines which are available for use.

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

6. Betting Premises

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

7. Tracks

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority may consider measures to meet the licensing objectives such as:-

- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

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

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

Applications and plans

The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

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

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or

racers. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

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

8. Travelling Fairs

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

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

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

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

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

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

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

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

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

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

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

10. Reviews

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

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

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

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

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

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

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

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

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

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

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

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

11. Complaints

This Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about a licensed premises or a valid application for a licence to be reviewed, this Licensing Authority will, where appropriate, seek to arrange a mediation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Authority consider their objections, or for any licence holder to participate in a mediation meeting.

PART C

PERMITS/REGISTRATIONS AND TEMPORARY AND OCCASIONAL USE NOTICE

1. Unlicensed Family Entertainment Centre Gaming Machine Permits

Where a premises does not hold a premises licence but wishes to provide gaming machines of category D only, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

“ ... An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application ... licensing authorities might wish to consider asking applications to demonstrate:-

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stake and prizes.

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

This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:-

- appropriate measures/training for staff as regards suspected truant school children on the premises;
- measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises;
- measures/training for staff on how to identify and report safeguarding and child sexual exploitation (CSE) concerns.

The Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate:-

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed fecs;
- that the applicant has no relevant convictions (those that are set out in schedule 7 of the act);
- staff are trained to have a full understanding of the maximum stakes and prizes:

2. (Alcohol) Licensed Premises Gaming Machine Permits (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed fee. The

Licensing Authority can remove the automatic authorisation in respect of any particular premises if:-

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

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

This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a Statement of Principles that they propose to apply in exercising their functions under this Schedule” and “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:-

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law,

- clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:-

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

4. Club Gaming and Club Machines permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit (CGP) . The Club Gaming Permit will enable the premises to provide up to three gaming machines in total of categories (B3A, B4, C or D but by agreement, only one machine can be of category B3A), equal chance gaming such as poker and bingo and games of chance as prescribed in regulations (pontoon and chemin de fer only).

A Club Machine Permit (CMP) will enable the premises to provide up to three gaming machines in total of categories (B3A, B4, C or D but by agreement, only one machine can be of category B3A).

Commercial clubs are also able to apply for a club machine permit, although such a permit does not allow the siting of category B3A gaming machines by commercial clubs.

A Club Gaming Permit or Club Machine Permit lasts for 10 years unless it ceases to have effect because it is surrendered or lapses. However, a permit granted under the fast-track procedure does not expire, unless it ceases to have effect because it is surrendered, cancelled or forfeited or it lapses.

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:-

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;

- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:-

- (a) that the club is established primarily for gaming, other than gaming prescribed under Schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a Code of Practice about the location and operation of gaming machines.

5. **Small Society Lotteries**

Introduction

Under the Gambling Act 2005, a lottery is unlawful unless it runs under an operating licence issued by the Gambling Commission or, is an exempt lottery. This Licensing Authority will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories:-

- Licensed Lotteries (requiring an operating licence from the Gambling Commission);
- Exempt Lotteries (including small society lotteries registered with Gloucester City Council).

Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:-

- Small society lotteries;
- Incidental non-commercial lotteries;
- Private lotteries;
- Private society lotteries;
- Work lottery;
- Residents' lottery;
- Customers' lottery.

The Licensing Authority defines 'society' as the society or any separate branch of such a society on whose behalf a lottery is to be promoted, and needs to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation.

Section 19 of the Act defines a society as such if it is established and conducted:-

- for charitable purposes, as defined in s2 of the Charities Act 2006;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
- for any other non-commercial purpose other than that of private gain.

It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in section 19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

Applications to Register

Applicants for a small society registration must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.

Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all the necessary supporting documents required by the Licensing Authority to determine the application.

If there is any doubt as to the status of a society that makes application for registration to carry on small society lotteries, the Licensing Authority may require the society to provide documentary evidence in support of their application. The types of evidence that may be required include, but are not restricted to:-

- A list of the members of the society;
- the society's constitution or a similar document setting out the aims and objectives of the society and its governance arrangements;
- a written declaration from the applicant stating that they represent a bona fide non-commercial society.

The Licensing Authority shall refuse an application for registration if in the period of five years ending with the date of the application:-

- an operating licence held by the applicant for registration has been revoked under section 119(1) of the act, or
- an application for an operating licence made by the applicant for registration has been refused.

The Licensing Authority may refuse an application for registration if they think that:-

- the applicant is not a non-commercial society;
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with the application for registration is false or misleading.

The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations at a formal hearing. If the Licensing Authority is minded to refuse registration, it will inform the society of the reasons why it is minded to do so and provide it with an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:-

- Whether allowing the registration of the society would be consistent with the Act;
- Whether allowing the registration of the society would be consistent with the promotion of the licensing objectives;
- Whether allowing the registration of the society would be consistent with any relevant code of practice issued by the Gambling Commission.

Any decision made at a hearing may be appealed to the Magistrates' Court within 21 days of receiving notice of the decision.

Promoting a small society lottery

Participation in a lottery is a form of gambling, and as such the Licensing Authority requires societies that it registers to conduct their lotteries in a socially responsible manner and in accordance with the Act.

The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over.

As the minimum age for participation in a lottery is 16, this Licensing Authority expects those societies that it registers to have written procedures and policies in place to help prevent and deal with lottery tickets being sold to children, including procedures for:

- checking the age of apparently underage purchasers of lottery tickets;
- taking action where there are unlawful attempts to purchase tickets.

Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society;
- the price of the ticket, which must be the same for all tickets;
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is on the external lottery manager (elm);
- the date of the draw, or information which enables the date to be determined.

The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

With regards to where small society lottery tickets may be sold, this Licensing Authority applies the following criteria to all small society lottery operators:-

Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

Where the annual fee is not paid by the due date this Licensing Authority will cancel the small society registration. This is subject to the discretion of the Community Wellbeing Manager who shall determine whether cancellation shall apply on a case by case basis. The onus is firmly placed on the Society to ensure they pay the annual fee by the due date.

Financial Returns

As the purpose of permitted lotteries is to raise money for non-commercial causes, the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.

The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society;
- no single prize may be worth more than £25,000
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000;
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed.

The Act sets out the information that the promoting society of a small society lottery must send as returns to the licensing authority with which it is registered, following each lottery held. This information allows the Licensing Authority to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

The following information must be submitted;-

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover;
- the total proceeds of the lottery;
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers;
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery;
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds);
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

The Act also requires that returns must;

- be sent to the licensing authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratchcards) within three months of the last date on which tickets were on sale;
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

This Licensing Authority allows for returns to be sent to them both electronically and manually. The form of returns required can be downloaded from the Licensing Authority's website.

Where societies run more than one lottery in a calendar year, this Licensing Authority must monitor the cumulative total of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales.

This Licensing Authority must notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question.

Revocation of a registration

This Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.

Revocations cannot take place unless the society has been given an opportunity to make representations at a hearing or via correspondence. In preparation for this, the Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.

Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- whether allowing the registration of the society to continue would be consistent with the act;
- whether allowing the registration of the society to continue would be consistent with the promotion of the licensing objectives;
- whether allowing the registration of the society to continue would be consistent with any relevant code of practice issued by the gambling commission.

Any decision made at a hearing may be appealed to the Magistrates' Court within 21 days of receiving notice of the decision.

5. Temporary Use Notices

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

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

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

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

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

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

6. Occasional Use Notices

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

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

CONSULTEES

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

- Betting and Gaming Council
- British Amusement Catering Association (BACTA)
- The Bingo Association
- The British Association of Leisure Parks, Piers & Attractions Ltd (BALPPA)
- Chief Officer of Police
- Elected Members of Gloucester City Council
- Richard Graham MP
- Citizens Advice Bureau
- GamCare
- Gamblers Anonymous
- Holders of existing licences, permits and registrations who will be affected by the provisions of the Act
- Licensed Victuallers Association
- Lotteries Council
- Responsible Authorities
- Quedgeley Town Council
- Responsibility in Gambling Trust
- Elected Members of Gloucestershire County Council

CONTACT DETAILS FOR RESPONSIBLE AUTHORITIES

LICENSING AUTHORITY

Gloucester City Council
Community Wellbeing
Shire Hall
Westgate Street
Gloucester
GL1 2TG

Telephone: 01452 396396
Email: community.wellbeing@gloucester.gov.uk

LOCAL PLANNING AUTHORITY

Development Control Service Manager
Gloucester City Council
Shire Hall
Westgate Street
Gloucester
GL1 2TG

Telephone: 01452 396776
Fax: 01452 396779
Email: development.control@gloucester.gov.uk

THE GAMBLING COMMISSION

Victoria Square House
Victoria Square
BIRMINGHAM
B2 4BP

Telephone: 0121 230 6500
Fax: 0121 233 1096
Email: info@gamblingcommission.gov.uk

GLOUCESTERSHIRE CONSTABULARY

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

Telephone: 01452 754482
Email: licensing@gloucestershire.pnn.police.uk

The main Police switchboard number is 0845 090 1234.

