

Public Document Pack

Governance

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The Chair and Members of Cabinet

Please ask for
Direct Line
Fax

Mary Stead
01246-345236
01246 345252

26 November 2013

Dear Councillor,

Please attend a meeting of the CABINET to be held on TUESDAY, 3RD DECEMBER, 2013 at 10.30 am in Committee Room 1 Town Hall, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the Agenda.
2. Apologies for Absence
3. Minutes: (Pages 1 - 10)

To approve as a correct record the Minutes of the Cabinet meeting held on 19th November, 2013.

4. Forward Plan. (Pages 11 - 28)
5. Gambling Act 2005 - Statement of Principles (Pages 29 - 62)

Items Recommended to Cabinet via Executive Members

Executive Member for Governance and Organisational Development

6. PPP Performance report April 2013 - September 2013 (B000) (Pages 63 - 92)

Chief Executive
Huw Bowen

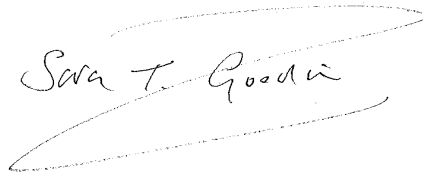


7. Persistent and Vexatious Complaints Policy (B000) (Pages 93 - 102)

Executive Member for Housing

8. Proposals for future use of the former garage site of Hady Lane (H000)
(Pages 103 - 116)

Yours sincerely,

A handwritten signature in cursive script that reads "Sara T. Goodwin". The signature is enclosed within a large, hand-drawn oval shape.

Head of Governance

CABINET MEETING

Tuesday, 19th November, 2013

Present:-

Councillor Burrows (Chair)

Councillors	Gilby Blank King	McManus Russell
Non Voting Members	Brown Hill Hollingworth	Huckle Martin Stone

*Matters dealt with under Executive Powers

97 **DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA**

No declarations were received.

98 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Ludlow and Serjeant.

99 **MINUTES**

*RESOLVED –

That the Minutes of the meeting of Cabinet held on 22nd October, 2013, be approved as a correct record, and signed by the Chair.

100 **FORWARD PLAN**

The Forward Plan of key decisions was reported for information.

*RESOLVED –

That the Forward Plan be noted.

101 **PERFORMANCE OUTTURN FOR APRIL 2013 TO SEPTEMBER 2013 (J000)**

The Business Transformation Manager reported on the performance outturn data for April 2013 – September 2013, including progress made against the Corporate Plan (Version 2013/14 Update).

The report included information on achievement against the Corporate Plan Performance Indicators, and summarised progress on Corporate Plan Projects

*RESOLVED -

That the performance outturn for April 2013-September 2013 be noted.

REASONS FOR DECISION

- (1) To raise awareness of performance against the Corporate Plan.
- (2) To help facilitate performance improvement.

102 **BETTER BUSINESS FOR ALL (E000)**

The Head of Environment submitted a report outlining the Better Business for All initiative, and explaining how it related to Chesterfield's businesses and services.

Approval was sought for the Council's regulatory services to become a signatory to the D2N2 Regulatory Services Partnership that would deliver the initiative.

Better Business for All (BBfA) was a Government initiative to promote economic recovery by entrusting Local Enterprise Partnerships (LEPs) with establishing effective local regulation for businesses, in partnership with local authorities.

BBfA was a brand and toolkit of resources for LEPs to use to:

- reduce the regulatory burden on businesses;
- promote two-way communication between businesses and regulatory services;
- improve the business perception of regulators;
- support regulators to find the right balance between encouragement, education and enforcement;
- develop a joint offer of support from regulatory services to businesses;
- build trust of both regulators and businesses;
- advise government how to do things better for both businesses and regulators.

The intention was to remove real and perceived barriers to growth, by ensuring that regulators were seen as enablers as well as enforcers, encouraging businesses to seek their advice and support. This would make it possible to concentrate limited enforcement resources on dealing with non-compliant businesses.

- *RESOLVED -
- (1) That approval be given to the Council joining the D2N2 Regulatory Services Partnership.
 - (2) That the principles set out in the draft Regulator and Business Partnership Charter (Appendix 1 to the report) be approved.

- (3) That the final drafting and sign-off of the Charter and supporting terms of reference for the Partnership be delegated to the Head of Environment.
- (4) That all decisions relating to the delivery of projects, including funding associated with the aims of the project, be delegated to the Head of Environment.
- (5) That the Council's enforcement policies be reviewed by the Head of Environment and the Head of Regeneration, in light of the Regulators Code, and a further report be made to Cabinet.

REASON FOR DECISIONS

To assist the Local Enterprise Partnership, D2N2, supporting local businesses to grow through timely and effective regulation and advice.

103 **ABSENCE OF MEMBER OF THE COUNCIL (B100)**

The Head of Governance submitted a report to enable the Cabinet to consider, for the purposes of Section 85 (1) of the Local Government Act 1972, the reasons for the absence of a Member of Council from meetings of the Authority.

- *RESOLVED -
- (1) That, for the purposes of Section 85(1) of the Local Government Act, 1972, the reason for the absence from meetings since the 18th June, 2013 of Councillor A. Bellamy, i.e. ill health, be noted and his continued absence from meetings be authorised until 31st December, 2013.
 - (2) That the best wishes of all his Council colleagues be sent to Councillor Bellamy.

REASON FOR DECISION

To meet the requirements of Section 85 (1) of the Local Government Act 1972.

104 **HOUSING OMBUDSMAN - NEW ARRANGEMENTS (H000)**

The Housing Service Manager - Customer Service Division submitted a report seeking approval for a change in the complaints procedure, in accordance with changes to the referral mechanism for complaints to the Housing Ombudsman, established in April 2013.

The proposed changes to the complaints procedure had been trialled informally since April 2013, and it was suggested that these informal procedures now be formally adopted.

The proposal was that Ward Members become 'designated persons', to whom complainants about the Housing Service would be referred after the completion of the landlord's internal complaints process. A designated person could then choose to refer the complaint straight to the Ombudsman, in writing, or could attempt to resolve the complaint locally.

A complainant would also still have the facility to go straight to the Ombudsman but would have to wait until 8 weeks had elapsed following the completion of the landlord's internal complaints process.

It was proposed that referral of complaints to Ward Members was preferable to establishing a Designated Tenants Panel.

The complaints procedure would be changed to include this referral process, and Members would be provided with a written procedure and briefing sessions.

The new arrangements would be monitored and reviewed in 2014, as part of a review of Tenant Involvement.

- *RESOLVED –
- (1) That the informal procedures currently in place be formally adopted, and that local Ward Members be appointed as designated persons, for the purpose of dealing with complaints about the Council's housing service, and/or to act as referral points, as appropriate, for such complaints to be made to the Housing Ombudsman.
 - (2) That the Council's complaints procedure be changed to reflect these changes, and that a tenants panel be not set up at the current time.
 - (3) That briefing sessions be held with Members of Council on the process to be followed should a complainant make contact, and that a procedure for dealing with complainants be produced.
 - (4) That the new arrangements be monitored and reviewed in 2014, as part of the review of Tenant Involvement.

REASON FOR DECISION

To formalise the current arrangements and to reflect them in the revised complaints procedure.

105 THE COUNCIL'S TENANCY POLICY IN RELATION TO HOUSING TENANTS (H000)

The Housing Service Manager – Customer Service Division submitted a report recommending the adoption of a revised Tenancy Policy, incorporating the Assignment and Mutual Exchange Policy.

A Tenancy Strategy was approved by Cabinet at Minute 0175 (2012/13), and published in January 2013. It required the production of a Tenancy Policy which would include changes to the succession rules that came into effect with the Localism Act 2011, and applied to all new tenancies since 1st April, 2013. The Council had also developed a policy on the assignment of tenancies and the encouragement of mutual exchanges.

*RESOLVED – That the Tenancy Policy, and Assignment and Mutual Exchange Policy, be approved.

REASON FOR DECISION

To ensure compliance with statutory requirements in having a Tenancy Policy in place, and to clarify the Council's position with regard to the management of its housing tenancies.

106 **WESTWOOD AVENUE, MIDDLECROFT, STAVELEY (H000)**

The Housing Service Manager – Business Planning and Strategy Division submitted a report recommending action in respect of the demolition of 6 Council properties at 1,3,5,7,8 and 10 Westwood Avenue, Middlecroft, Staveley, and requesting authorisation to investigate options, including the use of a Compulsory Purchase Order in respect of 2 Westwood Avenue.

The properties recommended for demolition had been affected by subsidence. All were Council properties, except 2 Westwood Drive, which was privately owned.

Remedial action including the reduction in chimney stack height, and regular monitoring, were recommended while arrangements were being made to rehouse the tenants. Four other properties in Court Place and Westwood Avenue were already being vacated prior to demolition, and the tenants were being rehoused.

Neighbouring properties would continue to be monitored annually to check on tilt levels, and tenants would be kept informed about the outcome of the monitoring exercise.

- *RESOLVED –
- (1) That the properties at 1, 3, 5, 7, 8 and 10 Westwood Avenue be demolished.
 - (2) That the Business Planning and Strategy Manager be authorised to liaise and negotiate with the owners of 2 Westwood Avenue about the actions required in respect of their property and, as a matter of last resort, investigate the option of applying for a Compulsory Purchase Order.
 - (3) That the Business Planning and Strategy Manager be authorised to tender and appoint a demolition contractor.

- (4) That the Business Planning and Strategy Manager be authorised to arrange the remedial work to lower the chimney stacks prior to the properties at Westwood Avenue being vacated.

REASONS FOR DECISIONS

- (1) The properties were at risk of collapse and could cause damage to other adjacent properties or persons.
- (2) The cost of repairs to the properties would be extremely high and uneconomic.

107 **INCOME DEVELOPMENT AT CHESTERFIELD VENUES (T230)**

The Head of Regeneration submitted a report on the options for developing new income streams at Chesterfield Venues for future capital projects.

The report outlined the reasons why additional funding was required to maintain and improve the Winding Wheel and Pomegranate Theatre.

A successful Arts Council bid had been made for funds to upgrade both venues. Partnership funding was required from the Council for this work, which would be carried out between May and September 2014.

Additional funds were also needed to carry out further improvements to public areas and back of house, to make both venues more comfortable and attractive places to visit.

Consultation had been done with users, and with Chesterfield Theatre Friends, using focus group and questionnaire methods.

Four options for increasing income had been considered:-

- a new Friends Scheme
- a Restoration Levy
- a Lottery
- setting up a Charitable Trust.

The two options with most support in the consultation were a new Friends Membership Scheme, giving discounts on ticket prices, and a Restoration Levy on all tickets sold.

It was also recommended that commercial flexibility be maintained by permitting venues to offer special ticket prices, to maximise attendances and revenue.

- *RESOLVED – (1) That a compulsory restoration levy of £1.50 on all tickets sold for Council-promoted professional events at the Winding Wheel and Pomegranate Theatre be introduced from 3rd February, 2014.

- (2) That the impact of the restoration levy be reviewed after 12 months of implementation.
- (3) That a new membership scheme, to be known as 'The Theatre Club', be introduced from 1st August, 2014, offering an extended range of benefits to members, including discounts on tickets for productions at both the Winding Wheel and the Pomegranate Theatre.
- (4) That income from the proposed restoration levy be channelled into a separate fund to contribute towards the capital improvement of both the Winding Wheel and the Pomegranate Theatre.
- (5) That the first £45,000 of funds raised from the proposed restoration levy be used as part of the match funding required for the Arts Council Capital Development works in 2014.
- (6) That a further report be made to Cabinet seeking agreement on the future capital projects to be financed by the restoration levy.
- (7) That the price of Community Promotions be increased by an average of 5% from 1st April, 2014.
- (8) That flexible pricing and special offers for both ticket prices and hire charge prices be introduced at the Venues, to enable them to respond positively to commercial opportunities as they arise, and to make special offers to selected groups, as well as to the general public.

REASON FOR DECISION

To develop a sustainable business plan to improve and extend the programme of both the Pomegranate Theatre and the Winding Wheel, by making them more financially sustainable, increasing the level and range of usage, and for them to play a stronger and more dynamic role within the regional arts infrastructure.

108 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

*RESOLVED –

That under Regulation 21 (1) (b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure or exempt information as defined by Paragraphs 1 and 3 of Part I of Schedule 12A to the Local Government Act 1972 - on the grounds that it includes information relating to any individual, and information relating to the financial or

business affairs of any particular person (including the authority holding that information).

109 WATER RATES CONTRACT WITH SEVERN TRENT WATER (H000)

The Business Transformation Manager submitted a report on the water rates collection contract between Chesterfield Borough Council and Severn Trent Water (STW).

The report sought approval to transfer responsibility for payment to STW from the Housing Revenue Account to the General Fund.

It was proposed that the collection of water rates with rent, which had begun in 1979, be continued because it was a service to tenants, and guaranteed good collection rates for the water company. The Borough Council received commission for collecting the payments.

The contract had been renegotiated, and Severn Trent Water was willing to increase the fixed allowance for irrecoverable debts from 2% to 4%, which would allow for increases in bad debts resulting from Welfare Reform and, in future, Universal Credit.

The small surplus on collection had been paid into the Housing Revenue Account, but because collection costs were met from the General Fund it was proposed that the surplus be transferred from the Housing Revenue Account to the General Fund from 2013/14.

If at any time the Council no longer wished to collect water rates with rents, it would have to consult tenants before changing the arrangement to do so.

- *RESOLVED –
- (1) That the continuation of the water rate collection contract with Severn Trent Water (STW) be approved, on the basis of the revised terms and conditions outlined in the report.
 - (2) That responsibility for the payment of the STW bill be transferred from the Housing Revenue Account to the General Fund.
 - (3) That £30,000 of the estimated 2013/14 surplus from the contract be transferred into a provision for future tenant consultation.
 - (4) That the current rent collection process and technology be reviewed, to enable the effective monitoring and management of the actual costs relating to the collection of water rates.

REASON FOR DECISION

To achieve best value for Chesterfield Borough Council in its continued agreement with Severn Trent Water.

110 APPROVAL TO EXTEND THE SECURITY SERVICE CONTRACT FOR THE PROVISION OF SECURITY SERVICES TO THE PAVEMENTS CENTRE, YARDS AND MARKET, CHESTERFIELD (J000)

The Head of Kier Asset Management submitted a report seeking approval to extend the Security Services Internal Service Provider (ISP) contract for the provision of security services to the Pavements Centre, Yards and Market in Chesterfield.

Contract performance would be monitored, and regular reports would be made to the Deputy Leader and Executive Member for Planning.

A full review of the ISP would be made after the extended contract had been in operation for six months, and following that review, recommendations would be made to Cabinet on the future delivery of the service from September, 2014.

Councillor Russell expressed his concerns about the extension of the contract and requested that his vote against the recommendations be recorded.

