



FYLDE BOROUGH COUNCIL



## Meeting Agenda

**Cabinet**  
**Town Hall, Lytham St Annes**  
**15 November 2006, 7.00pm**



## **CABINET**

### **MEMBERSHIP**

**LEADER – COUNCILLOR JOHN COOMBES**

<b>Councillor</b>	<b>Portfolio</b>
TIM ASHTON	STREETSCENE
SUSAN FAZACKERLEY	CORPORATE PERFORMANCE & DEVELOPMENT
PATRICIA FIELDHOUSE	COMMUNITY & SOCIAL WELLBEING
ALBERT POUNDER	CUSTOMER RELATIONS & PARTNERSHIPS
SIMON RENWICK	CULTURE & TOURISM
PAUL RIGBY	FINANCE & EFFICIENCY
ROGER SMALL	DEVELOPMENT & REGENERATION

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## **CORPORATE OBJECTIVES**

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

## **CORE VALUES**

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.



## A G E N D A

### PART I - MATTERS DELEGATED

ITEM	PAGE
<b>1. DECLARATIONS OF INTEREST:</b> <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Legal Services Executive Manager in advance of the meeting. (For the assistance of Members an extract from the pocket guide produced by the Standards Board for England is attached).</i>	4
<b>2. CONFIRMATION OF MINUTES:</b> <i>To confirm as a correct record the Minutes of the Cabinet meeting held on 13 September 2006.</i>	4
<b>3. SPECIAL URGENCY (RULE 16 PROCEDURE RULES) URGENT BUSINESS:</b> <i>To consider any items of special urgency arising</i>	4
<b>4. PERFORMANCE EXCEPTION REPORT</b>	6 – 12
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<b>12. THE LOCAL GOVERNMENT WHITE PAPER – STRONG &amp; PROSPEROUS COMMUNITIES</b>	140 - 151



## **Declaring Interests In Meetings**

### **Say and Stay**

If the issue being discussed affects you more than other people in the area, you must **say** you have a personal interest but can **stay** and take part and vote in the meeting.

This applies if the personal interest affects either:

- You
- Your partner, relative or a friend
- Your employer, or the employer of your partner, relatives or friends
- Any corporate body in which you, your partner, relatives or friends hold shares with a nominal value of more than £5,000 or of which you or they are a director
- Any firm in which you, your relatives or friends are partners

You must also declare if discussion concerns one of the following organisations in which you, relatives or friends hold a position of control or management:

- A body where you or they are a representative or nominee of the authority
- A body exercising public functions
- A company, industrial and provident society, charity or body directed to charitable purposes
- A body which seeks to influence public opinion or policy
- A trade union or professional association

All declarations should be made at the beginning of the meeting or as soon as you are aware of the issue being discussed. You should also say if anything being discussed relates to anything you are required to declare on the register of interests.

## **Withdrawing From Meetings**

### **Prejudicial interest**

#### **Wash and Go**

If a member of the public, who knows all the relevant facts, would view your personal interest (see above) in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest, then you must leave the meeting. You must leave the room and cannot seek to influence any decision made.

You also have a prejudicial interest, if you are a member of an overview and scrutiny committee that is considering a decision taken by another committee of which you are a member.

There are some limited exceptions to the requirement that you withdraw from meetings if you have a prejudicial interest. You should refer to the detailed provisions of the code of conduct. If in doubt speak to your Monitoring Officer.

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
POLICY & PERFORMANCE	CABINET	NOVEMBER 15 <sup>TH</sup> 2006	4

## PERFORMANCE EXCEPTION REPORT

### Public item

This item is for consideration in the public part of the meeting.

### Summary

The report identifies and provides details of, any exceptions in the performance against key indicators over the last two months. Exceptions include where performance is significantly below the target set for the current financial year or where factors that will have a detrimental impact on performance have been identified. The report outlines what is being done to address the performance and who is responsible for the actions.

### Recommendations

1. That the Cabinet supports the actions being taken to address performance issues and that the respective Portfolio Holders also monitor progress through their briefing meetings.
2. That the Portfolio Holder for Corporate Performance and Development provides updated figures against the indicators as part of the next exception report to confirm that progress has been achieved.

### Cabinet Portfolio

This item falls within the following Cabinet Portfolio:

Corporate Performance and Development: Councillor Sue Fazackerley

### Report

1. The key national and local performance indicators identified in Appendix 1 are monitored on a regular basis to identify any exceptions in performance. This report

Continued....

only provides details of indicators that are performing below the target agreed or where there are known factors that will have a negative impact on future performance.

2. Based on the latest information available against the key performance indicators the following exceptions have been identified:

- ❑ BVPI 78a The average time for processing new benefit claims
- ❑ BVPI 78b The average time for notifying changes in circumstances for housing / council tax benefits
- ❑ BVPI 64 The number of private sector vacant dwellings returned into occupation or demolished during the financial year as a direct result of action by authority
- ❑ BVPI 109a The percentage of major commercial and industrial planning applications determined within 13 weeks
- ❑ BVPI 109b The percentage minor commercial and industrial planning applications determined within 8 weeks (householder applications)
- ❑ BVPI 109c The percentage of other planning applications determined within 8 weeks

All other key performance measures included in Appendix 1 are performing to target based on the latest information available. In almost all cases performance data is collected on a monthly basis. The data for BVPI 199a is collected and reported three times per year because of the nature of the sampling required. The indicator is on target based on the figure available from the first four months of the year and the officers responsible for the indicator are confident this performance has been maintained. The December 2006 figure will be reported at the next Cabinet meeting.

### **The Benefits Indicators**

3. The second quarter figures up 30<sup>th</sup> September 2006 were not available at the time this report was produced. The selection of the sample, the calculation of the indicator and verification by the DWP (Department for Works and Pensions) is not usually complete until about six weeks after the end of the quarter. The two performance indicators identified by Cabinet as the key indicators (78a and 78b) are measures related to the speed of the service. The full suite of benefit indicators that are submitted to the DWP on a quarterly basis require manual samples and verification. The Benefits Service manager has provided a commitment to gathering the data for these two key indicators in advance of the other benefit indicators to achieve the reporting deadline in future.
4. The first quarter figures were reported to the last Cabinet meeting on September 13<sup>th</sup> 2006 and also reported to the Performance Improvement Committee on September 21<sup>st</sup> 2006. Both committees were provided with details of the new systems being implemented that will bring greater efficiency to the benefits service. Both the new benefits system and the document imaging system have led to a temporary backlog of work because of the training and development demands. The Performance Improvement Overview and Scrutiny Committee has challenged the first quarter performance and recommended that the service manager is present at the next meeting if the second quarter figures have not improved.

### **Housing Indicator**

5. BVPI 64 the number of private sector dwellings returned to occupation is currently below target having achieved 30% of the target 50% into the year. The target was set based on the number of known private sector dwellings that are unfit for occupation. The Housing team sends out a questionnaire every month to the owners of each property that is classed as unfit. At present the majority of these properties are on the market for sale in their current state or there is renovation work already under way. This means at present there is limited demand for the service although there are several projects currently in the system to be returned back to occupation. This issue was identified at the July 20<sup>th</sup> Performance Improvement Overview & Scrutiny Committee and the housing team have made a commitment to revise the target if the second quarter performance remains low and report back to the committee on November 23<sup>rd</sup> 2006.
6. The definition for BVPI 183a includes “only households with dependent children or a pregnant woman for whom a local housing authority duty under s.193 of the Housing Act 1996 has come to an end; and have spent some time in bed and breakfast accommodation arranged by the housing authority”. The purpose of this indicator is to measure authorities’ success in reducing the use of temporary accommodation for unintentionally homeless households which are in priority need. However during the second quarter period we have not discharged our duty to any such households. Consequently we have been unable to calculate the appropriate BVPI figure for the quarter, and hence the N/A entry. The housing team is currently working with partners to improve this situation.
7. The definition for BVPI 183a states that the calculation includes “households with dependent children or a pregnant woman” for whom a local housing authority has duty under s.193 of the Housing Act 1996. This duty has come to an end at some point during the second quarter period being measured. Therefore during quarter two we have not been able to discharge a duty for any clients who have dependants or a pregnant woman in the household hence the figure of 0 weeks for the average length of stay in bed and breakfast.

## **The Planning Indicators**

8. The latest performance figures against the key planning indicators shows that the Council is still behind the target figures for processing applications and performing to bottom quartile when compared against all English District councils. The Portfolio Holder for Planning, the Executive Manager and the Head of Planning provided a full report to the Performance Improvement Overview & Scrutiny Committee on July 20<sup>th</sup> 2006 to outline why the performance was poor and the actions that are being taken to address this. The Executive Manager also attended the last Cabinet meeting and the Performance Improvement Committee in September.
9. The detrimental impact of the resource shortage in the planning service is still being reflected in the key performance indicators. The Cabinet member and Executive Manager have recently addressed the Performance Improvement Scrutiny Committee to outline the reasons for this drop in performance and what is being done to turn this around. It was however emphasised that until the two key principal development control posts had been filled the current performance was unlikely to improve. As a result of a third recruitment exercise during August/September we have been successful in attracting two candidates to these important roles. One of the appointments starts mid November and the second around mid December. It is anticipated that performance in the last quarter will begin to improve significantly.

10. Minutes of the Performance Improvement Overview & Scrutiny Committee are available on the Council web site ([www.fylde.gov.uk](http://www.fylde.gov.uk)) outlining the details of the commitment made to address this performance.

### Updated Figures

11. One of the recommendations from the previous Exception report presented to Cabinet on September 13<sup>th</sup> 2006 was to provide updated figures on the exceptions that were raised at the meeting. The benefits and planning performance measures were raised at the previous meeting and have been raised again in this report.
12. The only other indicator raised at the previous meeting was the sickness per employee (BVPI 12). Appendix 1 has the latest figure to the end of the second quarter reported at 4.78 days per employee. The concern raised in respect of the increase in long term sickness has been addressed. The figure is on target to achieve 10.5 days per employee and below the figure for the same period last year.

IMPLICATIONS	
Finance	There are no direct financial implications arising from this report.
Legal	There are no direct legal implications arising from this report.
Community Safety	There are no direct community safety implications arising from this report.
Human Rights and Equalities	There are no direct human rights and equalities implications arising from this report.
Sustainability	There are no direct sustainability implications arising from this report.
Health & Safety and Risk Management	There are no direct health & safety and/or risk management implications arising from this report.

Report Author	Tel	Date	Doc ID
ALLAN OLDFIELD	(01253) 658576	OCTOBER 2006	

List of Background Papers		
Name of document	Date	Where available for inspection
Audit commission bvpi definitions	January 2006	<a href="http://www.audit-commission.gov.uk/performance/guidance.asp">www.audit-commission.gov.uk/performance/guidance.asp</a>
Audit commission bvpi out turns	January 2006	<a href="http://www.audit-commission.gov.uk/performance/dataprovision.asp">www.audit-commission.gov.uk/performance/dataprovision.asp</a>

Attached documents **Appendix 1:** The key performance indicators second quarter out turns 2006/07.

## Appendix 1: Key Indicators Progress Report 2006/07

Key Performance Indicator		All England Top	All England Average	All England Bottom	Fylde Actual 2005/06	1 <sup>st</sup> Quarter Progress	2 <sup>nd</sup> Quarter progress	Target 2006/07
<b>BVPI 8</b>	Percentage of undisputed invoices that were paid within 30 days of receipt or within agreed payment terms.	97%	93.28%	91.06%	92.29%	95.18%	94.87%	97%
<b>BVPI 9</b>	The percentage of Council Tax collected by the Authority in the year.	98.5%	97.8%	97.31%	97.46%	30.24	58.3%	98.1%
<b>BVPI 10</b>	The percentage of Non-Domestic Rates collected by the Authority in the year.	99.2%	98.63%	98.22%	97.33%	31.49	61.2%	98.4%
<b>BVPI 12</b>	Number of working days/shifts lost to the Authority due to sickness absence (per FTE)	8.48 days	9.78 days	11.10 days	11.67 days	2.39 days	4.78 days	10.5 days
<b>BVPI 64</b>	The number of private sector vacant dwellings returned into occupation or demolished during the financial year as a direct result of action by authority.	25	19.83	2	8	2	6	20
<b>BVPI 183a</b>	The average length of stay in bed and breakfast accommodation of households that are unintentionally homeless and in priority need.	1 week	4 weeks	5 weeks	5 weeks	5 weeks	N/A	4 weeks
<b>BVPI 183b</b>	The average length of stay in hostel accommodation of households that are unintentionally homeless and in priority need.	0 days	13 days	19 days	0 days	0 days	0 days	0 days
<b>BVPI 202</b>	The number of people sleeping rough within a single night within the area of the Authority.	New indicator – no comparison data			5	5	5	5
<b>BVPI 78 a)</b>	Housing/Council Tax Benefit - Average time for processing new claim (calendar days)	28 days	35.6 days	40.6 days	43.1 days	62.7 days	No data	35 days
<b>BVPI 78 b)</b>	Housing/Council Tax Benefit - Average time for processing notifications of changes in circumstances (calendar days)	6.8 days	10.5 days	12.4 days	7.9 days	12.33 days	No data	7 days

Key Performance Indicator		All England Top	All England Average	All England Bottom	Fylde Actual 2005/06	1 <sup>st</sup> Quarter Progress	2 <sup>nd</sup> Quarter progress	Target 2006/07
<b>BVPI 82 ai)</b>	The percentage of household waste arisings which have been sent by the Authority for recycling	19.33%	16.08%	12.36%	15.93%	15.43	16.94%	18%
<b>BVPI 82 bi)</b>	The percentage of household waste arisings which have been sent by the Authority for <b>composting</b> or treatment by <b>anaerobic digestion</b> .	10.55%	6.49%	4.24%	20.46%	26.78%	25.26%	22%
<b>BVPI 84 a</b>	Kilogrammes of household waste collected per head of authority population.	380.4kg	412.3kg	442.8kg	426.1kg	112.80kg	223.34kg	418kg
<b>BVPI 199 a)</b>	The proportion of relevant land and highways (%) that is assessed as having combined deposits of litter and detritus that fall below an acceptable level.	10%	16.3%	21.5%	8.1%	8%	Available Dec 06	8%
<b>BVPI 109 a)</b>	The percentage of major commercial and industrial planning applications determined within 13 weeks	71.25%	59.05%	46.87%	43.1%	100%	29%	65%
<b>BVPI 109 b)</b>	The percentage of minor commercial and industrial planning applications determined within 8 weeks	75.28%	67.56%	61%	72.00%	40.63%	35%	75%
<b>BVPI 109 c)</b>	The percentage of other planning applications determined within 8 weeks	88.01%	82.79%	79.98%	83.27%	54.95%	57%	90%
<b>BVPI 126</b>	The number of domestic burglaries per 1000 households	Amended PI no data			7.38	No data	1.09	No targets set by police for the BVPIs
<b>BVPI 127a</b>	Violent crime per 1000 population	Amended PI no data			11.48	No data	3.09	
<b>BVPI 127b</b>	Robberies per 1000 population	Amended PI no data			0.33	No data	0.07	
<b>BVPI 128</b>	Vehicle crimes per 1000 population	6.84	9.68	11.54	4.67	No data	1.10	



<b>Local Indicator</b> (Various)	<b>Actual 2005/06</b>	<b>1st Quarter Progress</b>	<b>2<sup>nd</sup> Quarter Progress</b>	<b>Target 2006/07</b>
The percentage of phone calls answered within 30 seconds	50%	35%	56.9%	65%
The percentage of phone calls to 01253 658658 answered during working hours	77%	73%	76.5%	80%
The percentage satisfaction with the service delivered by the customer service team	96%	98%	100%	98%
The percentage of people satisfied with the length of time they had to wait when contacting the council	95%	93%	100%	96%
The percentage of people who felt that the level of comfort and facilities in the one stop shops were 'good' or 'very good'	96%	100%	100%	98%
The total number of online transactions with the Council	No data	1336	3134	5000
The total number of unique visitors to the web site <a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>	49080	19633	43472	62000
The number of days sickness and absence per employee that is not long term sickness	5.16 days	1.01 days	1.64 days	4 days
The number of missed bins per 100,000 collections	30	24	26	<50

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
POLICY AND PERFORMANCE	CABINET	NOV 15 <sup>TH</sup> 2006	5

## CORPORATE OBJECTIVES REVIEW

### Public item

This item is for consideration in the public part of the meeting.

### Summary

The report provides details of the outcome from a 'desk top' review of the Councils corporate objectives that have been presented to the Policy and Service Review committee on October 23<sup>rd</sup> 2006. It is considered best practice by the Audit Commission to examine the corporate objectives each year giving consideration to the local and national factors that may have changed during the year.

### Recommendations

That the cabinet supports the recommendations from the Policy and Service Review Committee:

1. To support the conclusion that there was no requirement at this time to make changes to the high level corporate objectives at Fylde.
2. To make any appropriate recommendations to officers and/or Portfolio Holders to ensure that emerging issues are monitored or addressed including all aspects of communications as outlined at the meeting.

### Cabinet Portfolio

The item falls within the following Cabinet Portfolio:

Corporate Performance and Development: Councillor Sue Fazackerley

## The Report

1. The corporate objectives are the high level outcomes that the Council intends to achieve for the local community and by their nature are the key priorities for the Council. The following factors have been taken into consideration as part of the review of the corporate objectives:
  - ❑ Statutory services that the council must discharge
  - ❑ Feedback from stakeholders gathered over the last three years
  - ❑ Local circumstances particular to Fylde
  - ❑ National legislation and emerging national priorities
  - ❑ The level of resources (financial and human) available to the council
  - ❑ Partnership commitments and opportunities – The Community Plan
2. The 'desk top' review report is included in Appendix 1.
3. The scope of the report is to examine whether there is the need to make a significant change to any of the corporate objectives. The performance of the services or actions linked to each objective is not relevant to the subject of the report.

IMPLICATIONS	
Finance	There are no direct financial implications.
Legal	The council has to take account of a huge number of demands and to order conflicting priorities in formulating its corporate objectives, while ensuring that it maintains its statutory services.
Community Safety	There are no direct Community Safety implications.
Human Rights and Equalities	There are no direct human rights & equalities implications.
Sustainability	There are no direct sustainability implications.
Health & Safety and Risk Management	There are no direct H&S or Risk Assessment implications.

Report Author	Tel	Date	Doc Id
Allan Oldfield	(01253) 658576	October 20 <sup>th</sup> 2006	
List Of Background Papers			
Name Of Document	Date	Where Available For Inspection	
Corporate Plan	May 2006	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>	
Community Plan	January 2005	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a> T	

### **Attached documents**

Appendix 1: The Corporate Objectives Review Report

## **Appendix 1: The Corporate Objectives Review Report**

### **Introduction**

The Audit Commission has recommended that local authorities review their corporate objectives at least once every two years. This report outlines the key findings from a 'desk top' review of the corporate objectives. A 'desk top' review is carried out using existing data and information as opposed to duplicating it.

Best practice guidance supports the 'desk top' approach as the best value for money approach to implementing the review. The data and information required to carry out the review should already be available and includes:

- National legislation and regulations (white papers etc)
- National and local performance measures
- National and local user satisfaction surveys
- Service based customer records and research
- Census data and socio-economic trends
- Indices of multiple deprivation
- Corporate priorities and objectives
- The Community Plan and LSP research

All the sources of data and information listed above have been examined as part of the review. This report outlines the key findings from the research and any impact they have on the current corporate objectives. Significant importance has been placed on the views of local residents and stakeholder groups to ensure that the objectives reflect the needs of the local community.

### **Scope of the Review**

At the highest level the local authorities corporate objectives are deliberately broad and can be all encompassing between them. For example, the issue of crime and / or community safety is a high level corporate objective for every local authority because it is a major national issue. The difference lies in the detail that reflects local circumstances around crime or community safety. For Fylde the issues are primarily centred on the fear of crime and trying to reduce the already comparatively low level of crime, in other areas the issues are around violent crime, murder or high levels of gang crime.

The scope of this review has focused on the high level corporate objectives outlined in appendix 1 because the detail is reflected in the actions that are reviewed each year as part of the work on the Corporate Plan. However, details of the current actions for each of the five broad objectives have been included in Appendix 1.

The scope of the review does not include an examination of performance in any of the service areas. A review of this nature is designed to focus on what the Council should be outlining as corporate objectives.

## **The National Issues**

The focus of the work on the national issues has centred on developments over the last 18 months. Local government is in constant change with legislation being developed on a monthly basis. The most significant piece of legislation in the last 18 months has been the 'Every Child Matters' paper. The majority of this paper is directly applicable to education and social services but district councils have a responsibility through services for young people and LSP work.

Several issues around the Every Child Matters agenda are addressed in the community safety work at Fylde, the leisure services and work through some of the LSP groups. The lead on this work is the responsibility of the county council but there is scope for Fylde to highlight children's services in the annual update of the Corporate Plan. This issue has recently been the focus of a Lancashire wide Chief Executives meeting at which implications of the paper and the role of the districts was discussed.

Planning and waste management services have remained high on the national agenda and are also big issues on the local agenda. These services are more than adequately reflected in the current corporate objectives on the environment and economy. The current Corporate Plan has a significant number of actions and targets linked to the waste and planning services. At the local level the national issue of affordable housing is prominent in the Corporate Plan actions and the high level corporate objectives.

Global warming, bio-diversity and sustainability are national issues that have been prominent for some years and are included within the environment corporate objective. Several actions relating to these issues have been identified for the current year and work is progressing in a joint bio-diversity with several partners that will lead to further activity on these issues.

The white paper on the Local Government Review has yet to be published, however, the issue has been high on the district council agenda for some 12 months. Several district councils have made clear statements of intent to bid for unitary status in advance of the paper being published. A decision was made at the September 2006 Cabinet meeting that Fylde Borough Council would wait to see the detail of the paper before formulating any plans. At the time of publishing this report there is no impact on the current corporate objectives. A move to any form of unitary authority would require a further review of the corporate objectives in its own right.

Transport issues that include roads, traffic, public transport and parking have for a long time been major issues on the national agenda. The current Corporate Plan has actions that outline the Councils contribution to addressing the local and regional issues in respect of traffic and road networks. This is primarily a County Council function and is linked to through the partnership working and the new Lancashire Local committee. Parking in the borough is now a direct responsibility of the Council and a major issue. Actions are included in the Corporate Plan to review the arrangements in place to deal with the enforcement of car parking.

The migration of European workers to Britain since 2003 and the expansion of the European Union membership were significantly underestimated. Central government officials estimated that around 30,000 migrants per year would come from the eastern European expansion states, the reality is that almost 100,000 per year have migrated to Britain. The majority of the migrants have been of Polish origin seeking work. Blackpool is the third top destination in the country for the eastern European migrants to come for work. There is no evidence that the influx of eastern European migrants has created additional pressures on any of the services in Fylde. Many of the migrant workers seek work for the summer season and return in the winter. The One Stop Shop has come across the need for a Polish translation service on one or two occasions but systems were already in place to cater for this. In Blackpool and the surrounding area the eastern European migrant population has had a positive impact on the local economy. Officers at Fylde are monitoring the impact on the local community but at this stage there is no need to change the high level corporate objectives as a result of this change.

Another national issue that has been on the agenda for some time but has yet to be resolved is the 'super casino' that could be located in Blackpool. The Council is involved in the consultation process and strong links exist between Fylde, Blackpool Council and the Re-Blackpool regeneration team. At this time there is no direct impact on the high level corporate objectives.

Crime and community safety are always on the national agenda with the focus on reducing crime and reducing the fear of crime. The Community Safety team at Fylde has continuously produced excellent results from the resources available and has established strong partnership working across the borough. The Community Safety issue is prominent in the high level corporate objectives and should remain as one for the foreseeable future.

## **The Local Issues**

Many of the national issues are prominent in the corporate objectives at Fylde including waste, planning, housing and community safety. Feedback from stakeholders including residents, visitors, partners, auditors and elected members is continuously gathered by the council. The feedback provides information on levels of satisfaction with services and improvements that stakeholders would like to see.

The scope of the review is focused on what stakeholders want the council to deliver. The current corporate objectives were agreed after extensive consultation and a series of workshops, focus groups and events with stakeholders. This 'desk top' review has examined whether the current feedback has any significant issues that the corporate objectives do not cover.

The latest statistical data available on the social and economic make up of the borough can be obtained from the Council's web site using the link below:

<http://www.lancashire.gov.uk/environment/lancashireprofile/areas/fymain.asp>

The data indicates that business activity has grown at a much slower rate than the rest of Lancashire and the United Kingdom over the last five years.



**Table 1: Stock of Businesses Registered for VAT**

	2001	2005	% Change
Fylde	2300	2310	+0.4%
Lancashire	37,335	38,425	+2.9%
North West	166,600	172,800	+3.8%
United Kingdom	1,758,500	1,819,900	+3.5%

Despite a period of economic boom the growth of businesses within the borough has been well below the regional and national average. There are 488 residents unemployed in the borough (1.1%) of the working age population which is actually a 5% increase over the last 12 months but still one of the lowest in the North West. The figures show that the borough has a higher than average percentage of residents employed in professional or managerial roles and a higher than average percentage of businesses in the professional and service sector.

The average household income in Fylde is £33,500 (2005) which is slightly above the national average and well above the Lancashire average. Since 2001 the natural population has decreased by 1800 but the migration in to the borough has been 4800 resulting in an increased population of 3000 with 23% of the population over the age of 65 and 97.5% of the population of white origin.

This picture of Fylde has been static for some years now that has resulted in the following issues:

- ❑ The need to diversify the economic base by attracting new and different businesses
- ❑ The need for services to accommodate access for the elderly and disabled
- ❑ The need to engage a predominantly 'cash rich' and 'time rich' population balanced with the need to focus on pockets of real deprivation
- ❑ The need to provide suitable and affordable housing in a highly desirable community

The current corporate objectives cover all of these issues because they have been trends that the Council has been aware of for some time. However, the increase in unemployment and the slow increase in the growth of local businesses are issues that fall within the economic corporate objective that may need further action. The LSP has a working group that is dedicated to developing the local economy and economic prosperity that the Council works closely with to try and address these issues.

The latest corporate research involved sending out a questionnaire to 2627 residents of Fylde selected at random from the electoral register. Residents were provided with a list of the services that Fylde Borough Council is responsible for delivering. The list of services excluded those provided by Lancashire County Council. The aim of the survey was to establish the corporate priorities for Fylde Borough Council.

From the list provided residents were asked to select the three top priorities and list them in order. The responses were weighted according to whether the service was identified as

first, second or third priority. The first priority total is multiplied by three, the second priority by two and the third priority by one. This method ensures that the rankings of the services are appropriate e.g. a service with a large number of second and / or third place votes cannot be ranked out of sequence. The outcome of the cumulative weighted scores placed refuse collection as the top priority, street cleansing as the second priority and community safety as the third priority.

The three top priority services scored well above any of the other services with the third priority, community safety (489), scoring 206 points more than the fourth place, recycling (283). Refuse collection (649) scored a further 160 points above community safety. This supports the old adage that the Council 'empties the bins and cleans the streets'.

Four of the top five rated priorities are environmental related services providing strong support for the Corporate Objective to 'provide a clean and attractive environment'. Only Community Safety and Leisure Services from the top 12 priorities are not clearly linked to the environment corporate objective.