GLOUCESTERSHIRE FIRE AND RESCUE

Chief Fire Officer
Fire Service Headquarters
Waterwells Drive
Quedgeley
Gloucester
GL2 2AX

Telephone: 01452 753333
Fax: 01452 753304
Email: fire@glosfire.gov.uk

GLOUCESTERSHIRE GSCP

Gloucestershire Safeguarding Children Partnership (refer to paragraph 9 of Part A for partnership details)

Email: licensing@gloucestershire.pnn.police.uk

HM REVENUE & CUSTOMS

Excise Processing Teams
BX9 1GL
United Kingdom

Telephone 0300 322 7072 Option 7
Email nrubetting&gaming@hmrc.gsi.gov.uk

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

SOUTH WALES AND BRITISH WATERWAYS

Canal & River Trust
The Dock Office
Commercial Road
Gloucester
GL1 2EB

E-mail [enquiries.southwalessevern @canalrivertrust.org.uk](mailto:enquiries.southwalessevern@canalrivertrust.org.uk)

ENVIRONMENT AGENCY

Riversmeet House
Newtown Industrial Estate
Northway Lane
Tewkesbury
Gloucestershire
GL20 8JG

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

DCMS
2-4 Cockspur Street
London
SW1Y 5DH

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

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

LIST OF ORGANISATIONS THAT GIVE HELP AND ADVICE ABOUT PROBLEM GAMBLING

The following organisations are working to tackle problem gambling and may be able to help individuals and/or organisations.

Responsibility in Gambling Trust (RIGT)

10 Brick Street

London

W1J 7HQ

Tel: 0207 518 0023

Fax: 0207 518 0174

Email: enquiries@rigt.org.uk

Citizens Advice

Gloucester and District Citizens Advice Bureau

Messenger House

35 St Michael's Square

Gloucester

GL1 1HX

Tel: 01452 527202

Gam Anon

PO Box 5382

London

W1A 6SA

National Help Line: 08700 50 88 80

Midlands 0121 233 1335

Gamblers Anonymous (UK)

Birmingham 0121 233 1335

Gam Care

2nd Floor

7-11 St John's Hill

London

SW11 1TR

Tel: 020 7801 7000

Fax: 020 7801 7033

Email: info@gamcare.org.uk

Gordon House Association

43-47 Maughan Street

Dudley

West Midlands

DY1 2BA

Tel: 01384 241 292

Email: help@gordonhouse.org.uk

NCH Children's Charity
85 Highbury Park
London
N5 1UD
Tel: 020 7704 9037
Fax: 020 7704 7134

NHC South West
Horner Court
637 Gloucester Road
Horfield
Bristol
BA7 0BJ
Tel: 01179 354 440
Fax: 01179 512 470

National Debt Line
Tel: 0808 808 4000

APPENDIX E

Category of Machine	Maximum Stake	Maximum Prize
A	No category A gaming Machines	Are currently permitted
B1	£5	£10,000 or £20,000 if linked to other B1 machines
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D	Various 10p to £1	£5 to £50 (max relates to non-money prizes only)

Rebecca Tuck

From: Community Wellbeing
Sent: 13 July 2021 11:48
To: Rebecca Tuck
Subject: FW: Consultation on Draft Revised Statement of Principles 2022-2025

One for you Becky

From: Info <info@gambleaware.org>
Sent: 13 July 2021 10:25
To: Community Wellbeing <Community.Wellbeing@gloucester.gov.uk>
Subject: RE: Consultation on Draft Revised Statement of Principles 2022-2025

CAUTION: This email originates from outside the organisation. Do not click links or open attachments unless you trust the sender and know the contact is safe. Contact IT if in doubt

Dear Rebecca,

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published [interactive maps](#) useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

- . <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
- . <https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the **National Gambling Helpline on 0808 8020 133** and also www.begambleaware.org. Both are part of the **National Gambling Treatment Service** and offer free, confidential advice and support for those who may need it.

Best regards,
Natalie

Natalie Simpson
Company Secretary

GambleAware[®]

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GOSSCHALKS

BY EMAIL AND POST
FAO Rebecca Tuck
Gloucester City Council
Shire Hall
Westgate Street
Gloucester GL1 2TG

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 123267.00001
#GS3948058
Your ref:
Date: 30 June 2021

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four principle objectives. These are to –

- create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable
- ensure future changes to the regulatory regime are considered, proportionate and balanced
- become respected as valuable, responsible and engaged members of the communities in which its members operate
- safeguard and empower the customer as the key to a thriving UK betting and gaming industry

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984 W www.gosschalks.co.uk DX 11902 – Hull

Gosschalks is the trading name of Gosschalks LLP, a Limited Liability Partnership registered in England and Wales with number OC431300. Our registered office is at Queen's Gardens, Hull, HU1 3DZ. We use the term "Partner" to refer to a member of the LLP or an employee or consultant who is a lawyer or with equivalent standing and qualifications. A list of the members of Gosschalks LLP is available for inspection at the above address.

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Lexcel
Legal Practice Quality Mark
Law Society Accredited

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems. Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. These figures do not take into account the COVID 19 period which betting offices saw a further 374 betting offices close.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

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Lexcel
Legal Practice Quality Mark
Law Society Accredited

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the statement of principles, draft for consultation 2022-2025

On behalf of the Betting and Gaming Council, we welcome the light touch approach to Statement of Principles.

There are references in paragraphs 2 and 5 of Part A to promoting the licensing objectives. We respectfully submit that these references should be amended. Whilst the concept of the promotion of the licensing objectives is fundamental as far as Licensing Act 2003 applications are concerned, application for premises licences under Gambling Act 2005 are required to be “reasonably consistent with the licensing objectives”. Neither the City Council nor the operator is required to “promote” the licensing objectives. Indeed, the only body required to promote the licensing objectives under Gambling Act 2005 is the Gambling Commission itself. To avoid confusion with the requirements under Licensing Act 2003, we respectfully submit that these references should be amended.

Paragraph 5 of Part A explains the requirements under the LCCP for gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling premises and to have policies, procedures and control measures to mitigate those risks.

Within that paragraph there is a list of bullet points of examples of factors to be taken into account. Whilst we appreciate that these are only examples, this list of bullet points needs to be re-drafted to remove matters that cannot be relevant to any assessment to the risk to the licensing objectives. For example, areas that are prone to issues of youths participating in antisocial behaviour such as activities as graffiti / tagging, under age drinking etc are issues of nuisance. These are not relevant considerations in the context of a Gambling Act 2005 risk assessment. Similarly, demographics, the ethnic profile of residents in the area and gaming trends that may mirror days for financial payments are not relevant to any assessment of risk to the licensing objectives. The only way ethnicity or gaming trends mirroring benefit payments could be relevant is if the Licensing Authority has pre-determined that persons in receipt of benefits or persons of a particular ethnicity are either automatically vulnerable or more likely to commit crime as a result of gambling. This cannot be the case.

Within paragraph 1 of Part B, there is reference to the third edition of the Gambling Commissions Guidance to Licensing Authorities. This is a very old reference (with the fifth edition being published in 2015) and this reference should be amended to refer to the latest version being published in 2021.

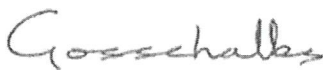
Part B contains a section headed "location". This section refers to the possibility of a specific policy relating to areas where gambling premises should not be located. Thereafter, the paragraph appears to create a rebuttable presumption of refusal akin to a Licensing Act 2003 cumulative impact area. These references should be removed. Location will always be relevant in the context of whether a particular proposal is consistent with the licensing objectives. The potential policy referred to in the paragraph, however, is likely to be unlawful and is certainly contrary to the Section 153 "aim to permit" principle and therefore references to it and the rebuttable presumption which creates an onus on the applicant overcoming concerns should be removed.

Part B also contains a section explaining the Licensing Authority's approach to premises licence conditions. This section would be assisted by a clear explanation that the mandatory and default conditions that attach to all premises licences are intended to be sufficient to ensure operation that is reasonably consistent with the licensing objectives. The section should also state that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

For the purposes of the policy I would recommend that the district name the Gloucestershire Safeguarding Children Partnership (GSCP) as a Responsible Authority regards the safeguarding of children. The GSCP Executive would consider that its represented already as both the Constabulary and Public Health are a Responsible Authority. The GSCP would then set out in their 'Published Arrangements' its arrangements under the Licensing Act and Gambling Act. I'm in the process of updating the paper I sent you to add the Public Health details too.