- *RESOLVED –
- (1) That the Internal Service Provider (ISP) be granted a final further one year extension of the contract to provide Security Services at the Pavements Shopping Centre, with effect from 6th September 2013.
 - (2) That the required improvements outlined in the report, to deliver a stepped improvement in the delivery of the service, be noted, and that it be recognised that management and staff were committed to working together to drive through the changes needed to deliver an efficient Internal Service Provider.
 - (3) That if, at 6 March, 2014, the ISP fails to deliver the targeted improved financial and service performance results, consideration be given to expose the contract to the market, with no ISP bid.
 - (4) That the ISP's financial and service performance results be reported to the Deputy Leader and Executive Member for Planning at the end of the third and fifth month of the one-year extension.
 - (5) That a full review of the ISP's financial and service performance be undertaken at the end of month six of the one year extension, and the outcome be reported to

Cabinet, to enable a final decision to be taken on how best to deliver the Security Services contract at the Pavements Shopping Centre from September 2014.

REASON FOR DECISIONS

To ensure that the Security Service ISP provides an efficient, effective and economical security service to the Pavements Shopping Centre, Yards and Market.

CHESTERFIELD BOROUGH COUNCIL FORWARD PLAN
FOR THE FOUR MONTH PERIOD 1 DECEMBER 2013 TO 31 MARCH 2014

This is formal notice under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of key decisions to be made on behalf of the Council. As far as possible and in the interests of transparency, the Council will seek to provide at least 28 clear days notice of new key decisions (and many new non-key decisions) that are listed on this document. Where this is not practicable, such key decisions will be taken under urgency procedures. Decisions which are expected to be taken in private (at a meeting of the Cabinet or by an individual Cabinet Member) are marked "private".

This Forward Plan sets out the details of the 'key' and other major decisions which the Council expects to take during the next four month period. The Plan is rolled forward every month and is available to the public 28 days before the beginning of each month.

A 'Key' Decision is defined as:

Any executive decision which is likely to result in the Council incurring significant expenditure or the making of savings where there is:

- a decision to spend £50,000 or more from an approved budget, or
- a decision to vire more than £10,000 from one budget to another, or
- a decision which would result in a saving of £10,000 or more to any budget head, or
- a decision to dispose or acquire any interest in land or buildings with a value of £50,000 or more, or
- a decision to propose the closure of, or reduction by more than ten (10) percent in the level of service (for example in terms of funding, staffing or hours of operation) provided from any facility from which Council services are supplied.

Any executive decision which will have a significant impact in environmental, physical, social or economic terms on communities living or working in one or more electoral wards. This includes any plans or strategies which are not within the meaning of the Council's Policy Framework set out in Article 4 of the Council's Constitution.

The law and the Council's Constitution provide for urgent key decisions to be made, even though they have not been included in the Forward Plan in accordance with Rule 15 (General Exception) and Rule 16 (Special Urgency) of the Access to information Procedure Rules.

The Forward Plan has been extended to now include details of any significant issues to be considered by the Executive Cabinet, full Council and Overview and Scrutiny Committee. It is hoped that this will better meet the needs of elected Members, Officers and the public. They are called "non key decisions". In addition the plan contains details of any reports which are to be taken in the private section of an Executive meeting.

Anyone wishing to make representations about any of the matters in the schedule below may do so by contacting the officer listed. Copies of the Council's Constitution and agenda and minutes for all meeting of the Council may be accessed on the Council's website: www.chesterfield.gov.uk.

Notice of Intention to Conduct Business in Private

Whilst the majority of the business at Cabinet meetings will be open to the public and media to attend, there will inevitably be some business to be considered that contains, for example, confidential, commercially sensitive or personal information. This is formal notice under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that the Cabinet meetings shown on this Forward Plan will be held partly in private because some of the reports for the meeting will contain either confidential information or exempt information under Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it.

A list of the reports which are expected to be considered at this meeting in private are set out in a list on this Forward Plan. They are marked "private", including a number indicating the reason why the decision will be taken in private under the categories set out below:

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

If you would like to make representations about any particular decision to be conducted in private at this meeting then please email: democratic.services@chesterfield.gov.uk. Such representations must be received in advance of 5 clear working days before the date Cabinet meeting itself, normally by the preceding Monday. The Council is required to consider any representations received as to why an item should not be taken in private and to publish its decision.

It is possible that other private reports may be added at shorter notice to the agenda for the Cabinet meeting or for a Cabinet Member decision.

Cabinet meetings are held at the Town Hall, Chesterfield, S40 1LP, usually starting at 10.30 am on Tuesdays, but subject to change in accordance with legal notice periods.

Huw Bowen
Chief Executive



Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Private
Key Decisions									
Key Decision 213	List of Buildings of Local Interest - to agree a local list of buildings of historic, architectural or townscape importance.	Cabinet	Deputy Leader & Executive Member for Planning	20 Dec 2013	Planning Committee	Public Consultation already taken place with the local community.	Report of Head of Regeneration	Paul Staniforth Tel: 01246 345781 paul.staniforth@chesterfield.gov.uk	Public
Key Decision 250	Housing Services Structure Review	Joint Cabinet and Employment & General Committee	Executive Member - Housing	3 Dec 2013	Assistant Executive Member Support Members	Meetings.	Operational Services Manager - Housing Services	Martyn Bollands Tel: 01246 345020 martyn.bollands@chesterfield.gov.uk	Exempt 1 Information relating to individuals
Key Decision 254	Private Sector Stock Condition Survey - seeking authority to procure.	Cabinet	Executive Member - Housing	14 Jan 2014	Assistant Executive Member Support Members	Meetings.	Business Planning and Strategy Manager - Housing Services	Jane Thomas Tel: 01246 345708 jane.thomas@chesterfield.gov.uk	Public

Key Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Private
Key Decision 255	Appointment of Green Deal/ECO Partner	Cabinet	Executive Member - Housing	28 Jan 2014	Assistant Executive Member Support Members	Meetings.	Business Planning and Strategy Manager - Housing Services	Jane Thomas Tel: 01246 345708 jane.thomas@chesterfield.gov.uk	Public
Key Decision 262	Governance Restructure - to consider a proposed restructure of the Governance Service.	Joint Cabinet and Employment & General Committee	Executive Member - Governance and Organisational Development	3 Dec 2013	Assistant Executive Member Heads of Service Staff Trade Unions	Meetings.	Head of Governance	Sara Goodwin Tel: 01246 345309 sara.goodwin@chesterfield.gov.uk	Exempt 1 Refers to staffing issues
Key Decision 267	Restructure of Homelessness Service	Joint Cabinet and Employment & General Committee	Executive Member - Housing	14 Jan 2014	Assistant Executive Member Support Members	Meeting.	Service Manager - Housing Services	Julie McGrogan Tel: 01246 345135 julie.mcgrogan@chesterfield.gov.uk	Exempt 1 Information relating to individuals

Key Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Private
Key Decision 285	New Beetwell Street MSCP Improvement Scheme - to agree a scheme of capital improvements for the car parks in line with the Parking Strategy.	Council	Executive Member - Environment	27 Feb 2014	Assistant Executive Member	Meeting.	Head of Regeneration	Bernadette Wainwright Tel: 01246 345779 bernadette.wainwright@chesterfield.gov.uk	Public
Key Decision 286	CCTV Control Centre Improvement Works - to agree capital improvements to the control centre in line with the Parking Strategy.	Council	Executive Member - Customers and Communities	27 Feb 2014	Assistant Executive Member Support Members	Meeting.	Head of Regeneration	Bernadette Wainwright Tel: 01246 345779 bernadette.wainwright@chesterfield.gov.uk	Public
Key Decision 296	Careline Consortium - Update on the current position regarding potential partnership arrangements with DCC.	Cabinet	Executive Member - Housing	14 Jan 2014	Assistant Executive Member Support Members	Meeting.	Service Manager - Housing Services	Julie McGrogan Tel: 01246 345135 julie.mcgrogan@chesterfield.gov.uk	Public

Key Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Private
Key Decision 303	Policy Restructure	Joint Cabinet and Employment & General Committee	Executive Member - Governance and Organisational Development	3 Dec 2013	Assistant Executive Member Support Members Deputy Leader & Executive Member for Planning Executive Member for Customers & Communities Executive Member for Environment Heads of Service Staff Trade Unions	Meetings.	Head of Business Transformation	Mark Evans Head of Business Transformation Tel: 01246 345732 mark.evans@chesterfield.gov.uk	Exempt 1 Information relating to individuals
Key Decision 317	Renewal of Cleaning Contract for Communal Areas	Cabinet	Executive Member - Housing	14 Jan 2014	Assistant Executive Member Support Members	Meeting	Service Manager - Housing Services	Julie McGrogan Tel: 01246 345135 julie.mcrogan@chesterfield.gov.uk	Public
Key Decision 318	Proposals in respect of Grange Court - Change of Use/Conversion	Executive Member - Housing	Executive Member - Housing	14 Jan 2014	Assistant Executive Member Support Members	Meeting	Service Manager - Housing Services	Julie McGrogan Tel: 01246 345135 julie.mcrogan@chesterfield.gov.uk	Public

Key Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Private
Key Decision 321	Review of Allocations Policy - Welfare Reform	Cabinet	Executive Member - Housing	28 Jan 2014	Assistant Executive Member Support Members	Meetings	Service Manager - Housing Services	Julie McGrogan Tel: 01246 345135 julie.mcrogan@chesterfield.gov.uk	Public
Key Decision 326	Festivals Review - review the Council's programme of cultural festivals in 2013 and agree future events.	Cabinet	Executive Member - Leisure, Culture and Tourism	28 Jan 2014	Assistant Executive Member Support Members	Meetings	Head of Regeneration	Bernadette Wainwright Tel: 01246 345779 bernadette.wainwright@chesterfield.gov.uk	Public
Key Decision 327	Rest Rooms - explain how the rest rooms are managed and financed and review the future of the unused facilities.	Cabinet	Executive Member - Leisure, Culture and Tourism	25 Feb 2014	Assistant Executive Member Support Members	Meetings	Head of Regeneration	Bernadette Wainwright Tel: 01246 345779 bernadette.wainwright@chesterfield.gov.uk	Public
Key Decision 329	Local Plan: Sites and Boundaries Development Plan document - to agree preferred options for public consultation.	Cabinet	Deputy Leader & Executive Member for Planning	20 Dec 2013		Meetings	Head of Regeneration	Alan Siviter Tel: 01246 345954 alan.siviter@chesterfield.gov.uk	Public

Key Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Private
Key Decision 331	HS2 - response to consultation from government on proposed route for HS2.	Cabinet	Deputy Leader & Executive Member for Planning	14 Jan 2014		Meetings.	Head of Regeneration	Richard Bryant Tel: 01246 345790 richard.bryant@chesterfield.gov.uk	Public
Key Decision 335	"Great Place, Great Service" - a proposal to implement a Council wide transformation programme.	Cabinet	Deputy Leader & Executive Member for Planning	3 Dec 2013	Executive Member for Governance and Organisational Development	Meeting	Head of Business Transformation	Mark Evans Head of Business Transformation Tel: 01246 345732 mark.evans@chesterfield.gov.uk	Public
Key Decision 337	THI Scheme Project Evaluation - to receive a final evaluation of the THI project for Chesterfield Town Centre.	Cabinet	Deputy Leader & Executive Member for Planning	20 Dec 2013		Meetings	Head of Regeneration	Paul Staniforth Tel: 01246 345781 paul.staniforth@chesterfield.gov.uk	Public
Key Decision 339	Proposals for future use of the former garage site of Hady Lane	Cabinet	Executive Member - Housing	3 Dec 2013	Assistant Executive Member Support Members	Meetings.	Business Planning & Strategy Manager	Alison Craig Housing Tel: 01246 345156 alison.craig@chesterfield.gov.uk	Public

Key Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Private
Key Decision 340	Caravan and Mobile Home Park Licensing	Cabinet	Executive Member - Housing	28 Jan 2014	Assistant Executive Member Support Members	Meetings.	Business Planning and Strategy Manager - Housing Services	Jane Thomas Tel: 01246 345708 jane.thomas@chesterfield.gov.uk	Public
Key Decision 343	Environmental Health Fees and Charges	Cabinet	Executive Member - Environment	20 Dec 2013	Assistant Executive Member Support Members	Meetings.	Head of Environment	Russell Sinclair Tel: 01246 345397 russell.sinclair@chesterfield.gov.uk	Public
Key Decision 345	Waste Services Fees and Charges	Cabinet	Executive Member - Environment	20 Dec 2013	Assistant Executive Member Support Members	Meetings.	Head of Environment	Dave Bennett Tel: 01246 345122 dave.bennett@chesterfield.gov.uk	Public
Key Decision 347	Anti-Social Behaviour Review	Cabinet	Executive Member - Customers and Communities	20 Dec 2013	Assistant Executive Member	Meetings	Head of Business Transformation	Joe Tomlinson Tel: 01246 345093 joe.tomlinson@chesterfield.gov.uk	Public
Key Decision 348	Strategic Housing Marketing Assessment	Cabinet	Executive Member - Housing	25 Feb 2014	Assistant Executive Member Support Members.	Meeting.	Business Planning and Strategy Manager - Housing Services	James Crouch Tel: 01246 345150 james.crouch@chesterfield.gov.uk	Public

Key Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Private
Key Decision 350	HRA Business Plan/Capital Programme/Rents	Cabinet	Executive Member - Housing	14 Jan 2014	Assistant Executive Member Support Member	Meeting	Business Planning and Strategy Manager - Housing Services	Alison Craig Housing Tel: 01246 345156 alison.craig@chesterfield.gov.uk	Exempt 3 Refers to financial affairs
Key Decision 351	Review of Cemeteries Fees and Charges - 2014/15 To set the cemeteries fees and charges for 2014/15.	Cabinet	Executive Member - Environment	14 Jan 2014	Assistant Executive Member Support Members Joint Crematorium Committee	Meeting	Head of Environment	Angela Dunn Bereavement Services Officer Tel: 01246 345881 angela.dunn@chesterfield.gov.uk	Public
Key Decision 352	Fees and Charges for Leisure Centres and Outdoor Recreation Provision 2014 To set the Council's fees and charges for Indoor and Outdoor Sport and Leisure facilities with effect from 1 April 2014	Cabinet	Executive Member - Leisure, Culture and Tourism	20 Dec 2013	Assistant Executive Member Support Members	Meeting	Head of Environment	Darran West Tel: 01246 345751 darran.west@chesterfield.gov.uk	Public

Key Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Private
Key Decision 353	Barrow Hill Environmental Improvements	Cabinet	Executive Member - Housing	14 Jan 2014	Assistant Executive Member	Meeting	Business Planning and Strategy Manager - Housing Services	James Crouch Tel: 01246 345150 james.crouch@chesterfield.gov.uk	Public
Key Decision 354	Six Month Performance of the PPP	Cabinet	Executive Member - Governance and Organisational Development	3 Dec 2013	Assistant Executive Member	Meeting	Head of Business Transformation	John Moran Tel: 01246 345389 john.moran@chesterfield.gov.uk	Public
Key Decision 355	Proposed Sports Pavilion for Eastwood Park	Cabinet	Executive Member - Environment	14 Jan 2014	Assistant Executive Member	Meeting	Head of Environment	John Ramsey Tel: 01246 345097 john.ramsey@chesterfield.gov.uk	Public
Key Decision 356(1)	Draft Portfolio Revenue Budget proposals for 2014/15 - Leader & Executive Member for Regeneration	Cabinet	Leader & Executive Member for Regeneration	20 Dec 2013		Meeting	Head of Finance	Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public