The services ranked as least priority included: licensing; mayoral services; the elections service, rent allowances and allotments. Grants, committee services and private sector housing are also ranked very low on resident's priorities. The economic related services are ranked across the range from Economic Development ranked 13, Employment Training ranked 28 and Tourism ranked 37. Some elements of the Economic corporate objective are more important than others, however, overall it has far less priority than the Environment objective.

**Table 2: The Service Rankings**

SERVICE	Rank	1 <sup>st</sup> Priority	2 <sup>nd</sup> Priority	3 <sup>rd</sup> Priority	Total
Refuse Collection	1	435	148	66	649
Street Cleansing	2	270	218	113	601
Community Safety	3	348	104	37	489
Recycling Services	4	144	94	45	283
Environmental Health	5	129	114	35	278
Planning	6	123	96	40	259
Building Control	7	129	90	23	242
Parks & Open spaces	8	66	100	56	222
Town Centre Development	9	105	72	41	218
Waste Management	10	114	54	26	194
Leisure Facilities	11	63	76	40	179
Beach Cleansing	12	66	76	34	176
Economic Development	13	93	52	23	168
Benefit Investigation	14	84	24	27	135
Drainage maintenance	15	42	62	18	122
Noise Nuisance	16	45	42	20	107
Dog Warden Service	17	45	36	25	106
Council Tax Benefit	18	66	28	9	103
Public Conveniences	19	39	36	23	98
Coastal Defences	20	60	22	12	94
Concessionary Travel	21	36	40	10	86
Car Parks	22	45	18	19	82

Lowther Pavilion	23	33	22	20	75
Playgrounds	24	21	23	20	64
Conservation Work	25	24	22	13	59
Sports Development	26	12	30	13	55
Council Tax Collection	27	30	18	7	55
Employment Training	28	15	18	10	43
Fylde in Bloom	29	9	18	14	41
Christmas Trees & Lights	30	9	8	16	33
Food Control	31	9	18	3	30
Housing Benefit Service	32	18	10	2	30
Nature Reserves	33	6	16	6	28
Pest Control	34	12	8	8	28
Business Rates	35	18	6	4	28
Internal Audit	36	12	8	4	24
Tourism Services	37	3	2	13	18
Crematorium & Cemetery	38	6	10	2	18
Renovation Grants	39	6	6	4	16
Committee Services	40	9	6	1	16
Park Rangers	41	3	6	6	15
Private Sector Housing	42	6	6	3	15
Corporate Management	43	9	4	1	14
Land Charges	44	6	2	3	11
Caravan Sites	45	9	0	1	10
Allotments	46	6	0	1	7
Rent Allowances	47	3	0	3	6
The Elections Service	48	0	2	3	5
Mayoral Services	49	0	4	0	4
Licensing	50	0	0	2	2

This work was carried out by the University of Central Lancashire in 2003, however, subsequent service based research, Listening Day feedback and analysis of ongoing information has continued to support these outcomes.

In 2003 the Council also carried out the compulsory household survey that is being completed this year as well. The 2003 survey asked residents what they felt was most important in their local community and which service areas needed most improvement.

### *THE MOST IMPORTANT ASPECTS*

Respondents were asked which factors they felt were most important in making the community a good place to live. The top five responses are listed below:

1. Low levels of crime (67.5%)
2. Health Services (54.4%)
3. Clean Streets (42.6%)
4. Shopping Facilities (41.8%)
5. Parks and Open Spaces (30.7%)

The least important were race relations (3%) and cultural activities (10.8%). Community safety and the environment are the two big issues that Fylde has direct responsibility for from the list above and a strong partner input into the local economy. All the key issues

identified are covered in the current corporate objectives and actions being undertaken. Again subsequent research by both Fylde and partners has supported these findings. At the time of writing this report the 2006 compulsory survey is being implemented. The results from this years survey will be used to inform the corporate action plan update and future corporate objectives reviews.

### *ASPECTS MOST IN NEED OF IMPROVEMENT*

Respondents were asked which areas of the community need improving the most. The top five responses are listed below:

1. Road and pavement repairs (47%)
2. Activities for teenagers (39.5%)
3. Levels of crime (39.3%)
4. Clean streets (34.3%)
5. Level of traffic congestion (25.8%)

Race relations (0.9%) and access to nature (3.7%) were the areas that respondents felt needed least improvement. Issues around teenagers and young people very often come out high in research and surveys carried out across the borough. The issues cut across several of the corporate objectives including community safety (real or perceived problems), the local economy and quality services. A great deal of work is taking place in partnership with LCC centred around the Young Peoples Strategy, however, the update of the corporate action plan will consider looking at further activity.

### **Conclusion**

The 'desk top' review of the corporate objectives has not highlighted the need for any significant changes. However, several emerging national and local issues will need further consideration when the corporate action plan is updated in 2007.

Ongoing research, consultation and feedback from all stakeholders is analysed, reported and acted upon as part of the day to day service delivery. The outcomes are monitored to check that activity is consistent with the corporate objectives and associated actions.

When developing policy and / or service delivery officers are required to ensure that the work is consistent with the corporate objectives. Decision making throughout the Council is guided by the corporate objectives. The next formal review of the corporate objectives is scheduled for 2008 subject to there being no changes in the responsibilities of the Council as a result of any possible local government re-organisation.

# REPORT

REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION	CABINET	15 <sup>TH</sup> NOVEMBER 2006	6

## GAMBLING ACT 2005

### Public item

This item is for consideration in the public part of the meeting.

### Summary

The Gambling Act 2005 is now partly in force. Current expectations are that the Act will be brought fully into effect on 1st September 2007 and that licensing authorities will begin to accept applications for gambling licenses from 30<sup>th</sup> April 2007. The Act imposes new duties on local authorities to licence premises used for gambling and seeks to control all forms of gambling. Development of a policy has involved wide consultation, in accordance with the Act. The policy at Appendix 1 is now put before Members for adoption.

### Recommendations

1. To approve the draft Gambling Policy Statement detailed at Appendix 1, which has been developed from the guidance issued under Section 25 of the Gambling Act 2005 by the Secretary of State for Culture, Media and Sport, and amended where appropriate following the consultation process.
2. That the policy be adopted by Council at the meeting on 27 November 2006, including the delegations identified at Appendix B of the policy.
3. That Council delegate the responsibility for setting fees in relation to the Gambling Act 2005 to Cabinet.
4. That all matters relating to registration of small society lotteries under Schedule 11 Part 5 of the Gambling Act 2005 are delegated to officers.

## **Cabinet Portfolio**

The item falls within the following Cabinet Portfolio:

Community & Social Wellbeing: Councillor Patricia Fieldhouse.

### **Report**

1. The Gambling Act 2005 (The Act) gave effect to the Government's proposals for the reform of the law on gambling. The Act, which received royal assent on the 7<sup>th</sup> April 2005, replaces most of the existing law about gambling and puts in place a more comprehensive structure of gambling regulation covering practically all forms of gambling.
2. The Act makes the Council responsible for the licensing of various forms of gambling that currently are dealt with by the magistrates courts. Other aspects of gambling will be regulated by the Gambling Commission, which supersedes the Gaming Board. The Act requires the Gambling Commission to issue guidance to licensing authorities on the manner in which and the principles to be applied in exercising their functions under the Act.
3. Procedurally, the Gambling Act builds upon the Licensing Act 2003 concept, with the Licensing Committee acting as the Licensing Authority, subject to a small number of functions that are reserved to Full Council. The Licensing Committee will become responsible for decisions to be taken under the Act, with hearings by panels in appropriate circumstances.
4. The Act provides for licensing authorities to permit the use of premises for gambling in so far as they think it reasonably consistent with the licensing objectives, in accordance with the Commission's guidance and any relevant code of practice and the authority's statement of licensing policy (Appendix 1).
5. Like the Licensing Act 2003, the Act contains three licensing objectives which underpin the functions that the Commission and licensing authorities will perform and which are central to the regulatory regime created by the Act, namely:–
  - 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
6. The Commission will be responsible for the issue of operating and personal licenses for commercial gambling operators and personnel working in the industry.
7. The Council's responsibilities as a licensing authority are summarised below :
  - the issue of premises licences for casinos, bingo clubs, betting offices and race tracks, adult gaming centres and family entertainment centres;
  - the issue of permits for gaming machines in members' clubs and licensed premises, gaming in members' clubs, prize gaming and unlicensed family entertainment centres (i.e. those that have the lowest level of stakes and prizes)

- the issue of a provisional statement for new / altered premises
  - the endorsement of temporary use notices;
  - the endorsement of occasional use notices for betting at tracks;
  - registering small societies' lotteries;
  - monitoring the gambling that occurs at travelling fairs within the area; and
  - undertaking inspections and enforcement of conditions on the issued licenses, permits and notices
8. The Act does give licensing authorities the opportunity to resolve not to issue casino premises licenses. Such a resolution can be passed at any stage, whether or not casino premises licenses have already been issued, and would have no effect on those licenses already issued. Such a resolution would need incorporation into the Gambling Policy and reviewing at least every three years.
  9. The Act requires the licensing authority to determine a policy it proposes to apply when exercising functions under the Act. Those who may be affected by it were consulted as part of the process. In accordance with the Act the Authority is required to publish the policy statement on or before 3 January 2007.
  10. The draft Policy was developed in partnership with colleagues at Wyre Borough Council in order to reduce duplication of effort. Following a report presented to the Licensing Committee meeting held on the 31<sup>st</sup> May 2006, the members approved a draft Gambling Policy, prepared in accordance with the Act and guidance issued by the Gambling Commission. In order to meet the Government's date for implementation of the Policy the formal consultation process commenced at the beginning of June 2006. This was to allow for a 12-week consultation period in accordance with Cabinet Office guidance. The consultation period ended at the beginning of September 2006. In addition to the external consultation process, the draft policy was also presented to the Policy and Service Review Committee meeting on the 13<sup>th</sup> July 2006 for comment.
  11. All the written responses have been tabulated, together with officer comments at Appendix 2. Where appropriate revisions to the Policy have been made.
  12. In order to comply with the legislation, the Policy requires adoption by Council and publication on or before 3 January 2007, prior to implementation.
  13. Government intends to allow local authorities to set their own fees within certain bands, on a cost recovery basis. An initial application fee and annual 'maintenance' fee are likely, although the detail of fee setting is not currently known. The legislation currently identifies fee setting as a decision for Council. However it is recommended that Council delegates this responsibility to Cabinet.
  14. On a similar basis, it is currently unclear whether small lottery registration is the responsibility of Council or Cabinet. However it is recommended that in either case, all matters relating to registration of small society lotteries under Schedule 11 Part 5 of the Gambling Act 2005 are delegated to officers.



IMPLICATIONS	
Finance	This new legislation will have cost implications for the Council, although currently it is difficult to quantify because the fee structure has not been finalised. It is suggested that a band of appropriate fees will be identified by the Government, with the Council setting fees within that band on a cost recovery basis. A fee on application and an annual 'maintenance' fee is likely.
Legal	The council is obliged to adopt a policy under the Gambling Act. The policy must be prepared in accordance with guidance issued by the Gambling Commission. Once adopted, the Licensing Committee will be obliged to aim to permit the use of premises for gambling in so far as the authority think it in accordance with any relevant code of practice, guidance by the Commission, the licensing objectives and the policy
Community Safety	The regulatory regime is aimed at preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime. Licence conditions may be used to support this objective.
Human Rights and Equalities	The regulatory regime is aimed at protecting children and vulnerable adults from harm or exploitation. Licence conditions may be used to support this objective.
Sustainability	No issues arising directly from this report.
Health & Safety and Risk Management	No issues arising directly from this report.

Report Author	Tel	Date	Doc ID
STUART HANDLEY	(01253) 658603	12 <sup>TH</sup> OCTOBER 2006	

List of Background Papers		
Name of document	Date	Where available for inspection
Guidance to Licensing Authorities Consultation Document,	April 2006	Gambling Commission Berkshire House, 168-173 High Holborn, London WC1V 7AA

### Attached Documents

Fylde Borough Council Gambling Policy Statement October 2006

Summary of the Representations and Responses Received



FYLDE BOROUGH COUNCIL



**GAMBLING ACT 2005**

# **Gambling Policy Statement**

Revision October 2006

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This Gambling Policy Statement has been drafted at a time when a number of regulations, Operating / Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these impact upon the content of this document it will need to be borne in mind and amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2006.

## FYLDE BOROUGH COUNCIL Gambling Policy Statement

### 1. BACKGROUND

- 1.1 The Gambling Act 2005 (The Act) gave effect to the Government's proposals for the reform of the law on gambling. The Act, which received royal assent on the 7 April 2005, replaces most of the existing law about gambling in Great Britain and puts in place an improved, more comprehensive structure of gambling regulation covering practically all forms of gambling other than the national Lottery and spread betting.
- 1.2 One of the primary reasons for overhauling gambling regulation in the UK was the fact that so much of the existing legislation was out of date, particularly in light of advances in technology in recent years. The aim of this the new legislation is, therefore, to create a new framework of controls which are, as far as possible, flexible and can easily be applied to new technologies and future ways of providing services.
- 1.3 The Act introduces two comprehensive offences which are:-
  - providing facilities for gambling or
  - using premises for gambling without the appropriate licence, permit, or registration granted under the Act.
- 1.4 The Act introduces a new independent unified regulator for commercial gambling in Great Britain, the Gambling Commission (which takes over from the existing Gaming Board), and a new licensing regime to be operated by the commission or by licensing authorities depending on the matter to be licensed.
- 1.5 The Act also puts in place a strong role for local authorities in licensing gambling premises in their area, as well undertaking functions in relation to lower stake gaming machines.
- 1.6 Local authorities, as Licensing Authorities, will grant premises licenses for: casinos, betting offices and race tracks, bingo clubs, adult gaming centres and family entertainment centres. They will also issue permits for: gaming machines in members' clubs and licensed premises, gaming in members' clubs, prize gaming and unlicensed family entertainment centres. The issuing of temporary use notices and provisional statements (permission issued before a building is built or altered for the purpose of gambling) will also be the responsibility of Licensing Authorities. The Authority will also be responsible for the issue of occasional use notices at tracks.
- 1.7 A new system has also been introduced that will authorise premises that are not generally licensed for gambling purposes to be used for gambling for limited periods.
- 1.8 The Gambling Act 2005 requires the Council to prepare and publish a "Statement of Licensing Policy" that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

## 2 THE LICENSING OBJECTIVES

2.1 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 namely:-

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

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

## 3 INTRODUCTION

### 3.1 General

3.1.1 The Gambling Act 2005 requires the licensing authority to determine a statement of the principles that they proposed to apply when exercising their functions under the Act. Those who may be affected by it must be consulted as part of the process. This statement must be published at least every three years and must also be reviewed from "time to time". Any amended parts must be re-consulted upon. The statement must then be re-published.

3.1.2 This draft "Gambling Policy Statement" in respect of the Gambling Act 2005 has been prepared having regard to the licensing objectives of the Gambling Act 2005 listed in paragraph 2.1 above and the Guidance issued by the Gambling Commission.

3.1.3 The Council recognises that gambling is a legitimate pastime of many of the residents of Fylde but also understands the problems that can be caused by debt as a result of gambling. It is therefore necessary to ensure that the necessary safeguards are in place to protect the young and vulnerable. It will, accordingly, regulate gambling in the public interest but is aware that, as per Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it considers that it is:-

- in accordance with any codes 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 this Gambling Policy Statement

3.1.4 This Gambling Policy Statement will not override the right of any person to make an application, make representations about an application, or to 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. Nothing in this Gambling Policy Statement will detract from the principle that every application will be determined on the merits of the particular case.

3.1.5 This policy will be considered for adoption by the Full Council at its meeting on the 27th November 2006

### **3.2 Types of Licence**

**3.2.1** This document sets out the policies that this licensing authority will apply when making decisions upon applications or notifications made for:-

1. Premises Licences;
2. Temporary Use Notices;
3. Permits as required under the Act;
4. Registrations as required under the Act.

### **3.3 Licensable Premises and Permits**

**3.3.1** This policy relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, including:-

1. Casinos;
2. Bingo Premises;
3. Betting Premises;
4. Tracks;
5. Adult Gaming Centres;
6. Family Entertainment Centres;
7. Club Gaming Permits;
8. Prize Gaming and Prize Gaming Permits;
9. Temporary Use Notices;
10. Registration of small society lotteries.

**3.3.2** This policy does not address remote gambling as this is entirely controlled by the Gambling Commission. Remote gambling means gambling not associated with a premises such as internet gambling.

### **3.4 Licensing Authority Functions**

**3.4.1** This policy covers all the functions of the licensing authority which include:-

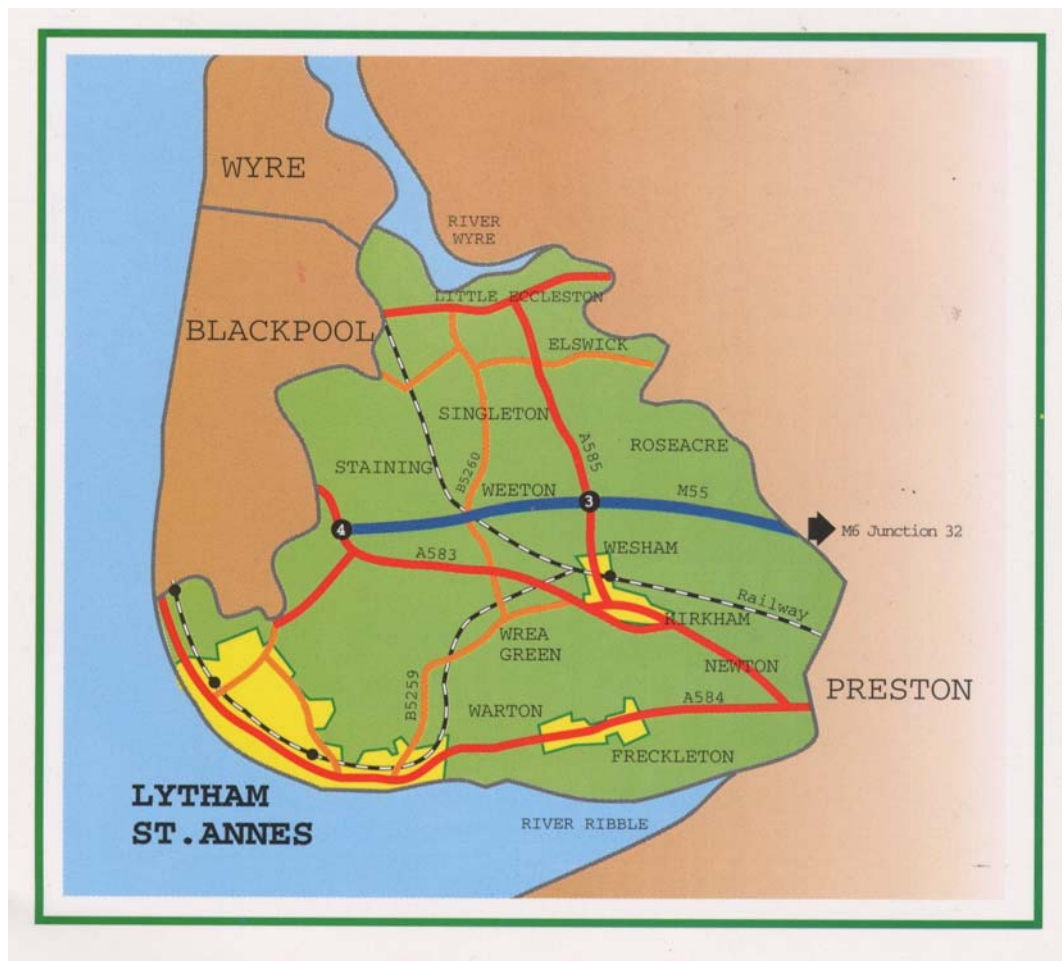
- Responsibility for the licensing of premises where gambling activities take place by issuing premises licences
- Issue of Provisional Statements
- Regulation of members clubs and miners welfare institutions who may wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue of Club Machine Permits to Commercial Clubs
- Granting of permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of not more than two gaming machines
- Granting of Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the premises where two or more machines are required
- Registering small society lotteries
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use notices
- Receiving Occasional Use notices
- Providing information to the Gambling Commission regarding details of licences issued
- Maintaining registers of the permits and licences that are issued under these functions



### 3.5 Profile of the Authority

**3.5.1** Fylde Borough Council is a coastal borough situated in the County of Lancashire, which contains 12 District Councils in total. The Council area has a population of 73,217 (2001 Census). This is expected to rise to 77,300 by 2010 with fewer children and more people over the age of 65. A large proportion of the area is rural in nature. The main towns within the borough are the resorts of Lytham and St Annes. Further inland the borough contains smaller urban areas at Wesham, Kirkham, Freckleton and Warton. It has a geographical area of 166 square km. Fylde is a reasonably affluent area, ranking 235<sup>th</sup> out of 354 English authorities, based on the government's indices of multiple deprivation.

#### 3.5.2



**3.5.3** The main concentrations of premises in the district providing any form of gambling and indeed the sale of alcohol, can be found in the town centres of St Annes, Lytham and the market town of Kirkham. As of Autumn 2006, there is one casino in the Borough which is located within St Annes and 2 Bingo Halls both of which are located within a large holiday centre on the Blackpool boundary. Seven betting shops are located in the area with 3 each in St Annes and Kirkham and one in Lytham. There are 8 amusement arcades associated with the holiday trade mostly located on holiday centres or complexes, caravan sites or on the pier at St. Annes. At present around 60 pubs and 20 clubs have permits for gaming machines as do up to a dozen premises that do not sell alcohol. These are primarily hotels along with a few taxi offices and a takeaway that will not be permitted any machines under the new legislation.

### **3.6 Consultation**

**3.6.1** There are a number of groups that have a stake in the gambling industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration. In determining this policy, the authority consulted widely and in particular with the following individuals and organisations:

- The Chief Officer of Police
- The Fire Authority
- Representatives of businesses and residents in the borough
- Representatives of persons representing the interests of persons carrying on gambling businesses in the borough
- Representatives of persons who appear to the authority to represent the interests of people likely to be affected by the exercise of the authorities functions under the Gambling Act
- Fylde Community Safety Partnership
- Local licensing solicitors
- Representatives of child welfare groups
- Town and Parish Councils
- Youth organisations
- Gambling industry organisations and associations
- Gambler support organisations
- Faith groups

**3.6.2** Proper weight was given to the views of all those consulted prior to this Gambling Policy Statement being finalised and taking effect.

## **4 DUPLICATION WITH OTHER REGULATORY REGIMES ETC.**

### **4.1 Legislation**

**4.1.1** In undertaking its licensing function under the Gambling Act 2005, this authority is also bound by other legislation, including:-

1. Section 17 of the Crime and Disorder Act 1988;
2. Human Rights Act 1998;
3. Health and Safety at Work Act 1974;
4. Environmental Protection Act 1990;
5. The Anti-Social Behaviour Act 2003;
6. The Race Relations Act 1976 (as amended);

**4.1.2** The intention of this policy is not to duplicate other legislation or regulatory regimes. Every effort will be made to avoid any duplication with other statutory / regulatory systems that already place obligations on employers and operators, including planning. Whilst it will not consider whether a licence application is likely to be awarded planning or building consent, it 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.

**4.1.3** No account will be taken as to whether buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and will not form part of considerations for the premises licence.

### **4.2 Human Rights**

**4.2.1** The Human Rights Act 1998 incorporated the European Convention on Human rights and makes it unlawful for a local authority to act in a way, which is incompatible with a Convention right. This Authority will have particular regard to the following relevant provisions in determining licence applications:

*Article 1* - of the First Protocol that every person is entitled to a peaceful enjoyment of his or her possessions

*Article 6* - In the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law

*Article 8* - That everyone has the right to respect for his home and family life

*Article 10* - Right to freedom of expression.

### **4.3 Discrimination**

**4.3.1** In undertaking its licensing function, the Council will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups

## 5 EXCHANGE OF INFORMATION

- 5.1 In fulfilling its functions and obligations under the Gambling Act 2005 this licensing authority will exchange information which it holds with other regulatory bodies including the Gambling Commission. In doing so it will have regard to any Guidance issued by the Gambling Commission on this matter as well as to any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. Should any protocols be established relating to information exchange with other bodies then they will be made available.
- 5.2 The Gambling Commission will, similarly, provide to the licensing authority any information it holds for use in the exercise of the Authority's functions under the Act.
- 5.3 The licensing authority is required to maintain a register of the premises licences that it has issued. This register will be made available at any reasonable time to members of the public. Details of the availability of the register will be advertised on the Council's website. Copies of entries in the register may be taken subject to a reasonable charge being made.
- 5.4 The exchange of information will be in full compliance with the requirements of the Data Protection Act and freedom of information legislation in accordance with the Council's existing policies.
- 5.5 Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

## 6 PREMISES LICENCES

- 6.1 Premises Licences will be subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations made thereunder, as well as to specific mandatory and default conditions detailed in the regulations. This Authority may exclude default conditions and also attach others, where it believes it to be appropriate.
- 6.2 **Demand for Premises**
  - 6.2.1 This licensing authority will not take into account whether or not there is an unmet demand for gambling premises when considering applications for premises licences. It also recognises that moral objections to gambling are not a valid reason to reject applications for premises licences (except as regards any 'no casino resolution').
- 6.3 **Definition of Premises**
  - 6.3.1 The term premises is defined in the Act as "any place". In determining whether different parts of a building can be properly regarded as being separate premises, for the purpose of an application, this Authority will always consider the particular circumstances of the case. In general, however, it will not consider areas of a building that are artificially or temporarily separate as different premises.
  - 6.3.2 The proper application of section 152 of the Act also means that, with the single exemption of tracks (i.e. a horse-race course, dog track or other premises where races or sporting events take place), different premises licences cannot apply in respect of a single premises at different times. There is no temporal element to a premises licence. Therefore, premises will not, for example, be licensed as a bingo hall on week days and a betting shop at weekends.

- 6.3.3** This Authority is very mindful of the need to protect children from being harmed by gambling. It sees this as, not only preventing them from taking part in gambling, but also ensuring that they are not permitted to be in close proximity to gambling. It considers it important that premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling. The Authority will, accordingly, pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). It will consider, for example, such issues as whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. In addition an overriding consideration will 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.
- 6.3.4** In considering applications for multiple licences for a building or for a specific part of a building to be licensed, entrances and exits from parts of a building covered by one or more licences will be expected to be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area.
- 6.3.5** Applicants will need to be aware that they cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. A licence to use premises for gambling will, accordingly, only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. By requiring the building to be complete, the authority can, ensure that it and other responsible authorities with inspection rights may, if necessary, inspect it fully.

#### **6.4 Location of Premises**

- 6.4.1** This licensing authority is aware that demand issues cannot be considered with regard to the location of premises and will only consider the location of premises in the context of the licensing objectives. It 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.
- 6.4.2** Likewise when an application for premises close to a school or other building holding vulnerable people or to a centre for gambling addicts is received the licensing authority will have to be satisfied that protecting children and vulnerable persons can be met.
- 6.4.3** Should any specific policy be decided upon as regards areas where gambling premises should not be located, this Gambling Policy Statement will be updated. It should be noted that any such policy would not preclude any application being made and each application will always be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

#### **6.5 Achieving the Licensing Objectives**

- 6.5.1** Decisions taken by this licensing authority and premises licences granted will, as far as possible, be consistent with the three licensing objectives detailed below and in accordance with any guidance issued to local authorities by the Gambling Commission. Specific policy issues in respect of each of the licensing objectives are set out below.