You may want to adopt the wording I've suggested below as this may suffice once the discussion has been had and requires the GSCP Executive to review those arrangements periodically. This then would allow for any possible change to the suggested approach

Protection of children from harm

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers (2005 Act, s.157(h)) to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

In accordance with the suggestion in the Guidance the Licensing Authority has designated the Gloucestershire Safeguarding Children Partnership (GSCP), comprising of Gloucestershire Clinical Commissioning Group, Gloucestershire County Council and Gloucestershire Constabulary. The GSCP Executive will review and delegate its duties as Responsible Authority to the most suitable safeguarding partner for this purpose every three years setting out its arrangements in its own 'Published Arrangements' document.

On that basis we may need to discuss the contact details as the Business Unit is not a suitable location to be listed and with the above there is no need for any other contact other than the police and Public Health. If in the body of your policy you have the above wording and in our Published Arrangements we set out who the GSCP nominate the duty to, tallying with the list of Nominated Authorities in your contacts list that should square the circle.

I have this sent to FOD and Cotswolds too and am already discussing with the constabulary.

Happy to discuss further

Hope this helps?

Regards

Dave Jones

Business Manager

Gloucestershire Safeguarding Children Partnership

Tel: 01452 583623

Please sign up to GSCP Alerts at <https://www.gloucestershire.gov.uk/gscp>

The notification of a child death can now be made through Gloucestershires eCDOP portal.

<https://www.ecdop.co.uk/gloucestershire/Live/public>

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Problem Gambling

What is problem gambling?

There is no agreed definition of problem gambling, but a problem gambler might display some of the following characteristics:

- Uncontrolled spending e.g. a person spending more money than they want to or can afford.
- Significant amounts of time spent gambling.
- Concealing or lying about gambling behaviour.
- A persons gambling impacts on their relationships with family and friends.
- Withdrawal from family or other social activities.
- Spending lots of time on a computer.
- No apparent interests or leisure pursuits.
- Absence from school, college or work.

What can I do if I am worried about my gambling?

If you are concerned about your own gambling, you should seek professional support to help you. There are lots of different support agencies that are able to offer safe, confidential and non-judgmental help:

Healthy Lifestyles Gloucestershire (*link to website*)

Ara Recovery4all – 0330 1340 286 (*link to website*)

Gamcare has a telephone number **0808 8020 133**, an online forum and chatroom and NetLine. (*link to website*)

Gamblers Anonymous (*link to website*)

NHS Choices (*link to website*)

If you would like to speak to somebody about a gambling problem the GamCare Helpline provides confidential advice, information and emotional support throughout the UK to anyone experiencing problems. You can speak to one of their trained advisors by calling 0808 8020 133, 8am to midnight 7 days a week.

I know somebody who I think is a problem gambler, what should I do?

Consider the following questions:

- Is their gambling habit causing you or them to get into financial difficulties?
- Are they defensive or aggressive when challenged about the amount of time that they are gambling?
- Have they asked you to lie for them, or sworn you to secrecy about their gambling?

- Is their gambling habit putting a strain on your relationship?
- Have they asked to borrow money from you, or have they taken money from you, or have they taken money without your permission to use for gambling?
- If the answer to any of the above questions is 'yes' and you feel worried or anxious about the situation then you should seek professional support to help you and them.

If you would like to speak to somebody about a gambling problem you can contact the GamCare helpline by calling 0808 8020 133.

GamAnon is an organization linked to Gamblers Anonymous which provides support and encouragement for the families and friends of compulsive gamblers, and helps them to understand the problem and to help overcome it.

What responsibility do the operators have?

Under the Gambling Act 2005 all gambling companies licensed in the UK have a duty of care to their customers and must carry out their operations with a view to protecting the children and other vulnerable persons from being harmed or exploited by gambling. Operators are encouraged to use the following measures to help achieve this objective.

- Place leaflets on the premises in a prominent position that contain assistance to problem gamblers.
- Offer customers the opportunity to self exclude
- Place stickers or notices on gaming machines to identify the stakes/prizes
- Place stickers/posters with GamCare helpline and website in prominent locations such as on ATM machines.
- Consider the positioning of ATM machines on premises to ensure customers have to stop gambling in order to make cash withdrawals.

If you are an operator who would like further advice on any of the above schemes please contact us. You can also get further advice by contacting the Gambling Commission

Gloucester City Council

Meeting:	General Purposes Committee Council	Date:	9 November 2021 18 November 2021
Subject:	Constitutional Changes		
Report Of:	Head of Paid Service		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Jon McGinty, Managing Director		
	Email: jon.mcginty@gloucester.gov.uk	Tel:	396200
Appendices:	1. Schedule of proposed revisions 2. Draft Revised Council Procedure Rules		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To propose changes to the Council Procedure Rules within the Council's Constitution in respect of questions by the public and elected Members at meetings.

2.0 Recommendations

- 2.1 General Purposes Committee is asked to consider the information contained in the report and make any **RECOMMENDATIONS** to the Council on the proposed changes to the Constitution.

- 2.2 Council is asked to **RESOLVE** to

- (1) Consider the recommendations of the General Purposes Committee and adopt the proposed changes to the Constitution, subject to:
 - Reducing the notice required for question by Members at meetings of the Cabinet to three clear working days.
 - A requirement that General Purposes Committee will review the operation of the proposed changes after three ordinary meetings of Council and decide whether to recommend to Council a return to previous arrangements or any other changes.
- (2) Note that, as the report proposes to make changes to the Council Procedure Rules, in accordance with Council Procedure Rule 10 and 12, the proposed amendments, if agreed, shall stand adjourned until the next ordinary Council meeting.

3.0 Background and Key Issues

- 3.1 Under the emergency coronavirus legislation adopted in 2020, provision was made for meetings of Councils and their committees to be held via video conferencing technology as meetings ‘in person’ were not permitted.
- 3.2 During this time, if a member of the public wished to ask a question at a meeting, their technological capability was tested and they were given the option of either participating by video, telephone or to have the question read out on their behalf. Their question was to be submitted in advance of the meeting, regardless of the medium with which they wished to participate so that, in the event of technological failure, the question could still be put.
- 3.3 Members of the public were largely amenable to their question being shared with the relevant Cabinet Member which enabled for fuller answers to be provided. Many also opted for their question to be read out by an officer, in some cases because it was more convenient. Given that these changes were received positively, it is proposed that both are implemented on a permanent basis; a notice period of three clear working days is proposed and members of the public would have the option to have their question read out on their behalf if they are unable to attend the meeting.
- 3.4 It is further proposed that similar changes be made to questions by Members to introduce a notice period for questions asked during the verbal Members’ Question Time slot at full Council and Cabinet meetings in order that fuller answers can be given. This would apply to both Leader and Cabinet Members’ Question Time and Questions to Chairs of Committees and a slightly longer notice period of five clear working days (three clear working days for meetings of the Cabinet) is proposed to take account of the higher volume of questions expected from Members. An exception to the required notice is proposed for questions relating to urgent matters.
- 3.5 It is proposed that the separate provision for Written Questions to Cabinet Members be removed so as not to retain two similar question time facilities.
- 3.6 The remainder of the proposed amendments set out the detail of how the revised question time facilities would work in practice and deal with any consequential impact on other procedure rules. A schedule of the proposed changes is contained in Appendix 1, along with some possible alternatives for consideration, and Appendix 2 shows the revised Council Procedure Rules with tracked changes.

Recommendations of the General Purposes Committee

- 3.7 The General Purposes Committee considered the proposed changes to Constitution at their meeting on 9 November 2021. The Committee resolved to recommend the changes to Council for approval, subject to the following:
1. That the notice required for questions by Members at meetings of the Cabinet be reduced from five clear working days to three clear working days to allow times for Members to review the Cabinet agenda before submitting any questions.
 2. That the operation of the proposed changes be reviewed by General Purposes Committee after three ordinary meetings of Council, with the Committee

deciding whether to recommend to Council a return to previous arrangements or any other changes.

3.8 Both recommendations are reflected in the recommendation before Council and the first is also reflected in the revised versions of Appendix 1 and 2 to this report and highlighted in yellow.

4.0 Social Value Considerations

4.1 Not applicable.

5.0 Environmental Implications

5.1 Not applicable.

6.0 Alternative Options Considered

6.1 See Appendix 1 for some alternative options that Members may wish to consider.

7.0 Reasons for Recommendations

7.1 It is good practice to keep the Constitution under periodic review.

8.0 Future Work and Conclusions

8.1 In accordance with Council Procedure Rule 10 and 12, the proposed amendments, if agreed, shall stand adjourned until the next ordinary Council meeting. The changes will be made to the Constitution, which will be republished on the council's website.

8.2 Further reviews and proposed revisions will be made in future to reflect the fact that the Constitution is an evolving document.

9.0 Financial Implications

9.1 None arising from this report.

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

10.0 Legal Implications

10.1 None arising from this report.

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

11.0 Risk & Opportunity Management Implications

11.1 Not applicable.

12.0 People Impact Assessment (PIA) and Safeguarding:

12.1 The PIA screen stage considered whether accessibility and engagement with the democratic process would be impacted by the proposed changes and found that allowing members of the public to opt to have their question read out in their absence had the potential to improve accessibility and engagement by removing the barrier created by physical attendance.