Key Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Private
Key Decision 356(2)	Draft Portfolio Revenue Budget Proposals for 2014/15 - Deputy Leader & Executive Member for Planning	Cabinet	Deputy Leader & Executive Member for Planning	20 Dec 2013		Meeting	Head of Finance	Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public
Key Decision 356(3)	Draft Portfolio Revenue Budget Proposals for 2014/15 - Executive Member for Governance and Organisational Development	Cabinet	Executive Member - Governance and Organisational Development	20 Dec 2013	Assistant Executive Member	Meeting	Head of Finance	Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public
Key Decision 356(4)	Draft Portfolio Revenue Budget Proposals for 2014/15 - Executive Member for Environment	Cabinet	Executive Member - Environment	20 Dec 2013	Assistant Executive Member	Meeting	Head of Finance	Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public

Key Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Private
Key Decision 356(5)	Draft Portfolio Revenue Budget Proposals for 2014/15 - Executive Member for Leisure, Culture and Tourism	Cabinet	Executive Member - Leisure, Culture and Tourism	20 Dec 2013	Assistant Executive Member	Meeting	Head of Finance	Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public
Key Decision 356(6)	Draft Portfolio Revenue Budget proposals for 2014/15 - Executive Member for Customers and Communities	Cabinet	Executive Member - Customers and Communities	20 Dec 2013	Assistant Executive Member	Meeting	Head of Finance	Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public
Key Decision 356(7)	Draft Portfolio Revenue Budget proposals for 2014/15 - Executive Member for Housing	Cabinet	Executive Member - Housing	20 Dec 2013	Assistant Executive Member	Meetings	Head of Finance	Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public
Key Decision 357	Draft General Fund Revenue Budget Proposals for 2014/15	Cabinet	Leader & Executive Member for Regeneration	20 Dec 2013		Meeting	Head of Finance	Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public

Key Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Private
Key Decision 358	Updated General Fund Capital Programme	Cabinet	Deputy Leader & Executive Member for Planning	20 Dec 2013		Meeting	Head of Finance	Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public
Key Decision 359	Collection Fund Revised Estimates 2013/14	Cabinet	Deputy Leader & Executive Member for Planning	14 Jan 2014		Meeting	Head of Finance	Helen Fox Tel: 01246 345452 helen.fox@chesterfield.gov.uk	Public
Key Decision 360	Risk Management - mid year review and Strategy for 2014/15	Council	Executive Member - Governance and Organisational Development	27 Feb 2014	Assistant Executive Member Cabinet Standards and Audit Committee	Meeting	Head of Finance	Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public
Key Decision 361	Gambling Statement of Principles	Council	Executive Member - Environment	18 Dec 2013	Assistant Executive Member Cabinet Licensing Committee	Meetings	Head of Environment	Grace Dowson Tel: 01246 345740 grace.dowson@chesterfield.gov.uk	Public
Key Decision 362	General Fund Revenue Budget 2014/15 and Medium Term Strategy	Council	Leader & Executive Member for Regeneration	27 Feb 2014	Cabinet	Meeting	Head of Finance	Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public

Key Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Private
Key Decision 363	Capital Strategy and General Fund Capital Programme	Council	Deputy Leader & Executive Member for Planning	27 Feb 2014		Meeting	Head of Finance	Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public
Key Decision 364	Housing Capital Programme	Council	Executive Member - Housing	27 Feb 2014	Assistant Executive Member	Meeting	Head of Finance and Business Planning and Strategy Manager - Housing Services	Alison Craig Housing Tel: 01246 345156 alison.craig@chesterfield.gov.uk	Public
Key Decision 365	Treasury Management Strategy and Prudential Indicators	Council	Deputy Leader & Executive Member for Planning	27 Feb 2014	Cabinet Standards and Audit Committee	Meetings	Head of Finance	Helen Fox Tel: 01246 345452 helen.fox@chesterfield.gov.uk	Public
Key Decision 366	Council Tax Levels for 2014/15	Council		27 Feb 2014		Meeting	Head of Finance	Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public
Key Decision 367	Approval of the Council Tax and Business Rates Bases for 2014/15	Employment and General Committee		14 Jan 2014		Meeting		Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public

Key Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Private
Key Decision 368	Open Market Fees and Charges 2014/15	Cabinet	Executive Member - Leisure, Culture and Tourism	14 Jan 2014	Assistant Executive Member	Meeting	Head of Regeneration	Mike Hayden Head of Regeneration Tel: 01246 345789 mike.hayden@chesterfield.gov.uk	Public
Key Decision 69	Consideration of Tenders for the Construction of the New Sports Centre (L000)	Cabinet	Executive Member - Leisure, Culture and Tourism	20 Dec 2013	Assistant Executive Member	Meeting	Head of Environment	Darran West Tel: 01246 345751 darran.west@chesterfield.gov.uk	Exempt 3 Contains financial information
Key Decision 370	Appropriation of Land at Queen's Park Annexe for the Construction of the New Sports Centre (R320)	Cabinet	Executive Member - Leisure, Culture and Tourism	14 Jan 2014	Assistant Executive Member	Meeting	Head of Environment	Darran West Tel: 01246 345751 darran.west@chesterfield.gov.uk	Public
Key Decision	2014 Car Parking Charges - to review the timing of the introduction of the agreed price increase	Cabinet	Executive Member - Environment	14 Jan 2014	Assistant Executive Member	Meeting	Cultural and Visitor Services Manager	Bernadette Wainwright Tel: 01246 345779 bernadette.wainwright@chesterfield.gov.uk	Public
Non-Key Decisions									

Key Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Private
Key Decision Non-Key 24	List of Buildings of Local Interest - to consider the list of nominated buildings and agree an assessment panel and process.	Deputy Leader & Executive Member for Planning	Deputy Leader & Executive Member for Planning	25 Nov 2013		Meeting. Consultation with property owners.	Head of Regeneration	Paul Staniforth Tel: 01246 345781 paul.staniforth@chesterfield.gov.uk	Public
Key Decision Non-Key 25	Key Account Management - to agree a strategy for engaging with local businesses.	Leader & Executive Member for Regeneration	Leader & Executive Member for Regeneration	28 Jan 2014		Meeting.	Head of Regeneration	Lynda Sharp Tel: 01246 345256 lynda.sharp@chesterfield.gov.uk	Public
Non-Key Non Key 26	Application for Discretionary Disabled Facilities Loan Assistance	Executive Member - Housing	Executive Member - Housing	25 Nov 2013	Assistant Executive Member Support Member	Meeting.	Business Planning and Strategy Manager - Housing Services	Jane Thomas Tel: 01246 345708 jane.thomas@chesterfield.gov.uk	Exempt 1, 3 Information relating to an individual, and financial information

FOR PUBLICATION

AGENDA ITEM

GAMBLING ACT 2005- STATEMENT OF PRINCIPLES

MEETING:	LICENSING COMMITTEE EXECUTIVE MEMBER - ENVIRONMENT CABINET FULL COUNCIL
DATE:	13TH NOVEMBER 2013 25 TH NOVEMBER 2013 3 RD DECEMBER 2013 18 TH DECEMBER 2013
REPORT BY:	HEAD OF ENVIRONMENT
WARD:	ALL
COMMUNITY FORUM:	ALL

FOR PUBLICATION

TITLE: Gambling Act 2005 – LOCATION: Licensing Group
Statement of Principles

1.0 **PURPOSE OF REPORT**

- 1.1 To recommend that the full Council adopts and publishes the 'Statement of Principles' (copy attached as Appendix 1) made under the Gambling Act 2005.

2.0 **RECOMMENDATION**

- 2.1 That the Statement of Principles be adopted by the Council.

3.0 **REASON FOR RECOMMENDATION**

- 3.1 To comply with the requirements of the Gambling Act 2005.

4.0 **BACKGROUND**

- 4.1 The Act requires each licensing authority to adopt a Statement of

Principles and that it is reviewed every three years. It was last reviewed in December 2010.

4.2 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are;

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

4.3 The last Statement of Principles was adopted and published January 2010, which means that the review of the Principles must be determined and published by 1st January 2014.

4.4 In this regard, members will recall that reports were presented at the Licensing Committee on 11th September 2013 and circulated to all Council Members seeking approval of the Councils Draft Statement of Principles, prior to it being made available for consultation.

5.0 **RESULT OF CONSULTATION ON CHESTERFIELD BOROUGH COUNCIL'S DRAFT STATEMENT OF PRINCIPLES**

5.1 As part of the consultation process, the authorities required to be consulted have been informed of the consultation as were the major licence holders. The consultation was also published on the Councils website and a notice appeared in the 'Public Notices' section of the Derbyshire Times on 19th September 2013 (Appendix 2). Further copies were made available at Chesterfield Library, Tourist Information Centre, and the Licensing Counter at Customer Service Centre, Chesterfield Borough Council.

5.2 Any comments were to be made in writing to the Licensing Section by Friday 18th October 2013.

5.3 One comment has been received from the Community Safety Partnership based within the Town Hall. The comments and responses are included in Appendix 3.

5.4 The lists of authorities and consultees have been removed from the Statement as they are not relevant to the Statement and were originally included as information when the Statement was first adopted.

6.0 **EQUALITIES**

A preliminary equality impact assessment has been undertaken, no negative impacts have been identified for any of the protected characteristics.

7.0 **RISK MANAGEMENT**

<u>Description</u>	<u>Impact</u>	<u>Probability</u>	<u>Controls to be implemented</u>
Failure to put policy into place by January 2014 as required by legislation	Low	Medium	Draft Policy to be approved by Full Council in December 2013
Lack of policy puts the regulatory decisions of the Licensing Committee at risk of legal challenge	Medium	Low	As Above

8.0 **RECOMMENDATION**

8.1 That the Statement of Principles be adopted by the Council.

9.0 **REASON FOR RECOMMENDATION**

9.1 To comply with the requirements of the Gambling Act 2005.

D W WEST
HEAD OF ENVIRONMENT

October 2013

Report Author; Grace Dowson, Licensing Officer tel 345740
grace.dowson@chesterfield.gov.uk

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CHESTERFIELD BOROUGH **COUNCIL**

STATEMENT OF PRINCIPLES

Made under the Gambling Act 2005

**Licensing Section, Environment Services, Customer Service
Centre, 85 New Square, Chesterfield, Derbyshire, S40 1AH**

or e-mail to licensing@chesterfield.gov.uk

ARE WE ACCESSIBLE TO YOU?

If not, ask us

- ✓ We want everyone to be able to understand us.
- ✓ We want everyone to be able to read our written materials.
- ✓ We aim to provide what you need for you to read, talk, and write to us.

On request we will provide free:

- ✓ Language interpreters, including for British Sign Language.
- ✓ Translations of written materials into other languages.
- ✓ Materials in braille, large print, on tape, in Easy Read.

Please contact us:

Telephone: 01246 345247

Fax: 01246 345252

Email: enquiries@chesterfield.gov.uk

CONTENTS

Preface	5
1 The Licensing Objectives	6
2 Introduction	6
3 Declaration	8
4 Responsible Authorities	8
5 Interested Parties	8
6 Exchange of Information	9
7 Enforcement	10
8 Licensing Authority Functions	10
PREMISES LICENCES	11
1 General Principles	11
2 Adult Gaming Centres	15
3 (Licensed) Family Entertainment Centres	16
4 Casinos	16
5 Bingo Premises	16
6 Betting Premises	16
7 Tracks	17
8 Travelling Fairs	18
9 Provisional Statement	18
10 Reviews	19
PERMITS/TEMPORARY AND OCCASIONAL USE NOTICES	19
1 Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits - Schedule 10 Para 7)	19
2 Alcohol Licensed Premises Gaming Machine Permits (Schedule 13 Para 4(1))	20
3 Prize Gaming Permits (Statement of Principles on Permits - Schedule 14 Para 8 (3))	21
4 Club Gaming and Club Machine Permits	21
5 Temporary Use Notices	22
6 Occasional Use Notices	23
CONTACT INFORMATION	24

APPENDIX 1

ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

25

Preface

Under the Gambling Act 2005 all gambling and betting provision, apart from the National Lottery and spread betting, will be regulated by the Gambling Commission.

Chesterfield Borough Council, along with other local licensing authorities, has a duty under the Act to license premises where gambling is to take place, and to license certain other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.

1.0 The Licensing Objectives

1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

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

1.2 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”.

2.0 Introduction

The Borough of Chesterfield is the second largest settlement in Derbyshire (Derby City is the largest). It is a relatively compact and mainly urban area. It is well known for its Parish Church, with its Crooked Spire. Its famous parish church with its crooked spire, now occupies the site of the original Roman fort. The M1 runs by the sizeable areas of open countryside which lie in the north east Derbyshire Greenbelt. The Rother Valley runs from the south to the north through the Borough and contains many long established industrial environments, railways and the Chesterfield canal. The market town of Chesterfield acts as the sub-regional centre for north eastern Derbyshire and provides a range of retail, commercial, leisure and cultural facilities. The town is well located on the edge of the Peak District National Park and benefits from easy access to the surrounding cities of Sheffield, Derby and Nottingham. Staveley lies on the eastern side of the Borough, approximately five miles from Chesterfield Town Centre it is linked to the M1 and Chesterfield by the A619. Brimington is located halfway between Chesterfield and Staveley on the A619. The town has expanded as the commercial, culture and retail centre for the area and now has a population of 104,000 (2011 Census). As a sub-regional centre, it also provides employment, leisure and retail services for a population of around 250,000.

2.1 Chesterfield Borough Council’s vision for the Borough is: Putting our Communities First. The following long-term priorities for the Borough have been developed:

- A Sustainable Community – a clean, green and attractive Borough, where our open spaces and built heritage are valued.
- An Accessible Community – An inclusive Borough where everybody feels valued and has equal and fair access to local services.
- A Living Community – A place where everyone has fair access to a decent and affordable home.
- A Working and Learning Community – A thriving Borough, where everyone has access to the jobs, training and the support they need.

- A Safe, Healthy and Active Community – A healthy and safe Borough, where the Community is free from the fear of crime.
- A High Performing Council with productive Partnerships – An efficient and effective Council.

We recognise the clear connection between the objectives of the Gambling Act 2005 and the aspirations for Chesterfield Borough.

- 2.2 Licensing authorities are required by the Gambling Act 2005 to publish a Statement of Principles which they propose to apply when exercising their functions. The Statement can also be reviewed from “time to time” and then any amended parts re-consulted upon. The Statement will then be re-published. The Statement sets out the manner in which applications will be considered. Each application will be considered on its individual merits.
- 2.3 Some premises already licensed under the Licensing Act 2003 are also affected by the provisions of the Gambling Act 2005 - having Amusement with Prizes machines (AWPs). In addition to premises licensed to sell/supply alcohol, the 2005 Act affects betting shops and tracks (i.e. where any sporting activities take place), family entertainment centres, premises where bingo occurs, casinos, adult gaming centres and travelling fairs. Also affected are operations not licensed generally for gambling purposes but could be used for certain types of gambling for limited periods - these will be covered by Temporary and Occasional Use Permits.
- 2.4 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.
- 2.6 It should be noted that this Statement of Principles 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.
- 2.7 ‘Gambling’ is defined in the Act as either gaming, betting or taking part in a lottery:
- 2.8 ‘Gaming’ means playing a game of chance for a prize
- 2.9 ‘Betting’ means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true

- 2.10 A 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance
- 2.11 Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.
- 2.12 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council's licensing team where appropriate.
- 2.13 All references to the Gambling Commission's Guidance for local authorities, in this document, refer to the latest Guidance issued by the Commission.