##### **(i) Preventing Crime and Disorder**

- 6.5.2** Where an application is received for a premises licence in an area which has high levels of organised crime or a history of crime and disorder the licensing authority will pay particular attention to the proposed location of the gambling premises in terms of this licensing objective and may decide to attach additional conditions such as the employment of door staff.

- 6.5.3** This licensing authority is aware of the distinction between disorder and nuisance will only seek to address issues of disorder under the Act if the disorder amounts to activity that is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if police assistance was required to deal with it. Another factor the Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it, whether those people live sufficiently close to be affected or have business interests that might be affected.
- 6.5.4** The Gambling Commission has powers to make enquiries and investigate those who are involved in the control of a company or the provision of gambling. In considering applications for operating and personal licences the commission has stated it will take a serious view of any offences involving dishonesty committed by applicants or persons relevant to the application.
- 6.5.5** As it is a requirement for any applicant for a premises licence to also hold an operators licence, this Authority will not investigate the suitability of an applicant. However, if any information becomes apparent during the course of the processing of application which causes concern, the details will be forwarded to the Gambling Commission.
- 6.5.6** This licensing authority places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough. The exercise of a high standard of control over licensed premises is, therefore, considered necessary. Applicants will be encouraged to discuss any necessary crime prevention procedures in their premises with the Authority's Licensing Officers and Lancashire Constabulary before making a formal application.
- 6.5.7** This Authority will take into account any representations made by responsible authorities, especially the police, when deciding if a particular application would be detrimental to this licensing objective and potentially result in an increase in crime and disorder.

**(ii) Ensuring that Gambling is Conducted in a Fair and Open Way**

- 6.5.8** It is noted that the Gambling Commission do not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. They point out that this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence. It is recognised, however, that there is more of a role with regard to tracks which is explained in more detail in the 'tracks' section below .
- 6.5.9** The Gambling Commission is concerned to ensure that, not only is gambling fair in the way it is played, but that the rules are transparent to players and they know what to expect.  
It will achieve this by:-
- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry.
  - easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted.
  - the rules are fair
  - advertising is not misleading
  - the results of events and competitions on which commercial gambling takes place are public; and
  - machines, equipment and software used to produce the outcome of games meet standards set by the Commission and operate as advertised.



**(iii) Protecting children and other vulnerable persons**

- 6.5.10** This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). It accepts that, whilst the licensing objective refers to protecting children from being harmed or exploited by gambling, in practice, that often means preventing them from taking part in or being in close proximity to gambling. It will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective.
- 6.5.11** This Authority will consult with the Lancashire Safeguarding Children Board on any application that indicates there may be concerns over access for children or vulnerable persons.
- 6.5.12** Each separate application will be judged on its merits before a decision is taken as to whether conditions to protect children are imposed on particular categories of premises. These may include such requirements as:-
- the supervision of entrances,
  - the segregation of gambling from other areas where children are admitted
  - the supervision of gaming machines in non adult gambling specific premises
  - the introduction of 'proof of age' schemes'
- 6.5.13** The authority will make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos. Particular attention will be paid to any such Codes of Practice regarding this licensing objective in relation to specific premises such as casinos. It will be a condition of a casino licence that adherence to any code of practice produced on access of children will be mandatory. The requirements of the code may include controls for the protection of children which:-
- 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 the casino premises.
  - ensure that each entrance to the casino or gambling area is supervised by at least one person 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.
- 6.5.14** It is not an aim of this policy to exclude any particular groups of adults from gambling, however, where vulnerable persons may come into contact with gambling appropriate measures will be taken to protect them. Whilst the neither the Gambling Commission nor the legislation offer no definition of "vulnerable persons" it will be assumed, for the purposes of this policy, that this group includes those who
- gamble more than they want to
  - gamble beyond their means
  - may not be able to make informed or balanced judgements about gambling because of mental impairment, alcohol or drugs.

This Authority will balance the need to introduce measures to protect vulnerable persons against the overall aim to permit the use of premises for gambling.

## **6.6 Conditions**

**6.6.1** The Act allows for conditions to be attached to premises licences by the following methods:-

- automatically, having been prescribed in the Act
- being attached by virtue of a Regulation made by the Secretary of State
- at the discretion of the licensing authority

**6.6.2** Licensing Authorities are specifically precluded from conditions on licences which:-

- make it impossible to comply with an operating licence condition;
- relate to gaming machine categories, numbers, or methods of operation;
- provide that membership of a club or body is necessary to participate in the gambling facilities;
- relate to stakes, prizes, winnings or prizes.

**6.6.3** Decisions will be taken on the imposition of individual conditions on a case by case basis, however this will be against the background contained in the Gambling Commission guidance and this Gambling Policy Statement.

**6.6.4** The starting point in determining applications will be to grant the application without conditions. Conditions will only be considered where they are needed to meet the requirements of the licensing objectives. They will generally be considered unnecessary if they are already adequately covered by other legislation. Any conditions imposed by this Authority will, so far as possible, reflect local crime prevention strategies. For example, closed circuit television cameras may be appropriate in certain premises. They will not be overly onerous and will be proportionate to the scale of the application and the risks involved. In particular any conditions imposed on licences 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.

**6.6.5** When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. Control measures this licensing authority will consider utilising should there be a perceived need, include:-

- the use of door supervisors,
- supervision of adult gaming machines,
- appropriate signage for adult only areas

These are specifically dealt with under each of the licence types below. This licensing authority will, however, also consider that the licence applicant should offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

**6.6.6** In the case of buildings which are subject to multiple premises licences, consideration will be given to specific measures which may be required. These 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.



**6.6.7** Where category C or above machines (ie. gaming machines that have a maximum stake of 50p and a maximum prize of £25) are on offer in premises to which children are admitted, this authority will ensure that:

- 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.

**6.6.8** This Authority will attempt to deal with the concerns raised in relevant representations by way of the imposition of conditions before considering refusing any application.

**(i) Door Supervisors**

**6.6.9** Where a condition is attached to a premises licence which requires someone to be responsible for guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage, section 178 of the 2005 Act requires that such persons hold a relevant licence issued by the Security Industry Authority (SIA), where they are able to obtain one. It is, however, noted that the Gambling Act 2005 has amended the Private Security Industry Act 2001 so that door supervisors at casinos or bingo premises are exempt from the requirement to be licensed by the Security Industry Authority. This Authority, however, considers that it may, in some circumstances, be appropriate to impose specific requirements for suitably trained, door supervisors at casinos or bingo halls in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

**6.6.10** For premises other than casinos and bingo premises, this authority may decide that for particular premises where there is evidence that supervision from counters or other normal staff positions has proved inadequate to meet the licensing objectives, additional supervision of entrances / machines is appropriate. . The Authority may decide, in the light of the particular circumstances, that these supervisors need to be SIA licensed. It will, however, not be automatically assumed that they need to be so licensed."

**6.7 Adult Gaming Centres**

**6.7.1** The term adult gaming centre was introduced by the Gambling Act 2003. Such premises are entitled to provide gaming machines which payout higher jackpots. The numbers and categories of higher jackpot machines that can be placed in adult gaming centres are specified in Regulations made by the Secretary of State.

**6.7.3** This Authority's main concern in these premises is to protect children and vulnerable persons. In considering applications for a premises licence for an adult gaming centre the licensing authority will, in particular, consider the measures put in place to prevent under 18s from gaining access to the premises. Such matters as the position of entrances, supervision and the use that other parts of the premises are put will be relevant.

**6.7.4** Conditions may be attached to such licences to cover, amongst other matters, issues such as:

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

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

**6.8 Family Entertainment Centres (Licensed)**

**6.8.1** The Act created two classes of family entertainment centres, only one of which requires a premises licence.

**6.8.2** Licensed family entertainment centres are permitted to provide category C gaming machines that have a maximum payout of £25. Unlicensed family entertainment centres can only provide category D machines that have a maximum stake of 10p, or 30p when there is a non-monetary prize as well as a maximum prize of £5 in cash or £8 in tokens. No limits are set on the numbers of machines in these categories.

**6.8.3** Children are permitted in family entertainment centres but are not allowed to use any category C machines. In determining applications the licensing authority will consider any guidance issued by the Gambling Commission regarding the marking and segregation of such machines and the level of supervision required to protect children.

**6.8.4** This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or from being exploited by gambling and considers that the applicant should be able 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. Appropriate licence conditions may cover the issues detailed in paragraph 6.7.4 above as well as measures / training for staff on how to deal with suspected truant school children on the premises. This licensing authority will, in particular, have regard to any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated and will make itself aware of any mandatory or default conditions on these licences.

**6.9 Casinos**

**6.9.1** This licensing authority currently has one licensed casino within its area. It has not passed a 'no casino' resolution under section 166 of the Gambling Act 2005 but is aware of its power to do so. Should at any time the Authority decide to pass such a resolution, this decision will be taken by way of a resolution of the Full Council following considered debate, the reasons for making the resolution will be given and this policy will be updated accordingly.

**6.9.2** If the Secretary of State, by Regulation, enables the Authority to issue a new style casino licence they are aware that there may be a number of operators wishing to run such a casino. In such a situation this licensing authority will determine the successful bidder by following the procedure laid out in Schedule 9 of the Act. and in line with any regulations / codes of practice issued under the Gambling Act 2005.

**6.9.3** The Gambling Commission has stated that further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises. Such guidance will be considered by this licensing authority when it is made available.

**6.9.4** This licensing authority is aware that powers are provided, in the act, to allow them to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching conditions to a casino premises licence (where betting is permitted in the casino). It will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## **6.10 Bingo Premises**

**6.10.1** This licensing authority acknowledges that children and young people can be allowed entry into bingo premises. It is, however, important that if children are allowed to enter such premises that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted, this Authority will wish to ensure that sufficient measures are in place to ensure that:

- all such gaming machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

**6.10.2** This licensing authority is also aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this authority once it is made available.

## **6.11 Betting Premises**

**6.11.1** Children are not permitted to enter premises licensed for betting and therefore this licensing authority will consider the measures which an applicant for a premises licence will be taking to prevent this.

**6.11.2** This licensing authority will generally only consider whether to impose a condition on ~~to~~ any premises licence for a betting premises restricting the number and or nature of betting machines (not to be confused with gaming machines) and the circumstances in which those machines are available for use when there is evidence that such machines have been or are likely to be used in breach of the licensing objectives. The authority will take into account those issues set out in 6.9.4 above when considering the number/nature/circumstances of betting machines an operator wants to offer.

## **6.12 Tracks**

- 6.12.1** There are currently no tracks within the Borough. It is recognised, however, that tracks are different from other premises in that there may be more than one premises licence in effect (provided each licence relates to a specified area of the track.) 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 which will need to hold their own operator licences. Should an application be made for a track premises licence, it will be determined in accordance with the guidance of the gambling commission. This licensing authority will, however, especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 6.12.2** There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling at tracks. This Authority considers that premises licence applicants should be able to demonstrate that suitable measures will be in place 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. As well as the introduction of a proof of age scheme, appropriate licence conditions may cover the issues detailed in paragraph 6.7.4 above.
- 6.12.3** Further guidance from the Gambling Commission is awaited as regards where Gaming Machines (as distinct from betting machines) may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission's Guidance that it will need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 6.12.4** In respect of betting machines at tracks, this authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 6.12.5** In accordance with Gambling Commission advice, this Authority will attach a condition to any track premises licences issued 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.)
- 6.12.6** This licensing authority awaits regulations setting-out any specific requirements for applications for premises licences. It, however, accepts the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to licence they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed

and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

- 6.12.7** This licensing authority also accepts the Commission's view that it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would then 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.

### **6.13 Travelling Fairs**

- 6.13.1** Whilst the Act defines a travelling fair as wholly or principally providing amusements, this licensing authority will decide, in each case, whether this the statutory definition is met on the evidence available.
- 6.13.2** Any number of category D (small stake and prize) gaming machines may be made available for use at travelling fairs subject to a requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair. This licensing authority will, decide, in each case, whether this requirement is met on the evidence available.
- 6.13.3** It is recognised that land may only be used for a travelling fair up to a maximum of 27 days in any calendar year and that such use applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will monitor whether land is used in excess of the statutory limit and will work with its neighbouring authorities to ensure that land that crosses its boundaries is similarly monitored so that the statutory limits are not exceeded.

## **7 REPRESENTATIONS**

- 7.1** Only *Interested Parties* and *Responsible Authorities* (see below for definition) can make representations about licence applications, or apply for a review of an existing licence.

### **7.2 Admissible and Relevant**

- 7.2.1** A representation will only be admissible if it is from a responsible authority or interested party.
- 7.2.2** The only representations that are likely to be considered as relevant are those that relate to the licensing objectives (set out in 2.1 above), or that raise issues under the licensing Gambling Policy Statement, or the Commission's guidance or codes of practice. For example a representation which concerns public nuisance or public safety at the premises would not be considered to be relevant, as these are not licensing objectives but concerns over crime and disorder or the protection of children would be.

### **7.3 Frivolous or Vexatious or Likely to have no Influence on a Decision**

- 7.3.1** This licensing authority will determine an application without a hearing if the representations are considered to be either frivolous or vexatious.

- 7.3.2** Decisions as to whether representations are frivolous, vexatious or likely to have no Influence on a Decision will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or a Panel of the Licensing Committee. These words will be judged to have their normal dictionary definitions. Frivolous will be interpreted as having little substance, as not serious or flippant whilst vexatious will be interpreted as having an ulterior motive or as vindictive.
- 7.3.3** A hearing will also be dispensed with if in the opinion of this Authority the substance of the representation will certainly not influence the Authorities determination of the application.
- 7.3.4** In the event of this Authority considering a representation to be frivolous or vexatious or as likely to have no influence on the decision, then the person who made the representation will be informed and the reasons for coming to such a conclusion will be clearly stated. There is no right of appeal against a determination that representations are not admissible

## **7.4 Responsible Authorities**

- 7.4.1** A Responsible Authority is defined in the Act as:-

- A licensing authority in England and Wales in whose area the premises are wholly or partly situated
- The Gambling Commission
- The Chief Officer of Police for the police area in which the premises are wholly or partly situated
- The Fire and Rescue Authority for an area in which the premises are wholly or partly situated
- The local planning authority
- An Authority which has functions by virtue of an enactment in respect of minimising or preventing the risk of pollution of the environment or of harm to human health in an area where the premises is wholly or partly situated
- A body which is designated in writing for by the licensing authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm
- Her Majesty's Commissioners of Custom and Excise.

*Although current contact details for all responsible authorities listed above are included in Appendix A to this policy, it should be noted that the Secretary of State may from time to time amend this list by Regulation.*

- 7.4.2** The Authority accepts that the protection of children and vulnerable persons is key responsibility under the Act. It considers that the most appropriate body to advise them about the protection of children is likely to be the Lancashire Safeguarding Children Board.

## **7.5 Interested Parties**

- 7.5.1** Although each case will be determined on its individual merits, a person will generally be considered to be an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority, the person :
- lives sufficiently close to the premises to be likely to be affected by the authorised activities
  - has business interests that might be affected by the authorised activities or
  - represents either of the above

- 7.5.2** In determining whether or not a person “lives sufficiently close to the premises to be likely to be affected by the authorised activities”, account will be taken of the following factors:-
- The size of the premises
  - The nature of the premises
  - The distance of the premises from the location of the person making the representation
  - The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment) and
  - The nature of the complainant. (In terms of the nature of their interest rather than their personal. For example ‘sufficiently close to be likely to be affected’ could be interpreted differently for a private resident as distinct from a residential school with truancy problems or a hostel housing vulnerable persons.)
- 7.5.3** In determining whether a person’s business interest might be affected by the authorised activities, consideration will be given to the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices. It will not, however, be considered sufficient to argue that a rival business will be a competitor in the same gambling sector. The Authority will have to be satisfied that the business would be likely to be directly affected. The question of demand will likewise not be considered. Factors which will be taken into account include:-
- The size of the premises
  - The catchment area of the premises (i.e. how far people travel to visit) and;
  - Whether the person making the representation has business interests in that catchment area that might be affected.
- 7.5.4** The Gambling Commission has recommended that licensing authorities include trade associations and trade unions, and residents’ and tenants’ associations as interested parties. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an Interested party under the terms of the Gambling Act 2005. (e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.)
- 7.5.5** Interested parties may be represented by advocates which include legal representatives and others, provided that they can produce written evidence that they have been authorised to act on behalf of the interested party.
- 7.5.6** Interested parties can be persons who are democratically elected such as councillors and MP’s. No specific evidence of being asked to represent an interested person will be required in these cases 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, written evidence will generally be required that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be considered sufficient.
- 7.5.7** If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee or Panel dealing with the licence application. If there are any doubts then the Council’s Licensing Section should be contacted.



## 8 REVIEW OF PREMISES LICENCES

- 8.1** The review of a premises licence may be instigated by this licensing authority or at the request of a responsible authority or interested party. It is, however, for the licensing authority to decide whether the review is to be carried-out.
- 8.2** A request for review will not be granted by this Authority unless it is: is “relevant” i.e.
- In accordance with any relevant code of practice issued by the Gambling Commission
  - In accordance with any relevant guidance issued by the Gambling Commission
  - Is consistent with the licensing objectives (see 2.1 above) and In accordance with the Authority’s Gambling Policy Statement.
- 8.3** The licensing authority will similarly not hold a review if, in the opinion of the authority, the grounds :-
1. are frivolous (see paragraph 7.3 above)
  2. are vexatious (see paragraph 7.3 above)
  3. will certainly not cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence. (see paragraph 7.3 above)
  4. are substantially the same grounds cited in a previous application for a review relating to the same premises
  5. are substantially the same as representations made at the time of an application for a premises licence.
- In the case of reasons 4 and 5 above, the Authority will take into account the time, which has passed since the earlier application.
- 8.4** A review can be held in relation to a class of premises or in relation to a particular premises.
- 8.5** This licensing authority will consider initiating a review themselves against a premises or class of premises if complaints are made against the use made of those premises or the measures put in place by licensees to comply with licence conditions. It may, however, decide to initiate a review of a licence on the basis of any reason relevant to its duties and functions under the Act, which it thinks is appropriate. The outcome of such a review may be the introduction of default conditions attached to all premises licences within that class.

## 9 PROVISIONAL STATEMENTS

- 9.1** An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling is constructed. It is recognised, therefore, that developers may wish to have some assurance that a premises licence would be granted before entering into a contract to develop land or renovate a property. In these circumstances an application can be made for a provisional statement.
- 9.2** This licensing authority recognises that it is a question of fact and degree as to whether premises are finished to such a degree that they can be fully inspected and considered for a premises licence.
- 9.3** Unlike an application for a premises licence applicants for provisional statements do not have to hold an operating licence from the commission. This licensing authority, when determining any such application will not speculate or take any account the likelihood or not of an operating licence being granted. Should the commission subsequently refuse an operating licence the provisional statement will not be able to be converted into a premises licence.



- 9.4 Any application for a provisional statement shall be treated in exactly the same way as would have been the case if the application had been for a premises licence and no regard will be taken of the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.
- 9.5 When an application is made for a premises licence for a premises which has the benefit of a provisional statement, this licensing authority will disregard any representations from responsible authorities or interested parties unless:
- They address matters that could not have been addressed in representations relating to the application for the provisional statement. or
  - They reflect a change in the applicants circumstances.

## 10 PERMITS, NOTICES & LOTTERIES

- 10.1 The Act allows for a number of gambling activities to take place outside of the licensing regime. These are authorised by permits which are issued by the Authority. These are :-
- Unlicensed family entertainment centres
  - Club gaming permits and club machine permits
  - Alcohol licensed premises gaming machine permits
  - Prize gaming permits.
- 10.2 The issue of all such permits will be undertaken by the licensing authority in accordance with the statutory procedures with regard to any guidance issued by the Gambling Commission.
- 10.3 **Unlicensed Family Entertainment Centres-Gaming Machine Permits**
- 10.3.1 Where a premises does not hold a Premises Licence and wishes to provide gaming machines but does not wish to apply for a Family Entertainment Centre (FEC) premises licence as they only wish to offer category D gaming machines, it may apply to the licensing authority for a permit to do so. An application for a permit will only be considered if this Authority is satisfied that the premises will be used as an unlicensed FEC, and that the chief officer of police has been consulted on the application.
- 10.3.2 In considering applications for such permits this Authority will give weight to child protection issues. It will take into account the applicant's suitability including any convictions that they may have that would make them unsuitable to operate a family entertainment centre, the suitability of the premises in relation to their location as well as issues about disorder.
- 10.3.3 Although this licensing authority recognises that it cannot attach conditions to this type of permit, it anticipates that initial applicants for permits will be able to show that there are policies and procedures in place to protect children from harm. Harm in this context will not be construed as limited to harm from gambling but to include 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, appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

**10.3.4** Applicants will also be expected to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- that staff are trained to have a full understanding of the maximum stakes and prizes.

**10.3.5** This licensing authority has not currently formally adopted a Statement of Principles that they propose to apply when exercising their functions in considering applications for permits. Should it decide to do so it will be available from the licensing section (*see below*). Potential applicants / other interested persons are advised to check with the licensing department as to whether such a policy has been adopted.

**10.3.6** Applications for renewal of a permit may only be refused 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.

**10.4 Alcohol Licensed Premises - Gaming Machine Permits**

**10.4.1** Premises licensed to sell alcohol for consumption on the premises may automatically have 2 gaming machines on the premises, of categories C and/or D, provided that they notify the licensing authority. The licensing authority can only 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 Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

**10.4.2** If a premises wishes to have more than 2 machines, then it must apply for a permit. This Authority will consider such applications based upon the licensing objectives, as well as any guidance issued by the Gambling Commission and such matters as it considers to be relevant.

**10.4.3** This licensing authority considers that such applications will be decided on a case by case basis. It will, however, have particular regard to the need to protect children and vulnerable persons from harm or from being exploited by gambling. Applicants should be able to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to any adult only gaming machines.

**10.4.4** Measures which will satisfy the authority that there will be no access may include the adult only machines being in site 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 helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 10.4.5** This licensing authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot, however, be attached. It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

## **10.5 Prize Gaming Permits**

- 10.5.1** The Act provides for Licensing Authorities to prepare a statement of principles that they propose to apply in exercising their functions in respect of prize gaming permits which may, in particular, specify matters that it proposes to consider in determining the suitability of the applicant for a permit. This licensing authority has not prepared such a formal statement of principles. Should it decide to do so it will include details in a revised version of the statement of principles.

- 10.5.2** In making its decision on an application for prize gaming permits licensing authorities do not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

- 10.5.3** In considering applications for such permits this Authority will give particular weight to child protection issues. It will take into account the applicant's suitability including any convictions that they may have that would make them unsuitable to hold a prize gaming permit.

- 10.5.4** It should be noted that there are conditions in the Gambling Act 2005 by which a permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

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

## **10.6 Club Gaming and Club Machines Permits**

- 10.6.1** Members Clubs and Miners' welfare institutes (but not Commercial Clubs) can provide equal chance gaming and may apply for a Club Gaming Permit or a Clubs Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B[4], C or D), equal chance gaming and games of chance. A Club Gaming Machine Permit will only enable the premises to provide gaming machines (3 machines of categories B[4], C or D).

**10.6.2** This licensing authority is aware that: it may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

**10.6.3** A 'fast-track' procedure is available for premises which hold a Club Premises Certificate under the Licensing Act 2003 whereby there is no opportunity for objections to be made by the Commission or the police. The grounds upon which an authority can refuse an application for such a permit are therefore reduced to the following:-

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

**10.6.4** Gambling Commission guidance indicates that 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. (This may cover bridge and whist clubs). A members' club must be permanent in nature, not established to make commercial profit, and be controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

**10.6.5** There are statutory conditions on club gaming permits that no child uses a category B[4] (ie with a maximum stake of £1 and a maximum prize of £250) or C machine (ie with a maximum stake of 50p and a maximum prize of £25) on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **10.7 Temporary Use Notices**

**10.7.1** The notices allow for the temporary use of premises for gambling by the holder of a gambling operator licence without the building having the benefit of a premises licence. Such premises could include such places as hotels, conference centres and sporting venues.

**10.7.2** Temporary Use Notices will only be granted to operators holding the relevant operators licence. For instance a betting operator could be permitted a licence to provide betting facilities at a snooker tournament.

- 10.7.3** The Act makes reference, in the context of temporary event notices, to a “set of premises” and provides that a set of premises is the subject of a temporary event notice if “any part” of the premise is the subject of the notice. This licensing authority considers that the determination of what constitutes “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a “set of premises”, it will look at, amongst other things, the ownership/occupation and control of the premises. A large exhibition centre, for example, would be likely to come within the definition as it is properly one premises, and should not be granted a temporary use notice for 21 days in respect of each of its exhibition halls. But in relation to other covered areas, such as shopping centres, this Authority will need to consider whether different units are in fact different “sets of premises”, given that they may be occupied and controlled by different people. This Authority is likely to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.
- 10.7.4** This licensing authority will hold a hearing if an objection notice is served unless all parties agree that a hearing is unnecessary.
- 10.7.5** In determining at a hearing whether to allow a temporary use notice to have effect the licensing authority will aim to permit the provision of gambling facilities in so far as it considers that it is :-
- in accordance with any code of practice or guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with this Gambling Policy Statement.

## **10.8 Occasional Use Notices**

- 10.8.1** The licensing authority has very little discretion with regard these notices which can be used to permit betting on tracks that operate on limited occasions. It will, however, ensure that the statutory limit of 8 days in a calendar year is not exceeded. It will also give careful consideration to the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

## **10.9 Small Society Lotteries**

- 10.9.1** This licensing authority will take account of any guidance issued by the Gambling Commission in registering and controlling non commercial societies which are established and conducted:-
- for charitable purposes;
  - for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
  - for any other non-commercial purpose other than private gain

# **11 ENFORCEMENT**

- 11.1** This authority considers that, in general, the authority which issues the licence or permit should take the lead in ensuring compliance with the licence and any conditions attached to it, including compliance with the relevant codes of practice. The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is, therefore, to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for Operator and Personal Licences

- 11.2** The authority intends that the regulatory burden imposed by it will be the minimum consistent with the carrying out of its statutory duties. Accordingly its approach to ensuring compliance with licence conditions and codes of practice will be to apply a lighter touch to operators perceived by it as low risk and a heavier more intrusive touch to higher risk operators. There may be occasions in which particular circumstances give rise to breaches of both a premises and an operating licence. In such circumstances, it may be appropriate for the licensing authority and the Gambling Commission to each review the licences for which they are responsible, and the Gambling Commission will be a responsible authority in the premises licence review.
- 11.3** This Authority recognises that, in general, the Gambling Commission will also take the lead on the investigation and, where appropriate, the prosecution of illegal gambling and that it will deal with unlicensed premises and concerns about manufacture, supply or repair of gaming machines. It accepts, however that there may be occasions on which the Authority is better placed to take the lead, particularly where there is illegal activity on a smaller scale that is confined to its area.
- 11.4** This Authority will have regard to relevant guidance issued by the Gambling Commission, the Regulatory Compliance Code (formally the Enforcement Concordat) and the Authority's own Enforcement Policy in all its enforcement actions. It will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 11.5** In general any enforcement actions which the Authority takes or proposes will be-
- **Proportionate** - It will intervene when necessary to promote the licensing objectives. Remedies will be appropriate having regard to the risks posed and the costs of such remedies will be minimised.
  - **Accountable** - All decisions will be justified and will be subject to public scrutiny.
  - **Consistent** - All rules, conditions or standards will be imposed or implemented fairly across all.
  - **Transparent** - It will be open at all times and will endeavour to present regulations in a simple and user friendly way.
  - **Targeted** - Enforcement focus will be on those areas which are causing the most problems and will be aimed at minimising those problems and side effects.
- 11.6** As recommended by the Gambling Commission's Guidance, this licensing authority will adopt a risk-based inspection programme. Whilst the Gambling Commission's Guidance suggests that the criteria the authority will utilise in this respect are included in this statement, this has not been possible. At the time of writing the Gambling Commission has not published its risk criteria, nor are regulations such as mandatory / default conditions published, nor Codes of Practice. Once a risk model for premises licences has been produced, this authority will consider its adoption.
- 11.7** A graduated response will always be taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to Licensing-Committee or Panel, the issue of a Formal Caution or a referral for prosecution.