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

13.0 Community Safety Implications

13.1 Not applicable.

14.0 Staffing & Trade Union Implications

14.1 Not applicable.

Background Documents: None

Schedule of Proposed Changes to Council Procedure Rules

Questions by the public (Rule 10)

1. Members of the public would be required to give Democratic Services three clear working days' notice of any question that they wish to ask at any Council or committee meeting that has public question time slot. All questions received would be circulated to the appropriate Councillor so that a full answer could be prepared.
2. A member of the public unable to attend a meeting in person could choose to have their question asked on their behalf by the Mayor or an officer.
3. All questions and answers would be delivered verbally at the meeting and a full response must be provided; the current options to provide a written response or respond at the next meeting would be removed.

Questions by Members (Rule 12)

1. The provision to ask questions without prior notice would be replaced with a requirement to give Democratic Services five clear working days' notice of any question that they wish to ask at Council and **three clear working days' notice of any question that they wish to ask at** Cabinet meetings. This would apply to both Leader and Cabinet Members' Question Time and Questions to Chairs of Meetings and all questions received would be circulated to the appropriate Councillor so that a full answer could be prepared.
2. In line with current practice, the two Leaders of the Opposition Groups would ask two questions each at the beginning of the slot, irrespective of the order in which questions were received. Thereafter questions would be dealt with in the order they were received, including any further questions from Group Leaders.
3. An exception to the five day notice period would be made for urgent questions, for example if a matter had arisen after the notice period had passed and was of citywide importance. 30 minutes notice would be required for such questions and the Member to whom the question is addressed must agree that it can be asked.
4. Provision would be made for questions relating to exempt or confidential matters to be asked with a requirement for appropriate consideration to be given to excluding the press and public from the meeting while the question is asked and answered.
5. Questions would be asked and answered verbally and would therefore not be published except in the minutes of the meeting. Members would continue to be able to ask one related supplementary question without prior notice. The current option to provide a written response would be removed; a written response may be reasonable in the case of the supplementary question; however, Members are expected to answer as fully as they can during the meeting.
6. Any submitted questions that remain unanswered when the allocated time has passed will be answered in writing, with the response circulated to the Member who submitted the question and published with the minutes of the meeting. This does not prevent the Mayor from using their discretion to extend the allocated time if there are only one or two questions remaining.
7. The existing Written Questions to Cabinet Members slot at Council meetings would be removed as the provisions would be too similar to the proposals for verbal questions and would mean that there were two slots for questions requiring notice.

Consequential Amendments

1. Ordinary Meetings Order of Business – all references to Written Questions to Cabinet Members would be deleted to reflect the removal of this facility.
2. Application to Committees and Sub-Committees – additional sentence would be inserted to apply all parts of Rule 12, except 12.04, to meetings of the Cabinet, specifying that the time allocated for questions by members at those meetings would be 15 minutes **and that the notice required for questions by Members would be shorter at three working days instead of five.**

Alternative Options

There are a number of alternative options that Members may wish to consider in respect of the detailed arrangements for the proposed changes to questions, such as:

- Increasing the allocated time slot for verbal questions by Members to compensate for the loss of the written questions slot; 40 or 45 minutes may be suitable.
- Publishing the submitted questions in advance as an addendum to the agenda for the public to view.
- Publishing the answers to the submitted questions on the day of the meeting for Members and the public to view.
- Taking submitted questions and answers as read, with only the supplementary question and answer dealt with verbally. This would potentially allow for more questions to be dealt with in the allocated time.

COUNCIL PROCEDURE RULES

Introduction

The Council Procedure Rules (Democratic Standing Orders) deal with the operation, procedures and practices related to Council, Cabinet and Committee meetings. These rules include both statutory requirements and locally agreed procedures.

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1. ANNUAL MEETING OF THE COUNCIL

1.01 Timing and Business

In a year when there is an ordinary election of Councillors, the annual meeting shall take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting shall take place in May.

The annual meeting shall:

- (i) elect a person to preside if the Mayor (Chair) or Sheriff and Deputy Mayor (Vice-Chair) of Council are not present;
- (ii) elect the Mayor (Chair) of Council;
- (iii) elect the Sheriff and Deputy Mayor (Vice-Chair) of Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Mayor and/or the Head of Paid Service;
- (vi) receive any declarations of interests from Members;
- (vii) elect the Leader in years when an election has taken place;
- (viii) appoint at least one Overview and Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3, Table 1 of this Constitution);
- (ix) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree functions (as set out in Part 3, Table 1 of this Constitution); and
- (x) consider any business set out in the notice convening the meeting.

1.02 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting shall:

- (i) decide which Committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats [and substitutes] to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each Committee; and
- (v) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

2. ORDINARY MEETINGS ORDER OF BUSINESS

2.01 Programme of ordinary meetings

The programme of ordinary meetings of the Council will be agreed at an ordinary meeting of Council on an annual basis.

[Note: The programme of ordinary meetings of the Council will normally cover at least an 18 month period]

2.02 Ordinary meetings shall:

- (i) elect a person to preside if the Mayor (Chair) and Sheriff and Deputy Mayor (Vice-Chair) are not present;
- (ii) approve the minutes of the last meeting;
- (iii) deal with any business from the last Council meeting;
- (iv) receive any declarations of interest from Members;
- (v) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the functions of the Council meeting;
- (vi) receive petitions and deputations from the public;

- (vii) receive any announcements from the Mayor, Leader, Members of the Cabinet, Overview and Scrutiny Committee Chair, Licensing and Enforcement Committee Chair, Planning Committee Chair, Audit and Governance Committee Chair or the Head of Paid Service (time limit 10 minutes in total);
- (viii) receive oral questions from Members, including Leader and Cabinet Members' Question Time and Questions to Chairs of Meetings;
- (ix) determine which items of business set out in the summons to the meeting shall be approved without discussion and which items require discussion: after which the Council shall approve those items that can be approved without discussion and then consider the matters reserved for discussion in the following order
 - (a) proposals from the cabinet in relation to the Council's budget and policy framework
 - (b) reports from the Cabinet
 - (c) reports from the Council's Committees
 - (d) reports from the Overview and Scrutiny Committee;
- ~~(x) receive Written Questions to Cabinet Members;~~
- ~~(xi)(x)~~ an exception to the above rules will apply to the budget meeting of Council by the omission of Leader and Cabinet Members' Question Time, and Questions to Chairs of Meetings ~~and Written Questions to Cabinet Members.~~

3. EXTRAORDINARY MEETINGS

3.01 Calling Extraordinary Meetings:

Those listed below may request the Head of Paid Service to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor of the Council;
- (iii) the Monitoring Officer; and
- (iv) any five Members of the Council if they have signed a requisition presented to the Mayor of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

The business transacted at an extraordinary meeting shall be restricted to the purpose for which the meeting has been called and shall not consider any other business.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB-COMMITTEES AND FORUMS

The Council shall, at the Annual Meeting (with the exception of the Cabinet, Licensing and Enforcement Committee, and Planning Committee) appoint such Members as deputies as it feels necessary, subject to the following:-

- (i) one appointed deputy may attend a meeting in place of a Member of that meeting;
- (ii) for the Planning Committee, any named Member from each party group may receive training on planning matters in accordance with the Planning and Development Code of Practice and may attend a meeting in place of a Planning Committee Member who is unable to attend;
- (iii) for the Licensing and Enforcement Committee, any named Member from each party group may receive training on licensing and enforcement matters in accordance with the Probity in Licensing Code of Practice and may attend a meeting in place of a Licensing and Enforcement Committee Member who is unable to attend;
- (iv) a deputy attending a meeting in the place of a Member of that meeting shall:
 - (a) be regarded as a Member of that meeting;
 - (b) be entitled to speak and vote on any matter before the meeting (subject to the requirements relating to Declarations of Interest);

- (v) that the Member or political group shall advise the Head of Paid Service of the name of the appointed deputy by 12 noon two clear working days prior to that meeting (to ensure the relevant papers are supplied to the substitute Member), provided that in the event of genuine emergencies, the Chair of the relevant meeting, after consultation with the Head of Paid Service, may approve a Member attending as a deputy without such notice being given.

5. TIME AND PLACE OF MEETINGS

Ordinary meetings of Council shall commence at 18.30 hours.

The time and place of other meetings shall be determined by the Head of Paid Service and notified in the Summons.

6. DURATION OF MEETINGS

The length of time of Council meetings shall be limited to three hours, but shall only be closed after three hours if a two-thirds majority of those Members in attendance vote to close the meeting.

The length of time of other meetings (excluding Planning Committee, Licensing and Enforcement Committee and Audit and Governance Committee) shall be limited to two hours unless extended by a two-thirds majority of those Members in attendance.