3.0 Declaration

- 3.1 In producing this Statement of Principles, Chesterfield Borough Council declares that it has regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the Statement of Principles.

4.0 Responsible Authorities

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

In accordance with the Gambling Commission's Guidance for local authorities, this Authority designates the Derbyshire Area Child Protection Committee for this purpose.

- 4.2 The contact details of all the Responsible Bodies under the Gambling Act 2005 are available via the Council's website at www.chesterfield.gov.uk.

5.0 Interested Parties

- 5.1 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:

"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 activities;
- (b) has business interests that might be affected by the authorised activities; or
- (c) represents persons who satisfy paragraph (a) or (b)".

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

- Each representation will be considered on its individual merits.
- All decisions made on Premises Licences will be in accordance with the Gambling Commission Guidance (Section 153).

5.3 The Gambling Commission has recommended that the Licensing Authority states that interested parties include trade associations, trade unions, residents' and tenants' associations. This Authority will not however generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 e.g. live sufficiently close to the premises to be likely to be affected by the activities being applied for.

5.4 Interested parties can be persons who are democratically elected such as Councillors and Members of Parliament. 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 represents someone who either lives sufficiently close to the premises to be likely affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

5.5 An individual wishing to approach Councillors to ask him/her to represent his/her views should ensure that the Councillor(s) is/are not part of the Licensing Sub-Committee dealing with the licence application. This can be checked by contacting Democratic Services, Chesterfield Borough Council, Town Hall, Chesterfield, Derbyshire, S40 1LP tel: 01246 345228/9 or democratic.services@chesterfield.gov.uk.

6.0 Exchange of Information

6.1 Licensing authorities are required to include in their Statement of Principles 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 the respect to the exchange of information between it and the other persons lists in Schedule 6 to the Act.

6.2 The principle that Chesterfield Borough Council 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. Chesterfield Borough Council 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.

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

7.0 Enforcement

- 7.1 In exercising the functions under Part 15 and Section 346 of the Gambling Act 2005, respectively, Chesterfield Borough Council will inspect premises and take any enforcement action in respect of offences specified in accordance with its Environment Services Enforcement Policy, Regulators Compliance Code and the Gambling Commission's Guidance.
- 7.2 The main enforcement role of the licensing authority will be to ensure compliance with the premises licence and other permissions which it authorises. Chesterfield Borough Council will endeavour to avoid duplication with other regulatory regimes so far as is possible.
- 7.3 The Gambling Commission will be the enforcing body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but need to be notified to the Gambling Commission.

8.0 Licensing Authority Functions

- 8.1 Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences.
- Issue Provisional Statements.
- Regulate Members' Clubs and Miners' Welfare Institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issue Club Machine Permits to Commercial Clubs.
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres.
- Receive notifications from alcohol licensed premises, under the Licensing Act 2003, of the use of up to and including two gaming machines.
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required.
- 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 licenses issued.
- Maintain registers of the permits and licences that are issued under these functions. These are available by contacting the Council's Licensing Section and will be available by accessing the Council's website.

8.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling. This will fall to the Gambling Commission via Operator Licences.

PREMISES LICENCES

1.0 General Principles

1.1 Premises Licences will be subject to the permissions/restrictions 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.

1.2 Chesterfield Borough Council 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 Principles.

The Gambling Commission has advised that "moral objections to gambling are not a valid reason to reject applications for premises licences", and that unmet demand is not a criterion for a licensing authority.

1.3 Premises is defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Gambling Commission states in its Guidance for Local Authorities, it "will always be a question of fact in the circumstances". The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

- 1.4 Chesterfield Borough Council takes particular note of the Gambling Commission's Guidance for Local Authorities in respect of access to gambling by children and young people, which states that -

"Licensing Authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, e.g. whether children can gain access; before granting such applications, e.g. whether to comply with the requirements of Act. But in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise, would, or should, be prohibited under the Act", and

"Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discreet part of a building used for other (non-gambling purposes). In particular they should be aware that entrances and exits from parts of the building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area."

- 1.5 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling is constructed. A licence will only be issued in relation to premises that are ready to be used for gambling. This requirement for a building to be complete before a licence will be issued ensures that it can be fully inspected if necessary, by the appropriate authorities with inspection rights.
- 1.6 Chesterfield Borough Council is aware that demand issues cannot be considered with regard to the location of premises, but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for Local Authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this Statement of Principles will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its own merits, with the onus upon the applicant to show how the concerns can be overcome.
- 1.7 **Duplication with Other Regulatory Regimes** - This 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 or building consent, in its consideration of it. This Authority will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 1.8 Premises Licences granted must be reasonably consistent with the licensing objectives. These 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; and

- protecting children and other vulnerable persons from being harmed or exploited by gambling.

With regard to these objectives, Chesterfield Borough Council has considered the Gambling Commission's Guidance.

- 1.9 Chesterfield Borough Council is aware that the Gambling Commission will be taking a leading role in preventing gambling being a source of crime. Where an area has known high levels of crime, this Authority will consider whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. Chesterfield Borough Council is aware of the distinction between disorder and nuisance, and will consider factors such as whether Police assistance was required and the extent to which the behaviour was threatening, so as to make that distinction. Issue of nuisance cannot be addressed by the Gambling Act provisions.
- 1.10 Chesterfield Borough Council 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. However, where the Council feels it is aware of unfairness, this information will be relayed to the Gambling Commission.
- 1.11 Chesterfield Borough Council acknowledges the Commission's Guidance that the protection of children and other vulnerable persons objective means preventing children from taking part in gambling as well as the restriction of advertising so that gambling produces are not aimed at, or are, particularly attractive to children.
- 1.12 Consideration will be given as to whether specific measures should be required at particular premises - these could include, supervision of entrances, machines, segregation of areas etc.
- 1.13 In the absence of a practical definition of 'vulnerable persons' the Licensing Authority acknowledges that for regulatory purposes the Commission assumes, "... 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".
- 1.14 The Licensing Authority will consider the protecting children and other vulnerable persons objective on a case-by-case objective.
- 1.15 The Licensing Authority will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards the licensing objective, protecting children and other vulnerable persons from being harmed or exploited by gambling, in relation to specific premises such as casinos.

It is understood that a Code of Practice for casinos must:

- specify steps that the premises licence holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of the regional casino, do not enter the gambling area;

- amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person ("the Supervisor") who is responsible for compliance with the code of practice; and
- require that, unless the Supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.

1.16 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.

1.17 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures Chesterfield Borough Council will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult areas etc. There are specific comments made in this regard under each of the licence types below. Chesterfield Borough Council 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.

1.18 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.

1.19 Chesterfield Borough Council will 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 or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

- 1.20 Chesterfield Borough Council is aware that tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track. Chesterfield Borough Council 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.
- 1.21 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 licensing condition;
 - conditions relating to gaming machine categories, numbers or methods 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.
- 1.22 The Gambling Commission advises in its Guidance for Local Authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Security Industry Act and that door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority. Where it is determined that door supervisors are required, the Licensing Authority will consult with the Police.

2.0 Adult Gaming Centres

- 2.1 Chesterfield Borough Council 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 ensure that under 18 year olds do not have access to the premises.
- 2.2 Appropriate licence conditions may cover issues such as:
- Proof of Age Schemes;
 - Supervision of Entrances/Machine Areas;
 - Physical Separation of Areas;
- This list is not exhaustive.
- 2.3 As regards the protection of vulnerable persons, Chesterfield Borough Council will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations such as GamCare.

3.0 (Licensed) Family Entertainment Centres

3.1 Chesterfield Borough Council 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 ensure that under 18 year olds do not have access to the adult only gaming machine areas.

3.2 Appropriate licence conditions may cover issues such as:

- Supervision of Entrances/Machine Areas;
- Physical Separation of Areas;
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

This list is not exhaustive.

3.3 As regards the protection of vulnerable persons, Chesterfield Borough Council will consider measures such as the use of self-barring schemes, provision of information leaflets/ helpline numbers for organisations such as GamCare.

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

4.0 Casinos

4.1 Chesterfield Borough Council 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 Chesterfield Borough Council decide in the future to pass such a resolution, it will update this Statement of Principles with details of that resolution.

5.0 Bingo Premises

5.1 Chesterfield Borough Council will consider any guidance given by the Gambling Commission.

6.0 Betting Premises

6.1 Chesterfield Borough Council has the power, under the Gambling Act 2005, to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.

7.0 Tracks

7.1 Chesterfield Borough Council is aware that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence, as there may be several premises licence holders at the track who will need to hold their own operator licences.

7.2 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this Authority would expect the premises licence applicants 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, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

7.3 Appropriate licence conditions may be:

- Proof of Age Schemes;
- CCTV;
- Door Supervisors;
- Supervision of Entrances/Machine Areas;
- Physical Separation of Areas;
- Location of Entry;
- Notices/Signage;
- Specific Opening Hours; and
- The Location of Gaming Machines.

This list is not mandatory or exhaustive - it is merely indicative of example measures.

7.4 As regards the protection of vulnerable persons, Chesterfield Borough Council will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations such as GamCare.

7.5 Chesterfield Borough Council has the power, under the Gambling Act 2005, to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.

7.6 Chesterfield Borough Council would prefer for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

7.7 Chesterfield Borough Council will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

8.0 **Gaming Machines** - Consideration will be given to the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D machines on a track.

9.0 **Betting Machines** - Chesterfield Borough Council 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 wants to offer.

9.1 Chesterfield Borough Council may wish to restrict the number and location of such machines in respect of applications for track betting premises licences.

10.0 **Travelling Fairs**

10.1 It will fall to Chesterfield Borough Council to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

10.3 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. Chesterfield Borough Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that statutory limits are not exceeded.

11.0 **Provisional Statement**

11.1 An application for a provisional statement shall include such plans and other information in relation to the construction, alteration or acquisition as may be prescribed.

11.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

(a) which could not have been raised by objectors at the provisional licence stage;
or

(b) which, in the Authority's opinion, reflects a change in the operator's circumstances.

11.3 Chesterfield Borough Council will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building legislation.

12.0 Reviews

12.1 A review of a premises licence may 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.

12.2 Chesterfield Borough Council will consider if 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;
- in accordance with the Authority's Statement of Principles; and
- whether the request for a review is frivolous or vexatious.

12.3 The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

PERMITS/TEMPORARY AND OCCASIONAL USE NOTICES

1.0 Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits - Schedule 10 Para 7)

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

1.2 An application for a permit may be granted only if Chesterfield Borough Council is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the Chief Officer of Police has been consulted on the application. Relevant considerations to take into account would be the applicant's suitability to operate a family entertainment centre and the suitability of the premises in relation to their location and issues about disorder.

1.3 Chesterfield Borough Council 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 CRB checks for staff, training covering how staff would deal with unsupervised children being on the premises, or children causing perceived problems on/around the premises.

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant.

- 1.4 The Licensing Authority has adopted a Statement of Principles. It is available from the Licensing Section Chesterfield Borough Council, Customer Service Centre, 85 New Square, Chesterfield, S40 1AH. A full copy of the Statement of Principles can be downloaded from Chesterfield Borough Council's web site, www.chesterfield.gov.uk.
- 1.5 With regard to renewals of these permits, a Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

2.0 Alcohol Licensed Premises Gaming Machine Permits (Schedule 13 Para 4(1))

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. The premises need to notify the Council's Licensing Section of the Licensing Authority if they wish to take advantage of this provision. Chesterfield Borough Council may 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;
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- 2.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and Chesterfield Borough Council must consider that application based upon the licensing objectives and any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005. Chesterfield Borough Council will also consider 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 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, the applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 2.3 It is recognised that some local licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for and dealt with as an Adult Entertainment Centre premises licence.
- 2.4 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.

2.5 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 machines.

3.0 Prize Gaming Permits (Statement of Principles on Permits - Schedule 14 Para 8 (3))

3.1 The Licensing Authority has not prepared a Statement of Principles on Permits. Should it decide to do so, it will include details in a revised version of the Statement of Principles.

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

3.3 In the Gambling Act 2005 there are conditions the permit holder must comply with but that the Licensing Authority cannot attach as 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.

4.0 Club Gaming and Club Machine Permits

4.1 Members' Clubs and Miners' Welfare Institutes (but not commercial and/or proprietary clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (a maximum of three machines of categories B, C or D), equal chance gaming and games of chance.

4.2 Members' Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. 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 the Royal British Legion and clubs with political affiliations etc.

4.3 Before granting the permit the Authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18.

- 4.4 Licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (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.
- 4.5 It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police, and the ground upon which an Authority can refuse a permit are reduced. 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.

5.0. Temporary Use Notices

- 5.1 Part 9 of the Act sets out the position in relation to temporary use notices. These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues.
- 5.2 A temporary use notice may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.
- 5.3 The Licensing Authority will decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site.
- 5.4 A set of premises may not be the subject of temporary use notification for more than 21 days in a period of 12 months.
- 5.5 A set of premises may be the subject of more than one temporary use notice in a period of 12 months (provided that the aggregate of the periods for which the notices have effect does not exceed 21 days).

6.0 Occasional Use Notices

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

CONTACT INFORMATION

If you have any queries regarding any licensing matter contact:

Licensing Section
Environment Services
Chesterfield Borough Council
Customer Service Centre
85 New Square
Chesterfield
S40 1AH

Tel: 01246 345230

Fax: 01246 345235

E-mail: licensing@chesterfield.gov.uk

Website: www.chesterfield.gov.uk

Appendix 1

ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

The Powers and duties of the Council in respect of licensing may be carried out by the Licensing Committee, by a Sub-Committee or by the Head of Environment (or an officer duly delegated by the Head of Environment). In the interests of efficiency and cost effectiveness the Council will delegate routine matters to officer level.

Matter to be dealt with	Full Council	Licensing Committee or Licensing Sub-Committee	Officer
Final approval of 3 year Statement of Principles.	X		
Policy not to permit Casinos.	X		
Fee setting when appropriate.			X
Applications 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 have been 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	

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officer
Application for club gaming/club machine permits.		Where objections have been made and not withdrawn.	Where no objections have been made/ objections have been withdrawn.
Cancellation of club gaming/club machine permits		X	
Application 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	
Decision on whether a representation is irrelevant, or falls within the categories defined within section 198 of the Act (frivolous, vexatious etc)			X

NOTICE OF PUBLICATION CONSULTATION.