- 11.8 This licensing authority intends to use appropriate enforcement to promote the licensing objectives under the Act. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the Borough for unlicensed premises.
- 11.9 The Authority will seek to work actively with the Police in enforcing gambling licensing legislation and intends to establish protocols with Lancashire Constabulary, Lancashire Trading Standards Department and Lancashire Fire and Rescue Service on enforcement issues to ensure an efficient deployment of police and council officers.
- 11.10 In accordance with the principle of transparency, the authority's enforcement/compliance protocols/written agreements as well as its risk methodology will be made available upon request.

## **12 COMPLAINTS AGAINST LICENSED PREMISES**

- 12.1 This Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.
- 12.2 Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Authority may initially arrange a conciliation meeting to address and clarify the issues of concern.
- 12.3 This process will not override the right of any interested party to ask that the licensing committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

## **13 APPEALS**

- 13.1 A right of appeal exists to the applicant or any person making a relevant representation against a decision of the licensing authority.
- 13.2 An application for an appeal has to be made to the Magistrates Court within 21 days of being notified in writing of the decision.
- 13.3 This licensing authority will ensure that attention is drawn to this right of appeal when decision notices are served.

## **14 POLICY REVIEW**

- 14.1 This policy takes effect on the 1<sup>st</sup> January 2007 and will remain in force for not more than 3 years. It will be subject to periodic reviews and further consultation.
- 14.2 When reviewing this policy account will be taken of any additional guidance issued by the Gambling Commission and the results of any consultations received.

## APPENDIX A CONTACT DETAILS RESPONSIBLE AUTHORITIES

### Contact details for Licensing Authority:

Licensing Team  
Fylde Borough Council  
Town Hall  
Lytham St Annes  
Lancs  
FY8 1LW  
Email: [licensing@fylde.gov.uk](mailto:licensing@fylde.gov.uk) Tel No: 01253 658658

### Contact details of responsible authorities:

<i>Responsible Authority</i>	<i>Address</i>
<b>The Gambling Commission</b>	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Tel No.
<b>Police Authority</b>	Lancashire Constabulary PS A Wood Licensing Department Western Division Bonny Street Blackpool Lancashire FY1 5RL Tel No: 01253 293933
<b>Fire Authority</b>	FAO Station Officer Garrod Lancashire Fire and Rescue Service St Annes Fire Station St Andrews Road North St Annes Lancashire FY8 2JQ Tel No: 01253 722268
<b>Environmental Protection</b> and <b>Planning</b>	C/O Licensing Team Fylde Borough Council Town Hall Lytham St Annes Lancashire FY8 1LW Email: <a href="mailto:licensing@fylde.gov.uk">licensing@fylde.gov.uk</a> Tel No: 01253 658658
<b>Protection of Children</b>	Quality and Review Manager Lancashire County Council Social Services Directorate PO Box 162 East Cliffe County Offices Preston PR1 3EA Tel No: 0845 053 0000



**Her Majesty's Commissioners of  
Custom and Excise.**

HM Revenue and Customs  
Operational Team,  
Greenock Accounting Centre  
Custom House  
Birmingham Custom House Quay  
Greenock  
PA15 1EQ

## APPENDIX B

### TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for gaming machine permits		For more than a total maximum of 4 machines	For up to a total maximum of 4 machines
Applications for other permits			X
Decisions as to whether representations are frivolous, vexatious or likely to have no influence on a decision			X
Decisions as to whether to make representations against an application or review a premises licence.			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		X	



Consultation on  
Gambling Act 2005  
Draft Gambling Policy Statement  
(Statement of Principles)

**Summary of the Representations and  
Responses Received**

Consultation Period: 1<sup>st</sup> June 2006 to 31<sup>st</sup> August 2006

## SCHEDULE OF RESPONSES

### Draft Gambling Policy Statement

(Statement of Principles)

Respondent	Comments	Assessment of Comments	Action Proposed
Fylde Borough Council Consumer Wellbeing & Protection	Although the original draft of the document was simply entitled Gambling Policy Statement, this was changed to Statement of Principles to accord with LACORS advice. The phrase "Statement of Principles" is, however, also used elsewhere both in the guidance and within some authority's policies to indicate the principles that the authority propose to apply in exercising their functions in respect of specific types of application including unlicensed family entertainment centres, prize gaming permits etc. It is accordingly suggested that, in order to avoid any future confusion the title of the document should revert back to Gambling Policy Statement.	Agreed.	Amend the title of the document from "Statement of Principles" to "Gambling Policy Statement." and make any consequential changes within the document.
Crown Leisure on behalf of the Cuerden Leisure Group	Consider that comment on the document at this stage would not be appropriate but would welcome the opportunity to express their opinion once the appropriate codes of practice have been issued centrally.	Not Applicable at this stage.	None Required.
The Racecourse Association Limited	Have no venues in the Fylde area and do not, therefore, wish to comment on the document.	Not Applicable.	None Required.
Gambling Commission	No comments on the draft policy other than a reminder that the Commission has recently changed its address from London to Birmingham.	Address change noted.	None Required.

Respondent	Comments	Assessment of Comments	Action Proposed
<p>British Beer and Pub Association (also supported by the Association of Licensed Multiple Retailers and the Federation of Licensed Victuallers Association.)</p>	<p>Make the point that their members have traditionally adopted a very responsible stance in respect of the control of amusement with prize machines, for example, by insisting on proof of age where there is any doubt that a player is over 18.</p> <p>Against this background the association feel that applications, for more than the automatic entitlement of 2 gaming machines, where the Gambling Commission Code of Practice is being adhered to, should always be granted and this approach should be reflected within the policy document.</p> <p>Would welcome inclusion within the policy of an outline of the application procedures for permits for more than 2 machines. Support the approach apparently being taken by some councils that up to 4 machines will automatically be granted without the need for a hearing.</p> <p>Whilst accepting that transitional arrangements in respect of existing machine permits have not yet been finalised, would like to see reference to such arrangements either within the document itself or in the form of separate guidance.</p>	<p>Most premises licensed to sell alcohol for consumption on the premises will have an automatic right to have 2 gaming machines, of categories C and/or D. If the government intended more than that number to be granted without consideration they would presumably have included this in the legislation. However, the law requires that pubs or similar premises wish to have more than 2 machines, then they need to apply for a permit. There is little doubt that adopting a formal policy of automatically granting such permits for a specified maximum number of gaming machines in pubs and similar premises would serve to reduce both administration and bureaucracy and prevent unnecessary hearings. This has, nevertheless, to be balanced against the requirements for the licensing authority to consider such applications based upon the licensing objectives, any guidance issued and “such matters” as they think relevant.” It is generally considered that “such matters” should be decided on a case by case basis with particular regard being had to the need for the protection of children and vulnerable persons from harm or being exploited by gambling. By this means each applicant will, hopefully, be able to show the authority that they will have sufficient measures in place to ensure, for example, that under 18 year olds do not have access to the adult only gaming machines. It would, however, perhaps be useful for applicants if requests for up to a maximum of 4 machines could be decided under delegated powers.</p> <p>As far as the inclusion of application procedures is concerned, both DCMS and LACORS guidance advise that gambling policy statements should be focussed upon ‘high level’ policy and “should not set-out the application processes, decision-making procedures etc.”</p> <p>As the respondents have noted, transitional arrangements have not yet been fully clarified by the issue of regulations, codes, guidance etc. Once they become clear separate detailed guidance will be provided for the existing holders of permits, licences etc.</p>	<p>The only amendment proposed to the draft policy document as a result of the comments received is in respect of the Table of Delegations (see below) but guidance will be issued, at the appropriate time, fully explaining the transitional arrangements, in order to assist current licence and permit holders.</p> <p>Add an additional line to the Table of Delegations, set out at Appendix B, to indicate that applications for permits requesting up to a maximum of 4 gaming machines may be dealt with by officers (ie. Consumer Wellbeing &amp; Protection Executive Manager) under delegated powers, but that applications for over 4 machines will be determined by the licensing Committee.</p> <p>No amendments proposed to the draft policy document as a result of the comments received in respect of application procedures or transitional arrangements.</p>

Respondent	Comments	Assessment of Comments	Action Proposed
Singleton Parish Council	Although paragraph 3.1.3 refers to the need for relevant safeguards to be in place, no mention is made in the list of consultees in paragraph 3.6.2 of Gamblers' Anonymous. – It would be useful to see if this organisation had any constructive comments	<p>The list of consultees in paragraph 3.6.2 was illustrative rather than definitive. Gamblers' Anonymous were in fact consulted on the draft policy as were the following other organisations which currently work with addictive gamblers and their families:</p> <p>Gamcare Gam-Anon Responsibility in Gambling Trust The Society for the Study of Gambling Responsible Gambling Solutions Ltd.</p> <p>It is, nevertheless, accepted that paragraph 3.6.2 could be usefully amended to reflect more fully the range of groups and organisations consulted.</p>	<p>Replace paragraph 3.6.2 with the following:</p> <p><i>The individuals and organisations being consulted on the details of this draft policy include:-</i></p> <ul style="list-style-type: none"> <li>• The Chief Officer of Police</li> <li>• The Fire Authority</li> <li>• Representatives of businesses and residents in the borough</li> <li>• Persons representing the interests of persons carrying on gambling businesses in the borough</li> <li>• Fylde Community Safety Partnership</li> <li>• Local licensing solicitors</li> <li>• Representatives of child welfare groups</li> <li>• Town and Parish Councils</li> <li>• Youth organisations</li> <li>• Gambling industry organisations and associations</li> <li>• Gambler support organisations</li> <li>• Faith groups</li> </ul>
Wyre Borough Council Licensing Unit	Paragraph 10.4.6 prescribes that, where alcohol licensed premises apply for a premises licence for their non-alcohol licensed areas, such applications would need to be applied for and be dealt with as Adult Entertainment Centres. It may well, however, not be the case that every application for permits, from alcohol licensed premises made in relation to their non-alcohol licensed areas would be for an adult gaming centre licence.	There is nothing in the Gambling Act or other legislation to justify that the stance that applications in respect of the non-alcohol licensed areas, of pubs and such premises would need to be applied for and be dealt with as Adult Entertainment Centres. Paragraph 10.4.6 it is not consistent with the Act, serves no useful purpose and could be deleted completely with each application of this type then simply being considered on it's merits.	Delete Paragraph 10.4.6 from the policy document

Respondent	Comments	Assessment of Comments	Action Proposed
<p>Chair of St Annes' Churches Together Peace &amp; Justice Group</p>	<p>Considers that the document does not, in general, provide sufficient clear statements of principle in respect of issues such as access by young people to premises where gambling takes place. It seems to prefer to consider each application on an "ad hoc" basis with reference to the guidance. Clear statements of policy would help guide commercial interests and be relevant to representations (see para 7.2.2).</p> <p>Paragraph 6.5.10 is cited as a prime example of this failure to express clear policy guidelines on a matter of local importance in that referring to the Gambling Commission's Guidance and then saying that the Council will consider whether specific measures are required at particular premises in regard to the objective of protecting children and other vulnerable persons, is not seen as a statement of licensing policy.</p> <p>The point is made that the Council should have regard to the addictive nature of gambling which has long been a problem on the Fylde Coast. This should be acknowledged and wherever it is consistent with its licensing powers the Council's policy should be that young and vulnerable people be excluded. The Council itself should make this clear. It is not sufficient to merely "consult with the Lancashire Safeguarding Children's Board (para 6.5.11)</p>	<p>This criticism of the policy document is effectively that it is, in parts, too "woolly" and lacks detail on exactly how specific issues will be viewed. Whilst members may have some sympathy for this viewed and dealt with, it must, however, be borne in mind that significant constraints are placed on the authority on the format and content of its Gambling Policy.</p> <p>As well as having to adhere to the requirements of specific regulations, licensing authorities are required to have regard to the guidance issued by the Gambling Commission in formulating their policy document and are furthermore strongly advised to follow a template provided by LACORS.</p> <p>Guidance issued by both the Gambling Commission and LACORS constantly stresses to authorities that, "whilst statements of policy may set out a general approach to the exercise of functions under the Act, no statement of policy should override the right of any person to make an application under the Act and to have that application considered on its merits." Additionally, a statement of policy must not undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so." Against this background of advice, it is perhaps not surprising that it appears to the respondent that the policy "seems to advocate considering each application on an ad hoc basis with reference to the guidance". As with the Licensing Act 2005, the pursuit of natural justice must always be paramount and therefore each application must be considered on its own merits.</p> <p>The commitment to consult on applications with the appropriate child protection agency is a statutory requirement. The guidance, however, asks authorities to identify this appropriate agency within their policy document. In this area the Lancashire Safeguarding Children's Board has been identified as the appropriate body and is therefore referred to at paragraph 6.5.11.</p>	<p>Given the constraints placed on the authority in terms of the format and content of their gambling policies, no amendments are proposed to the draft policy document as a result of the comments received.</p>

Respondent	Comments	Assessment of Comments	Action Proposed
Association of British Bookmakers	<p>Make the point that the industry has been very successful in policing itself and that generally bookmakers give rise to few or no problems or regulatory concerns. A primary objective of the association has been to help create betting environments in which the public enjoys fair and responsible gambling.</p> <p>The association makes a number of specific points in respect of improvements, which they would like to see incorporated in all gambling policies. In some cases (in the interests of consistency) they have actually put forward the wording which they would wish to see within the policy and these are indicated below by means of italics.</p> <p>Attention is drawn to the fact that door supervision has not been required at betting offices with control being perfectly well exercised from the premises counter. It is therefore suggested that the following text be included in the policy:-</p> <p><i>“... there is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.”</i></p> <p>The number of betting machines (rather than gambling machines) in betting offices is described as “vanishingly small”. Where they do exist there is no evidence to suggest that they are causing any harm. They are machines on which a bet may be placed without having to go to the counter and not machines upon which rapid gambling occurs.</p>	<p>The association appears to argue that because they have such a well controlled background, this should be recognised within the policy with betting offices being specifically singled out and allowed presumptions generally in favour of their activities.</p> <p>Despite the good history of bookmaker's premises, it is considered that the generic approach to gambling premises licensing adopted in the draft document and advocated by the LACORS template, should be maintained. It could well be argued that any move towards the approach suggested by the Association of British Bookmakers would only serve to fetter, to some extent, the discretion which is currently provided within the draft policy document.</p> <p>It is accepted that door supervision of betting shops will not normally be required. The act does not, however, prohibit such a condition provided it can be established that is necessary to meet the licensing objectives at a particular premises (for example, if there was evidence that supervision to prevent under age entry was inadequate without them.) The wording proposed is, nevertheless, considered to be unnecessarily restrictive. Paragraph 6.6.10 already deals with the possibility that door supervision may be required at premises other than casinos and bingo premises and 6.6.4 provides a commitment that no conditions will be imposed unless they are necessary, proportionate, fair and reasonable. A slight amendment to the wording of paragraph 6.6.10 could, however, usefully make it clear that additional door supervision would only be required where there was evidence that supervision had previously proved inadequate.</p>	<p>The amendments proposed to the draft policy document as a result of the comments received are set out below:-</p> <p>Paragraph 6.6.10 should be amended as follows (additional text in italics):-</p> <p>“For premises other than casinos and bingo premises, this authority may decide that <i>for particular premises where there is evidence that supervision from counters or other normal staff positions has proved inadequate to meet the licensing objectives, additional supervision of entrances / machines is appropriate.</i> The Authority may decide, in the light of the particular circumstances, that these supervisors need to be SIA licensed. It will, however, not be automatically assumed that they need to be so licensed.”</p>



Respondent	Comments	Assessment of Comments	Action Proposed
Association of British Bookmakers (continued)	<p>For these reasons it is suggested that the policy states that:-</p> <p><i>"While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter."</i></p> <p>Over the last 20 years or so betting offices have been consistently enlarged and improved to provide the more extensive facilities (toilets, comfortable seating, disability friendly, no smoking areas etc.) demanded by their customers. In order to achieve these improved standards it has sometimes been necessary to re-site premises within the same locality. This approach has been supported, under the former regime, by licensing authorities and it is hoped that the new licensing authorities will support this natural progress and improvement in the industry. It is, accordingly requested that the policy positively encourages, or at least states that the authority will give sympathetic consideration to re-sites within the same locality and to extensions in order to enhance the quality of the facility provided for the benefit of the betting public.</p>	<p>The association argue that the discretion provided in the Act, to limit the number of betting machines, should only be exercised where the use of such machines is contrary to the licensing objectives. Whilst not raised directly in this representation, paragraphs 6.11.2 and 6.11.3 in the policy which both deal with restrictions on betting machines could well be seen as somewhat repetitive. They could, therefore, usefully be combined together into a single paragraph which would, at the same time, make it clear that limits on the number of betting machines permitted would only be imposed where there is evidence that they have been or are likely to be used in breach of the licensing objectives.</p> <p>Whilst in practice it is likely that applications to re-site betting offices within the locality, in order to secure overall improved premises, are likely to be viewed sympathetically, it is considered that committing to such an approach within the policy would only serve to unreasonably fetter the authority's discretion.</p>	<p>The existing paragraphs 6.11.2 and 6.11.3 should be deleted and replaced with a new paragraph 6.11.2 which reads as follows:-</p> <p>"The Licensing Authority will generally only consider whether to impose a condition on any premises licence for a betting premises restricting the number, and/or nature of betting machines (not to be confused with gaming machines) and the circumstances in which those machines are available for use when there is evidence that such machines have been or are likely to be used in breach of the licensing objectives. The authority will take into account those issues set out in 6.9.4 above when considering the number/nature/circumstances of betting machines an operator wants to offer."</p> <p>No amendments proposed to the draft policy document as a result of the comments received in respect of re-siting.</p>

Respondent	Comments	Assessment of Comments	Action Proposed
Association of British Bookmakers (continued)	<p>In terms of enforcement it is requested that the policy includes wording along the following lines:-</p> <p><i>"The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual and whom the authority will contact first should any compliance queries or issues arise."</i></p> <p>In respect of paragraph 6.4, it should be noted that whilst many betting offices are located near schools in residential areas, under 18's are not permitted access. Equally, vulnerable persons are afforded protection through the extremely effective self-exclusion policies that most bookmakers operate. It is, therefore suggested that location should not be a factor when considering a betting office application.</p> <p>Finally, it is requested that paragraph 7.5.3 should be amended so that it is made clear that trade objectors will not automatically be excluded from making representations so long as the representations relate to the licensing objectives.</p>	<p>Whilst this is a reasonable idea, as stated above, gambling policy statements should be focussed upon high level' policy and should not necessarily set out the fine detail of procedures etc. There is, furthermore, no provision in the Gambling Act for the equivalent of a DPS as in the Licensing Act. The Gambling Commission will ensure that key people within the operation obtain personal licences and therefore it would be possible for licensing authorities to identify such persons. The arrangements proposed specifically for bookmakers can be achieved very well administratively by individual companies notifying the licensing office informally of a contact name and do not necessarily need to be included separately within the policy document.</p> <p>It is accepted that location is perhaps not quite such a critical issue in respect of betting offices as it would be for some other types of gambling premises. The policy, however, clearly states that each application will be considered on its merits. It is therefore open to applicants to argue the benefits of relocation at a hearing should a representation be made. Adopting the wording suggested would effectively mean that no consideration could be given in respect of the location of such premises whatever the circumstances.</p> <p>There is no intention whatsoever of precluding trade representations provided, of course, that they relate to the licensing objectives. Paragraph 7.5.3 already makes this clear. Indeed it confirms that business interests" will be given the widest possible interpretation and only requires that the Authority is satisfied that the business in question would be likely to be directly affected.</p>	<p>No amendments proposed to the draft policy document as a result of the comments received in respect of a single named point of contact, location or trade objectors.</p>

Respondent	Comments	Assessment of Comments	Action Proposed
British Casino Association	<p>Wish to have the opportunity to comment in more detail once the guidance on existing casinos has been issued and, if necessary, incorporated into a further draft of the policy. They, nevertheless, make the point that the operation of casinos has been highly regulated for the past 40 years and as a consequence, the new legislation will not impact on the high level of integrity with which such premises have historically operated. The association argues that existing tight controls on entry and identity verification prevent casinos creating any nuisance to the local community and makes the point that this is one of the reasons why door supervisors were deemed unnecessary (paragraph 6.6.9). The existing statutory bar on under 18s is strictly enforced and the licence conditions suggested at paragraph 6.6.7 will, therefore, not be necessary.</p>	<p>Paragraph 6.6.7 of the draft document sets out the restrictions that are likely to be imposed in order to protect children where category C or higher machines are on offer in premises. The paragraph, however, already makes it clear in its opening line that these considerations will only apply “in premises to which children are admitted”.</p>	<p>No specific amendment of paragraph 6.6.7 is necessary in respect of casino premises as they will not constitute “premises to which children are admitted”.</p>

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
COMMUNITY AND CULTURAL SERVICES	CABINET	15 <sup>TH</sup> NOVEMBER 2006	7

## CHILD PROTECTION POLICY

### Public Item

This item is for consideration in the public part of the meeting.

### Summary

The Child Protection Policy provides simple guidance for Elected members, staff, and volunteers under the auspices of Fylde Borough Council to help them deal with issues that may arise when working with children.

The policy has been presented to the Policy and Service Review Scrutiny Committee for discussion, resulting in a number of recommendations identified in the report.

### Recommendations

1. To recommend to Council the adoption and implementation of the Child Protection Policy.
2. To recommend that the Portfolio Holder (Corporate Performance and Development) be responsible for all matters concerning child protection issues relating to the Council.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Corporate Performance and Development: Councillor Susan Fazackerley

## **Report**

### **Background**

1 In 2003, the Government published a Green Paper called Every Child Matters. This document built on existing plans to strengthen preventative services by focusing on four key themes. One of these themes is ensuring that the people working with children are valued, rewarded and trained. Following consultation Every Child Matters: The Next Steps was published and the Children Act 2004 was passed. The aim is for every child, whatever their background or their circumstances, to have the support they need to:

- ◆ Be healthy
- ◆ Stay safe
- ◆ Enjoy and achieve
- ◆ Make a positive contribution
- ◆ Achieve economic well being

2 Fylde Borough Council is not an investigative or intervention agency for child protection or child safety. However the Council does deliver a whole range of services and activities that involve children. Its members, staff and volunteers can have regular contact with children. This puts them in a position to observe signs of abuse, which can and should enable them to alert others when identified. It also puts members, staff and volunteers in a position where they themselves are open to accusations and as a caring employer measures need to be put in place to protect these people.

### **Policy**

3 The aim of the policy is to address the issues and to provide a framework, which ensures the Child Protection Policy, is applied and implemented. This should be achieved by the appointment of a member champion responsible for Child Protection issues together with a designated senior officer in each business unit with contact with children. They will be responsible for implementing the policy and ensuring all staff are trained to deal with and respond to any incidents that may occur.

4 The policy deals with recruitment and selection of staff through the process from Job description to completing the probationary period and beyond. A section on recognising abuse, harm and neglect followed by how to respond to suspicions or allegations. The appendix is a best practice code of conduct for those who are working with children.

<b>IMPLICATIONS</b>	
Finance	There is a small cost associated with training member champion and senior designated staff .
Legal	No further issues

Community Safety	This pro-active policy is appreciated by the Community Safety Partnership as it protects both young people and council staff in line with the aims of Every Child Matters which the Partnership has signed up to
Human Rights and Equalities	No further issues
Sustainability	No further issues
Health & Safety and Risk Management	The policy will reduce the risk to children and reduce the risk to employees who work with children.

Report Author	Tel	Date	Doc ID
Chris Holland	(01253) 658477	23/10/03	

List of Background Papers		
Name of document	Date	Where available for inspection
None	-	-

#### Attached documents

1. Draft Child Protection Policy.



FYLDE BOROUGH COUNCIL



## Child Protection Policy

October 2006

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## **Child Protection**

1 *This information provides simple guidance for Elected members, staff, and volunteers under the auspices of Fylde Borough Council to help them deal with issues that may arise when working with children.*

*For the purpose of this document a child will be classed as any young person under the age of 18 or any vulnerable adult*

### **Policy Statement**

2 Fylde Borough Council recognises the need to ensure the welfare of children whatever their age, culture, gender, disability, language, race origin, religious or background. In doing so Fylde Borough Council is committed to ensuring that any child, who may come into contact with a Council employee (paid or voluntary) or elected member, or any child who may take part in any activity organised by the Council, will have a positive and enriching experience, and that the behaviour of any member of staff/volunteer or elected member will always be above reproach.

3 Fylde Borough Council works in partnership with other organisations on many issues, including Lancashire County Council – particularly where they provide direct services to our community via Education, Lifelong Learning and Social Services. The very nature of this work gives substantial one to one access to children. To support the delivery of services, Lancashire County Council has in place a multi-agency Child protection policy for Lancashire as a whole, which Fylde Borough Council is committed to supporting. The guidance within this policy has been produced within the spirit of a co-ordinated multi-agency approach to protecting the interests of children.

### **Scope**

4 It is proposed that the content of the Council's Child Protection Policy should form part of the Terms and conditions of Service for employees of Fylde Borough Council. This includes all whose work involves, or who would come into contact with children during their normal employment duties. It is further proposed that the policy applies to all who work with such individuals or groups, whether as a permanent or temporary employee, elected members, casual worker, volunteer or otherwise. All contractors who are expected to come into contact with children in the course of their work for Fylde Borough Council will be required to agree to abide by this policy.

## **Aim**

5 The aim of this policy is to provide a framework, which ensures that policies and practices within Fylde Borough Council are applied, implemented and reviewed by all Fylde Borough Council staff in line with best practice. It also provides guidance to help prevent child abuse, give support and protect all children who have contact with Fylde Borough Council.

There are three main elements to the Child Protection.

- Prevention
- Protection
- Support

## **Prevention**

6 Employees and elected members of the Council will endeavour to ensure that all children using the Council's services, do so safely, and are treated with respect and understanding.

## **Protection**

7 The Council will take all reasonable steps to protect the rights, health and well being of children who take part in activities organised by the Council and who use Fylde Borough Council facilities.

## **Support**

8 Fylde Borough Council recognises that child protection issues can be emotive and the Council will offer suitable impartial support to any member of staff and elected member affected by this policy, whether directly or indirectly. Child protection training will be made available to all members of staff and elected members who work with or come into contact with children in the course of their duties with the Council.