7. NOTICE OF AND SUMMONS TO MEETINGS

The Head of Paid Service shall give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five *clear* working days before a meeting, the Head of Paid Service will send a Summons authenticated by him or her to every Member of the Council. The Summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

8. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to Committee and Sub-Committee meetings, references to the Chair also include the Chair of Committees and Sub-Committees.

9. QUORUM

The quorum of a meeting will be one quarter of the whole number of Members (unless specifically provided for in the terms of reference/constitution of a committee, etc.). During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. QUESTIONS BY THE PUBLIC

- (1) Subject to the provisions of Rule 2 (Order of Business), at or as soon as reasonably possible after the commencement of business at ordinary meetings of the Council (except the annual meeting), the Cabinet, a Committee, (except the Planning Committee) or a Forum, a period of 15 minutes shall be set aside for members of the public to put questions to the meeting **PROVIDED** that no such question shall be allowed in relation to:

- (i) matters which are the subject of current or pending legal proceedings or
- (ii) matters relating to employees or former employees of the Council or comments in respect of individual Council officers

(2) Notice of questions must be given by no later than 12 noon, three clear working days before the day of the meeting. Such notice must be in writing or by electronic

mail to the Head of Paid Service, c/o Democratic Services, PO Box 3252, Gloucester, GL1 9FW (e-mail, democratic.services@gloucester.gov.uk). Each question must be supported by the name and address of the questioner.

- ~~(2)~~(3) Questions will be dealt with in the order they were received. However priority will be given to Gloucester City Council residents.
- ~~(3)~~(4) Members of the public shall be allowed to ask one question each. Where not all the time set aside for questions by the public is used, members of the public shall be allowed to ask a second question.
- ~~(4)~~(5) If a member of the public who has submitted a question is unable to be present at the meeting, the question will be put on their behalf by the Mayor or a Council officer.
- ~~(5)~~(6) All public questions shall be put to the relevant Cabinet Member or Chair to respond.
- ~~(6)~~(7) Only one answer shall be given in response to an individual question at a meeting and no debate shall be allowed on the question or the response given.
- ~~(7) At the discretion of the responding Cabinet Member or Chair where, in his/her opinion, the question requires further information to enable a full response to be given which is not available at the meeting, the Cabinet Member or Chair may either:-~~
- ~~(i) agree that a response will be made in writing at a later date to the questioner, in which case copies of the response shall also be sent to Members of the meeting; or~~
- ~~(ii) respond to the question, either orally or in writing, at the next meeting of the Council, the relevant Committee, or Forum.~~
- (8) The Mayor or Chair shall not allow the same question, or substantially the same question, to that put at a previous meeting of the Council, a Committee, or a Forum within the preceding six months, unless circumstances relating thereto have materially changed.

11. PETITIONS AND DEPUTATIONS FROM THE PUBLIC

- (1) All petitions received, including e-petitions, shall be dealt with in accordance with the Council's published petitions scheme (Part 5 – Codes and Protocols).
- (2) Subject to the provisions of Rule 2, after the period set aside for public questions as provided in Rule 10, at all ordinary meetings of the Council (except the annual meeting) the Cabinet, a Committee, (except the Planning Committee) or a Forum, a period of 15 minutes shall be set aside for members of the public to present petitions or make deputations to the meeting **PROVIDED** that no such petitions or deputations shall be allowed in relation to:
- (i) matters relating to individual Council Officers; or
- (ii) matters relating to current or pending legal proceedings
- (3) Where any petition is presented or any deputation is made, the Mayor or the Chair shall allow only one member of the public to speak on the matter for a reasonable period not exceeding 3 minutes.
- (4) Where a petition is presented or a deputation is made:
- (i) at a Council meeting, the Mayor shall refer the matter to the appropriate Cabinet Member or Committee Chair to respond on behalf of the Council;
- (ii) at a Committee, or Forum meeting, the Chair shall respond.
- (5) Only one response shall be given to a petition or deputation and no debate shall be allowed on the petition, deputation or response.

- (6) At the discretion of the responding Cabinet Member or Committee Chair, the subject matter of the petition or deputation may be referred to a future meeting of the Council, the Cabinet, appropriate Committee, or Forum for consideration.
- (7) The Mayor or Chair shall not allow a petition to be presented or a deputation made on the same issue, or substantially the same issue, to that presented or made at a previous meeting of the Council, the Cabinet, a Committee, or a Forum within the preceding six months, unless circumstances relating thereto have materially changed.

12. QUESTIONS BY MEMBERS

12.01 Leader and Cabinet Members' Question Time

That a period of thirty minutes be set aside so that any Member of Council may ask the Leader of the Council or any Cabinet Member any question, ~~without prior notice,~~ upon

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

Where there is one opposition Group, the opposition group leader shall have the opportunity to ask the first two questions and where there are two opposition groups, the opposition group leaders shall have the opportunity to ask the first four questions, two questions each respectively. Thereafter, questions will be dealt with in the order they were received including any further questions from opposition group leaders.

~~Every question shall be put and answered without discussion provided that a Member may ask one supplementary question related to a question already put by themselves.~~

~~12.02 Written Questions to Cabinet Members~~

~~Subject to Rule 15, a Member of the Council may submit a written question to any Cabinet Member~~

- ~~• a matter coming within their portfolio of responsibilities subject to a copy of such question being delivered to the Head of Paid Service not later than 12.00 noon ten clear working days preceding the day of the Council meeting, provided that, at the discretion of the Chair a question may be permitted without such notice relating to business which the Chair considers to be urgent upon the same being delivered to the Chair in writing; or~~
- ~~• relating to a report of the Cabinet appearing on the Council summons.~~

~~Every question shall be put and answered without discussion, provided that a Member may ask one supplementary question related to a question already put by themselves and that no time limit be imposed on supplementary questions and answers.~~

12.03 Questions To Chairs of Meetings

That a period of 15 minutes be set aside so that any Member of the Council may ask the Chair of a Committee any question upon any issue in respect of that Committee or in respect of an item shown in the minutes of the Committee after they have been approved by the relevant Committee.

12.03 Notice of Questions

Members may not ask questions unless a written copy of the question has been delivered to the Managing Director, c/o Democratic Services, PO Box 3252,

Gloucester, GL1 9FW (e-mail, democratic.services@gloucester.gov.uk) by 12 noon five clear working days before the meeting; or

The question relates to:

- A matter which the Chair decides is urgent;
- The Member to whom the question is addressed, has agreed; and
- Notification of the question has been given to the Head of Paid Service at least half an hour before the scheduled start of the meeting.

12.04 Exempt or Confidential Information

Unless a Member has first complied with 12.03, they shall not ask any questions or make any statement relating to any decision made by the Cabinet or other Council body, if the statement or decision relates to confidential or exempt information.

Before such a question is asked, the Mayor shall consider inviting the Council to resolve that the meeting, or part of it, shall not be open to members of the public.

12.05 Response

Every question shall be put and answered without discussion, but a Member may ask one supplementary question to the same person as the original question.

Any submitted questions that remain unanswered when the allocated time period has passed will be answered in writing, with the response circulated to the Member who submitted the question and published with the minutes of the meeting.

12.06 Supplementary Questions

No notice has to be given for the supplementary question, but it must arise directly out of the original question or the reply given to that question. If the supplementary question relates to any decision that relates to confidential or exempt information, then before asking the supplementary question, the Member shall inform the Mayor that is the case. Before the supplementary question is asked, the Mayor of the meeting shall consider inviting the full Council to resolve that the meeting, or part of it, shall not be open to members of the public.

12.04 Answers To Questions

Any answer may take the form of:-

- (a) a direct oral answer; or
- (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
- (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council and if not confidential, to the press.

13. MOTIONS ON NOTICE

- (1) Notice of every motion, other than a motion which under Rule 14 may be moved without notice, shall be given in writing, signed by the Member or Members of the Council giving the notice (or alternatively by electronic form, provided that the Head of Paid Service is satisfied with proof of identity), and delivered, by noon at least eight clear working days before the next meeting of the Council, to the Head of Paid Service by whom it shall be dated, numbered in the order in which

it is received, and entered in a book which shall be open to the inspection of every Member of the Council.

Motions To Be Set Out in Summons

- (2) The Head of Paid Service shall set out in the summons for every meeting of the Council all Motions of which notice has been duly given in the order in which they have been received, unless the Member giving such a notice intimated in writing, when giving it, that they propose to move it at some later meeting, or has since withdrawn it in writing.

Selection of Motions

- (3) Before the start of the Council meeting, Party Leaders will select, by a simple majority vote, which motions listed in the summons will be called for debate.

Motion Not Moved

- (4) If a motion set out in the Summons is not moved either by a Member who gave notice thereof or by some other Member it shall, unless postponed by the consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

Automatic Reference to the Cabinet or Appropriate Committee

- (5) If the subject matter of any motion of which notice has been duly given comes within the province of a Cabinet portfolio or any Committee, it shall, notwithstanding the provisions of Rule 15, be formally moved and seconded without speeches and thereupon shall automatically stand referred without discussion or debate to the Cabinet, or relevant Committee for consideration and report.