GAMBLING ACT 2005

CHESTERFIELD BOROUGH COUNCIL

STATEMENT OF PRINCIPLES

The Gambling Act 2005 ('the 2005 Act') requires Chesterfield Borough Council, as the Licensing Authority for the Borough of Chesterfield, to have a Statement of Principles with respect to the exercise of its Licensing functions under the 2005 Act to determine the Statement every 3 years.

The Council now has to determine its Statement of Principles and publish it before 1st January 2014.

The Council has produced a draft Statement of Principles and wishes to invite Comments on it. Copies of the draft Statement are available for public inspection at the Town Hall, Rose Hill, Chesterfield and the Customer Service Centre, 85 New Square, Chesterfield on weekdays during normal office hours. Copies are also available at Chesterfield Library, New Beetwell Street, Chesterfield, The Tourist Information Centre at Rykneld Square, Chesterfield and the Staveley Area Housing Office, High Street, Staveley.

Copies of the draft Statement of Principles can be downloaded from www.chesterfield.gov.uk.

The public consultation on the draft Statement of Principles runs until Friday 18th October 2013. If you wish to make any representations concerning the draft Statement of Principles please make sure that they are put in writing and addressed to the Licensing Officer, Environment Services, Chesterfield Borough Council, Customer Services Centre, 85 New Square, Chesterfield, S40 1AH, or by email to licensing@chesterfield.gov.uk so that they arrive no later than Friday 18th October.

Darran West
Head of Environment
Chesterfield Borough Council
Town Hall
Rose Hill
Chesterfield
S40 1LP

September 2013

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The comments raised by the Community Safety partnership are listed in relation to the relevant paragraph in the Statement of Principles. The comment raised is in bold whilst the response is in normal type.

2.7 This appears to be an almost duplicate paragraph to the one preceding it. I'm not sure that it conveys a different message?

The statement of Principles was checked and paragraph 2.6 has been deleted as 2.6 and 2.7 were the same.

2.12.1 I'm interested in how Houses of Multiple Occupation (HMO's) would be viewed in relation to the exemption? They are viewed as different 'households' but may share some areas such as bathrooms and kitchens?

A 'House of Multiple Occupation' would be treated the same as any other private dwelling.

4.2/5.3/5.4

The Community Safety Partnership is not deemed a responsible body, which are clearly determined at Government Level. It also appears however that the Partnership is probably not an 'interested party' because of the 'member living close to the premises' test. If however the Partnership is approached by a resident under the 'community trigger' investigation duty, which looks set to go live by 2015, under the Police & Crime ASB Bill, would the CSP at that point be considered an 'interested party' without the need for a letter of representation? Or indeed would the trigger communication itself be the 'letter of representation.'

The Community Safety partnership isn't an interested party under the Act and couldn't act as a representative of an interested party but could refer an interested party to a Councillor or a Responsible Authority to make the representation on that persons behalf.

5.5 Would the licensing sub-committee be prohibited from consisting of 2 Members from the same ward? I.e. if both members sat on the panel the public would not be able to get Councillor Representation?

If a Councillor was approached and he/she was due to sit on the Committee they could refer the person to a Councillor from the same ward or a different ward.

6.2 I wonder whether this section could also include reference to section 115 of the Crime and Disorder Act (1998) to explain 'necessity disclosure' in the interests of reduction or prevention of Crime and Disorder? There is a clear link here to the licensing objectives.

There is an exemption from the general rule under the data protection law that we must not disclose personal information about an individual to a third party without the individual's consent. There is an exemption if the disclosure is necessary for the third party to prevent crime or take legal proceedings. For example, the Council sometimes received requests from DWP (Department of Working Pensions) for disclosure of information. The same principles would apply under the Gambling Act and we would deal with each request accordingly

6.3 There is a newly established County wide protocol that CBC endorses. It's the ECIN's ASB information exchange hub. Maybe something about this could be included at this point? In addition I think licensing officers would benefit from being connected to the multi agency system.

This isn't relevant as it isn't part of the Gambling Commissions remit.

Premises Licence Section

1.2 Is there any Council power similar to the Cumulative Impact assessment, if an area becomes subject to disorder related to gambling. I realise this may be stretching a point somewhat as it's something I have never witnessed.

Under the Gambling Commission there is nothing similar to that of the Cumulative Impact Assessment under the Licensing Act 2003 and it's unlikely to come in, so is not relevant at this time.

3.0 BACKGROUND

3.1 Cabinet have been receiving 6 month performance update reports since the start of the PPP contract in October 2010

3.2 In line with the contractual requirements a strong governance structure is being delivered including

- Quarterly Strategic Boards which deal with high level strategic issues facing the partnership and provides strategic direction and guidance.
- Monthly Operational Boards which deals with the delivery and operation of the partnership.
- Weekly informal partnership meetings to discuss the day to day issues and opportunities.

4.0 SERVICE IMPROVEMENTS

4.1 There have been many Service Improvements achieved during the period April 13 to September 13. Major highlights include:-

- Successful launch of the new Customer Service Centre and formal opening on the 10th May 2013
- Further roll out of the i-Pad solution to members
- Channel Shift agenda taking effect with customers moving to alternative payments (19% Rent payments on Direct Debit from 15% this time last year & 50% using Payment Cards)
- Town Centre Retail Occupancy levels remain above the national Average (95.57%) which is also among the Top 5 Occupied Town Centres in Country.
- The redeveloped Market Hall opened its doors on the 28th October 2013.
- The ModGov governance and members system has been successfully installed and training is currently being rolled out to users.
- A new cash machine taking payments for rent, council tax and other services was successfully installed into the Healthy Living

Centre and opened for business on the 4th November 2013. This now means the Staveley area office has now been placed on the market for sale.

- The virtual infrastructure has been built, installed and is currently being tested. This piece of hardware is a key foundation to which the successful delivery of future projects will rely, and is part of the ICT strategy.
- CBC has commissioned Kier to submit business rates appeals against selected operational and non-operational properties. In August the council received notification that it was paying too much and have received a backdated rebate of @£100,000. There is also an annual saving to the Council on the reduced business rates of @ £70,000pa.

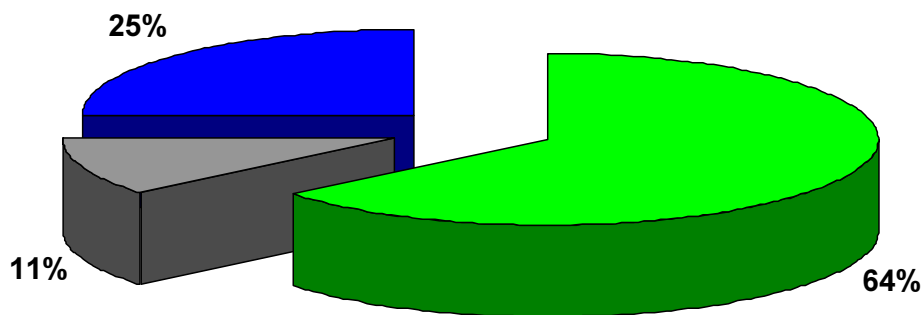
5.0 CONTRACT GROWTH

- 5.1 The Growth Agenda was always going to be a key to the success of the partnership. A particularly pleasing aspect is the creation of additional jobs in the Chesterfield area as a result of arvato attracting work from elsewhere. During the period arvato have been successful in their conversations with neighbouring authority, Derbyshire Dales, and go live commenced on the 3rd June 2013. 28 staff successfully joined arvato and within 12 months the work will be moved to Chesterfield from Matlock which will help the Chesterfield economy.

6.0 PERFORMANCE

- 6.1 As shown in the graph below, performance in respect of the partnership shows 64% of the PPP contract measures are on or above target for the period April 2013 and September 2013, 25% are annual measures, so yet to be formally reported and 11% of measures are covered by a relief event.

% PPP Contract measures performance between Oct 12 and Mar 13



■ Green - on or above target ■ Grey - Covered by relief event ■ Blue - annual targets

6.3 A spreadsheet providing full month by month results for all 100 PPP contract measures can be found at Appendix A.

6.4 Areas of performance particularly worth noting include:-

- A relief event has been agreed due to the expected increase in contact due to Welfare reforms. The relief event covers the call centre measures (% of calls answered and % of calls answered in 20 seconds). It also covers RB3 – benefit processing times, RB4 – council tax collected and RB6 – rent collected as a % of the total collectable debt.
- Town Centre Retail Occupancy levels remain above the national Average (95.57%) which is also among the Top 5 Occupied Town Centres in Country.
- Council Tax is 0.5% behind last year's collection rate due to the ongoing impact of Welfare Reform and the general state of the economy. However, at the same calendar point although more than half a million £'s extra has so far been collected this financial year compared to last. In cash terms £23,280,826 Council Tax

was collected as at the end of September 2013 compared to £22,674,952 in 2012, an increase of £605,874.

- Welfare Reform continues to impact The Call Centre, which is experiencing around 30% more calls than at the same 6 month period last year.
- Business Rates has an annual collection target figure. Compared to the first six months of last year it is 1.1% higher.
- Benefits processing performance is taking on average 13.67 days to process changes, compared to the target of 16 days and 22.60 days at the same point last year.
- In the economic climate it is with great credit that the partnership has been successful in managing business occupancy with rates that continue to buck the national trend. At the end of the reporting period, occupancy levels of the Council's non-operational portfolio remain above target (from 91.96% to 92.7%).
- The partnership have been working towards achieving the Customer Service Excellence Accreditation with the assessment taking place at the end of September and verbal confirmation has been given that the application has been successful.

7.0 **RISK MANAGEMENT**

Description of the Risk	Impact	Likelihood	Mitigating Action
1. The partnership is not monitored in a robust fashion	High	Low	Appropriate resource is allocated to manage the performance and relationship Keep existing governance structure
2. KPIs are not met	High	Low/ Medium	Regular communication and governance Accelerate the Service Improvement Plans

Description of the Risk	Impact	Likelihood	Mitigating Action
			Ensure the Council strictly enforces the financial penalties
3. arvato/ Kier do not focus on CBC work as a priority	High	Low/ Medium	Any drop in performance will be penalised financially Discussions to be held relating to the impact of growth/external work

8.0 FURTHER DEVELOPMENTS EXPECTED WITHIN 6 MONTHS

- 8.1 The partnership will build on the successful management of its contracted transactional KPI outputs and, under the Great Place, Great Service programme, begin to develop and work towards a more effective partnership, working together to deliver agreed tangible outcomes.
- 8.2 The Councils Project Academy team have been leading, managing and working with the partnership on providing suitable accommodation for the voluntary advice organisations. From April 2014 a total of 35 staff from the Derbyshire Unemployed Workers Centre, Chesterfield Law Centre, Trade Union Safety Team and Links CVS will occupy roughly half of the basement offices around the old revenues reception. Several amendments will be made to the existing layout to convert offices into interview rooms and create modern open plan work spaces. By sharing this space the organisations will be able to reduce their operating costs by sharing facilities, knowledge and resources.
- 8.3 Change of use application and listed building consent have been submitted with approval expected in late December 2013
- 8.4 The Housing team who are currently located in the basement of the Town Hall are due to move to Venture House w/c 2nd December

- 8.5 Work to start on site in January 2014 and be completed by March 2014
- 8.6 Work is progressing to rationalise our Depots and have one 'Super Depot' at Stonegravels and make a capital receipt at the current SpirePride depot at East Lodge. The planning permission has been approved. The ground surveys are being completed. The target completion date is April 2014.
- 8.7 The partnership expects town centre occupancy to improve in the next few months due to Christmas temporary lets at the Pavements. It also expects higher occupancy at the Market Hall as we let more of the available units.

9.0 **SUMMARY**

- 9.1 The performance of PPP is generally remaining at least at the same level, if not better, than before the partnership began.
- 9.2 Arvato/ Kier is continuing to work on increasing the amount of work they deliver for other local authorities and potentially putting this work into Chesterfield Borough Council to support the Business Plan and generate Jobs within the Borough. The Council welcomes this but must ensure that this is not to the detriment of the services provided to the Council and its customers.

10.0 **RECOMMENDATION**

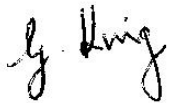
- 10.1 That Members note and comment on the partnership Service Improvements and Key Performance Indicators outturn for the period April 2013 to Sept 2013

11.0 **REASON FOR RECOMMENDATION**

- 11.1 To raise awareness of contract performance against agreed targets.

Further information on this matter can be obtained from John Moran (Extension 5389)

Officer recommendation supported/not supported/modified as below or Executive Member's recommendation/comments if no officer recommendation.















Signed

Executive Member

Date 25th November, 2013















Consultee Executive Member/Support Member comments (if applicable)/
declaration of interests

KPI No.	KPI Description	Priority	Annual / Monthly Measure	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	
AP01	Processing times by class of activity: Third Party Invoices, CTax/NNDR, Benefits, Urgent Payments	High	Monthly	Actual	100	100	100	100	100	100
				Target	97.00	97.00	97.00	97.00	97.00	97.00
				Performance						
				Penalty						
AP02	Return to HMRC to timescale	High	Annual	Actual	....	....	....	....	....
				Target	....	....	....	....	....
				Performance	....	....	....	....	....
				Penalty						
AP03	Payment of CIS to HMRC to timescale	High	Annual	Actual	....	....	....	....	....
				Target	....	....	....	....	....
				Performance	....	....	....	....	....
				Penalty						
AP04	Payment to correct supplier	High	Monthly	Actual	100	99.97	99.98	99.99	100	100
				Target	97	97	97	97	97	97
				Performance						
				Penalty						
AP05	Urgent Payments Facility to process all requests received before 11.00am that day	High	Monthly	Actual	100	100	100	100	100	
				Target						

		Hi	Mon	Target	98	98	98	98	98	98
				Performance						
				Penalty						
AP06	Invoices received by 9.00am on Thursday to be paid on following Monday payment run	Medium	Annual	Actual	...	...	...	...	...	...
				Target	...	...	...	...	...	...
				Performance						
				Penalty						

CSC01	NI14 Avoidable contact: Data collection	High	Monthly	Actual	...	...	YES	...	...	...
				Target	...	...	YES	...	...	...
				Performance						
				Penalty						
CSC02	NI14 Avoidable contact: % of contacts for in-scope services designated as avoidable	High	Monthly	Actual	...	...	3.41	...	...	...
				Target	...	...	25.00	...	...	...
				Performance	...	...		...	...	...
				Penalty						
CSC03	% of total R, B & Rents calls answered	High	Monthly	Actual	92.45	82.83	81.96	84.41	83.52	88.25
				Target	97	97	97	97	97	97
				Performance						
				Penalty						
CSC04	% of R, B & Rents calls answered within			Actual						