## **Procedures/Policies/Practice**

9 Fylde Borough Council will elect a member champion who will be responsible for all issues regarding Child protection issues related to the council

10 Fylde Borough Council, will also, through each business unit/service within the Council which involves contact with children, ensure that there are senior designated staff who are responsible for implementing the policy, training staff and are able to respond to child protection incidents, situations and concerns whenever they may arise.

11 Anyone working for Fylde Borough Council will be expected to report any concerns to the designated officer so that all matters can be responded to swiftly and appropriately.

12 However it is NOT the responsibility of anyone under the auspices of Fylde Borough Council in a paid or voluntary capacity to prove whether or not child abuse is taking place. However there is still a responsibility to protect children in order that the appropriate agencies can make their enquires and take the necessary action to protect the child.

### **Recruitment and selection of staff / volunteers**

13 It is vital that all reasonable steps are taken to ensure that unsuitable people are prevented from working with children and it is essential that the same procedure is used consistently for all staff / volunteers.

When undertaking pre-selection checks the following course of action will be followed:

### **Job description / Person specification**

All job descriptions for posts will contain the statement:

‘The post-holder is required to be committed to the prevention of abuse of children, and to abide by the Fylde Borough Council Child Protection Policy.

Each member of staff or volunteer who comes into contact with children should have a written description of the work that they are expected to do, including:

- the post to whom they will be accountable.
- the post whose work they will supervise.
- a description of the work that they will undertake with children, with reference to the Fylde Borough Council Child Protection Policy
- the duty to prevent abuse of all children in contact with the Council, and reference to the Fylde Borough Council Child Protection Policy

All Person Specifications for posts that work with children will contain the statement:

‘The post-holder will be subject to a check for any criminal record via the Disclosure process’.

### **Application forms**

14 All staff / volunteers who have regular contact with children should complete a standard application form and a Criminal Records Bureau Disclosure form designed to elicit the following information:

- their full name, current and recent addresses, and date of birth.
- employment history, giving details of any previous work with children.
- permission to contact, in writing and in person, at least one person who has experience of their work with children.

- details of any convictions for criminal offences against children, including any spent convictions under the Rehabilitation of Offenders Act 1974.
- whether they are known to any Social Services Department as being an actual or potential risk to children.
- permission to check for any police criminal record.

The form should also:

- state that a failure to disclose information will result in termination of employment.
- include an agreement to abide by this or any subsequent Child Protection Policy produced by Fylde Borough Council.
- include a self-disclosure form.

## **Interview**

15 All applicants, for employment should be asked about their relationships with children, both in a working and voluntary capacity. Applicants should also be asked about their ability and commitment to fulfil the duty to prevent the abuse of children set out in the job description or outline of tasks. Fylde Borough Council will need to use the information gained in this way only to prevent the abuse of children, applying the principles of equality of opportunity and adhering to accepted employment procedures.

## **Police and Social Services checks**

16 Evidence suggests that only a small percentage of incidents against children are reported and, of these, only a proportion results in conviction. This means that trying to ascertain whether an applicant has any conviction for offences against children is not the most efficient way to prevent abuse. Although checks will be made wherever possible, Fylde Borough Council will not depend on applicants or any other authority disclosing information as the main or only means of preventing child abuse.

## **Induction**

17 Each new member of staff / volunteer will be issued with a copy of the Fylde Borough Council Child Protection Policy statement during their induction. They will be informed of their duty to prevent abuse of any child in contact with the Council, and referred to the action to be taken if abuse is discovered or disclosed. They will be informed of their duty to abide by the Fylde Borough Council Child Protection Code of Conduct (Appendix 1) when performing their duties. Staff will also receive basic Child protection awareness training.

## **Probationary period**

18 Details of the length and purpose of a probationary period should be given on appointment. During this period, the line manager will hold supervision meetings on a more frequent than normal basis, and observe the work of new staff regularly. The line manager must have no doubt as to the staff member's commitment to prevent the abuse of children before confirming the successful completion of the probationary period.

## **Training**

19 It should be clearly recognized that checks are only part of the process to protect children from possible abuse. The checks must be operated in conjunction with appropriate training of staff / volunteers so they are aware and sensitive to potentially abusive situations. All Fylde Borough Council elected members, staff / volunteers who are in regular contact with children, in the course of their duties with the Council, will receive appropriate awareness training delivered by suitable tutors.

## **Recognising abuse, harm or neglect.**

20 Child abuse can occur anywhere and at any time and can cover a wide range of issues including neglect, physical, sexual and emotional abuse. Even among those experienced in working with Child abuse it is not easy to recognise a situation where abuse may occur or has taken place. It is also acknowledged that Fylde Borough Council elected members, staff, or volunteers are unlikely to be experts in this field. Therefor the Council encourages and expects staff to discuss any concerns they may have about the welfare of a child immediately with their line manager. The line manager will then pass the issue on to the designated member of staff or the Human Resources Manager. They will then ensure that appropriate advice is obtained from Lancashire County Council, the police or NSPCC. If these people are not available please contact other officers in the personnel office.

21 The following may help you decide whether a child's welfare is at risk of abuse, harm or neglect.

**22 Physical Abuse** - "Actual or likely deliberate physical injury to a child, or wilful or neglectful failure or prevent injury or suffering to a child". Physical abuse may include broken limbs and head injuries and could involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child.

## **Signs which may suggest physical abuse**

- Any bruising to a baby - pre-walking stage
- Multiple bruising to different parts of the body

- Bruising of different colours indicating repeated injuries
- Fingertip bruising to the chest, back, arms or legs
- Burns of any shape or size
- An injury for which there is no adequate explanation

### **Sexual Abuse –**

23 "Actual or likely sexual exploitation of a child or adolescent. The child may be dependent and/or developmentally immature". Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape or buggary) or non- penetrative acts. They may include non- contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities or encouraging children to behave in sexually inappropriate ways.

### **Signs of possible sexual abuse**

- Something a child has told you
- Something a child has told someone else
- A child who shows worrying sexualised behaviour in their play or with other children
- A child who seems to have inappropriate sexual knowledge for their age
- A child who may be visiting or being looked after by a known or suspected sexual offender

24 **Emotional Abuse** - "Actual or likely severe adverse effect of the emotional and behavioural development of a child caused by persistent or severe ill treatment or rejection. Emotional abuse may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children to frequently feel frightened or in danger, or the exploitation or corruption of children.

### **25 Signs which may suggest emotional harm**

The following signs may be present in children whose parents are over-critical and emotionally distant, or who are unable to meet their child's emotional needs:

- Children whose behaviour is excessive. For example, excessive bedwetting, overeating, rocking, headbanging.
- Children who self harm. For example, they may cut or scratch themselves or overdose.
- Children who attempt suicide
- Children who persistently run away from home
- Children who show high levels of anxiety, unhappiness or withdrawal
- Children who usually seek out or avoid affection.

26 **Neglect** - "Is the persistent or severe neglect of a child, or failure to protect a child from exposure to any kind of danger, including cold and starvation, or extreme failure

to carry out aspects of care, resulting in the significant impairment of the child's health and development, including non-organic failure to thrive". Neglect is the persistent failure to meet the child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failure to protect a child from physical harm or danger, or failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs

**27 Signs which may suggest neglect**

- Squalid, unhygienic or dangerous home conditions
- Parents who fail to attend to their children's health or development needs
- Children who appear persistently undersized or underweight
- Children who continually appear tired or lacking in energy
- Children who suffer frequent injuries due to lack of supervision.

28 If a child discloses abuse, employees and/or volunteers should give the child or young person the opportunity to talk in private, NOT on a ONE TO ONE basis, but always with a witness. People receiving such a disclosure should listen carefully to what is being said and offer support and reassurance.

29 The person receiving the information should

- React calmly so as not to frighten the child
- Reassure the child and tell them that they are not to blame and it is right to tell
- Take what the child says seriously.
- Try not to interrogate the child, keep questions to the absolute minimum, simple and easy to understand. This will enable the child to give clear and accurate information
- Do not give promises or guarantees that cannot be made
- Make a full record of what has been said, heard and/or seen as soon as possible
- Tell the child, at the earliest opportunity, that what is being said may be passed on to other authorities in order to help and cannot be guaranteed to be kept confidential.
- Having listened to the evidence decide on the appropriate action.

30 It is NOT the responsibility of anyone under the auspices of Fylde Borough Council to investigate and prove the disclosure, but to collect as much information as possible.

31 If as a member of Fylde Borough Council staff, a volunteer or an elected member you suspect that a child has been abused or is experiencing abuse then you should ask for a confidential meeting. This can be with your line manager, an officer who has designated responsibility for child abuse or the Human Resources Manager.

A careful record should be made of any concerns and incidents by completing the Concern/ Incident report form. The appropriate action to be taken will be discussed. If there are reasonable grounds that alleged child abuse has taken place then the person who you have dealt with should inform Social Services and or the Police.

### **Immediate action**

32 The line manager, officer who has designated responsibility, the human resources manager will then make a decision. If they believe that a child or young person may be suffering or may be at risk of suffering harm, and or sexual or physical abuse they must make a referral to Children's Services and or the Police.

1. You must pass on your concerns to your line manager, the officer with designated responsibility for child protection or the human resources Manager. If none of the above are available then pass your concerns directly to Children's Services and or the Police.
2. There is no requirement at this stage to inform parents/guardians/carers of the intention to inform Children's Services and or the police, particularly if it is felt that this would put the child at further risk.
3. When speaking to Children's Services you should disclose your name and details of your role within Fylde Borough Council.
4. You should also obtain and make a record of the Social worker, police officer who you have contacted and the date and time of the call.
5. You should explain your concerns, giving as much clear and concise information as possible, based on your opinion. The Social worker will assess the situation and if required initiate the appropriate procedures to protect the child.
6. If not done previously, you should inform your line manager, officer responsible for child protection, or personnel officer or member champion at the earliest possible opportunity.
7. A record should be then made of all information related to the incident

**This would include anyone working with children in a paid or voluntary capacity.**

33 Evidence suggests that abuse that takes place in a public setting is rarely a one-off event. It is crucial that those working with children are aware of this possibility and that all allegations should be treated as, and remain, confidential. The person to whom the incident is reported may be unsure whether the allegation constitutes abuse or not. There may be occasions where the allegations are about poor practice, rather than abuse, but in all instances the line manager, designated officer or personnel manager must be informed. They will then obtain advice from Children's Services as it may be just one of a series of instances which together cause concern.

**Fylde Borough Council assures all staff / volunteers that it would fully support and protect anyone, who in good faith, reports his or her concern that a colleague is, or may be, abusing a child.**



## **Guidance for staff / volunteers against whom allegations are made**

34 Staff / volunteers seeking help in defence of any allegation should be encouraged to seek support. This may be through:

- Reference to legal advice
- Citizens Advice Bureau
- Trade Union

35 Where there is a complaint of abuse against a member of staff there may be 3 types of investigation:

- A disciplinary or misconduct investigation by Fylde Borough Council
- A child protection investigation by Children's Services
- A criminal investigation by the Police

36 The results of the Police and Children's Services investigation may well influence the disciplinary investigation, but not necessarily.

37 Child Abuse will be regarded as gross misconduct under the Fylde Borough Council Disciplinary Procedures. Where an allegation is made against an employee, the employee will normally be suspended on full pay, or given special leave with pay if the disciplinary process is not involved, pending investigations and action, either under the disciplinary procedures and / or Children's Services / the Police. This action will not be seen as assuming the employee is guilty of any abuse, but rather to protect both the child and the employee involved.

## **Appendix**

### **Child Protection**

#### **Council Code of Conduct**

Those working with children should:

- Respect the dignity and spirit of all participants: children, young and vulnerable adults.
- Treat all participants fairly and equitably.
- Establish supportive, positive environments for the purpose of healthy competition, skill inspiration, development, fun and achievement.
- Avoid contact or conduct that may be interpreted to have sexual connotations or which are defined as inappropriate by the organisation.
- Do not take part in or tolerate behaviour that frightens, embarrasses, demoralises or negatively affects a participants self esteem.
- Do not tolerate acts of aggression.
- Work towards eliminating harassment and abuse from training and workshop environments.
- Be prepared to intervene if a child is being abused or neglected.
- Engage in "fair play" both during and outside of activities. "Fair play" is defined as showing considerate regard for participants, personnel, parents, spectators and officials; abiding by the code of conduct; abiding by the officials/workshop leaders decisions.
- Adhere to the policies of the venue and Fylde Borough Council.

### **Staff ratios**

Any consideration relating to staff ratios needs to take into account the age of the children involved (the lower the age the greater the need for supervision), disability, degree of risk involved in the activity. Ratios of 1 staff to 20 children are advised this will be dependent on the activity taking place and the results of the risk assessment. Where the activity involved mixed gender consideration must be given to having male/female staff available.

### **Changing rooms**

Where Participants need to be supervised in changing rooms two members of staff must be present. Adult staff should not change or shower at the same time as children who have sole use of the same facility. If you are involved in a mixed gender activity separate facilities should be made available. If children are uncomfortable changing or showering in public no pressure should be placed on them to do so. Encourage them to do this at home. If there are participants with disabilities involve them and their carers in deciding how they should be assisted and ensure they are able to consent to the assistance that is offered.

## **Injuries and illness**

All activities should have guidelines/notification forms relating to injuries sustained during participation in activities. Where staff witness an injury this must be reported to the parents at the first opportunity.

### **Consent**

The organisation must receive permission from parents/carers for children to participate in all activities (where appropriate) The organiser should provide a timetable of activities at the beginning of a programme and notify parents/carers of any changes to this timetable as appropriate

The consent form for participation contains two contact numbers, one for the carer and another for the next point of call if the carer cannot be contacted.

Parents/carers are informed on the consent for that it is not the responsibility of the club/organisation to transport children people in the event of them being detained.

All staff/volunteers **should**

- Attempt to contact the parent/carer in the event of late collection;
- Check the club contact number for any information regarding the child;
- Contact the alternative contact name/number;
- Wait with the child/young person at the venue with wherever possible other staff/volunteers or parents;
- Remind parents/carers of the policy relating to late collection.

Staff/volunteers **should not**

- Take the child home or to any other location;
- Ask the child to wait in a vehicle or venue with you alone;
- Send the child home with another person without permission.

## **Discipline**

Discipline may be required on occasions due to the inappropriate behaviour of children. When discipline is used it should be done so appropriately and with the clear intention of teaching or reinforcing appropriate behaviour. It must not be used impulsively, to gain power, or to embarrass or humiliate a child.

Discipline should be used only to:

- Develop a sense of responsibility for behaviour;
- Develop respect for others and their property;
- Reinforce the rules or values of the activity;
- Reinforce positive behaviour or attitudes;
- Reinforce awareness of health and safety aspects of the activity.

## **Physical conduct**

Many sport and art activities, by their nature, require a degree of physical contact between adults and children. Physical contact can be used appropriately to instruct,

encourage, protect or comfort. The aims of guidelines relating to physical contact are to provide adults and children with appropriate types and contexts for touching.

Physical contact between adults and children should only be used when the aim is to:

- Develop skills or techniques;
- To treat an injury;
- To prevent an injury;
- To meet the requirements of the particular sport/activity

Physical contact should always meet the need of the child and not the need of the adult.

Physical contact should be fully explained to the child and, with the exception of an emergency, permission should be sought.

Physical contact should not take place in secret or out of sight of others.

Records of injuries should be fully recorded.

## **Disability**

Children with disabilities should have the same rights and opportunities as others take part in activities to have fun and be safe. The nature and degree of the disability may require additional support or training methods. Their particular vulnerability to abuse or neglect requires organisations/coaches and workshop leaders to take additional steps to safeguard the welfare of people with disabilities.

### **Guidelines for Use of Photographic Filming Equipment at Events**

- There is evidence that some people have used events as an opportunity to take inappropriate photographs or film footage of children in vulnerable positions. It is advisable that all groups are vigilant with any concerns to be reported to a club official or responsible person at an event.
- If you are commissioning professional photographers or inviting the press to an activity or event it is important to ensure they are clear about your expectations of them in relation to child protection.
- Provide a clear brief about what is considered appropriate in terms of content and behaviour
- Issue them with identification which must be worn at all times
- Inform athletes and parents that a photographer will be in attendance at an event and ensure they consent to both the taking and publication of films or photographs.
- Do not allow unsupervised access to athletes or one to one photo sessions at events.
- Do not approve photo sessions outside the events or at a participant's home.
- Parents with cameras need to register cameras with the activity leader, when they will receive a sticker to certify registration and clearance.

# REPORT

REPORT OF	MEETING	DATE	ITEM NO
COMMUNITY AND CULTURAL SERVICES	CABINET	15 NOVEMBER 2006	8

## LISTENING DAY FINAL REPORT

### Public Item

This item is for consideration in the public part of the meeting.

### Summary

This report presents the findings of Community Listening Day held on 25<sup>th</sup> August 2005. With the instigation of the Local Strategic Partnership (LSP) which has membership from the public, private and voluntary sectors that deliver a wide range of services to the community, Listening Day has developed into a wider consultation involving the other LSP members. The questionnaire has evolved to focus on the key data that partner organisations need to shape the future delivery of their services. The report should be used by managers as a key reference and support document to their service plans and by Members to monitor that service delivery outcomes are in line with identified customer need

### Recommendations

Members are asked to:

- 1 Consider the report findings and to give due weight to the data in their priority setting as part of the 2007/08 budget setting process.
- 2 Commend the results to the partner organisations and to thank them for their considerable support to make Community Listening Day a success.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Customer Relationships and Partnerships: Councillor Albert Pounder

## **Report**

- 1 Listening Day has been an annual event in the borough's calendar since 1999. It started initially as a council run consultation exercise with support from Lancashire County Council. It was recognised that a large proportion of residents and visitors were unclear which services were provided at a borough or a county level. The original concept of Listening Day provided staff from both authorities to provide comprehensive information regardless of the specific area or responsibility.
- 2 The detailed rationale and methodology are described in detail in the final report which is now presented to members for their consideration.

The report presents the findings from the exercise.

- 3 A significant improvement for 2006 was that the concept of a Listening Day was extended to cover a longer consultation period. This tactic had the advantage of allowing the council and its partners to access the views of young people through the borough's schools as well as significantly increasing the number of completed forms received. Last year Listening Day realised 1,281 completed questionnaires. This year partners have been able to collect 2,066 views.
- 4 The primary objective behind Listening Day is to create awareness within the community of their role in developing and improving local services that meet their needs. It presents an opportunity for customers to have their say on the services they pay for. One of the core principles is to meet identified customer needs. The feedback from Listening Day helps to establish what the customer wants from the services we deliver.
- 5 The Cabinet is asked to consider the report findings and to give due weight to the data in their priority setting as part of the 2007/08 budget setting process. Members are also asked to commend the results to the partner organisations and to thank them for their considerable support to make Community Listening Day a success.

<b>IMPLICATIONS</b>	
Finance	Services areas with low levels of satisfaction that are also deemed to be priority services should be considered as areas for further investment
Legal	None identified
Community Safety	Community concerns about safety issues will need to be addressed as perception can become reality
Human Rights and Equalities	None identified
Sustainability	None identified
Health & Safety and Risk Management	None identified

Report Author	Tel	Date	Doc ID
Executive Manager – Community and Cultural Services	(01253) 658440	October 16th 2006	

List of Background Papers		
Name of document	Date	Where available for inspection
None	-	-

### **Attached documents**

Listening Day 2006 Final Report



FYLDE BOROUGH COUNCIL



## Community Listening Day Final Report

October 2006



# **Community Listening Day 2006**

## **Index**

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## **Introduction**

1 This report outlines the main findings and the implications they have on service delivery at Fylde Borough Council and its partner organisations from the Listening Day held on Thursday 17th August 2006. The report should be used by managers as a key reference and support document to their service plans and by Members to monitor that service delivery outcomes are in line with identified customer need.

2 Listening Day has been an annual event in the borough's calendar since 1999 apart from a one year gap in 2004 due to lack of capacity. It started initially as a council run consultation exercise with support from Lancashire County Council. It was recognised that a large proportion of residents and visitors were unclear which services were provided at a borough or a county level. The original concept of Listening Day provided staff from both authorities to provide comprehensive information regardless of the specific area or responsibility.

3 With the instigation of the Local Strategic Partnership (LSP) which has membership from the public, private and voluntary sectors that deliver a wide range of services to the community, Listening Day has developed into a wider consultation involving the other LSP members. The questionnaire has evolved to focus on the key data that partner organisations need to shape the future delivery of their services.

4 The re-branded Community Listening Day has been further fine-tuned in recent years with the methods of consultation refined. Greater emphasis has been given to 'what works well' whilst other methods have been discarded if they have shown to be less effective. The detailed methodology is described in this report.

5 The primary objective behind Listening Day is to create awareness within the community of their role in developing and improving local services that meet their needs. It presents an opportunity for customers to have their say on the services they pay for. One of the core principles is to meet identified customer needs. The feedback from Listening Day helps to establish what the customer wants from the services we deliver.

6 On Listening Day several consultation initiatives were set up to obtain as much participation and involvement from residents and visitors as possible. Different methods of consultation were carried out in order to establish a reliable and accurate view of performance and what customers want to see in the future.

## **Methods of Consultation**

- 7 Nine different methods of consultation were carried out including:
1. Residents and visitors face to face site interviews
  2. Questionnaires placed 'where people are' in doctors and dentist waiting rooms, hotels, libraries and post offices
  3. Through the press
  4. A comprehensive programme of visits to all of the rural towns and villages
  5. The Lancashire County Council mobile exhibition unit and Radio Lancashire's bus
  6. Questionnaires targeted at young people through schools and Lancashire County Council's Youth Service
  7. A high profile opportunity to complete the questionnaire through the council's new web site
  8. Questionnaires located in the workplace of major employers
  9. By including questionnaires in all council mail correspondence and through home visits by the dog wardens and Lancashire Fire Service

8 The main improvement for 2006 was the extension of the nominal Listening Day concept into a longer period of consultation, designed to cover the school term. This contributed, amongst other things, to the increased number of questionnaire returns from 1281 last year to 2069 in 2006.

9 A key objective on Listening Day is to create awareness amongst customers on the role they can play in developing and improving local services. In an attempt to achieve this, Listening Day was promoted in the local press, at council facilities and in other locations during the weeks leading up to the day. An interview was carried out by Radio Lancashire Listening Day promotional posters were displayed at key sites throughout the borough. The council's staff publication, Grapevine, provided information about Listening Day and the activities that were taking place. Every Council Member was informed and a countdown to Listening Day was communicated via council e-mail.

10 Volunteers comprising council employees, borough councillors, Lancashire County staff and councillors, Primary Care Trust staff, Age Concern, the Fire Service and the police carried out the various consultation methods on Listening Day all of whom demonstrated a positive and enthusiastic attitude. A debrief is planned to give the volunteers their chance to review the experience and identify what did, and what did not, go well on the day.

### **1 Residents and Visitors face to face interviews**

Seven years of experience of Listening Day has demonstrated that the single most effective method of consultation is the face to face interview, conducted at random,

throughout the borough. Over the years the questionnaire has been fine tuned to ensure that the data collected is relevant to all partners, comparable with previous years and gives a wide overview of opinion as well as specific data on a number of key issues.

The questionnaire is tailored to both the resident and the visitor as befitting Fylde's role as a popular tourist destination. It is interesting to compare visitors' perceptions of the borough and council services with that of the resident. The questionnaires are attached to this report as an appendix.

The interviews were conducted by volunteers from the council and the partner organisations following briefing sessions held at St Annes Town Hall. All volunteers were easily identifiable by wearing either a 'Have Your Say on Listening Day' T-shirt or sash. Locations for interviews were carefully chosen to include areas of high footfall such as town centres as well as a good mix of urban and rural locations. The holiday areas of the borough such as the promenade and parks were staffed in order to obtain as many visitors as possible.

## **2 Questionnaires placed 'Where People Are'**

Questionnaires were distributed to key locations throughout the borough where people regularly frequent. These included doctors' and dentists' waiting rooms, libraries, post offices and leisure facilities such as swimming pools and hotels. Advantages of this approach were that people could complete the questionnaire while they waited for an appointment and it helped address the problem of accessing 'hard to reach' groups and individuals.

The majority of questionnaires were displayed on counters etc in specially branded display holders. Completed questionnaires were either posted back to the council or collected by volunteers.

## **3 Through the Press**

In previous years we have paid for advertising space in local newspapers and published the questionnaire. This has had disappointing results that do not justify the cost. Therefore this year we restricted press activity to advance press releases and photocalls to raise awareness. We also enlisted the assistance of the Lytham St Annes Express which displayed the questionnaires in its offices in St Annes.

The Radio Lancashire Mobile broadcast bus was located at Lowther Pavilion throughout the day. Radio Lancashire previewed Listening Day in advance and conducted an interview with the leader of the Council on the morning of Listening Day.

The full results contained in this report are being communicated to the press.

## **4 Rural Areas**

The rural areas of the borough were targeted by a team of volunteers who visited each of the rural towns and villages throughout the day. The itinerary was publicised on posters and circulated via the Parish Councils.

**5 Lancashire County Council Mobile Exhibition Unit and Radio Lancashire's Bus**

Listening Day received a particularly high profile with the use of Lancashire County Council's purpose-built exhibition unit which was located in next in Morrison's car park in Kirkham. Staffed by LCC volunteers, County and Fylde Councillors the mobile unit used large video screens to promote the services of the county council and was particularly successful in obtaining a high level of response to the questionnaire. The Unit was visited by the Chairman of Lancashire County Council and Fylde's Deputy Leader.

The Radio Lancashire Bus visited St Annes for a week in early August, broadcasting local issues and carrying out interviews with council representatives and members of the public.

**6 Questionnaires targeted at young people through schools and Lancashire County Council's Youth Service**

This approach was largely instrumental in capturing the views of younger people by distributing questionnaires to Lytham St Annes High School and through the Lancashire Youth and Community Service resulting in our best ever response from this section of the community.

**7 A high profile opportunity to complete the questionnaire through the council's new web site**

The development of the council's new website presented the ideal opportunity to post an on line questionnaire, reinforcing the partnership's objective of giving hard to reach groups the opportunity to have their say. All of the received responses to this years Listening Day have been processed through the website.

**8 Questionnaires located in the workplace of major local employers**

Wherever possible the questionnaire has been made available to staff of the borough's major employers, either through intranet or paper based mechanisms

**9 By including questionnaires in council mail correspondence and through home visits by the dog wardens and Lancashire Fire Service**

For a number of weeks before Listening Day most council correspondence, including letters, council tax and reminders and benefit communications, included a copy of the questionnaire. Recipients were encouraged to complete and return the form via a Freepost address.

## **10 Results Overview**

11 A total of **2066** people had their say as a part of Community Listening Day. Our Performance Indicator stated 1600 as our target response. This success is due to adopting a smart range of consultation methods, fine tuned over a number of years to ensure a maximum return of completed questionnaires. Of these 2066 consultees, 1559 were completed by residents of the borough and 507 completed by visitors including people who live outside the borough but work within it.

12 A number of factors could have influenced the effectiveness of the event, namely the weather conditions, particularly in exposed locations, and the availability of volunteers.

13 It is important not to rely on just one method of consultation in order to obtain a balanced opinion a range of consultation methods was used. Nine methods of consultation have been used for this year's Listening Day, with differing degrees of success, providing a more representative perspective and a stronger foundation for recommended actions.

14 The event took place on a Thursday daytime in August. Locations for street interviews included busy shopping areas, promenades and streets with known, heavy footfall.