Scope of Motions

- (6) Every motion shall be relevant to some matter in relation to which the Council have powers or duties or which affects the City.

Motions Out of Order

- (7) If it shall appear to the Head of Paid Service that a motion, notice of which has been received, is not relevant to some matter in relation to which the Council has powers or duties or which affects the City, or is otherwise objectionable, the Head of Paid Service shall take the direction of the Chair as to whether or not it shall be placed on the Council summons, and the decision of the Chair thereon shall be final; but a Member may give oral notice of any motion which has been so ruled out of order, at the meeting at which it would have been submitted had it been on the Council summons, and, if the Council so direct, it shall be placed on the Council summons for the next meeting.

14. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the Summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;

- (h) to extend the time limit for speeches;
- (i) to amend a motion;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to suspend a particular Council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules
- (p) to not hear further a Member named under Rule 22.03 or to exclude them from the meeting under Rule 22.04; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

15. RULES OF DEBATE

15.01 Motions and Amendments

A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Rule 13, it has been put into writing and handed to the Chair before it is further discussed or put to the meeting. Provided that an amendment to Committee minutes shall be moved only after questions under Rule 12.05 have been answered and before Members speak to the minutes.

In respect of Minutes of a Committee which are before the Council for consideration and which contain resolutions which have been taken under delegated powers, a Councillor may move that a particular Minute is referred back to the Committee for further consideration, provided that any resolution referred to in the Minutes has not already been implemented, and further provided that subsequent debate on the referral back be in accordance with these rules for debate at Council.

15.02 Secunder's Speech

A Member when seconding a motion or amendment may, when doing so, state an intention to reserve the seconding speech until a later period of the debate.

15.03 Only One Member to Stand at a Time

A Member shall rise and speak only when called upon so to do by the Chair. While a Member is speaking the other Members shall remain seated unless rising to a point of order or in personal explanation.

15.04 Content and Length of Speeches and Questions

Speeches of Members or questions shall be directed to the matter under discussion or to a personal explanation or to a point of order. No speech or question shall exceed three minutes in length except

- (i) with the consent of the Council
- (ii) the proposer and seconder of a motion or amendment (limited to five minutes)
- (iii) the mover of a motion or the response by an opposition group leader regarding the annual budget statement or the annual work programme (no time limit).
- (iv) other speeches regarding the annual budget statement or the annual work programme (limited to five minutes)

15.05 When a Member May Speak Again

A Member who has spoken on any motion (save only to ask a question or questions) shall not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) if the motion has been amended since they last spoke, to move a further amendment;
- (c) if the Member's first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which they spoke was carried;
- (d) in exercise of a right of reply given by paragraph (15.11) or (15.13);
- (e) on a point of order;
- (f) by way of personal explanation.

15.06 Amendments to Motions

An amendment shall be relevant to the motion and shall be either:

- (a) to refer a subject of debate to the Cabinet or a Committee for consideration or reconsideration; or
- (b) to leave out words; or
- (c) to leave out words and insert or add others; or
- (d) to insert or add words;

but an amendment shall not have the effect of negating the motion before Council by being directly contradictory, or contrary to it, or by introducing a new motion. Where some parts of an amendment are negatory and others are not, provided that the spirit of the motion has not been changed by the deletion of the negatory element of the amendment, the remainder of the amendment shall be allowed to stand.

Amendments to Motions on Notice shall be given in writing, signed by the Member proposing the amendment (or alternatively by electronic form, provided that the Head of Paid Service is satisfied with proof of identity), and delivered, by noon on the day of the relevant Council meeting, to the Head of Paid Service who will circulate all amendments received to Group Leaders no later than 3.00pm the same day.

15.07 Amendments to be Dealt with Singly

Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

Provided that the Chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.

15.08 Effect of Amendment if Carried or Lost

If an amendment be lost, other amendments may be moved on the original motion, provided that no amendment shall be moved which is of the same, or substantially similar effect, to the amendment which has been lost. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved, provided such further amendment is not inconsistent, or incompatible, with the alteration of the original motion made by the amendment which has been carried.

15.09 Alteration of Motion

A Member may with the consent of the Council signify without discussion:

- (a) alteration of a motion of which they have given notice; or

- (b) with the further consent of the seconder alter a motion which the Member has moved;

if (in either case) the alteration is one which could be made as an amendment thereto.

15.10 Withdrawal of Motion

A motion or amendment may be withdrawn by the mover with the consent of the Member's seconder and of the Council, which shall be signified without discussion and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

15.11 Right of Reply

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on the amendment which has been moved.

15.12 Motions which may be Moved During Debate

When a motion is under debate no other motion shall be moved except the following:

- (a) to amend the motion under Rule 15.06;
- (b) to proceed to next business under Rule 15.13(a) below;
- (c) that the question be now put under Rule 15.13(b) below;
- (d) to adjourn the debate or the meeting under Rule 15.13(c) below;
- (e) that the Member named be not further heard on the particular amendment or motion or at the meeting under Rule 22.03;
- (f) by the Chair that a Member do leave the meeting either generally or during consideration of the amendment or Motion before the meeting under Rule 22.04;
- (g) a motion under Section 100A(4) of the Local Government Act 1972, as amended, to exclude the public.

15.13 Closure Motions

A Member may move without comment at the conclusion of a speech of another Member, 'That the Council proceed to the next business', 'That the question be now put', 'That the debate be now adjourned', or 'that the Council do now adjourn', on the seconding of which the Chair shall proceed as follows:

- (a) on a motion to proceed to next business: unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall first give the mover of the original motion a right of reply, and then put to the vote the Motion to proceed to next business (no vote on the issue under debate);
- (b) on a motion that the question be now put: unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his right of reply under paragraph 11 of this Rule before putting that Member's motion to the vote;
- (c) on a motion to adjourn the debate or the meeting: if in the Chair's opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion the Chair shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion. The meeting shall stand adjourned until recalled under the Constitution.

15.14 Points of Order or Personal Explanation

A Member may, with the consent of the Chair, rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of these Rules or statutory provisions and the Member shall specify the Rule or statutory provision and the way in which it is considered it has been broken. A personal explanation shall be confined to correcting an incorrect statement about themselves or about what the Member has or is reported to have said.

15.15 Chair's Ruling on Point of Order or Explanation to be Final

The ruling of Chair on a point of order or on the admissibility of a personal explanation shall be final and not open to question.

15.16 Respect for Chair

Whenever the Chair rises during a debate a Member or Members then standing shall resume their seat(s) and the Council shall be silent.

15.17 Powers of Chair

At the Chair's discretion, such steps shall be taken as is considered necessary to ensure the proper and orderly conduct of the meeting and the efficient dispatch of business without infringing Members' democratic rights or freedom of speech.

16. PREVIOUS DECISIONS AND MOTIONS

16.01 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least ten Members or unless the motion arises from a recommendation to the Council from the Cabinet or a Committee.

16.02 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least ten Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17. URGENT ITEMS

Where there is a need to consider items of urgent business which are not specified in the summons to meeting, the Member or Officer wishing to raise the same shall before the commencement of the meeting discuss the matter with the Mayor, the Group Leaders, the Head of Paid Service and the Monitoring Officer and the Mayor's decision as to whether to consider the item shall be conclusive.

18. VOTING

18.01 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

18.02 Chair's Casting Vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

18.03 Show of Hands

Unless a recorded vote is demanded under Rule 18.04, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

18.04 Recorded Vote

If five Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes.

18.05 Recorded Votes at Budget Council Meetings

A recorded vote shall take place when the Council makes a calculation of the budget requirement or issues a Council tax precept under relevant sections of the Local Government Finance Act 1992. Such a vote shall be undertaken in accordance with Procedure Rule 18.04.

18.06 Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after a vote is taken, their vote will be so recorded in the Minutes to show whether they voted for or against the motion or abstained from voting.

18.07 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

19. MINUTES

19.01 Signing the Minutes

The Chair will sign the Minutes of the proceedings at the next suitable meeting. The Chair will move that the Minutes of the previous meeting be signed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

19.02 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

The business transacted at an extraordinary meeting is restricted to the purpose for which the meeting has been called (Rule 3.01 above). An extraordinary meeting is not, therefore, a suitable meeting for the purposes of Rule 19.01 and the signing of the minutes of the preceding meeting will be deferred to the following suitable meeting.

19.03 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Chair put them.

19.04 No Protest Recorded in Minutes

No protest or expression of dissent shall be entered in the Minutes of the Council.

20. RECORD OF ATTENDANCE

The Policy and Governance Manager will record the names of all Members present during the whole or part of a meeting on the attendance sheets to assist with the record of attendance.

21. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 24 (Disturbance by Public).