	20 seconds	High	Monthly	Actual	65.83	40.97	39.85	44.54	50.17	54.43
				Target	90	90	90	90	90	90
				Performance						
				Penalty						
CSC05	% of total Env Services calls answered	High	Monthly	Actual	90.79	82.32	81.01	79.21	85.37	88.58
				Target	97	97	97	97	97	97
				Performance						
				Penalty						
CSC06	% of Env Services calls answered within 20 seconds	High	Monthly	Actual	70.04	48.14	47.45	48.19	59.82	70.82
				Target	90.00	90.00	90.00	90.00	90.00	90.00
				Performance						
				Penalty						
CSC07	% of total Switchboard calls answered	High	Monthly	Actual	92.68	86.03	79.97	81.48	83.31	88.2
				Target	97.00	97.00	97.00	97.00	97.00	97.00
				Performance						
				Penalty						
CSC08	% of Switchboard calls answered within 20 seconds	High	Monthly	Actual	69.57	57.74	48.3	53.74	60.42	69.93
				Target	90.00	90.00	9+0	90.00	90.00	90.00
				Performance						
				Penalty						
CSC09	Quality Management (Error Reporting)			Actual						

		?	?	Actual	...	...	...	...	...	...
				Target	...	...	...	...	...	...
				Performance		...	...	...	...	...
				Penalty						
CSC10	% of all Repairs Hotline calls answered	High	Monthly	Actual	97.46	90.56	89.12	91.68	92.18	92.45
				Target	97.00	97.00	97.00	97.00	97.00	97.00
				Performance						
				Penalty						
CSC11	% of Repair Hotline calls answered within 20 seconds	High	Monthly	Actual	79.95	57.08	51.92	61.45	64.85	60.13
				Target	90.00	90.00	90.00	90.00	90.00	90.00
				Performance						
				Penalty						
CSC14	Achieving the Customer Services Standard with 2 years or equivalent.	Medium	Annual	Actual	...	...	...	...	...	...
				Target	...	...	...	...	...	...
				Performance	...	...	...	...	...	...
				Penalty						
CSC15	% of face to face Homelessness clients dealt with within target timescales	Medium	Monthly	Actual						
				Target						
				Performance						
				Penalty						

HR01	Payroll payments made on time	High	Monthly	Actual	99.49	99.92	100	99.95	99.74	99.9
				Target	99.00	99.00	99.00	99.00	99.00	99.00
				Performance						
				Penalty						
HR02	Expenses calculated and paid on time	High	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	99.00	99.00	99.00	99.00	99.00	99.00
				Performance						
				Penalty						
HR03	Accurate and up to date centrally held personnel records	High	Monthly	Actual		100.00	100.00	100.00	100.00	100.00
				Target	95.00	95.00	95.00	95.00	95.00	95.00
				Performance						
				Penalty						
HR04	Deliver training places within an agreed timescale	High	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	100.00	100.00	100.00	100.00	100.00	100.00
				Performance						
				Penalty						
HR05	Statutory deductions, payments and returns made on time	High	Monthly	Actual	YES	YES	YES	Yes	Yes	Yes
				Target	YES	YES	YES	Yes	Yes	Yes
				Performance						
				Penalty						

				Performance						
				Penalty						
HR06	Speed and accuracy of recruitment process.	High	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	95.00	95.00	95.00	95.00	95.00	95.00
				Performance	★	★	★	★	★	★
				Penalty	£0.00	£0.00	£0.00	£0.00	£0.00	
HR07	Administration of EPD process by prescribed timescales.	High	Annual	Actual	....	....	....	....	....	....
				Target	....	....	....	....	....	....
				Performance	★					
				Penalty						
HR08	Delivery of Workforce Strategy and Action Plan.	High	Monthly	Actual	....	....	YES	....	....	Yes
				Target	....	....	YES	....	....	Yes
				Performance	★		★			★
				Penalty						
HR09	Policies review within 3 years on an annual rolling programme.	Medium	Annual	Actual	....	....	....	....	....	....
				Target	....	....	....	....	....	....
				Performance	★					
				Penalty						
HR10	Sickness absence. Deliver action plan to manage this.	Medium	Monthly	Actual	....	....	....	....	....	....
				Target	....	....	....	....	....	....
				Performance	★					

		IV	M							
				Performance						
				Penalty						
ICT10	New Housing starter User Training - Trained on Housing Systems with 3 working days of commencing employment	Medium	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	90.00	90.00	90.00	90.00	90.00	90.00
				Performance						
				Penalty						
ICT11	Housing System upgrade user training. Training to be provided to Housing staff on all system upgrades prior to the go live date of each upgrade	Medium	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	90.00	90.00	90.00	90.00	90.00	90.00
				Performance						
				Penalty	£0.00	£0.00	£0.00	£0.00	£0.00	
ICT12	Complete all statutory returns to deadlines	Medium	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	98.00	98.00	98.00	98.00	98.00	98.00
				Performance						
				Penalty						
ICT13	User Satisfaction survey - Level established through annual service	Low	Annual	Actual	91.22	92.98	96.00	97.06	97.8	90.57
				Target	80.00	80.00	80.00	80.00	80.00	80.00
				Performance						
				Penalty						
ICT14	W3C (WAI) Rating of the Authority's web site - Ensuring that surveys are conducted and plans are in place	Low	Annual	Actual	...	...	...	...	...	...
				Target	...	...	...	...	...	...

				Performance	...	...	...	...	...	...
				Penalty						
ICT15	SOCITM "Better Connected" annual survey - Ensuring that surveys are conducted and plans are in place	Low	Annual	Actual	...	...	...	...	...	...
				Target	...	...	...	...	...	...
				Performance	...	...	...	...	...	...
				Penalty						
ICT16	Manual Periodic Processes	Low	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	90.00	90.00	90.00	90.00	90.00	90.00
				Performance	★	★	★	★	★	★
				Penalty						
ICT17	Non-complex Management Information requests	Low	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	98.00	98.00	90.00	90.00	90.00	90.00
				Performance	★	★	★	★	★	★
				Penalty						
IP01	Invoices paid within 30days	High	Monthly	Actual	98.35	97.45	98.51	98.56	98.32	98.50
				Target	97.00	97.00	97.00	97.00	97.00	97.00
				Performance	★	★	★	★	★	★
				Penalty						
REPRO01	Simple/ standard jobs to be finished within 36h		ly	Actual	100.00	100.00	100.00	100.00	98.41	100.00

		High	Month	Target	97.00	97.00	97.00	97.00	97.00	97.00
				Performance	★	★	★	★	★	★
				Penalty						
REPRO02	Complex/ non-standard jobs to be finished within 72h	High	Monthly	Actual	97.75	100.00	100.00	98.08	100.00	98.11
				Target	97.00	97.00	97.00	97.00	97.00	97.00
				Performance	★	★	★	★	★	★
				Penalty						
REPRO03	Special jobs (Committee Work) to be finished same day	High	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	97.00	97.00	97.00	97.00	97.00	97.00
				Performance	★	★	★	★	★	★
				Penalty	£0.00	£0.00	£0.00	£0.00	£0.00	
REPRO04	Outsourced jobs to be finished depending on case by case agreements	High	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	97.00	97.00	97.00	97.00	97.00	97.00
				Performance	★	★	★	★	★	★
				Penalty						
RB01	% Customer Satisfaction (Benefits). (Based on BVPI 80 2006/7)	High	Annual	Actual	....	....	....	....	....	....
				Target	....	....	....	....	....	....
				Performance	....	....	....	....	....	....
				Penalty						
RB02	% Accuracy of processing new benefit			Actual						

	claims. (Measurement/ Penalty applies on arvato work only)	High	Annual	Actual	89.09	85.52	86.86	88.85	89.35	90.10
				Target	87.00	87.00	87.00	87.00	87.00	87.00
				Performance						
				Penalty						
RB03	Days Average time to process new claims and change events (Based on NI 181)	High	Annual	Actual	12.30	12.51	12.48	12.20		
				Target	16.00	16.00	16.00	16.00	16.00	
				Performance						
				Penalty						
RB04	% of the total Council Tax expected to be received by the Authority	High	Monthly	Actual	10.90	9.30	9.00	9.60	47.90	57.20
				Target	10.30	9.20	9.40	9.40	96.00	9.20
				Performance						
				Penalty						
RB05	% of the total business rates expected to be received by the Authority	High	Monthly	Actual	13.60	22.00	31.00	40.30	52.90	61.80
				Target	12.90	22.70	31.10	40.00	50.60	61.30
				Performance						
				Penalty						
RB06	% of Rents collected of the total collectable debit	High	Monthly	Actual	63.99	80.16	85.60	89.90	91.22	92.10
				Target	95.27	95.27	95.27	95.27	95.27	95.27
				Performance						
				Penalty						

RB07	% of Agresso Amount overdue out of the debit	High	Annual	Actual	YES	YES	YES	YES	Yes	Yes
				Target	YES	YES	YES	YES	Yes	Yes
				Performance	★	★	★	★	★	★
				Penalty						
RB08	% of Mentor Amount overdue out of the debit	High	Annual	Actual	YES	YES	YES	YES	Yes	Yes
				Target	YES	YES	YES	YES	Yes	Yes
				Performance	★	★	★	★	★	★
				Penalty						
RB10	% Customer Satisfaction (Local Taxation). (Quarterly report; 6 month baseline until March 2011)	High	Annual	Actual	....	....	....	....	....	....
				Target	....	....	....	....	....	....
				Performance	★					
				Penalty						
RB11	% of cheques banked within 24 hours of day of receipt, prioritising large amounts	High	Annual	Actual	100	99.86	100	100	100	100
				Target	95	95	95	95	95	95
				Performance	★	★	★	★	★	★
				Penalty						
RB12	Annual Bills to be despatched in sufficient time to ensure delivery to the Tax/Ratepayer 14 clear days prior to the 1st April in any year.	High	Monthly	Actual	....	....	....	....	....	....
				Target	....	....	....	....	....	....
				Performance	★					
				Penalty						

		High	Annual	Target	...	...	...	...	...	...
				Performance	★					
				
				Penalty						
E3	Carry out site supervision visits and attend site meetings on appropriate frequency to discharge duties for Capital Schemes,	High	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	95.00	95.00	95.00	95.00	95.00	95.00
				Performance	★	★	★	★	★	★
				Penalty						
E4	Make all necessary statutory applications in a timely and accurate manner	High	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	90.00	90.00	90.00	90.00	90.00	90.00
				Performance	★	★	★	★	★	★
				Penalty						
E5	Issue all contracts to procure works in line with council standing orders.	High	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	100.00	100.00	100.00	100.00	100.00	100.00
				Performance	★	★	★	★	★	★
				Penalty						
E6	Undertake in a timely manner, any necessary environmental impact assessments on capital works as requested.	High	Monthly	Actual	100	100	100	100	100	100
				Target	100	100	100	100	100	100
				Performance	★					
				Penalty	£0.00	£0.00	£0.00	£0.00	£0.00	
E7	Undertake in a timely manner, designers risk assessments on all capital works.	High	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target						

		High	Monthly	Target	100.00	100.00	100.00	100.00	100.00	100.00
				Performance	★	★	★	★	★	★
				Penalty						
E8	Provide an emergency flooding response in the form of the emergency plan.	High	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	90.00	90.00	90.00	90.00	90.00	90.00
				Performance	★	★	★	★	★	★
				Penalty						
E9	Maintain and update the Authority Emergency Flooding Plan to tie in with the Derbyshire County Council Emergency Plan	High	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	100.00	100.00	100.00	100.00	100.00	100.00
				Performance	★	★	★	★	★	★
				Penalty						
E10	Attend meetings, briefings and emergency exercises in relation to Flooding and Land Drainage requirements.	High	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	100.00	100.00	100.00	100.00	100.00	100.00
				Performance	★	★	★	★	★	★
				Penalty						
E11	Housing inspections, complete and issue initial structural report to Authority within 28 days of receipt of initial request.	Medium	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	80.00	80.00	80.00	80.00	80.00	80.00
				Performance	★	★	★	★	★	★
				Penalty						
E12	On report of mining surface hazard attend site and undertake initial inspection within 24 hours.	Medium	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target						

		Med	Mon	Target	80.00	80.00	80.00	80.00	80.00	80.00
				Performance	★	★	★	★	★	★
				Penalty						
E13	Maintain, develop and issue a term service contracts for the bus shelter, highway and street furniture maintenance work and also for the drain clearing service	Medium	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	100.00	100.00	100.00	100.00	100.00	100.00
				Performance	★	★	★	★	★	★
				Penalty						
E14	Review charges for drain clearing service.	Medium	Annual	Actual	....	....	....	....	....	....
				Target	....	....	....	....	....	....
				Performance	★					
				Penalty						
FM1	Carrying out planned maintenance which does not exceed allocated maintenance budgets.	High	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	100.00	100.00	100.00	100.00	100.00	100.00
				Performance	★	★	★	★	★	★
				Penalty						
FM3	Respond to 'Emergency' (Category 1) requests within 1 hour of receipt, placing an order with a contractor to effect a repair or make safe pending further investigation.	High	Monthly	Actual	100.00	100.00	100.00	100.00	100.00	100.00
				Target	100.00	100.00	100.00	100.00	100.00	100.00
				Performance	★	★	★	★	★	★
				Penalty						
FM4	Ensure that the percentage of Legionella Risk assessments carried out within 2		ly	Actual	YES	YES	YES	YES	YES	YES

	financial year to be made by 30th September.	Low	Annual	Target	....	....	....	....	....	....
				Performance	....	....	....	....	....	....
				Penalty						
FM15	Ensure energy purchased is optimised in line with the energy markets and opportunities for lower tariffs and lows in the markets are exploited.	Low	Monthly	Actual	YES	YES	YES	YES	YES	YES
				Target	YES	YES	YES	YES	YES	YES
				Performance	★	★	★	★	★	★
				Penalty						
FM16	To provide information to the Council to enable reporting against NI 186 - per capita CO2 reduction in Local Authority Area & NI 188 - Adapting to Climate Change	Low	Annual	Actual	....	....	....	....	....	....
				Target	....	....	....	....	....	....
				Performance	★					
				Penalty						
FM17	To deliver agreed actions from the EMAS action plan	Low	Monthly	Actual	YES	YES	YES	YES	YES	YES
				Target	YES	YES	YES	YES	YES	YES
				Performance	★	★	★	★	★	★
				Penalty						

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FOR PUBLICATION

AGENDA ITEM

PERSISTENT AND VEXATIOUS COMPLAINTS POLICY (B000)

MEETING: 1. CABINET
 2. EXECUTIVE MEMBER FOR GOVERNANCE
 AND ORGANISATIONAL DEVELOPMENT

DATE: 1. 3Rd December 2013
 3. 25th November 2013

REPORT BY: HEAD OF GOVERNANCE

WARD: ALL

KEY DECISION NO
REFERENCE
(IF APPLICABLE):

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS: NONE

1.0 PURPOSE OF REPORT

1.1 To seek Cabinet approval to a proposed Persistent and Vexatious Complaints Policy.

2.0 RECOMMENDATION

2.1 That Cabinet approve the Persistent and Vexatious Complaints Policy (attached at **Appendix 1**), and agree its corporate implementation.