## **Residents Survey**

### **Demographic Profile (Last year's figures in brackets)**

15 1559 people responding to Community Listening Day were residents of the Borough (890). 507 responses were received from visitors (391)

16 The demographic of the typical resident responding tended towards white, female, older adults. A reasonable number of younger adults participated. 33% were aged 45 or under. 9% were under the age of 16. However, the largest age category responding was the over 61 with 46% (37%). It is felt that this profile generally reflects the population who live within the Borough of Fylde as there is larger proportion of older people.

17 In fact our sample closely reflects the 2001 census which showed 39% were aged under 45 although the over 65 age group appears to have increased considerably . The 2001 census showed 28% over 65.

### **Areas where residents who responded live within the borough**

<b>Location</b>	<b>Number of residents -</b>
St Annes	537
Lytham	230
Kirkham	136
Freckleton	103
Ansdell	73
Wesham	72
Warton	51
Newton	23
Fairhaven	20
Staining	20
Clifton	15
Treales	13
Wrea Green	13
Elswick	6
Weeton	6
Wharles	6
Westby	4
Moss Side	3
Great Plumpton	3
Greenhalgh	2
Peel	2
Singleton	2
Inskip	1
Salwick	1
Non specified Fylde	136

**Below is a table to show the percentage of residents completing the questionnaires under each age category**

<b>Age Groups</b>	<b>Percentage</b>
Under 16	9%
16 –29	9%
30-44	15%
45 – 59	21%
60+	46%

Women tended to participate more than men, with 56% (61%) of those responding being female. 94% described themselves as White British (90%) and 19% said that they were registered disabled (11%)

<b>Ethnicity</b>	<b>Number - Total Respondents 1388</b>
White British	1330 - 94%
White Irish	7
Any other white	30
Mixed white & black Caribbean	1
Mixed white & black African	1
Any other mixed background	2
Indian	1
Pakistani	5
Bangladeshi	2
Caribbean	1
African	3
Any other Black background	2
Chinese	3

18 47% questioned had lived in the borough for more than 20 years, perhaps as a reflection of the larger number of older adults participating. However, 27% had been living in the area for less than 10 years demonstrating that there is a sizeable migration to Fylde. These figures correspond to last years findings

**Satisfaction with Services**

19 Residents were asked to rate their satisfaction with a number of local services delivered by Fylde Borough Council or partner organisations. They were also given the opportunity to not rate a service if they did not feel they could answer the question. **Overall, 87% (90%) of residents are satisfied with Fylde as a place to live.**

<b>Service</b>	<b>% of people who were very/fairly satisfied with the service 2006</b>	<b>% of people who were very/fairly satisfied with the service 2005</b>	<b>Variance %</b>
Street Cleaning	75	75	0



Refuse Collection	82	84	-2
Parks and Open Spaces	75	81	-6
Road maintenance	44	48	-4
Car Parking	46	49	-3
Public Transport	76	80	-4
Planning Service	53	52	+1
Leisure facilities	57	64	-7
Shopping	74	83	-9
Health Services	84	86	-2
Education services	85	83	+2
Facilities for young people	33	39	-6
Facilities for older people	62	69	-7
The Police service	61	62	-1
Overall satisfaction with Fylde as a place to live	87	90	-3

20 The figures show that there are a number of services with lower satisfaction in 2006 than the previous year. The services that show the greatest variance are leisure facilities, shopping, parks and open spaces, facilities for both older people and young people. Any improved satisfaction is marginal.

21 Services that were rated particularly well were: health, refuse collection, education, parks and open spaces. Education services got the most positive response with 85% of residents satisfied. The excellent work carried out in refuse collection is reflected with 82% satisfaction. 82% of residents are satisfied with the refuse service.

22 Services that were rated by more people as unsatisfactory rather than satisfactory were road maintenance, facilities for young people and car parking. This repeats the findings from last year. The lowest satisfaction rate is for young people's facilities at 33%. It shows a considerable improvement from 2003 at 17% but was higher last year (39%)

### **Do you feel Informed?**

23 Residents were asked where they go to get information about services. The following tables show where residents currently get their information and where they would like to get their information.

<b>Current means of communication</b>	<b>%</b>
Local newspapers	66.3
Leaflet delivered through the door	43.7
Friends/relatives etc	37.8
Council offices/One Stop Shops	29.9
Local radio	29.4
Television	27.1
Libraries	27.1
Councillors newsletters	23.7
Website/internet	22.7
Tourist Information	22.6
Age Concern	17.4
Citizens Advice	15.8
Personal contact with councillors	15.7
Other	3.4

<b>Preferred means of communication</b>	<b>%</b>
Local newspapers	15.7
Leaflet delivered through the door	14.1
Website/internet	13.1
Council offices/One Stop Shops	12.6
Personal Contact with councillors	10.9
Councillors newsletters	10.5
Citizens Advice	8.5
Libraries	8.4
Tourist Information	7.8
Age Concern	6.9
Television	6.6
Friends/ relatives etc	6.4
Local radio	6.2

*NB Percentages do not add up to 100% as multiple answers are allowed*

24 This data shows that residents would prefer more personal contact with councillors and receive more information from the website. They would not wish to rely on receiving information from friends and relatives. They would prefer less information from local television and radio.

### **Fear of Crime (last years figures in brackets)**

25 Residents were asked how safe they feel their local area is during the day and at night. The results showed that 93% (90%) feel safe out and about during the daytime but fear of crime increases when it's dark with just 52% (49%) feeling safe outside at night. This shows some improvement from 2005

26 It is felt that the increase in the use of CCTV together with improvements in lighting have gone some way towards building public confidence and reducing the fear

of crime. The introduction of more specific facilities for young people, such as youth shelters and skateboard parks has seen a significant reduction in the number complaints about young people in the town centres. These interventions together with the 'Clean Sweep' operations, which include the removal of graffiti, all contribute towards the 'feel good factor'.

### **Local Democracy**

27 The next question concerned residents' involvement in local decision making. They were firstly asked how satisfied they were with their ability to influence local decision making. Only 29% (36%) felt satisfied with their ability to influence decision making and 58% (45%) were unsatisfied. 13% were unsure.

### **If you had the opportunity to allocate some of your council tax money for a specific purpose, what would it be ?**

28 The summary table below shows which services residents consider their priority for allocation of funding under broad headings plus some more detail on what aspect of that service they are referring to

<b>Resident's suggestions as to where they would spend extra Council Tax</b>	<b>Number of suggestions</b>
Road and pavement maintenance, public transport and car parking provision	328
Provide more facilities for children and young people	207
Community Safety including more Police presence (128)	195
Activities and Interests (Leisure, sports, arts)	176
Waste collection and street cleaning	134
Council services including Public toilets (42)	117
Parks and gardens	69
Regeneration	58
Facilities for older people	50
Health services	40
Education	18
Housing	8
CAB	7

### What do you think is the biggest issue facing Fylde

29 There were many individual replies, but these specific issues received the largest response.

Issue	Number of Comments
Law and Order, including Anti social behaviour Crime – vandalism, alcohol and drug abuse, murder, muggings, violence, youth offences, street crime, Lack of Police	215
Housing\Planning\Development\Regeneration, including : Lack of Affordable Housing Overdevelopment of expensive apartments Non-appropriate housing	163
Finance, including : Budget, Money, Funding, High Council Tax	93
Lack of Facilities for Young people	57
Shops, including Better shops, empty shops	37
Roads	22

### Employment Status

Employment status	Number – Total respondents 1421
Employee in full time job (30hrs + per week)	344
Employee in part time job (under 30hrs per week)	128
Self employed - full or part time	72
On Govt. Supported training programme	128
Full time student	1
Unemployed and available for work	13
Permanently sick/disabled	42
Wholly retired from work	613
Looking after the home	53
Other	27

30 There is a noticeable discrepancy in the above table. The figure of 1 full time student does not concur with the known fact that a significant number of questionnaires were completed by school pupils. It is assumed that as the pupils were not taken the questionnaire personally most pupils did not complete the employment question as they did not recognise that it was aimed at them.

## **Visitors Survey**

### **Reason for visit (Last years figures in brackets)**

31 There were 507 visitors to Fylde questioned on Community Listening Day having been approached by a Listening Day volunteer. **An encouraging finding is that 96% of visitors to Fylde would recommend the area to others to come and visit. This is exactly the same as last year.**

32 As Listening Day was intentionally undertaken during the traditional holiday period this high figure is not unexpected. Of these visitors 56% (61%) were here on holiday, 18% (15%) for work purposes, 16% (11%) visiting friends or relatives and 10% (10%) shopping.

<b>Age Group</b>	<b>Actual No.</b>	<b>Percentage</b>
Under 16	15	3%
16 – 29	38	8%
30 – 44	104	21%
45 – 59	107	21%
60+	238	47%

33 Of these, there was an exact 50% split between male and female visitors. This was the same result as last year

### **Visitors with Disabilities**

34 17% of visitors considered themselves to have a disability that limits them

### **Accommodation**

35 Nearly half of those visiting 48% (47%) were staying in the area overnight. Of these 94% (96%) were satisfied with their accommodation, 78% (73%) indicated that they were *Very Satisfied*.

36 Those who were staying overnight gave the area in which they were staying. St Annes was the most popular but the survey showed we attracted a number of day-trippers from Blackpool.

The destinations in which people were staying are shown in the table below and are grouped into areas.

<b>Destination</b>	<b>Number – Total respondents 218</b>
St Annes	151
Lytham	31
Blackpool	25
Warton	3
Preston	2
Wrea Green	2
Ribby Hall	2
Ansdell	1
Staining	1

### **Transport**

37 When asked how they travelled to Fylde, 78% (80%) came by car and 19% (18%) by public transport (bus, train, air). 2% came on foot and 1% by bike. This shows the level of importance that the car has as the preferred means of transport. Visitors to the Borough do not see parking as a problem as 87% (89%) found it easy to park on their arrival. This contrasts with residents' perception of car parking which scored just 46% (49%) satisfaction rating. This is indicative of the differing expectation of parking that residents and visitors have and could be explained by the historical, but unsustainable, trend of lenient parking.

### **Safety**

38 Visitors were more likely than residents to feel safe in the borough both during the daytime and at night. Most visitors 99% (97%) felt safe during the day compared to 93% (90%) of residents and at night 86% (83%) of visitors (two thirds answered the question) felt safe at night compared to 52% (49%) of residents.

### **Good services for visitors**

39 As previously stated, 96% of visitors to Fylde would recommend the area to others to come and visit. When asked to rate a number of services in the Borough a fantastic 98% were satisfied overall with the area. No one service was particularly rated low as over 89% of visitors to Fylde were satisfied with any one of them. This is the same result as last year.

The summary table below shows the percentage of visitors answering the question that rated the service as '*Very Satisfied*' or '*Fairly Satisfied*'

<b>Service</b>	<b>% of people who were very/fairly satisfied with the service 2006</b>	<b>% of people who were very/fairly satisfied with the service 2005</b>	<b>Variance %</b>
Street Cleaning	96	98	-2
Parks	96	97	-1
Restaurants and eating out	96	96	0
Roads	89	94	-5
Leisure	92	93	-1
Facilities for children	92	93	-1
Shops	92	92	0
Information about the area	93	91	+2
Overall	98	98	0

### **What did you like most?**

40 Visitors were then asked what they liked most about the area. Many described the overall feel of Fylde as a quiet, countryside and coastal destination for a family day out. The borough's cleanliness and good environment were particularly valued.

The comments are grouped into themes shown in the table below.

<b>What visitors liked most about the area</b>	<b>Number of comments- Total 506</b>
Pleasant, peaceful relaxed atmosphere	114
Green environment, open spaces, scenery	107
Specific locations i.e. parks, beach etc	87
Clean and tidy area	56
People are nice and friendly	30
Good range of activities	29
Good for shopping	21
Quality restaurants	17
Not commercialised, no arcades	17
Safe for children, child friendly	14
Safe place to visit	10
Good hotels	2
Good for older people	2

### **Suggested improvements ( Last years figures in brackets)**

41 Visitors were then asked what they would change or improve. Most offered some suggestion, even if 149 visitors (195) said that they would not change anything! Of

the rest, more sports/leisure facilities and better shopping facilities were the two most popular comments. This is followed by complaints over the lack toilets and parking facilities. Which were also the main areas of complaint last year.

<b>Suggested Improvements</b>	<b>Number of comments – Total 360</b>
Change nothing at all	149
More sports/leisure facilities	27
Better shopping facilities	26
More parking	24
More toilets	20
Lower prices for facilities etc	20
Reduce dog fouling	15
Less traffic	15
More facilities for young people	13
Like/don't like regeneration	12
Better facilities for disabled	11
Better park facilities	6
Better weather	5
More bins/cleaner streets	4
Reduce gangs of young people	4
Cleaner beach	3
More cycle paths	3
More restaurants	2
Better accommodation	1

### **Ethnicity of Visitors**

<b>Ethnicity</b>	<b>Number - Total Respondents 478</b>
White British	446 - 93%
White Irish	4
Any other white	20
Mixed white & black caribbean	1
Mixed white & black african	2
Any other mixed background	0
Indian	0
Pakistani	0
Bangladeshi	1
Any other Asian background	3
Caribbean	0
African	0
Any other Black background	0
Chinese	1



## **Conclusions**

42 This report presents the initial findings from the Community Listening Day and associated initiatives. It does not attempt to cross analyse findings, for instance, the number of under 16s who feel that they are not able to influence decision making. If partners wish for that data to be analysed, or any other combination of data, that can be done.

43 There are no recommendations in this document other than those listed below. Specific data should be considered by the service provider and the report should be used by management, members and employees as a key reference document to support service planning and new initiatives.

44 The range of consultation initiatives used has identified consistent themes running throughout the findings which provide considerable evidence as to what customers want from the authority. Local authorities are required to listen to the views of their customers and respond to identified customer need. Community Listening Day provides an effective overview of the main issues identified by customers though some of the issues will need further investigation at the service level. The findings provide useful information on the levels of customer satisfaction with service provision overall which can be monitored over time.

45 In order to achieve the most benefit from this process the following actions are recommended:

- 1 Communicate the results to elected members, staff and partner agencies through committee meetings, partnership meetings, internal publications (e.g. Grapevine), the intranet and debriefing sessions.
- 2 Communicate the results to the public through press, Fylde in Focus and the council website and in direct contact with the public by partners, elected members and officers of the council.
- 3 Engage in additional research as required. Listening Day, although valuable, is just one means of consultation and support from other sources should be sought. For example, the citizens panel, focus groups and multi agency events may add further insight into specific key issues.
- 4 Reflect key findings in strategic documents, specifically the Community Plan and the Corporate Plan.
- 5 Ensure that any resulting improvements to services originating from Listening Day and other consultation are directly communicated to the public to demonstrate their real role in influencing the decision making and service delivery process.

46 It is accepted that the partner organisations will draw their own conclusions from Community Listening Day and may formulate their own responses to this data. As far as Fylde Borough Council and the Local Strategic Partnership suggest the

recommendations are presented to the decision makers on these bodies for their consideration when allocating resources.

47 A considerable amount of time and resources has been devoted to Community Listening Day which has produced effective results. The authority will be wasting these resources if it does not take up the recommendations in this report. Members have a responsibility to ensure that service provision is moving towards identified customer needs. It is anticipated that The Community Listening Day event will be held in 2007 taking into account any further comments and improvements identified by the participating partners and their staff.

Copies of the full data are available.

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
FINANCE	CABINET	15 <sup>TH</sup> NOVEMBER	9

## MEDIUM TERM FINANCIAL STRATEGY 2007/2012

### Public Item

#### Summary

This report updates the Medium Term Financial Strategy and highlights the financial pressures which the authority faces in providing quality services within the finances likely to be available over the next five years. To ensure that the finances of the Authority continue to be stable it is important that the Council ensures the effective implementation of a robust efficiency/value for money programme.

#### Recommendation

1. That members approve the Medium Term Financial Strategy, noting the financial position as outlined in the report and the way forward to ensure a sustainable financial future.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio: Finance and Efficiency: Cllr P Rigby

### Report

#### Medium Term Financial Strategy

- 1.1 The Medium Term Financial Plan has been developed through a process involving:
  - an assessment of service priorities, based on local priorities drawn from the Community Strategy and national shared priorities, all reflected in the Councils Corporate Plan.
  - An understanding of service needs and pressures
  - The ability of the Council to fund its priorities from available resources
  - The need to maintain a focus on cost efficiency and value for money

- 1.2 The Councils approach to medium term financial planning aims to summarise the financial context within which it is working and provide a stable financial framework for the period of the plan. It also helps to identify and address new statutory requirements, known financial pressures and new government initiatives and ensure that financial resources are made available to deliver our future strategic priorities.
- 1.3 The purpose of this medium-term financial strategy is to review the potential budget implications of current spending patterns, anticipate and plan for future budget pressures, to review the potential resources available to the Council over the next five years to meet its spending requirements, to review the policy over the level of reserves held by the Council and consider the implications of this information on the levels of Council Tax.
- 1.4 A key objective of the Medium Term Financial Plan is to make it clear how we link budgets to policies and decide how to allocate financial resources effectively to areas of most need, taking account of the priority for spending and investment, and the views of our residents and customers

## **2 Alignment to Corporate Priorities and Policies**

- 2.1 The Council has set a series of priorities and objectives within its Corporate Plan relating to:

- To improve the local environment,
- To tackle crime and the fear of crime,
- To promote a strong economy and quality jobs,
- To secure the health and wellbeing of everyone, and
- Delivering high quality, value for money services.

If the Council's commitments under the approved Community Plan are to be delivered, then these corporate priorities have to be met.

- 2.2 The Council cannot however do everything it wants to, nor can it meet all of the expectations of its partners and customers as it is restricted by the amount of money it has available to spend on services. The Council must therefore prioritise its spending to best meet its overall aims and objectives, as contained in the Corporate Plan.
- 2.3 The corporate plan identifies the key activities that the Council will take to achieve the plan and identifies the budgetary implications which are built into the medium term financial strategy. The Council can demonstrate that to achieve its corporate priorities it has invested significant amounts in priority areas including recycling initiatives, with the result that it is one of the leading authorities in the country, and housing in line with the corporate plan and housing strategy.
- 2.4 Spending proposals are also closely linked to service plans, which contain details of service priorities in line with the corporate plan.
- 2.5 New schemes requiring revenue funding are considered by a member task group who rank schemes against the Councils corporate priorities and consider the financial implications. The results are then considered by the Performance Improvement Community Forum prior to being submitted to the Cabinet for overall consideration as part of the annual budget process.

## **3 Revenue Projections**

- 3.1 Overall the financial strategy is to reach a financial position where:
- The budget supports the objectives and priorities of the Corporate Plan
  - Annual expenditure is matched by annual income

- There is no reliance on the use of balances in the budget
- No more than inflationary council tax increases year on year.
- The maintenance of adequate reserves
- Income is maximised by charging market rates taking into account council policy
- Joint working opportunities are maximised
- Value for money is maximised including the achievement of Gershon efficiency savings and is used as the vehicle to improve efficiency and help balance the budget.

3.2 Looking forward, Table 1 illustrates the projected net borough budget requirement and the budget gap between income and expenditure over the next five years. The starting point for the projections is the current 2006/07 budget for which each cost centre budget is clearly identified to the high level budget manager within the budget book. This projection also takes account of the 2005/06 revenue out-turn and is based on the following main assumptions:

**Table 1 – £'000s**

	2007/08	2008/09	2009/10	2010/11	2011/12
Net Borough Budget Requirement	11,034	11,505	11,965	12,297	12,589
Less Council Tax	4,800	5,059	5,329	5,611	5,906
Less Govt Grant	5,456	5,591	5,731	5,876	6,023
<b>Budget Gap</b>	<b>778</b>	<b>855</b>	<b>905</b>	<b>810</b>	<b>660</b>

- Pay and price inflation will continue at 2.5% per annum over period 2007/08 – 2010/11.
- Council Tax annual increases of 4.9% per year
- Energy costs to rise 10%
- Income will continue to be maintained at 2006/07 levels plus an inflationary increase of 3% per annum.
- The ongoing job evaluation exercise due to be completed later this year will increase payroll costs by £300,000 (approx. 3% payroll costs).
- Repair and maintenance of Council buildings will continue to be made at 2006/07 levels.
- The Council will meet its efficiency target under the Gershon review. The year on year target is £270,000 to 2007/08 of which £135,000 must be direct cashable savings. For the purposes of these projections it is assumed that these targets remain over the term of the strategy and are achieved.
- As part of the 2006/2007 grant settlement, the Government provided details of the level of grant for 2007/08 and this figure is included in the forecast for that year. The Governments 2007 Spending Review will determine ongoing levels of support. For the purpose of this Strategy, it has been assumed that the level of formula grant for 2008/09 and 2009/10, will be equivalent to the level of grant received for 2007/08 inflated by 2.5% per annum.

3.3 This strategy is produced to be consistent with and include the impact of other significant strategies and plans in the Authority which include the following:

- Corporate Plan
- Community Plan
- Procurement Strategy
- IT Strategy
- Human Resource Strategy
- Capital Strategy
- Asset Management Plan
- Treasury Management Strategy

3.4 The deficit position indicated at table 1 was highlighted in the budget reports presented to Cabinet and the Council in February as part of the 2006/07 budget setting process. The reasons for the deficit are

- one-off actions taken to balance the 2006/07 budget.
- the capitalisation of some of the salaries of the regeneration team in 2006/07 which may only be continued after the completion of the St Annes scheme if work on the 'classic resort' starts.
- a reduction in investment income and the take on of debt costs as capital receipts are run down through expenditure on the capital programme and borrowing is used to finance the capital programme in future.
- The reduction in housing benefit administration grant paid to Fylde by the Government to deliver a benefits service. This reduces by £57,000 in 2007/08 and by a further £12,000 in following years.
- revenue growth pressures including the implementation of job evaluation in 2007/08.

### 3.5 Revenue Growth Pressures

#### - Job Evaluation

Estimates of the impact of job evaluation vary greatly and it is therefore difficult to predict the likely increase in costs. For the purposes of these projections a figure of 3% of payroll costs has been included.

#### - Employers pension contributions

As a result of the last actuarial valuation carried out at the 31 March 2004 the Councils employer contributions, for the staff who currently work for the council, have been increased from 9.8% to 15.1%. Instead of one large increase in the current year, the regulations allow the increase to be phased in over three years resulting in an increase of approximately £90,000 in 2007/08. To be prudent it is assumed that further increases in employer contributions will be required in future years.

#### - Concessionary Travel

The costs associated with the implementation of free bus travel within Fylde are currently estimated to be £200,000 more than the budget. The budget was based on the figures of the consultants employed by Lancashire County Council but these have proved woefully inaccurate. The Lancashire Chief Financial Officers group is currently reviewing the situation with a view to reducing the impact of these increasing costs. While it is hoped that costs can be brought back to the current budget for future years a figure of £100,000 has been added to the budget for future years to cover any excess on the current scheme and any shortfall in government funding when the scheme goes free nationally in April 2008.

#### - Community Projects Fund/Rural Economic Prosperity Fund

Both of these initiatives have been highlighted by members and in the corporate plan for further action and investment from 2007/08

#### - Coastal Defences/Young Peoples Facilities/Regional Planning Fund

In accordance with the corporate plan budget provision has been made for these items from 2008/09 onwards.

#### - Contingency

In accordance with past experience a contingency for unforeseen expenditure has been included at £50,000 for 2006/07 and £100,000 for future years.

## Options

3.6. Put simply the options to balance the budget are to:

- produce efficiency savings.
- raise more income from fees and charges and the council tax. Council policy is to charge market rates and this will be applied during the forthcoming budget process. It is likely that council tax increases will be capped again next year at 5%.
- stop doing things which aren't a priority.
- address equitable taxation – the effect of an equitable taxation budget is being developed in tandem with the normal budget.

## Efficiency Savings

- 3.7 Given the significant demands and pressures on the revenue budget, the need to rigorously identify and pursue efficiency savings is essential to enable a sustainable budget to be maintained over the medium term.
- 3.8 The Councils strategy for achieving value for money and efficiency gains is outlined at appendix 1 and is expected to play the key role in helping to release the required resources to balance the budget and allow future growth and investment in services. The Council has developed a value for money, management action plan to support these aims. However many of the outcomes will not be achieved in the short term and this is addressed through the recommended creation of a budget support reserve at para 5.5

## Risk Assessment

- 3.9 An assessment of the risks associated with the medium term financial strategy is included at appendix 2. This includes the controls and processes in place to control and monitor them.

## 4 Capital Spending

- 4.1 Capital expenditure is a strategic investment involving major expenditure on fixed assets that provide benefits to the Council and the services it provides for more than one year. It is therefore essential that this type of expenditure is properly planned and to this end Fylde currently has an approved capital strategy and asset management plan which provides guidance on capital investment. This includes a process whereby all proposed schemes are ranked by members on their ability to help the council meet its objectives.
- 4.2 The Council uses capital resources in accordance with the following key principles:
- Resources are directed towards achieving the Councils vision and priorities.
  - All potential sources of external grant funding will be explored in resourcing priorities.
  - Alternative approaches to procurement such as partnering will be considered.
  - Spending represents value for money and all resource implications have been taken into account to ensure that the project is both affordable and sustainable.

## PRESSURES

- 4.3 The pressures on capital spending arise from a number of areas but most notably from the housing strategy where the council recognises the need to invest further and also the poor condition of many council buildings and assets, allied to the requirements of the Disability Discrimination Act. Significant investment has now been made in these areas and the Council is finalising plans to develop the current Town Hall site to provide new office accommodation for staff as well as improved civic facilities. It is intended that the revenue effect of the development will be neutral with funding coming primarily from the sale of council assets and the letting of the Wesham offices. The corporate plan also identifies a number of areas requiring capital investment in the future including coastal defence work, improved facilities for younger people and commitment to developing the classic resort concept for St Annes.
- 4.4 Essential works on the crematorium programmed for 2009/10, with a value of £800,000 will be financed by a leasing arrangement, rather than being reliant on the use of capital receipts or borrowing. Fees will be increased at that time to cover the repayment of the leasing charges. The effect of this investment is not expected to fall on the revenue budget until 2010/11 financial year.
- 4.5 In accordance with the capital strategy the council approved a 5-year rolling capital programme starting in 2006/07 which is summarised in the table below. Since then there has been a commitment in the corporate plan to develop the classic resort concept and the capital forward projections have been updated to reflect this and other commitments in the corporate plan.

#### FUNDING

	06/07	07/08	08/09	09/10	10/11
	£'000	£'000	£'000	£'000	£'000
<b>Capital Programme Funding:</b>	1,048	1213	1443	1303	1103
Right to Buy Receipts	150	100	50	0	0
Target Asset Sales	100	100	100	100	100
Govt Grant					
- Disabled Facilities Grants	285	285	285	285	285
- Housing Grant	428	428	428	428	428
- Borrowing	85	300	580	400	290

- 4.6 The funding shows that there is a requirement to borrow year on year which could be reduced if asset sales are increased. The cost of the capital programme is the cost of borrowing which falls on the revenue account and is effectively funded by the taxpayer. The costs identified have been built into the revenue projections.