22. MEMBERS' CONDUCT

22.01 Standing to Speak

When a Member speaks at Full Council they must stand and address the meeting through the Chair. If more than one Member stands, the Chair will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

22.02 Chair Standing

Whenever the Chair rises during a debate a Member or Members then standing shall resume their seat(s) and the Council shall be silent.

22.03 Member not to be Heard Further

If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

22.04 Member to Leave the Meeting

If the Member continues to behave improperly after such a motion is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

22.05 General Disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

23. DECLARATIONS OF INTEREST

23.01 Disclosable Pecuniary Interests

Where a Member has a Disclosable Pecuniary Interest as defined by Regulations under the Localism Act 2011 or an "other" as described in paragraph 18 of the Councillor Code of Conduct, they will be required to declare that interest and remove themselves to the public gallery during discussion and voting on the item in which they have an interest. The Chair of any meeting at which such an interest is disclosed shall have discretion to exclude the Member from the meeting during the discussion and voting on the item in which the Member has an interest if the Member's behaviour is considered by the Chair to be having an undue influence on or attempting to put pressure on the Members voting on that item.

24. DISTURBANCE BY PUBLIC

24.01 Removal of a Member of the Public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

24.02 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

25. RECORDINGS OF MEETINGS

25.01 The Council supports the principles of openness and transparency and allows filming and recording at its meetings that are open to the public. These arrangements will operate in accordance with the a protocol agreed by the Council and which is set out in Part 5 of the Constitution.

26. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

26.01 Suspension

All of these Council Rules of Procedure except Rule 18.02 and 18.04 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting or for that part of the meeting identified in the motion.

26.02 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

27. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of Full Council. Only Rules 5-11, 14, 18-26 (but not Rule 22.01) apply to meetings of the Cabinet, Committees, Sub-Committees, Forums and Working Parties. Rule 12 (but not Rule 12.02) also applies to meetings of the Cabinet, with a period fifteen minutes allocated for Leader and Cabinet Members' Question Time and notice of questions to be given by 12 noon three clear working days before the meeting.

Rule 12 also applies to meetings of the Cabinet, with a reduced period of fifteen minutes set aside.

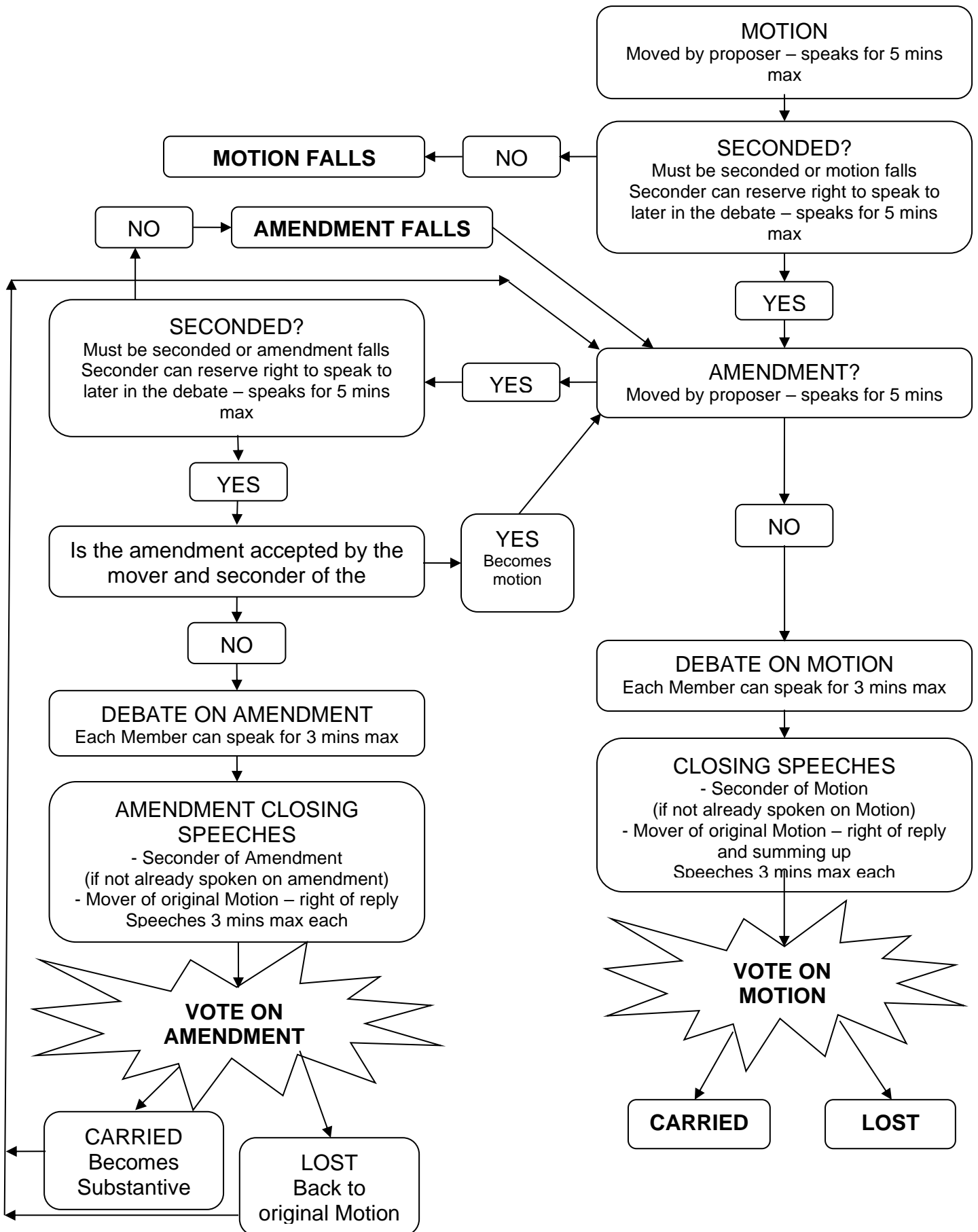
28. ORDER OF SENIORITY OF MEMBERS

28.01 Members of the Council shall rank in order of seniority as follows:

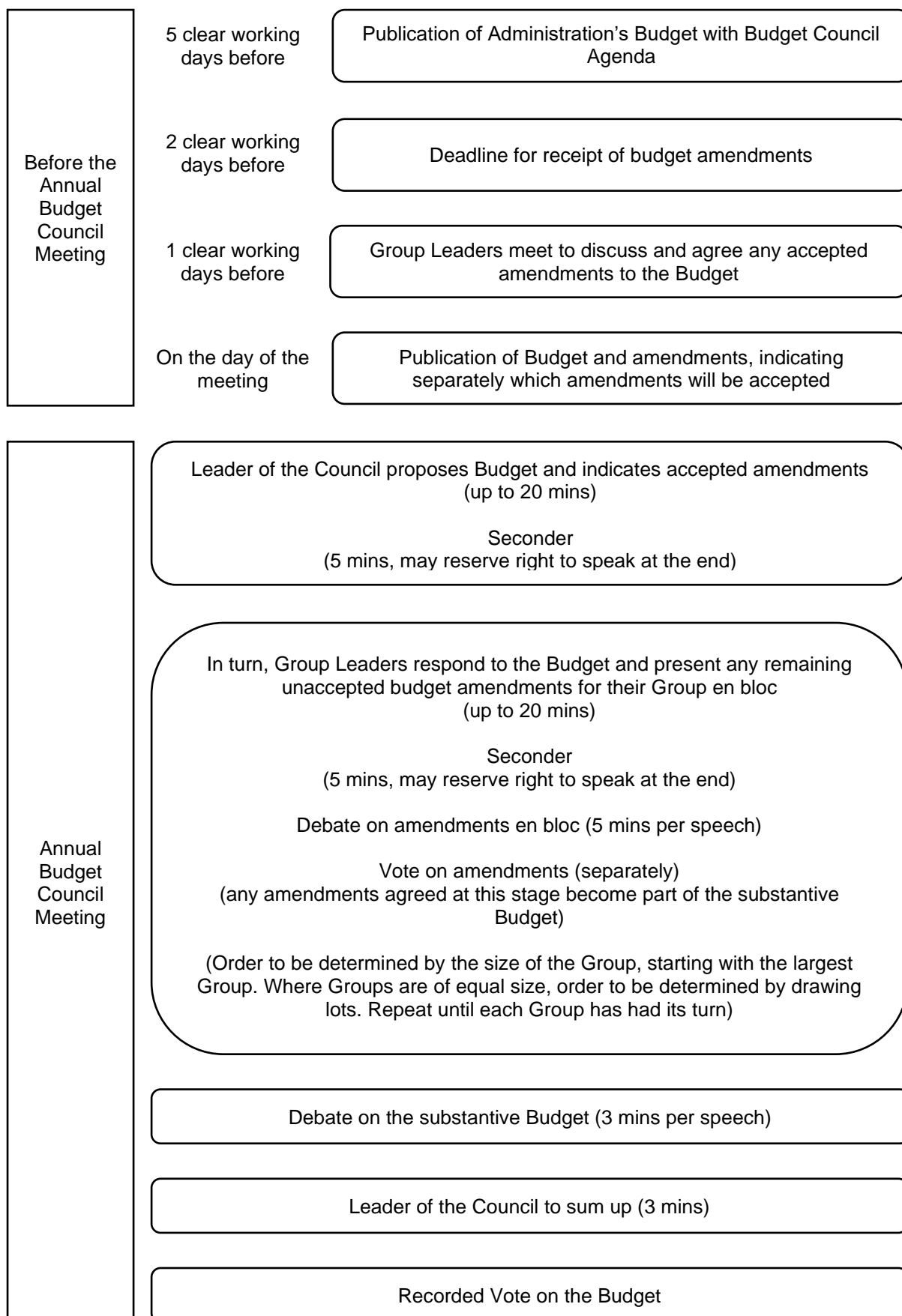
The Mayor
The Sheriff and Deputy Mayor
The Leader of the Council
The Deputy Leader of the Council
Cabinet Members (in alphabetical order)
The Leaders of political groups

Thereafter according to the length of service with the Council (those with the same length of service being ranked in alphabetical order).