3.0 **BACKGROUND**

- 3.1 If a person wishes to make a complaint against the Council, the Council has guidelines available to the public in the Complaints, Comments and Compliments Policy. This provides clear information about what a complaint is, how it can be made, and the process by which it will be considered, reviewed if requested by the customer, finally explaining the role of the Local Government Ombudsman if the customer is still not satisfied.
- 3.2 Increasing pressure on Council services has identified the risk from complaints which take up an unwarranted amount of Council resources, and from unreasonable customer behaviour. These are complaints or behaviour which may be classed as persistent or vexatious. Such matters can take an excessive amount of officer time and be (possibly intentionally) annoying or disruptive. This can get in the way of delivering mainstream services or dealing with justifiable complaints. The Complaints, Comments and Compliments Policy is silent as to the issue of persistent and/or vexatious complainants.
- 3.3 The purpose of the proposed policy is to provide clarification for Council staff on the difference between justifiable complaints (which may be several in number) from a person, and people who are simply being difficult. There will also be guidance on what staff should recognise as difficult behaviour by people with stress or anxiety, whilst being allowed to draw a line against toleration of abusive, offensive or threatening behaviour.
- 3.4 The policy has been drafted with reference to the Local Government Ombudsman's Guidance note on "unreasonably persistent complainants" and "unreasonable complainant behaviour". Staff should also consider other contact with the authority, such as through the Freedom of Information Act requests, when considering whether to treat a complaint under the Persistent and Vexatious Complaints Policy.
- 3.5 Any complaint or request received must be properly considered in a fair and consistent way, but the proposed policy sets out a process for a warning being issued to the customer during investigation of a complaint which is persistent or vexatious. If the disruptive behaviour continues an appropriate restriction will be imposed. Such restriction(s) would be reviewed at specific intervals.
- 3.6 The proposed policy sets out a long (but not exhaustive) list of customer behaviour which may, singly or combined, lead to classification of the person as a persistent or vexatious customer or complainant. The list of the behaviour has been drafted with reference to the Information Commissioner's Guidance note on "vexatious requests".

3.7 Having such a policy will assist staff in dealing consistently across the Council with difficult customers/complainants whose approaches may be to various departments, thereby minimising the unnecessary time spent that a small number of such complainants can cause. This will be balanced by ensuring that complaints are still handled in a consistent transparent manner. Having a policy in place will demonstrate that steps taken under the policy are ones which would apply in any similar situation and not ones directed at any specific individual.

4.0 **FINANCIAL IMPLICATIONS**

4.1 There are no specific implications arising from the contents of this report. However, it is hoped adoption of the policy will produce efficiency savings in the saving of time and other HR and thereby costs.

5.0 **LEGAL IMPLICATIONS**

5.1 There are none arising from the contents of the report.

6.0 **EQUALITIES IMPLICATIONS**

6.1 There is no requirement for a full EIA because this policy is not anticipated to have a disproportionate impact on any group. It is intended that the policy will enable all complaints to be dealt with in an equal manner.

7.0 **RISKS AND UNCERTAINTIES**

7.1 This report concerns effective handling of complaints and customers by providing a Council-wide policy on dealing with persistent and vexatious complaints which take up a disproportionate amount of council resources. All policies adopted by the Council have to be published and made available for public scrutiny.

Description of risk	Impact	Likelihood	Mitigating Action
Excessive time taken up by customers and their complaints which are unmerited to the potential detriment of other work or valid complaints.	H	M	Ensure conformity across all departments and provide a framework for dealing with difficult cases or customers. A programme of warnings followed by appropriate restrictions could reduce the length of time of

			problematic behaviour and indicate a uniform objective approach which an individual would have to accept.
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8.0 **RECOMMENDATION**

8.1 That Cabinet approve the Persistent and Vexatious Complaints Policy (attached at Appendix 1) and agree its corporate implementation.

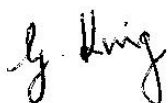
9.0 **REASON FOR RECOMMENDATION**

9.1 To provide clear guidance and assistance to staff when faced with individuals or complaints which are classed as vexatious or persistent, whilst ensuring that the complaint is handled or individual's needs met in a manner which does not involve excessive time or difficulty.

SARA T. GOODWIN
HEAD OF GOVERNANCE

You can get more information about this report from Sara Goodwin (345309)

Officer recommendation supported/not supported/modified as below or Executive Members' recommendation/comments if no Officer recommendation.



Signed 25.11.13
Member

Executive

Date

Consultee Executive Member/Support Member comments (if applicable)

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CHESTERFIELD BOROUGH COUNCIL

PERSISTENT AND VEXATIOUS COMPLAINTS POLICY

1.0 Introduction

- 1.1 Council staff will inevitably come into contact with a small number of customers who complain. And, who take up an unwarranted amount of Council resources or impede the investigation of their complaint. The aim of this policy is to identify situations where the customer making the complaint could be considered vexatious or persistent and how to deal with such situations.
- 1.2 It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are simply being difficult. It must be recognised that customers may sometimes act out of character at times of anxiety or distress and reasonable allowances should be made for this.
- 1.3 We do not expect staff to tolerate unacceptable behaviour by customers. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:-
- using abusive or foul language on the telephone
 - using abusive or foul language face to face
 - sending multiple emails and
 - leaving multiple voicemails
- 1.4 The aim of this policy is to contribute to our overall aim of dealing with all corporate complaints in ways which are demonstrably consistent, fair and reasonable.
- 1.5 This policy has been drafted with reference to the Local Government Ombudsman's Guidance note on "unreasonably persistent complainants" and "unreasonable complainant behaviour". Staff should also consider other contact with the authority, such as through the Freedom of Information Act requests, when considering whether to treat a complaint under the Persistent and Vexatious Complaints Policy.

2.0 Definition of Persistent and Vexatious Customers or Complainants

- 2.1 We use the following terms in our policy:-
- Unreasonable customer or complainant behaviour.
 - Unreasonably persistent customers or complainants.
 - Vexatious complaints - without sufficient grounds, especially so as to cause annoyance or disruption.
 - In this policy, the terms "customer" and "complainant" are interchangeable.

- 2.2 For us, unreasonable customer behaviour and unreasonably persistent customers are those customers who, because of the frequency or nature of their contacts with the authority, hinder the authority's consideration of their own, or other people's complaints.
- 2.3 Vexatious complaints are those complaints made without sufficient grounds, but made especially so as to cause annoyance or disruption.
- 2.4 Features of the types of complaint and of customer behaviour that this policy covers can include the following (the list is not exhaustive nor does one single feature on its own necessarily imply that the person will be considered as being in this category):-
- Refusing to specify the grounds of a complaint despite offers of assistance.
 - Insufficient grounds or no grounds for their complaint and following the complaint through only to annoy (or for reasons that they do not admit or make obvious).
 - Refusing to co-operate with the complaints investigating process whilst still wanting their complaint to be resolved.
 - Refusing to accept that issues are not within the remit of the Council's Complaints, Comments & Compliments Policy despite having been provided with information about the procedure's scope.
 - Insisting on the complaint being dealt with in ways which are incompatible with the procedure or with good practice (for example, insisting that there should be no written record of the complaint).
 - Making what would appear to be a groundless complaint about the staff dealing with their complaint and seeking to have them replaced.
 - Making an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints.
 - Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
 - Introducing trivial or irrelevant new information whilst the complaint is being investigated and expecting this to be taken into account and commented on.
 - Electronically recording meetings and conversations without the prior knowledge and consent of the other person involved.
 - Multiple lines of enquiry made regarding the same issue, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with a Member of Parliament, other councils, elected members of this and other councils, the Council's independent auditor, the police, solicitors, and the Local Government Ombudsman.
 - Submitting repeat complaints, after the complaints procedure has been completed, essentially about the same issues, with additions/variations which the customer then insists on being treated as new complaints and put through the full complaints procedure again.
 - Refusing to accept the outcome of the complaint procedure after its conclusion, repeatedly arguing the point, complaining about the outcomes, and/or denying that an adequate response has been given.

- Harassing or verbally abusing or otherwise seeking to intimidate staff dealing with their complaint, in relation to their complaint by using foul or inappropriate language or by the use of offensive and racist language.
 - Making persistent and unreasonable demands or expectations of staff and/or the complaints procedure after the unreasonableness has been explained to the customer (an example of this could be a customer who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails).
- 2.5 If you feel that the inappropriate behaviour displayed is for a reason related to a disability, or because the person's first language is not English, please contact the Policy Unit for advice and assistance to manage the complaint in accordance with the relevant Council policy.
- 3.0 **Managing Contact**
- 3.1 **Investigate the complaint:** We must ensure that the complaint is being, or has been, investigated properly in accordance with the complaints, comments and compliments procedure.
- 3.2 **Issue a warning:** The Head of Service will consult with the Head of Business Transformation before issuing a warning to the customer. The Head of Service will contact the customer by phone, in writing or by email to explain why this behaviour is causing concern, and to ask them to change this behaviour. The Head of Service will explain the actions that the Council may take if the behaviour does not change. The following considerations need to be taken into account:-
- Warn the customer about what their behaviour may lead to.
 - Restrictions that may be applied by manager or Head of Service.
 - Apply restrictions in a way that will allow completion of complaints procedure.
 - Time limits on restrictions.
 - Informing the customer of the decision.
 - Right of appeal to the Local Government Ombudsman
- 3.3 If the disruptive behaviour continues, a reminder letter (on behalf of the Head of Business Transformation) will be issued to the customer advising them that the way in which they will be allowed to contact us in future will be restricted. The Head of Business Transformation will make this decision and inform the customer in writing of what procedures have been put in place and for what period.
- 3.4 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the customer prior warning of that action.
- 3.5 **Apply an appropriate restriction:** Any restriction that is imposed on the customer's contact with us will be appropriate and proportionate and the customer will be advised of the period of time the restriction will be in place for. In most cases, restrictions will apply for between three and six months

but in exceptional cases may be extended. In such cases, the restrictions would be reviewed on a quarterly basis.

3.6 Restrictions will be tailored to deal with the individual circumstances of the customer and may include:-

- why we have taken the decision
- what action we are taking
- the duration of that action
- the review process of this policy and
- the right of the customer to contact the Local Government Ombudsman about the fact that they have been treated as a vexatious/persistent customer whilst making complaints

3.7 **Where a breakdown in communications occurs:** In some cases, relations between councils and unreasonably persistent or vexatious customers break down completely while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs, the Ombudsman may be prepared to consider a complaint before the procedure has run its course.

4.0 **Recording and Reviewing Decisions**

4.1 Adequate records will be retained by the Head of Business Transformation and shared with appropriate service managers. Records must include the details of the case and the action that has been taken. The Head of Business Transformation will retain a record of:-

- the name and address of each customer who is treated as abusive, vexatious or persistent
- the period that the restriction covers, or is in force for
- what the restrictions are and
- when the customer and appropriate departments were advised

4.2 The Standards & Audit Committee will be provided with an annual report giving information about customers who have been treated as vexatious/persistent under this policy.

4.3 The status of a customer judged to be unreasonably persistent or vexatious will be reviewed by the Head of Business Transformation after three months and at the end of every subsequent three months within the period during which the policy is to apply.

4.4 The customer will be informed of the result of this review if the decision to apply this policy to them has been changed or extended.

FOR PUBLICATION

AGENDA ITEM

PROPOSALS FOR THE FUTURE USE OF THE FORMER GARAGE SITE AT HADY LANE (H000)

MEETING:	1. CABINET 2. EXECUTIVE MEMBER FOR HOUSING
DATE:	1. 3 rd DECEMBER 2013 2. 25 th NOVEMBER 2013
REPORT BY:	HOUSING SERVICE MANAGER – BUSINESS PLANNING AND STRATEGY
WARD:	ST LEONARDS
COMMUNITY ASSEMBLY:	SOUTH ASSEMBLY
KEY DECISION REFERENCE (IF APPLICABLE):	(339)

FOR PUBLICATION:

BACKGROUND PAPERS FOR PUBLIC REPORTS:

TITLE: LOCATION:

1.0 PURPOSE OF REPORT

- 1.1 For Members to consider and make an in principle decision on the options available for the future use of the former garage site at Hady Lane.

2.0 RECOMMENDATIONS

- 2.1 That, subject to the land being identified as suitable for the development of a site for residential caravans, it is offered for sale to

a family, who permanently reside in the Borough and who currently occupy adjacent land (Option 1).

- 2.2 That, if the offer of sale is rejected, the Business Planning and Strategy Manager be authorised to develop proposals for the site to be redeveloped as a permanent Gypsy and Traveller Site (Option 2).

3.0 BACKGROUND

- 3.1 The former garage site and adjacent unused parking area at Hady Lane (shown with a red boundary in **Appendix 1**) is subject to a number of proposals for its future use. The garage site is Housing Revenue Account Land and is currently derelict and not in use.
- 3.2 A family, that currently own and are occupying without authorisation the land adjacent to the former garage site (shown with a blue boundary in Appendix 1), have submitted a Planning Application (Application reference CHE/13/00089/FUL) to develop the former garage site into a residential traveller site for their sole use.
- 3.3 This application was submitted in March this year and is currently undetermined.
- 3.4 The family had previously sought Planning Permission (Application reference CH/12/00052/FUL) to develop the blue boundary land they are currently occupying into a two pitch traveller site and associated facilities. This application was refused in May 2012 on the basis of a) inadequate information relating to the ability to demonstrate that the site could be adequately serviced with sewerage and b) the absence of a land contamination assessment to determine the suitability or otherwise of the site.
- 3.5 Subsequently the Council considered further information received from the travellers as part of an enforcement report, when it was resolved:
- That Planning Committee note the continued unauthorised occupation and consequential operational development of Land to the West of the Garage Site, Hady Lane, Chesterfield and that due to the new information received and changed circumstances that enforcement action is warranted as the long term residential occupation of the land is unacceptable.

- That appropriate investigations be made with housing officers into finding an alternative site which the travellers could relocate to and which could provide a temporary or long term solution to address the risks to the safety of the travellers arising from the occupation of the former landfill site.
 - Planning Committee further resolve that if the occupants of the unauthorised development do not engage positively with the Council in the next 6 months to be appropriately relocated then enforcement action including injunctive proceedings, if required, are authorised to remove them from the existing site on Hady Lane.
- 3.6 Investigations into alternative sites have been explored by officers with Derbyshire County Council (DCC), Leisure Services, Housing Services and Kier but unfortunately no sites had been identified and therefore no sites had been put forward.
- 3.7 Planning Officers received written confirmation that the travellers would work with the Council in finding an appropriate relocation site, however the process of considering alternative sites was pre-empted by their planning application for the site currently under consideration. This was submitted within 6 months of the committee resolution referred to above at paragraph 3.4.
- 3.8 The family consider the former garage site suitable, having regard to its proximity to their own land, which they had purchased and that it will allow the children of the family to continue to attend a local school and for the extended family to continue to be registered with a local doctor's and dentist's surgery. The family would like to have a base from which to travel and also have access to health care, (the site is close to the Chesterfield Royal Hospital at Calow).
- 3.9 On the current undetermined application, DCC have commented that the site is bounded to the west by the former landfill site and they have expressed a concern that due to its proximity there is a possibility of gas migrating and entering the proposed accommodation and that permission should be refused.
- 3.10 However, this view is not based on any quantified risk assessment. The applicants were informed of the requirement for a land contamination assessment in a letter dated 14th March 2013, however no study has been submitted and therefore no determination has been made. The Coal Authority has also requested a Coal Mining Risk

assessment to consider the coal mining legacy of the site and this has also not been forthcoming.