#### Cost of the Capital Programme

Year	06/07	07/08	08/09	09/10	10/11
Funding:	£	£	£	£	£
Cumulative Borrowing Costs	7,650	34,650	55,350	91,350	117,450

## 5 Earmarked Reserves and General Balances

- 5.1 Reserves and balances are held for three main purposes:
- a working balance to help cushion the effect of uneven cash flows and to avoid unnecessary temporary borrowing.
  - A contingency to cushion the impact of unexpected events or emergencies
  - A means of building up funds, often referred to as earmarked reserves to meet known or predicted liabilities



- 5.2 The Council currently has a policy of using general fund balances in excess of the minimum requirement to be used if necessary to balance the budget in the short term with a view to achieving the ultimate goal of being able to produce a balanced budget without the need to use any reserves or balances. If the balance falls below the recommended level it will need to be topped up from the general fund revenue account. The current recommended minimum level for general fund balances is £500,000 and at 31 March 2006 there was a balance of £1,097,000, an excess of £597,000.
- 5.3 The current minimum general fund balance is based on the CPA recommendation that balances should be at least equivalent to 5% of the net revenue budget plus the authority's Bellwin threshold for meeting expenditure in an emergency situation. Based upon this, the minimum level of balances to be maintained in 2007/08 is £530,000. This level is also judged to be in accordance with the risk management strategy and the corporate risks currently identified and managed through the risk management group. Against this the Council currently has challenges with the concessionary travel scheme and lower than expected income levels in planning. Action is being taken to minimise the effects but until the out-turn position for 2006/07 is known with more certainty it is recommended that the current level of balances be retained.
- 5.4 The level of earmarked reserves held by the Council at 31 March 2006 was £2,192,000 including £625,000 from developers for affordable housing. It is recommended that the total level of earmarked reserves should not exceed 20% of the Council's net budget excluding capital reserves or reserves generated from external sources and that they should not be used to support items of recurring expenditure without a plan to finance such expenditure in the long term, nor be over committed.
- 5.5 The Council currently holds £325,000 in a housing benefits reserve to cover the effect of any variation in levels of housing subsidy as a result of the new funding arrangements, the effects of which were uncertain. The audit of the Fylde subsidy claim is due to be completed by Christmas and if there are no alterations it is recommended that this reserve be redesignated as a budget support fund. This reserve could be used in the short term to support the budget position until efficiencies are delivered to balance the budget, either directly or by funding investment to save opportunities. It is further recommended that it be combined with the investment to save reserve of £50,000.
- 5.6 There are also a number of historical departmental reserves which are no longer earmarked for a specific purpose. They total £28,000 and it is recommended that they, also, be amalgamated with the new budget support reserve.
- 5.7 The organisational development reserve essentially serves the same purpose as the modernisation reserve and is adequately funded at £200,000. It is therefore recommended that the balance on the modernisation reserve of £118,450 be added to the budget support reserve. This would give a total of £521,450, subject to a clean audit bill of health on the housing subsidy claim.

## **6 Conclusion**

- 6.1 The Council will continue to face strong financial pressures over the next five years. The effect of these pressures is being addressed now through the efficiency/value for money programme. This process needs to be developed to continue as the cornerstone of the Council's financial strategy to enable it to move forward and meet the corporate and community plans in future. In the meantime the creation of the budget support reserve will help to alleviate budget pressures over the next few years.

Implications	
Finance	As above
Legal	-
Community Safety	-
Human Rights and Equalities	-
Sustainability	-
Health & Safety and Risk Management	A risk assessment of the financial projections is included

Report Author	Tel	Date	Doc ID
Brian White	(01253) 658566	Oct 06	MTFS

List of Background Papers		
Name of document	Date	Where available for inspection
Corporate Plan, Capital Strategy, Treasury Management Strategy, Procurement Strategy, IT Strategy, HR Strategy  Revenue 5 Year detailed projections.	Oct 06	Town Hall, St Annes

### Attached documents

Appendix 1 - Strategy for Achieving Efficiency Gains

## **Strategy for Achieving Efficiency Gains**

The aim of securing efficiency gains is to reinvest cash savings and direct resources towards the achievement of both corporate and service specific objectives whilst, at the same time, seeking to minimise any increase in the level of council tax.

The Council has a strong track record of reviewing its spending in order to identify administrative and efficiency savings as a key element of the budget and tax setting process. A rolling five-year financial strategy forms the basis of the authority's forward financial planning which is linked to the achievement of key strategic objectives. This includes matching and aligning resources to key priority areas. The Council will improve efficiency by examining methods of raising productivity and enhancing value for money. The Council will follow closely best practice guidance in this field and will use a range of mechanisms to deliver its efficiency savings. Fylde's efficiency framework will make use of the following strategies to help achieve its efficiency targets.

### **Making effective use of opportunities for Partnering, Joint Working and Collaboration**

- The Council recognises that it cannot work in isolation to deliver the efficiencies required. It has already fostered strong working relationships in a range of service areas with partners such as Blackpool and Wyre Council.
- The Council will maintain and develop its partnership working arrangements with stakeholders to ensure that opportunities for joint service delivery arrangements are identified and pursued. Collaborative working, either internally or externally, to delivery efficiency gains will be supported.

### **Securing Efficiencies through the Council's Procurement Strategy**

- Effective procurement strategies, practices and procedures are expected to play a key part in the Council's strategy to achieve its efficiency targets.
- The Council will build on its procurement strategy working towards the National Procurement Guidelines and the National Procurement Strategy milestones.
- We will be targeting efficiency savings in appropriate categories of spend and exploring the full range of procurement tools including e-procurement.

### **Securing Efficiencies through the Council's E Government Strategy**

- The Council aims to transform services to make them more accessible, convenient, responsive and cost-effective. Investment is being made in web-based transactional services to increase and improve the effectiveness of interactions between residents and the Council.
- A range of other initiatives including a major programme of business transformation across all service areas will be developed.

### **Making effective use of Financial, Physical and Human Resources**

- The Council's cashable efficiency savings target has already been incorporated in the Council's medium term financial plan covering the period 2007-08 to 2011-12. In future planning rounds, service and financial planning will require a sharper focus on efficiency.
- The Council has a track record in managing its financial resources effectively and will strongly pursue practices to achieve and demonstrate value for money is being secured. The Council will ensure, through its financial strategy, that resources and investment are made available in targeted areas to secure the required improvements in service delivery, efficiency and effectiveness.
- The Council's physical assets will be maintained in accordance with the asset management plan and provision made in revenues and capital budgets for maintenance and investment programmes to ensure effective and efficient use of assets. The Council has an asset disposal strategy which will provide additional resources for investment in Council services.
- A strategic approach to the Council's use of human resources will be taken via improvements being considered in workforce planning and human resources policies and strategies.

### **Undertaking Service Reviews to drive improvements and efficiencies in service delivery**

- Service Reviews are expected to play a key part in challenging existing service provision and exploring alternative models of service delivery. The Council's Value For Money service improvement plan will be aiming to improve efficiency as well as effectiveness (outcomes).

### **Strengthening Performance Management and Monitoring Arrangements**

- The Council will continue to strengthen its performance management arrangements, which is key to securing efficiency gains. Sound programme and project management arrangements will be used that will apply to the delivery of performance improvement, e-government and major procurement projects.
- The Council has integrated efficiency within the existing corporate planning cycle and monitoring activities. This is key to checking performance outcomes, ensuring quality is not jeopardised and that efficiency milestones are met.
- A proper understanding of costs and quality of services will be needed for taking focused action. Robust information on the costs of each service area, including unit cost data, alongside performance data and quality measures will be established, monitored and developed over time to track progress.

In summary, the Council regards the efficiency agenda as a positive opportunity to reshape public services and improve outcomes for citizens. It will be working closely with its partners to take advantage of initiatives to secure efficiency savings. This includes utilising the Regional Centres of Excellence and using them as a vehicle for joint working and collaboration, accessing funds to support joint projects and utilising guidance and best practice with regards to identifying and measuring efficiencies.

Risk	Likelihood	Impact	Control	Review	Responsibility	Reports to
The assumptions contributing to the Financial Strategy prove to be incorrect.	Low/Medium	Medium	Review budget forecasts regularly and continually adjust for known and likely variations that impact on the forecast	Ongoing	Accountancy Services Manager/Exec Manager-Finance	Management Team, Business Units, Cabinet and Council
Spending exceeds budget.	Low	High	Regular budgetary monitoring reports. Updates to medium term financial strategy	Monthly As needed	Business Unit budget managers, Accountancy	Management Team, Business Units, Cabinet
Income levels not achieved in material areas-eg Car parking, Planning, Land Charges	Low	High	Regular budgetary monitoring reports. Updates to medium term financial strategy	Monthly As needed	Business Unit Managers Accountancy	Management Team, Business Units Cabinet
Net benefits expenditure significantly different from budget with new funding regime	Low	High	New benefits regime. Assess implications of final subsidy claim for 2005/06.	Bi-annually for impact of subsidy claim	Benefits Manager, Exec Manager Finance	
Unforeseen spending	Low	Medium	Budget Monitoring. Adequate contingency reserve. Updates to medium term financial strategy	Monthly As needed	Business Unit Managers, Accountancy, Exec Manager-Finance	Management Team, Business Units Cabinet
Job Evaluation/Employ ee Costs	Medium	High	Ongoing monitoring of implementation of scheme and monitoring of employee costs.	Monthly as needed	Exec Manager-Finance, Budget managers, Cabinet	Management Team, Business Units Cabinet
New Schemes / Initiatives	Low	Medium	Review priorities. Assess effects on budget. Updates to medium term financial strategy	As needed	Business Unit Managers, Accountancy, Exec Manager-Finance	Management Team, Cabinet
Efficiency Savings or budget savings not achieved	Medium	High	Review budget forecasts regularly and continually adjust for known and likely variations that impact on the forecast	Ongoing	Business Unit Managers, Accountancy	Management Team, Cabinet
Changes to existing Government funding regimes e.g. RSG, Housing Benefits	Medium	High	Review service priorities, assess other funding opportunities, update medium term financial strategy	As Needed	ExecManager (Finance) and Service Business Units	Management Team, Cabinet and Council
Changes to the local government financial system as a result of the Lyons review	Medium	High	Report due in 2006. Assess implications of proposals and impact on medium term financial strategy	As Needed	Exec Manager (Finance)	Management Team, Cabinet

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
FINANCE	CABINET	15 NOV 2006	10

## FINANCIAL MONITORING REPORT 2006-2007

### Public

This item is for consideration in the public part of the meeting.

### Summary

This report provides an update on expenditure against the Councils capital and revenue budget for the first half of the 2006/07 financial year.

### Recommendations

1. That members approve the capital expenditure of £672,550 which represents 28% of the revised budget.
2. That members note the current projected overspend of £357,100 on the revenue budget and the actions being taken to minimise this.

### Executive Portfolio

The item falls within the following portfolio:

Councillor P Rigby

### Report

#### 1 Capital Programme

The attached appendix 1 gives summary details of expenditure by capital scheme for the first six months of the year.

- Item 1 to 5: Regeneration

The English Heritage schemes (Item 1) supported over the last 6 years are nearing completion with some final works and payments to be made over the next few months. As advised previously any monies remaining are to be used for a 2<sup>nd</sup> phase of public realm works in the Square.

Phase 4 of St Anne's Square Regeneration (Item 2) will be going out to tender before Christmas and work will start in the current financial year with completion the following year.

The market towns project (Item 5) will involve the spending the additional funding from LCDL of £25,000, which will increase the budget to £50,000, and should be fully spent by the end of the year.

- Item 7: Accommodation Project

This expenditure represents the ongoing evaluation work in relation to the accommodation project and, as with last year, will be funded from reserves.

- Item 12: Cemetery & Crematorium Improvements

The work on relining the Cremator is now complete and there have been a number of additional costs in relation to the new book room, which was part of the 2005/2006 capital programme.

- Item 15: Sea Defence Works

This is the final spend on sea defence works at Fairhaven from the 2005/06 budget.

- Item 18: Implementation of Youth Shelter Strategy

The Youth shelter budget is allocated according to a schedule determined through the Youth Shelter strategy. This year a shelter has been installed at Blackpool Road although the spend has not yet hit the ledger. It is envisaged that the remaining budget will allocated before the end of the financial year.

- Items 19 & 20 Bandstand Boating Pool & Promenade Gardens Paddling Pool

These items of refurbishment and modernisation are earmarked within the capital programme as match funding to support the Classic Resort programme bid, the outcome of which should be know early in 2007. Because of the timing of this process it is likely that the expenditure will need to be slipped into the following financial year.

- Item 21: Restoration of Ashton Gardens

The Heritage Lottery fund has awarded Fylde an additional £39,300 for the planning and development stage of the Ashton Gardens project which is now ongoing.

- Item 22: Playground Equipment

The replacement programme for playground equipment is an activity that can only be undertaken during the winter months. There is unlikely to be any expenditure in this area before December 2006.



- Item 23: Kirkham Memorial Gardens

A landscape architect (Mr. Richard Eaves) has been engaged to lead on the project and we have engaged consulting engineers Faber Mousell to appraise the damage and produce in conjunction with the landscape architect a design brief for the repair and subsequent tendering of the work.

It is the intention to restore the steps and the alpine garden in the rockery to its original standard. As soon as the design brief is completed it will be placed before the Kirkham Town Council for discussion/consultation.

A new semi-permanent fence will be erected around the affected area by mid-November.

## **2 Revenue Monitoring**

The report presents the position after the first half of the year. Appendix 2 shows the projected spend by portfolio. The individual detailed budgets have been reviewed with relevant managers and the purpose of this report is to highlight some of the key risk areas within the budget together with any areas which are already showing signs of being significantly different from the budget.

The overall picture shows that if current trends continue to the year end the revenue budget could be approximately £357,100 overspent, with the major variances being on concessionary travel, streetscene and the shortfall in planning income. To prevent this occurring action is currently being taken as highlighted below.

- Customer Relations and Partnerships - Concessionary Travel

The original budget was based on the figures produced by consultants, employed by the County Council, for the introduction of the new 'free' scheme together with a contingency uplift of 10% giving a total budget of £550,000. Latest estimates show that this could be over £200,000 overspent due to greater than expected demand for the scheme. This is currently being explored through the Lancashire Chief Officers group as a matter of urgency and a meeting has been set up on December 1<sup>st</sup> for senior councillors and members from across the Lancashire authorities to discuss the situation, and options available..

- Corporate Performance and Development

The increase in members allowances agreed at the end of July has increased costs by £65,000.

- Finance and Efficiency

The budget includes a figure of £150,000 which is due to be received from the public service agreement via the Government and Lancashire County Council and which relates to achieving targets relating mainly to waste collection and benefits. The latest figures from the County Council suggest that the Council is likely to receive £125,800. However the grant will now be split in equal portions between revenue and capital. This means that while the Council will have £62,900 more in capital resources, it will be short on the revenue budget. To try and overcome this we are looking for areas of current revenue spend which it may be possible to charge to capital.

The annual spend on housing and council tax benefit is estimated to be £14.5m. Based on the out-turn from 2005/06 the housing benefits budget will be underspent by £85,000

which should carry through to the year end and may increase once we have further information. Depending on the outcome of the audit of the 2005/06 housing subsidy claim the underspend could be up to £200,000.

- Development and Regeneration

Planning fees for the year are budgeted at £400,000 and are down by approximately £60,000 in the first six months of the year.

- Streetscene

The Fylde and Wyre refuse and recycling contracts with a combined value of £6.5m currently show an estimated year end overspend of approximately £130,000. This is offset by projected underspends on public conveniences of £30,000 and sea defence works of £20,000. Action is currently being taken to minimise the Streetscene overspend by prudent management of the fleet and labour costs to bring the overall year end spend within budget. However at this stage it is prudent to highlight the possible overspend.

- Culture and Tourism

Income at the game sites is up by £20,000 but this is more than offset by a reduction in income of £15,000 at each of the two swimming pools.

- Community and Social Wellbeing – Land Charges

Total income for the year is budgeted at £168,000 and halfway through the year income levels are up by £10,000.

- Employees

The Council has an annual budget for employee expenses of almost £9.3m. Overall employee costs are currently over the profiled budget by £300,000 which is due to the effect of the Wyre contract after revising figures based on the 2005/06 outturn and the first 3 months operation in 2006/07. However this increase in cost is offset by increased income.

- Investment Income/Debt Costs

Investment income is projected to be up by £50,000 due to the reduced spend on the capital programme.

## **Arrears Monitoring**

The main ongoing debt categories relate to the collection of council tax, business rates and sundry debts.

### Council Tax

The table below shows the total amounts collectable from council tax and the total outstanding arrears for each year since 2000. The table illustrates that over a number of years the collection rate is 99.9% and that we are still actively collecting debts going back 6 years. There is currently £893,713 outstanding representing 0.4% of the total amount collectable since 2000 of £196,437,661.

Year		2000	2001	2002	2003	2004	2005	2006	Total
Amount Collectable		22,532,910.	23,990,562	25,175,634	27,771,049	30,537,087	32,671,747	33,758,672	196,437,661
Arrears at	April 06	37,570	47,170	54,129	86,881	140,023	241,711	841,845	1,449,329
Arrears at	Oct 06	27,055	33,579	39,876	63,142	93,665	171,993	464,403	893,713
% Arrears		0.1%	0.1%	0.16%	0.2%	0.3%	0.5%	1.4%	0.4%

Reminders for missed instalments are sent each month. After two reminders a Final Notice is served for the full outstanding balance. If payments are not brought up to date on a Reminder or Final, Summonses are served, broadly on a monthly basis, for defaulters to appear before the Magistrates Court to show why a Liability Order should not be made. If a Liability Order is made we attempt to make either Attachment from Earnings or a Deduction from Jobseekers Allowance/ Income Support, If we cannot do either of those, because of lack of information or self employment, we send the case to a Bailiff Company for them to levy distress against the defaulter's goods. If the Bailiff Company is unable to recover the debt by distress they return the Order and we have the option of applying to the Magistrates for the person's committal to prison. We have recently had success with serving bankruptcy notices on several longstanding defaulters.

#### National Non Domestic Rate.

The table below shows the total amounts collectable from business rates and the total outstanding arrears for each year since 2000. The table illustrates that over a number of years the collection rate is 99.9% and that we are still actively collecting debts going back 6 years. There is currently £425,275 outstanding arrears representing 0.35% of the total amount collectable since 2000 of £118,747,909.

Year		2000	2001	2002	2003	2004	2005	2006	Total
Debit		14,403,328	16,124,570	17,126,517	17,431,171	17,678,082	18,096,619	17,887,569	118,747,909
Arrears at	01/04/06	22,250	23,706	49,525	64,427	66,182	131,552	470,161	827,806
Arrears at	17/10/06	13,196	20,153	45,813	57,432	45,722	102,960	139,996	425,275
% Arrears		0.1%	0.1%	0.27%	0.3%	0.3%	0.57%	0.8%	0.35%

Recovery of unpaid rates follows a similar timetable and process as Council Tax, except that only one reminder is served and Attachment from Earnings and Deduction from Benefit are not available.

#### Use of Bailiffs

In 2005/06 the cost of employing bailiffs to recover arrears of £329,512 was £18,220 as outlined below.

	C/Tax £	B.Rates £
Value of Liability Orders sent to Bailiffs 2005/06	639,296	165,987
Collected by bailiffs	281,642	47,870

### Sundry Debts

Overall the level of sundry debts has fallen in the second quarter of the year by £43,000 although the aged debt over 30 days has increased by £19,000 to £599,000 including benefit debt of £398,000. All due recovery action has been taken with no reminder letters missed.

Implications	
Finance	As above
Legal	-
Community Safety	-
Human Rights and Equalities	-
Sustainability	-
Health & Safety and Risk Management	-

Report Author	Tel	Date	Doc. ID
Brian White	(01253) 658566	October 2006	Financial Monitoring Q2 2006/07

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
Financial Monitoring Q2 2006/07	October 2006	Council office or web-site address

### **Attached documents**

Capital Monitoring Appendix 1

Revenue Monitoring Appendix 2

### 2006/2007 Capital Programme

Item Number	Scheme Title	Estimated Year of Completion	Original Budget	Revised Budget	External Funding	Net cost to Council	2006/07 Expenditure to 30th September 2006	Variance from Revised Budget	% Spend to Revised Budget
1	Heritage Economic & Technical Support Grant	Mar-06	0	75,370	47,460	27,910	33,903	41,467	45.0%
2	St. Annes Square - Completion	Mar-07	0	623,128	462,236	160,892	34,585	588,543	5.6%
3	Town Centre Funds (St. Annes & General)	Mar-07	0	114,291	94,291	20,000	10,040	104,251	8.8%
4	Conservation Areas / Conservation Area's Restoration Scheme	Mar-07	0	8,000	0	8,000	2,950	5,050	36.9%
5	Market Towns Project	Mar-07	0	50,000	0	50,000	40,825	9,175	81.6%
			0	870,789	603,987	266,802	122,303	748,486	14.0%
6	One Stop Shops / DDA Works & Improvements	Mar-07	0	16,429	0	16,429	0	16,429	0.0%
7	Accomodation Project	Mar-07	0	0	0	0	35,944	-35,944	100.0%
8	Implementing E-Government	Mar-07	0	105,806	0	105,806	72,593	33,213	68.6%
			0	122,235	0	122,235	108,537	13,698	88.8%
9	Disabled Facilities Grant	Mar-07	475,000	475,000	285,000	190,000	185,965	289,035	39.2%
10	Housing Renewal Grant	Mar-07	428,000	428,000	428,000	0	163,210	264,790	38.1%
11	Materials Recycling Facility & Defra Funding	Mar-07	0	12,601	0	12,601	369	12,232	2.9%
12	Cemetery and Crematorium Improvements	Mar-07	15,000	15,000	0	15,000	25,123	-10,123	167.5%
13	Pumping Station Refurbishment	Mar-07	30,000	32,591	0	32,591	1,090	31,501	0.0%
14	Rolling Programme of Footpath Repairs	Mar-06	0	2,311	0	2,311	964	1,347	0.0%
15	Sea Defence Works	Mar-06	0	0	0	0	5,235	-1,285	100.0%
			948,000	965,503	713,000	252,503	381,958	586,959	39.6%
17	Park View Playing Fields	Mar-07	0	91,152	80,552	10,600	57,521	33,631	63.1%
18	Implement Youth Shelter Strategy	Mar-07	16,000	34,995	0	34,995	0	34,995	0.0%
19	Bandstand Boating Pool	Mar-07	0	45,000	0	45,000	0	45,000	0.0%
20	Promenade Gardens Paddling Pool	Mar-07	0	8,000	0	8,000	0	8,000	0.0%
21	Restoration of Ashton Gardens	Mar-10	60,000	127,884	88,584	39,300	2,230	125,654	1.7%
22	Playground Equipments	Mar-07	0	39,523	0	39,523	0	39,523	0.0%
23	Kirkham Memorial Gardens	Mar-09	100,000	100,000	0	100,000	0	100,000	0.0%
			176,000	446,554	169,136	277,418	59,752	384,434	13.4%
	GRAND TOTALS		1,124,000	2,405,081	1,486,123	918,958	672,550	1,733,576	28.0%

**FYLDE BOROUGH COUNCIL**  
**REVENUE BUDGET MONITORING**  
**2006 / 2007**  
**PERIOD 6**

Accounting Period: 1st April 2006 to 30th September 2006

**CABINET**

CODE	SUBJECTIVE ELEMENT	2006 / 2007 NET ACTUAL YR TO DATE £	2006 / 2007 NET ORIGINAL BUDGET £	2006 / 2007 ESTIMATED OUTTURN £	2006/2007 VARIANCE £
	FINANCE	663,368	1,015,134	1,017,234	2,100
	ASSET MANAGEMENT	(75,941)	125,680	125,680	-
	INTERNAL & EXTERNAL AUDIT / INSPECTION	-	115,175	115,175	-
	<b>FINANCE &amp; EFFICIENCY</b>	<b>587,427</b>	<b>1,255,989</b>	<b>1,258,089</b>	<b>2,100</b>
	DEMOCRACY & GOVERNANCE	648,302	1,718,719	1,783,719	65,000
	MEMBER DEVELOPMENT	39,865	97,828	97,828	-
	CORPORATE PLANNING & PERFORMANCE MGMT.	(562,374)	74,810	74,810	-
	RETIREMENT BENEFITS	94,753	310,557	310,557	-
	<b>CORPORATE PERFORMANCE &amp; DEVELOPMENT</b>	<b>220,546</b>	<b>2,201,914</b>	<b>2,266,914</b>	<b>65,000</b>
	DEVELOPMENT CONTROL	659	(234)	59,766	60,000
	LOCAL PLANS	45,864	399,241	399,241	-
	REGENERATION	(25,452)	-	-	-
	ECONOMIC PROMOTION	68,941	30,245	30,245	-
	LOCAL STRATEGIC PARTNERSHIP	-	-	-	-
	<b>DEVELOPMENT &amp; REGENERATION</b>	<b>90,013</b>	<b>429,252</b>	<b>489,252</b>	<b>60,000</b>
	TOURISM & EVENTS	34,230	199,875	199,875	-
	LEISURE SERVICES	510,224	1,259,423	1,269,423	10,000
	SPORTS & ARTS DEVELOPMENT	17,854	91,123	91,123	-
	ART COLLECTION	-	15,303	15,303	-
	<b>CULTURE &amp; TOURISM</b>	<b>562,308</b>	<b>1,565,724</b>	<b>1,575,724</b>	<b>10,000</b>
	EXTERNAL PARTNERSHIPS & COMMUNICATIONS	282,721	785,018	985,018	200,000
	<b>CUSTOMER RELATIONS &amp; PARTNERSHIPS</b>	<b>282,721</b>	<b>785,018</b>	<b>985,018</b>	<b>200,000</b>

BUILDING CONTROL	37,980	142,334	142,334	-
CIVIL CONTINGENCY & EMERGENCY PLANNING	20,608	79,729	79,729	-
ENVIRONMENTAL HEALTH	126,366	554,385	554,385	-
LICENSING	42,222	104,400	104,400	-
HOUSING	433,817	963,999	963,999	-
COMMUNITY SAFETY	3,095	136,011	136,011	-
LAND CHARGES	(7,930)	(33,876)	(43,876)	(10,000)
<b>COMMUNITY &amp; SOCIAL WELLBEING</b>	<b>656,158</b>	<b>1,946,982</b>	<b>1,936,982</b>	<b>(10,000)</b>
WASTE MANAGEMENT	929,973	1,308,314	1,438,314	130,000
STREET CLEANSING	165,484	787,915	787,915	-
FORESHORE MANAGEMENT & FLOOD DEFENCE	17,748	138,096	138,096	-
PARKS DEV. & GROUNDS MAINTENANCE	591,096	1,541,501	1,541,501	-
TECHNICAL SERVICES	7,139	138,683	118,683	(20,000)
DOG CONTROL	6,970	96,659	96,659	-
CAR PARKS	(19,963)	(222,669)	(222,669)	-
VEHICLE MAINTENANCE	59,558	38,059	38,059	-
DECRIMINALISED PARKING	133,013	20,019	20,019	-
PUBLIC CONVENIENCES	40,709	213,553	183,553	(30,000)
CEMETERY & CREMATORIUM	(6,811)	(167,769)	(167,769)	-
<b>STREETSCENE</b>	<b>1,924,916</b>	<b>3,892,361</b>	<b>3,972,361</b>	<b>80,000</b>
<b>TOTAL NET EXPENDITURE</b>	<b>4,324,088</b>	<b>12,077,240</b>	<b>12,484,340</b>	<b>407,100</b>
LSP CONTRIBUTION		25,000	25,000	-
DEFERRED CHARGES		(546,000)	(546,000)	-
CAPITAL CHARGES		(1,724,860)	(1,724,860)	-
INVESTMENT INCOME		(190,000)	(240,000)	(50,000)
DEBT REPAYMENT		117,000	117,000	-
<b>GROSS BUDGET REQUIREMENT</b>		<b>9,758,380</b>	<b>10,115,480</b>	<b>357,100</b>
FUNDED BY:				
REVENUE SUPPORT GRANT		5,206,390	5,206,390	-
COUNCIL TAX		4,551,990	4,551,990	-
RESOURCES AVAILABLE		9,758,380	9,758,380	-

# REPORT

REPORT OF	MEETING	DATE	ITEM NO
CHIEF EXECUTIVE	CABINET	15 <sup>TH</sup> NOVEMBER 2006	11

## ACCOMMODATION

### Public Item

This item is for consideration in the public part of the meeting.