29. Council Debate Flowchart



30. Council Budget Flowchart



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Gloucester City Council

Meeting:	Council	Date:	27 January 2022
Subject:	Review of Political Balance on Committees and Various Appointments		
Report Of:	Head of Paid Service		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Tanya Davies, Policy and Governance Manager		
	Email: tanya.davies@gloucester.gov.uk	Tel:	396125
Appendices:	None		

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Access to Information Rule 5 and Section 100B (4) of the Local Government Act 1972 (as amended) (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the circumstances surrounding the review of political balance were not known until after the agenda had been published.

1.0 Purpose of Report

- 1.1 To make changes to the membership of committees to ensure statutory political balance following Councillor Alastair Chambers' move to become an Independent Councillor.
- 1.2 To note the appointments to vacant seats on committees resulting from changes to the Cabinet.

2.0 Recommendations

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

- (1) Approve the proposed changes to membership of Committees as set out in this report.
- (2) Receive and note the following nominations to Committees as required by the proposed changes:
 - Planning Committee – 1 additional seat (Liberal Democrat) – nomination to be sought.
 - Licensing and Enforcement Committee - – 1 additional seat (Liberal Democrat) – nomination to be sought.
 - Planning Policy Members Working Group – 1 vacant seat (Conservative) – Councillor Jaro Kubaszczyk

- (3) Note the following appointments to vacant seats resulting from changes to the Cabinet:
- Overview and Scrutiny Committee – 1 vacant seat (Conservative) – Councillor Andrew Gravells
 - General Purposes Committee – 1 vacant seat (Conservative) – Councillor Andrew Gravells.

3.0 Background and Key Issues

3.1 Councillor Alastair Chambers became an Independent Councillor on 26 January 2022. There are now 24 Conservative, 11 Liberal Democrat, 3 Labour, and 1 Independent Councillor. Consequently, there is a need to review the political balance of the Council and make any necessary changes to the political composition of committees.

3.2 Table 1 below indicates the political balance of the Council before and after the change:

	Old Composition		New Composition	
	Seats	%	Seats	%
Conservative	25	64.10%	24	61.54%
Liberal Democrat	11	28.21%	11	28.21%
Labour	3	7.69%	3	7.69%
Other	0	0%	1	2.56%

3.3 When applied to the total number of committee seats (56) seats these percentages give the following aggregate entitlement (rounded up/down to the nearest whole seat) for each Group:

Conservative	61.54% of 56 =	34 (34.46) (-2)
Liberal Democrat	28.21% of 56 =	16 (15.8)
Labour	7.69% of 56 =	4 (4.31)

Variance in total seats = -2

3.4 Noting that Independent Councillors, unless aligned as an independent group, have no entitlement to seats on Committees, when the same percentages are applied to the number of seats on each committee/body they give the following provisional entitlement to seats on each committee/body, rounded up or down to the nearest whole seat (the numbers in brackets represent any changes to the current committee composition):

Committee	Size	Con	Lib Dem	Lab	Other	Seat Variance
Overview & Scrutiny Committee	16	10	5	1	0	0
Planning Committee	12	7(-1)	3	1	0	-1
Licensing and Enforcement Committee	12	7(-1)	3	1	0	-1
Audit and Governance Committee	8	5	2	1	0	0
General Purposes Committee	8	5	2	1	0	0
TOTAL	56	34	15	5	0	-2

3.5 The calculation above results in a total variance of -2 seats across all committees/bodies subject to political proportionality. To reach the total available number of seats (56), it is proposed that allocations are adjusted as follows:

Committee	Size	Con	Lib Dem	Lab	Other	Seat Variance
Overview & Scrutiny Committee	16	10	5	1	0	0
Planning Committee	12	7	4	1	0	0
Licensing and Enforcement Committee	12	7	4	1	0	0
Audit and Governance Committee	8	5	2	1	0	0
General Purposes Committee	8	5	2	1	0	0
TOTAL	56	34	17	5	0	0

3.6 The number of seats based on proportionality and each political party's entitlement is therefore as follows:

	Provisional allocation	Entitlement to seats on committees/bodies based on proportionality/Widdicombe principles	Variation
Conservative	34	34	0
Liberal Democrat	16	17	+1
Labour	4	5	+1
Other	0	0	0

Other changes to committee roles and membership

3.7 In accordance with the Constitution, representation on Planning Policy Member Working Group is not subject to the political balance rules, therefore it is proposed the allocation of seats is not changed. In May, the Labour Group chose not to take up their allocated seat and the Liberal Democrat Group instead appointed to that seat.

3.8 Councillor Gravells stood down from the Cabinet on 18 November 2021 and Councillor Stephanie Chambers was appointed as Cabinet Member for Planning and Housing Strategy on 1 January 2022. The Conservative Group has appointed Councillor Gravells to their vacant seats on Overview and Scrutiny Committee and General Purposes Committee.

4.0 Social Value Considerations

4.1 None

5.0 Environmental Considerations

5.1 None.

6.0 Alternative Options Considered

6.1 None

7.0 Reasons for Recommendations

7.1 To comply with statutory requirements to achieve and maintain political balance on Committees and to fill any vacant roles and seats on committees.

8.0 Future Work and Conclusions

8.1 None

9.0 Financial Implications

9.1 None

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

10.0 Legal Implications

10.1 The Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 require the overall political balance of Council to be reflected in Committees (so far as possible) and to review the political balance when necessary (for example where the political balance changes as a result of a by-election). This report seeks to comply with those obligations.

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

11.0 Risk & Opportunity Management Implications

11.1 None

12.0 People Impact Assessment (PIA) and Safeguarding:

12.1 A PIA is not required.

13.0 Other Corporate Implications

Community Safety

13.1 None

Sustainability

13.2 None

Staffing & Trade Union

13.3 None

Background Documents: None

Paragraph 12.02 of Part 4 of the Rules of Procedure contained within the City Council's Constitution provides that a Member of the Council may submit a written question to any Cabinet Member.

This document informs Members of Council of written questions put to Cabinet Members and written replies thereto.

Council is recommended to RESOLVE to note the written questions submitted and corresponding responses.

No.	Question from/to	Question
1.	From Councillor Pullen to the Cabinet Member for Environment (Submitted on 04/10/21)	Could the Cabinet Member advise how much of the Neighbourhood Environment Fund has been spent to date. Could he also advise which organisations have been successful in receiving funding and how much they have each been awarded
Response:		
As of 5 October, The Neighbourhood Environmental Improvement grants panel have made the following awards.		
£30,000 – London Road Rose Garden		
£45,000 – Sudbrook Gardens, Rooftop Housing		
£3,000 – Escort Rd Allotments Association		
£3,000 – Elmscroft Community Centre		
£1,500 – Friends of Tredworth		
£3,000 – Friends of Barnwood Arboretum		
£7,317 – Friends of the Oval		
£1,000 – Friends of Gambier Parry		
£93,817 - Total		
There is £6,183 still available awaiting grant applications.		
https://www.gloucester.gov.uk/community-living/community-grants/neighbourhood-environment-improvement-fund/		
2.	From Councillor Pullen to the Cabinet Member for Planning and Housing Strategy (Submitted on 05/10/21)	Could the Cabinet Member please advise: <ol style="list-style-type: none"> 1. How many people are currently on the councils housing waiting list 2. How many are currently living in temporary accommodation including B&B accommodation 3. How many are currently living out of county
Response:		
As of 30 th September 2021, there were 4,813 households registered with Homeseeker Plus – the council's housing register.		
On 30 th September 2021, there were 171 households accommodated in temporary accommodation, of which 105 households were occupying furnished		

	self-contained accommodation, 16 households were in hostel type accommodation, and 50 were living in bed and breakfast type accommodation.
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	On 30 th September, one household was occupying temporary accommodation located outside of Gloucester.
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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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