- 3.11 It is considered that without a specialist land contamination assessment quantifying the risks to and from the development, a proper and thorough consideration of the planning issues can not be secured. The original application was refused on the basis of a lack of information for the Planning Committee to consider and at present there is potential for this outcome to happen again.
- 3.12 In order to progress the planning application, Development Management sought to commission a desk based study (phase I and II) of the site to quantify risks and consider mitigation. Housing Services have agreed that the consultant appointed can undertake an assessment of the land however the family appealed to the Planning Inspector against non determination of the application and the securing of such an independent study by the Council has therefore not been pursued.
- 3.13 A decision on the Councils intentions for the future use of the site was to be an important consideration for the Inspector since this will determine if the site is available for the development. The planning application was considered by Planning Committee on 28th October 2013 this did not determine the application, just established the Council's case to be put forward at the planning appeal. Following this meeting the family has now withdrawn its appeal and confirmed their intentions to carry out the relevant studies for a resubmission of their application.
- 3.14 It should be noted that the family have not held any discussion with Housing Services about their intentions to secure the former garage site land. It is therefore not clear whether they would be intending to purchase or lease the land from Housing Services.
- 3.15 There are therefore four potential options for the future use of the land that Members are asked to consider.

4.0 OPTION 1: CURRENT PLANNING APPLICATION FOR REDEVELOPMENT AS A GYPSY AND TRAVELLER SITE

- 4.1 The redevelopment of the site into a traveller site would meet a Strategic Housing requirement. The Derbyshire Gypsy and Traveller Needs Assessment carried out in 2008 identified a need for a single

pitch in Chesterfield Borough, however this identified need was not included in the East Midlands Spatial Strategy. The baseline data used for this study is now out of date and in need of review. Derbyshire County Council has commissioned a further Gypsy and Traveller Needs Assessment and the fieldwork for this is currently underway, with an estimated completion date for December 2013. This study will be too late for inclusion in the Council's Sites and Boundaries DPD; however a separate consultation and adoption process will be necessary in respect of traveller / gypsy sites.

- 4.2 A factor that resulted in low Gypsy and Traveller pitch requirement in Chesterfield in the last study was the very low number of illegal encampments within the Borough in the years preceding the study. However evidence collected from the required bi-annual gypsy and traveller caravan count is likely to indicate that there is a need for a site/s in Chesterfield, as each year since the study there have been unauthorised encampments in the Borough.
- 4.3 If the option to allow the redevelopment of the former garage site into a traveller site is taken then the land could either be sold or leased to the applicants. Kier Asset Management have carried out a valuation of the land for this purpose and advise that the sale of the land would generate a capital receipt of £10,000 to the Housing Revenue Account.
- 4.4 Alternatively, the option to lease the land to the applicants, for the development of a traveller site the value of the lease would generate an income of £500 per pitch per annum to the Housing Revenue Account.

4.5 **Option 1 Summary:**

To agree to the sale / or lease of the former garage site at Hady Lane at a full market value, with suitable terms for the future use of the site subject to satisfactory planning approval to the family who have submitted a planning application for its redevelopment.

5.0 **OPTION 2: HOUSING SERVICES DEVELOPS THE SITE FOR GYPSY AND TRAVELLER PROVISION**

- 5.1 Proposals for Housing Services to redevelop the site as a Gypsy and Traveller site could be considered. The same issues identified with the current Planning application would apply, however there are other benefit and considerations that need to be taken into account.

- 5.2 By retaining and developing the land, Housing Services would retain control of the land and be able to ensure satisfactory management of the site through tenancy agreements. An initial estimate suggests that the size and layout of the site would be sufficient to support two pitches. Redevelopment of the site into two pitches would enable the Council to meet the Housing Need of the family in Option 1 and part meet need expected to be identified in the Gypsy and Traveller Needs Assessment that is currently being completed. Whilst Government guidance does not specify dimensions for a gypsy or traveller pitch, as a general guide an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan, drying space for clothes, a lockable shed for bicycles, wheelchair storage, parking space for two vehicles and a small garden area. Smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle. Individual parking spaces should be a minimum of 2.4 × 4.8 metres. Where space permits the inclusion of a garden or play space on each pitch is recommended.
- 5.3 At the current time there is currently up to £90,000 per pitch available from the Homes and Communities Agency (HCA) for the development of Gypsy and Traveller sites. The £90,000 cannot cover the whole scheme costs and Housing Services (General Fund) would have to contribute additional resources (including the land value) into the site.
- 5.4 If the option to access HCA funding was taken then the scheme would have to be delivered by March 2015. Therefore Planning permission would likely be required by March/ April 2014 at the latest.
- 5.5 The HCA money for Gypsy and Traveller sites is only available up to 2015 and there are no plans for further Gypsy and Traveller Site funding to be included in the proposals for the next HCA Bid round from April 2015 onwards. If a bid is not made by early 2014 it is unlikely the option of external funding from the HCA will be available in the future.
- 5.6 If this option was taken, consideration would need to be given to the management. The Housing Service does not have any experience of the management of a gypsy and traveller site, however management options could include the Derbyshire Gypsy and Traveller Liaison Group, who manage a number of sites across Derbyshire or a Housing Association with an attached specialist supported housing provider.
- 5.7 Further consideration of how the site would be developed would also need to be considered. The designing and development of the site

could be contracted through a 'design and build' agreement with a Housing Association if there are insufficient resources and expertise within the Council.

5.8 **Option 2 Summary:**

For Housing Services to redevelop the site into two gypsy and traveller pitches through accessing HCA funding.

6.0 **OPTION 3: REDEVELOPMENT AS A RECREATIONAL AREA**

6.1 In addition to the proposals submitted by the family, or potential proposals for Housing Services to redevelop the site, local residents have enquired about a Community Group developing the site as a Community Garden or recreational facility.

6.2 Several meetings took place between local residents and Leisure and Housing staff to look at their options and proposals in February / March 2013. The local residents have been advised of the need to constitute themselves as a group before they could access funding opportunities and then submit more detailed proposals; however as at 1st November 2013 no detailed information has been received.

6.3 A representation received by Planning proposing the change to recreational use from two local residents was considered under the traveller site application rather than as a separate application as no details were provided.

6.4 **Option 3 Summary:**

Await submission of proposals from local residents seeking to utilise for the purpose of a recreational area.

7.0 **OPTION 4: REDEVELOPMENT OF SITE AS RESIDENTIAL**

7.1 The options to either develop the land ourselves for new affordable provision or sell the land as a residential site have significant limitations, due to the proximity of the landfill site and the comments made by DCC about migrating gases at paragraph 3.6.

7.2 A planning application to develop the site for residential - either private or affordable housing - would in all likelihood be rejected on this basis.

An application for a residential development of the site would have to contend with the same issues as the family application regarding risk, however it also would not meet current planning policy in terms of location (Green Field), unlike a proposal for a traveller site.

7.3 **Option 4 Summary**

Not applicable - the site is not current suitable for residential use.

8.0 **FINANCIAL IMPLICATIONS**

8.1 The sale of the land to the family would raise a capital receipt of £10,000 to the Housing Revenue Account.

8.2 The lease of the land would yield an annual rent to the Housing Revenue Account of £500 per pitch on the site.

8.3 The costs of redeveloping the site for a Gypsy and Traveller site are at present unknown, however a significant proportion of the cost could be covered by a bid to the HCA. The rent charged on the site would be an affordable rent at approximately £500 per pitch per annum. This would be an income to the General Fund.

8.4 The use of the land as a recreational area would not have any capital or revenue implications.

9.0 **LEGAL IMPLICATIONS**

9.1 If the family do not agree to purchase the former Garage Site from the Council or wish to rent a pitch on a developed site. Then enforcement action under the Town and Country Planning Act 1990 would need to be taken to prevent them occupying the land on which they currently reside.

9.2 If they then presented themselves to the Council as homeless under the Housing Act 1985, the Council may have a duty to secure them alternative accommodation. This would not have to be land on which they could reside in their caravans, but the Council's duty could be discharged by offering them 'bricks and mortar'.

9.3 The family may also decide to vacate their land and find an unauthorised site within the Borough. If this is Council land then the

Council may need to take action under the Criminal Justice and Public Order Act 1994 to remove them.

9.4 A suitable sale or lease document would be required for all options.

10.0 PROPERTY ISSUES

10.1 The properties issue are dealt with in Section 3.

11.0 RISK MANAGEMENT

Description of the Risk	Impact	Likelihood	Mitigating Action	Resultant Impact	Resultant Likelihood
<u>Option 1</u> Reputational Risk from Planning Inspectors decision	H	L	Detailed case presented by Chesterfield into reason why no determination and lack of information on the risks associated in developing the site	L	L
Local Opposition to site development	M	H	Close working with local elected members Decision made on basis of adherence to planning policy only	M	M
<u>Option 2</u> Local Opposition to development	M	H	Close working with elected members Decision made on basis of adherence to planning policy only Management and enforcement of tenancy condition where required	M	M

Description of the Risk	Impact	Likelihood	Mitigating Action	Resultant Impact	Resultant Likelihood
Development may not be possible to meet HCA timescales	H	M	Procure delivery of design and build of site by a suitably experienced Housing Association	M	M
<u>Option 3</u> Decision required before detailed proposals are provided No detailed proposals are provided and opportunity for options 1 and 2 is lost	M H	H M	Members could delay decision and request that detailed funded proposals are prepared and submitted by a fixed date Members choose to disregard this option and enabling delivery of either option 1 or 2	M L	M L
<u>Option 4</u> Not applicable as option cannot be pursued	N/A	N/A	N/A	N/A	N/A

12.0 EQUALITIES

12.1 Both options one and two are likely to result in positive impacts for the wider gypsy and traveller community through provision of authorised pitches, which are also anticipated to be required as a result of the forthcoming needs assessment. However, as details including the number of pitches that would be provided on the site are not yet fully known, it is not possible to anticipate the precise impact of either of the options at this stage. Options 3 and 4 do not include sufficient detail at this stage to undertake a full equality impact assessment. Therefore, a full Equality Impact Assessment will be undertaken following the availability of further details and before a final decision is

taken.

13.0 RECOMMENDATIONS

- 13.1 That, subject to the land being identified as suitable for the development of a site for residential caravans, it is offered for sale to a family, who permanently reside in the Borough and who currently occupy adjacent land (Option 1).
- 13.2 That, if the offer of sale is rejected, the Business Planning and Strategy Manager be authorised to develop proposals for the site to be redeveloped as a permanent Gypsy and Traveller Site (Option 2).

14.0 REASONS FOR RECOMMENDATIONS

- 14.1 To enable the Council to satisfactorily meet any site provision requirements identified in the Derbyshire Gypsy and Traveller Needs assessment for Chesterfield

ALISON CRAIG

HOUSING SERVICE MANAGER – BUSINESS PLANNING AND STRATEGY

You can get more information about this report from Alison Craig, Business Planning and Strategy Manager on ext 5156 or James Crouch on ext 5150.

Officer recommendation supported/not supported/modified as below or Executive Member's recommendation/comments if no officer recommendation.



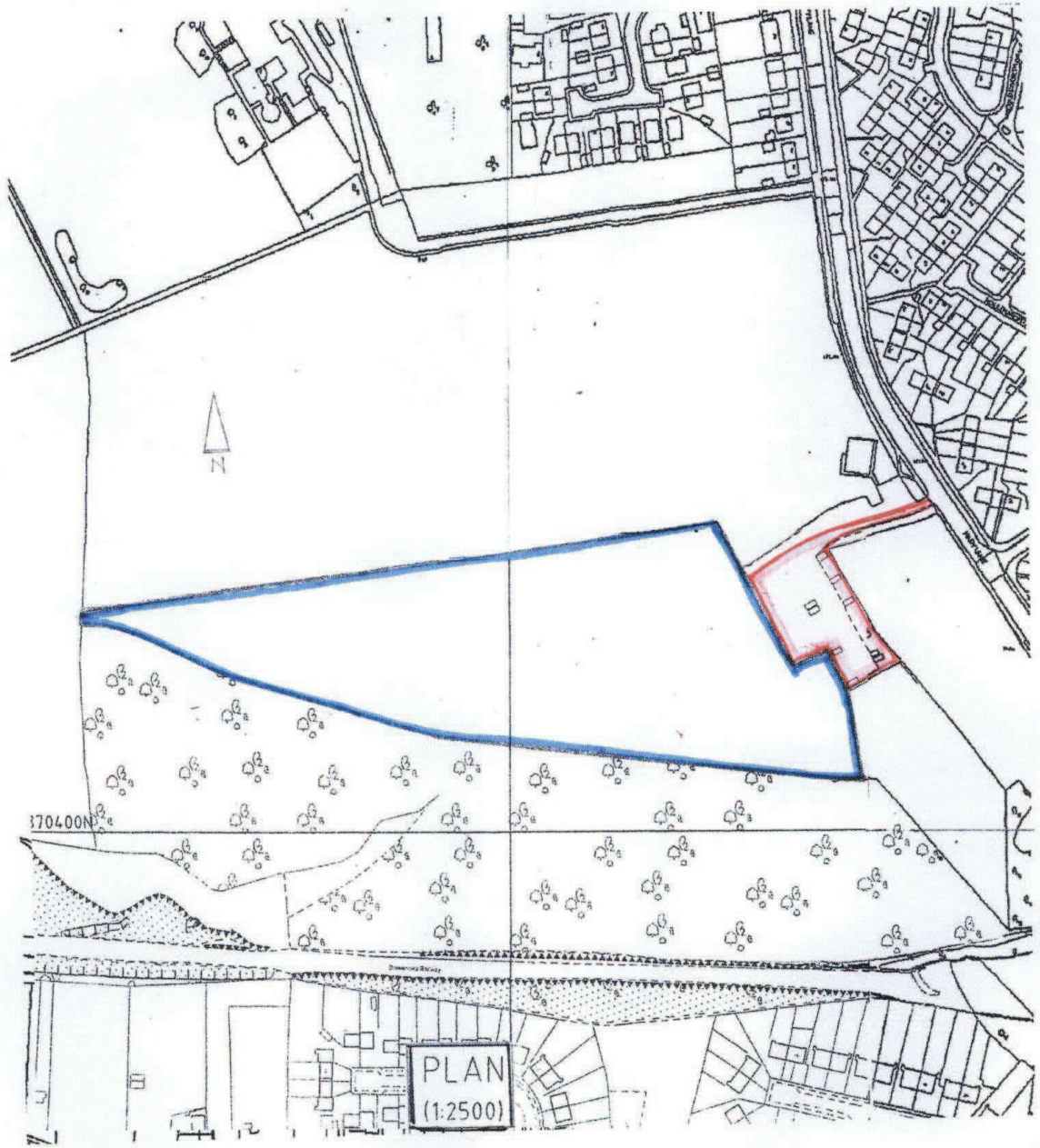
Signed

Executive Member

Date 25.11.13

Consultee Executive Member/Support Member comments (if applicable)/declaration of interests

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DIRECTORATE OF REGENERATION
- 4 MAR 2013

Location Plan
scale: 1/2500

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