### Summary

The Council has commissioned a draft proposal to provide 'fit for purpose' office and civic accommodation on the site of the Town Hall, St Annes.

The preferred scheme has been the subject of consultation with staff, members and key stakeholders.

This report provides a summary of the feedback received from that consultation and recommends that the detailed business case and procurement strategy be developed.

### Recommendations

1. That the responses to the consultation exercise be noted.
2. That the draft layout, which has been the subject of consultation, indicating the use of the ground floor of the Town Hall for civic purposes be pursued as the preferred scheme.
3. That officers proceed to commission work on the detailed business case and procurement strategy.
4. That current valuations be obtained of the portfolio of sites agreed by the Council for disposal.



## **Cabinet Portfolio**

The item falls within the following Cabinet portfolio: Finance and Efficiency : Councillor P Rigby

## **Report**

1. The Council resolved (inter alia) in May to endorse the view of the Cabinet in retaining the Town Hall as the Council's primary office and civic accommodation, subject to all members being given the opportunity to comment on proposals for changes to the civic accommodation.
2. Following this resolution the Council's advisors produced a draft layout for the future configuration of accommodation on the Town Hall site which includes the following features:
  - Alteration of the ground floor layout of the Town Hall to provide dedicated civic usage including an expanded meeting chamber,
  - Demolition of the Chaseley building together with the ancillary structures to the rear of this,
  - Construction of a new 3 / 4 storey office building on the site of Chaseley with a ground floor link to the Town Hall,
  - Residential usage of the Town Hall above ground floor level, including separate access.
3. The draft layout has been the subject of consultation with Members, staff and other key stakeholders during August and September and a summary of comments received is attached at Appendix A.
4. Our advisors have also been working to evaluate the likely cost of this option, assess the procurement options open to the Council and outline a timetable by which the project could be delivered.
5. For information at this stage, the available procurement options for the Council include:
  - Private Developer Scheme
  - Traditional Procurement
  - Design and Build

## **Private Developer Scheme**

6. In this option a contractual partnership is formed with a private developer, following a competitive process. The preferred developer takes ownership of the site and produces a building of his own detailed design and at his own risk but to the Council's general specification and the Council takes a lease on the accommodation.
7. The main advantage of this option is that it does not require any significant capital investment by the Council. However, it would mean that the Council becomes the tenant of the building rather than the owner and it commits the Council to ongoing revenue expenditure for the term of the lease.

### Traditional Option

8. This option is the one which most people will be familiar with. The Council would define a proposed scheme on plans, produce a detailed specification of works and bills of quantity and competitively tender the work to obtain a cost for the work. The successful contractor will then build to the defined scheme at the rates contained within his tender.
9. This option requires more 'up front' work by the Council to ensure the specification and bills of quantity cover all detailed requirements. Any amendments or additions made to the agreed specification after works commence would incur additional cost at rates detailed in the accepted tender. However, the Council would retain close control over this process.

### Design and Build Option

10. In this option the plans and specification provided by the Council would only be defined in very general terms. Contractors would be invited to submit their costed proposals on the basis of the generic specification and most of the detailed design work and selection of materials, building finishes etc. would be left to the contractor.
11. There are some advantages to be gained from this option in terms of timescales but a great amount of reliance is placed by the client (the Council) on the goodwill and openness of the contractor.
12. An intermediate option between the traditional and design and build options is also possible. This is known as the two-stage option and involves the preparation of plans, specification and a basic bill of quantities in the first stage of a competitive tender. From the initial stage two or three contractors are invited to submit more detailed (final) costed proposals before a successful contractor is selected. This ensures that competition is keen until a final award of contract is made.
13. Whichever procurement options is selected the Council needs to produce a detailed business case. A good deal of the work in establishing the business case for the project was carried out when the earlier option of developing a back-office building in Wesham was considered. This work will be carried forward and developed further in the revised business case for the current project.

### Project Timetable

14. The project timetable prepared by the Council's advisors indicates that the procurement process will take several months and that a start on site could not be achieved realistically until the end of 2007 with completion being in spring 2009.

### Project Funding

15. Current valuations of the sites agreed by the Council for disposal to fund the project, obtained in September 2005, suggest a potential 25% budget shortfall, however this does not take into account the valuation of the Town Hall site. The Council will therefore need to update these valuations to provide the reassurance that the inherent value in the portfolio of sites is sufficient to fund the project. An alternative would be for the Council to identify additional sites that could be made available for disposal to fill any funding shortfall.

16. Irrespective of the procurement option selected by the Council, the major capital funding requirement does not start to arise until the end of the 2007/08 financial year.

### Comments and Analysis

17. The summary at Appendix A gives an indication of the range of comments received as a result of the consultation exercise. The vast majority are very supportive of the draft scheme. Some are of a very detailed nature and can be addressed as the project progresses to the detailed stages.
18. However, there were two comments of a more strategic nature to arise from the consultation exercise. Firstly, a suggestion that all the civic accommodation should be provided in the new-build structure, along with all office space, so that the internal architectural features of the old council chamber and the adjacent corridor and staircase could be left undisturbed.  
Secondly, a suggestion that the new build accommodation (both office and civic) could be provided on the Public Offices site on Clifton Drive South, thereby freeing the Town Hall site fully for residential development.
19. The second of these suggestions is contrary to the Council resolution of May and has not been considered any further for this reason. However, the first of the suggestions has been investigated further. The overall project costs of this alternative are estimated to be of the same order as the scheme which has been consulted upon. Whilst the alternative option would generate additional capital receipts by making the ground floor of the Town Hall available for residential development in addition to the upper floors, Councillors would be giving up access to the historic ambience of the Reception Room, Member's Room and Mayor's Parlour in addition to the enlarged and refurbished council chamber.
20. The refurbishment and enlargement of the council chamber will inevitably disturb some of the existing internal features and decorations. However, it will be possible in the specification of works to ensure that the new layout is sympathetic to the existing building features. The fitting out of the chamber would also be carried out to ensure a great degree of flexibility so that the room could be used for multiple purposes rather than just as a council chamber several times per year.

IMPLICATIONS	
Finance	Contained within the body of the report.
Legal	Appropriate legal advice has been sought and will continue to be sought on the implementation of this project.
Community Safety	None arising directly from the report.
Human Rights and Equalities	Accessibility to the Council's buildings is a significant consideration in relation to human rights and equalities.
Sustainability	The environmental sustainability of the proposed works will be considered within the project specification.
Health & Safety and Risk	The current layout and working relationships within the

Management	Town Hall and Chaseley would be improved by the implementation of this proposal.
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Report Author	Tel	Date	Doc ID
P Walker P Woodward	(01253) 658431	November 2006	h/cabinet/nov06accomm

List of Background Papers		
Name of document	Date	Where available for inspection
Various previous Cabinet & Council reports	Various	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>

### Attached documents

1. Summary of consultation feedback.

## ACCOMMODATION PROPOSALS CONSULTATION FEEDBACK SEPTEMBER 2006

### Officers

Concern as to how the Town Hall cellar would be accessed from the new office block (walking through reception with files?)

The plans deposited seem to have little regard for the requirements of part L Conservation of Fuel and Power.

*Answer from Consultant: The current sketches are only meant to serve as an accommodation strategy and all parts of the Building Regs will be fully considered by the consultants at the appropriate times.*

*What the design team require now is approval to develop the feasibility study based on the strategy of;*

- 1. The existing ground floor accommodation will become the civic suite*
- 2. The existing upper floors will have residential use*
- 3. and the back office requirements will be situated in a new building, replacing the existing annex*

The proposals make good business sense if the cost is covered by the sale of sections of the town hall for residential space. It can't possibly be a step backwards to the office accommodation at present.

Any market value units will require the provision of an additional affordable units- presumably off site at St David's Rd Nth. To meet the most pressing needs I would recommend the provision of 3 bed affordable accommodation (mews type houses?). The inclusion of mainly 1-bed flats in the Town Hall will, I think, reduce the attractiveness and value of the proposals. There will be an issue relating to sound transmission on the current plan. Building control may also be able to advise on this.

What are the plans for accommodation as regards the staff in Freedom House?  
Does the new development at the Town Hall include us?

We note on the plan that it has not been decided where departments and staff will be located. Do we know that there will be enough room for everyone including adequate storage space? We have assumed that this work has already been completed by the various people that have visited our office counting and checking various items. With regard to the entrance being located on the Promenade we are not sure this is the best idea due to sand and gales in the winter months. Will this not add to maintenance and cleaning costs? What are the proposals for staff who currently work in the building that will be demolished? Will this involve staff working from home or will temporary accommodation be sought perhaps porter cabins? Has the impact on customer service and access been considered?

The new plans look like a very sensible option for a self-financing scheme which provides the dual-benefits of retaining the lovely town hall building and housing staff in office accommodation equipped for the 21st Century - good stuff!

Two bedroom apartments might be more sensible as I should have thought anyone wanting a flat in this location would want a spare room for visitors.

Also - as we have rented the wesham offices, has consideration been given yet to where will staff be located whilst the work is taking place? Look forward to seeing the next stage!

If the Mayor's parlour is only to be used for robing and storing the mayoral robe, chain etc. it could be a fraction of the size and an extra meeting room made instead. If the Members want to use it for a refreshment area they could use the members room instead so that they can sit. A second small meeting room at Town Hall would be appreciated as sometimes developers appreciate a separate room to discuss Planning proposals with confidential implications and the number of people attending such meetings makes use of Contact Centre interview rooms uncomfortable. A second Town Hall meeting room would be used when two such meetings are concurrent or overlap.

The proposed plans seem good. I look forward to the detailed plan, for example, how the new entrance will be adapted for the disabled, the location of the lifts to each floor and the toilets. Will the staff remain at the Town Hall during these alterations? Is there to be any improvement to staff car parking?

In the interest of equality and diversity is there any reason why we could not include a cresse facility on site? This would be self-funding and meet a high demand from staff. I think it should be included in the build (maybe as an annex) The Council should most certainly commission the service and look to making a profit. I was quite impressed with the facility provided at Warton Land Registry. At least it would bring us in line with modern working methods, valuing our employees and go some way to bring down sickness figures etc In terms of general accommodation will the Members Room have a proper library etc? I know that we are looking at open plan offices. What will be the position for member services (my section) when members come in to see us they struggle for seating etc.

If the plans do go ahead could it be considered for all of us who cycle to work to have a secure unit where we can leave our bikes rather than a stand which is out in the open.

Overall, I think that the plans for the new Town Hall accommodation are very good and tick all the boxes - the enlarged Council Chamber, disabled access and open plan offices for staff. However:

- Accommodation would be required for the garaging of the Mayoral car
- The view from the 'new' Mayor's Parlour is very poor - looks out over the bin store. Suggest the possibility of moving the Mayor's Parlour to the Members' Room. This would be much better and give the 'First Citizen of the Borough' a decent view over the sea. (The possible advantage of having a door in to the Chamber from the Parlour in the original plans would be negated but this would not be a great loss. There is a door from the existing Parlour through to the 'old' Council Chamber and I have never seen it used.)
- Suggest relocating the Member's Room to the area marked 'Office' on the proposed ground floor plan and this would mean that all the left-hand side would be civic rooms, which would make sense. The area originally marked Mayor's Parlour would then become Office accommodation.

Where are the toilet facilities on the ground floor of the Town Hall, or will facilities be provided at the ground floor level in the new block? Are there any implications of providing disabled toilet facilities for members of the public, currently we have these in close proximity to the reception desk. What will happen the period features/fittings e.g. the Town Hall staircase that may need to be removed? Will the planned residential apartments be sold on the open market or rented, if so to whom? What are the implications to the storage and display of the art collection?

Some issue for consideration:

- New build office block projects forward of building line. Historical vista through square & to pier is affected. *Planning matter.*
- Impact of massing of this building on existing streetscene and relationship to Braxfield Court. *Planning matter.*
- Apartments for 'luxury' views to some are extremely poor. Would return be sufficient?
- Affordable element of apartments Commuted sum – planning matter
- For quality apartments on promenade one would expect entrance on promenade – not "round the side/back".
- Residential access entrance – large wasted space with poor stair access.
- Ground floor civic suite – poor use of space – odd shaped areas at reception/exhibition
- Fire escape for chamber – appears unacceptable.
- Staff rest room, is this sufficient, as I cannot ascertain from the plan if this is just for member's suite or for all staff. I appreciate office accommodation layout has not been thought out yet.
- Accept corridor 'warren' in existing but could this be reduced.
- Offices in existence at ground floor, what is their use.
- Retention of quality tile/cornice/detail throughout where possible – presume these would be reintroduced where there are changes to structure. Careful thought to detailing required – high cost.
- Assume basement retained for FBC use – access by stairs adjacent to kitchen. Poor link to new offices.
- Storage of cleaning equipment etc. For the apartments communal areas is this included detail matter to resolve later.
- Presume natural lighting to exhibition space etc. Via rooflights where possible – energy use consideration
- Heating to entire existing block. At present the boiler room for the whole site is located under Chaseley – assume in the new build office block or existing town hall basement are apartments individually supplied – assume is case if so flue location would have to be given careful thought – impact on existing Porritt facades. *Planning matter.*
- Is air-conditioning for civic suite to be installed? Again the location of fan units etc. And the impact of noise on apartments. Is this detail to be resolved later on, but it requires thought early on.
- Car parking layouts – conflict with resident parking re: evening council meetings – detail to be resolved later but consideration needs thinking about.
- Due to existing room layouts on upper floors lots of corridor space, could with thought be reduced thus increasing residential space within units and hopefully assisting higher value.
- Possibility of residential unit in roof space has this been considered – may not be possible but worth a thought.
- Internal sub-division in office block?
- Are we sure that there is enough office space per employees / meeting space.

## Members

My comments are - get on with it ASAP

I consider a decision to convert any part of the Town Hall into residential apartments to be a retrograde step emanating from economic incompetence over the past few years. Such a decision taken today will be viewed in horror in future years and is bound to denigrate the position of St. Annes Town Hall as the focal point of local democracy.

I have only one concern and that is whether we will be able to achieve the best valuation with the apartments the size that they are. I feel that some are too small for the price that is likely to be asked and in some instances bedrooms are not en-suite and some of the apartments at the back have poor views. Perhaps it would be possible to reduce the number of apartments but make those that remain more luxurious and more in keeping with the premier position that is being offered. An other alternative would be to extend the building to the south side approximately 3-4 metres and three stories high and that would then enable us to further enlarge the civic suite and retain the same amount of apartments but larger. I am pleased that you have decided to recommend a fixed seated civic suite for I feel that long term we will find it a better working environment.

My concern is the safety of the Town Hall (therefore Fylde) art treasures. With flats above, we need to make sure that there is some kind of protection, so that if a resident sets his flat on fire we have a fighting chance of saving our artwork - think £4 mil Fuseli. We need something between us and the flats that is an extra fire protection. My only other major concern is the protection and preservation of all the stained glass and unique tilework on the ground floor. Even if an area is going to change, we need to reclaim these items for future use in the building. Also, I am sad about the staircase, but some things can't be helped, I guess.

- I support the demolition of the Chaseley building which is shown for redevelopment as three storey offices. Maybe a reduced plan form (i.e. smaller site coverage) but a four-storey solution would reduce any adverse comment regarding building lines. It will then allow more space to view the existing Town Hall frontage, less encroachment upon the adjacent flats and provide the proposed new offices themselves with a better outlook.
- It is proposed to keep the Porritt Town Hall frontage building but not to use it for general staff accommodation. This seems sound in view of the levels and layout of the building.
- To use freestanding furniture within the Council Chamber will help provide for more press/officer/public seating. It will also widen the range of potential uses the room could be put to. Disabled access to this elevated ground floor level will not be easy. The one metre height above outside ground level will require 12/15 metres of access slope.
- The construction costings for the proposed flats will be very high. It is a pity the floor to ceiling heights are just insufficient to gain the advantages of mezzanine floors. Issues of car parking for Council staff and visitors will require resolution, as will the constructional arrangements. Is one contractor to execute the project?
- Is the Council to be involved in the commercial risks of flat development? The tenure and lifetime management issues involving flying freeholds, rights for services, roof, foundation and façade responsibilities will be complex, as will be the management and use of the grounds.
- It is possible that the costs of the Civic Suite will be higher than a new build solution taking into account the fire, access and separation requirements needed between the



residential and commercial uses within an existing traditional building with timber joists and floor boards. Should the question be asked 'why not allow the whole of the Town hall to be used just for residential accommodation? One suggestion for the Civic Suite is the roof space over the redeveloped Building (within a pitched roof with its gable facing the Majestic Flats).

- Are any of us aware of the exact accommodation requirements we need in the future? It is difficult to plan without this. Is Freedom House to be retained? Are certain Accounting staff to share resources, including accommodation, with an adjacent authority? Do we have a transport plan with off site/on site car parking requirements identified? How many essential users are there with a responsibility to have car transport available?
- To me the ultimate solution still centres around the two excellent sites the Council owns in St Annes Centre. The Town Hall and Public Offices site.
- Either of these sites can meet the accommodation needs, which are shown upon these August 2006 proposals now before us. Having outlined my thoughts regarding the Town Hall site which is the Cabinet's preferred option, let me, if I may, turn to the Public Offices site.
- Here we own a listed building where recently we have invested to provide a One Stop Shop Customer Service facility. I understand this building will be retained and the rest of the site cleared for redevelopment. To redevelop it for housing will, I believe, involve negotiations with the ground landlord. It could, provide approximately 2,500 sq. metres of new office accommodation in say a three storey L shaped plan. It has extensive car park facilities.
- In terms of efficiency and cost effectiveness, the development of modern offices at Clifton Drive, catering for all our current needs alongside the One Stop Shop, which we have committed ourselves to, will prevail. I expect it to have less value than the Town Hall site with a demolition opportunity for Chaseley. I expect the construction cost to be less. It involves almost no staff disturbance during construction. It is a better office site, less exposed to the elements and with good parking and access to town and transport facilities.
- Issues like parking for the Mayor's car, fixed or freestanding seating for the Council Chamber, toilets and ramps raise themselves in our minds. We require from our consultants clear facts and figures based upon the Chief Executive's confirmation of our needs for the foreseeable future.

## **Letter from St Annes Civic Society**

Thank you for consulting with us on the re-development of the Town Hall. We are very pleased that it is not to be demolished, and we accept that some residential use could help the project to be more financially viable.

We regard the Town Hall as a significant building; the best of those built by Porritts the builders in the early years of the town. We are sure that, well restored, it can continue to be an important part of the “classic resort” of St Annes. We also accept that a new build office block on the “Chasely” site would solve problems of office space for the council.

We are pleased to see the retention of the ground floor rooms of the Town Hall for public use. However it would seem that the architects’ brief was only to retain two rooms intact, the reception room and its anteroom. This has led to the proposal to destroy practically all of the superb tile work, stained glass and woodwork in the vestibule and corridor area.

The reason for the destruction of this area appears to be the desire to extend the former council-debating chamber so that it will accommodate larger numbers. The new chamber would encompass the present Mayor’s parlour and the corridor behind it. Our architects advise that it would be a very expensive exercise in terms of structural alterations. Walls would be removed, yet chimney breasts retained on upper floors. We would argue that this is too expensive in terms of the building costs and the destruction of “heritage assets” - for a meeting which takes place on six evenings a year. The fact that the space can be used for other meetings is not relevant, as the main purpose of the re - construction of the room is clear.

We suggest the following options for the holding of six evening meetings a year:

The use of Lowther Pavilion. There are seen to be legal constraints on this usage and the council may not wish to pursue it. It is worth pointing out however that local objections to council usage were based on fears that the building would be altered substantially for council rather than community use, and that car parking would be needed on Lytham Green.

The provision of a flexible multi purpose space at ground floor level in the new block. A specially designed space with moveable screens/ seating could be very efficiently used.

There could be an additional (4<sup>th</sup>) floor on the new building to compensate for the loss of modern office space; This could be part residential - a penthouse flat or two could be sold at a premium by the builder. Access could be via a bridge across the atrium.

Lifts are not shown on the plans we have seen. We assume that there will be lifts for both the residential and office areas.

It is unclear now disabled access is achieved into the old part of the Town Hall, as the seaward entrance is to become the main one. The steps should be kept if possible. The atrium area would be unsuitable for any exhibition of the council’s art collection due to the light.

There is no point in deciding to retain a wonderful asset, full of decorative Minton tiles on floors and walls, elaborate cornices and stained glass - if these features are to be ripped

out. Ceilings and cornices are sure to be affected with the scale of the works required to alter the council chamber.

All the windows at the front of the present building have been replaced some years ago with very unsuitable and ugly UPVC. In recent years the manufacturers of these windows have taken more account of the importance of historic buildings. A sliding sash double glazed window is available in cream and we can give you details of it. The exterior presentation of the building would benefit greatly, and modern requirements be satisfied.

As to the rest of the building, to be converted into apartments, it will be essential to ensure that the developer retains as much of the above assets as possible. This includes windows, doors, architraves, skirting boards etc. Where these have been lost, they should be re-instated in keeping with the heritage quality of the building.

As a general principle, it is important that the Town Hall, and in particular the area to be used by the council, is preserved as far as possible in the layout it is in today. Any work, re-instatement, or replacement should be in keeping with the heritage quality of the building. We are happy to advise and discuss further.

We are also interested to know how this proposed development will affect the Public Offices and the extension behind it.

# REPORT

REPORT OF	MEETING	DATE	ITEM NO
CHIEF EXECUTIVE	CABINET	15 <sup>TH</sup> NOVEMBER 2006	12

## THE LOCAL GOVERNMENT WHITE PAPER – STRONG & PROSPEROUS COMMUNITIES

### Public Item

This item is for consideration in the public part of the meeting.

### Summary

The Government has recently published its Local Government White Paper in which it sets out its vision for revitalised local authorities which shape local public services and communities which use them.

This report provides an outline of the main elements of the Paper, includes the summary document and provides references for further information. It also describes the content of the parallel paper which invites council's to make proposals for future unitary local government structures.

### Recommendations

1. That the contents of the White Paper be noted.
2. That Members consider their position with regard to the proposals for future unitary structures.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio: Leader : Councillor J Coombes

### Report

1. The long-awaited Local Government White Paper was published on 26<sup>th</sup> October. It is a substantial two-volume document containing over 230 pages and a parallel paper dealing specifically with proposals for future unitary local government structures. It is

not a consultation document. It sets out the government's proposals in certain key policy areas relevant to the organisation and work of local government. A separate but associated paper invites councils either to make proposals for unitary local government structures or pioneer, as pathfinder areas, new two-tier models.

2. The main themes of the White Paper refer to:

- Strong and prosperous communities,
- Responsive services and empowered communities,
- Effective, accountable and responsive local government,
- Strong cities and strategic regions,
- Local government as a strategic leader and 'place-shaper',
- A new performance framework,
- Efficiency in local services.

3. The more significant aspects of the paper may be summarised as follows:

- In future Councils with Leader and Cabinet structures will have just three choices of Executive: a directly elected mayor, a directly elected executive of councillors or a leader elected by their fellow-councillors, all with a clear four year mandate, unless removed by a vote of no confidence.
- In order to balance these stronger leadership models, locally elected representatives will be able to initiate a 'Community Call for Action' where local services are deemed to be failing. It is uncertain how much, if at all, this will differ in reality from the present right of any member to place items on the agenda of an appropriate scrutiny committee,
- The Overview and Scrutiny powers of local councillors will be broadened to provide greater challenge to the Council Executive and the ability to challenge more effectively other public service bodies in the area,
- There will be a move to all-out council elections every four years for all councils and there will be an option to move to single member wards, improving accountability to voters,
- The power to create new parishes will be devolved from the Secretary of State and the Electoral Commission direct to district and unitary authorities; the power to promote community well-being will be extended to Quality Parish Councils,
- Councils in shire areas will have until 25<sup>th</sup> January 2007 to make their case for seeking unitary status having regard to the impact of its proposals on the remaining two-tier area
- ; there is also an invitation to existing two-tier areas to make proposals for enhanced forms of collaborative working,
- Two tier council areas will be expected to come forward with proposals for integrating services and sharing 'back-office' support facilities,
- An independent review will look at incentives and barriers to serving on councils and the model Code of Conduct will be amended,
- There are proposals to devolve most aspects of the conduct regime to local authorities with a streamlined Standards Board refocused as a light touch regulator. Neither of these proposals are actually new, having been widely consulted on in the previous year,
- The making of byelaws will be fully devolved to local authorities with greater opportunities to enforce by using fixed penalty notices,
- The role and accountability of LSPs will be enhanced placing a greater emphasis on Council leadership of these partnerships,

- The local authority performance and inspection regime will be streamlined and more emphasis will be placed on agreeing service standards and targets through Local Area Agreements relevant to sub-regional communities,
  - There is a proposal to streamline procedures for community consultation and remove the requirement for the LDF Statement of Community Involvement to be examined in public,
  - Greater partnership working will be required on sub-regional strategic issues such as economic development, planning and housing,
4. The second volume of the White Paper sets out the major community challenges which the government believes are important for local public services to address. It is anticipated that this document will be used to inform a debate at the local level about how to make the most of the opportunities offered in the White Paper. The key challenges are seen as:
- Community safety,
  - Health and well-being,
  - Vulnerable people,
  - Children, young people and families,
  - Economic development, housing and planning,
  - Climate change,
  - The third sector.

#### Future Unitary Structures

5. At its meeting in September the Cabinet considered a report which provided a summary of the current situation regarding proposals for the review of local government functions and structures together with an outline of discussions taking place within local government networks in Lancashire. The Cabinet resolved to take no action on this matter until the publication of the White Paper.
6. The White Paper sets out an invitation to local councils to submit proposals either for unitary structures or for pioneering models for new two-tier structures. The invitation is open until 25<sup>th</sup> January 2007 to submit proposals for either or both of these opportunities.
7. There is no minimum or maximum size prescribed for new unitary councils but the criteria for new unitary structures must address:
- affordability, i.e. the change itself must represent value for money and must be met from councils' existing resource envelope and transitional costs must be offset within 5 years,
  - must be supported by a broad cross section of partners and stakeholders; and
  - must provide strong, effective and accountable strategic leadership;
  - must deliver genuine opportunities for neighbourhood flexibility and empowerment;
  - deliver value for money and equity on public services.
8. The terms of invitation for pathfinder two-tier pioneers are:
- unified service delivery, with service users having no need to understand whether the county, district, or other service provider is responsible;
  - stronger leadership for place shaping;

- effective accountability arrangements so that people know who is responsible for what decision; and
- shared back office functions and integrated service delivery mechanisms,
- new two-tier models must relate to the whole of the county area

Two-tier pioneer submissions are also expected to satisfy the criteria outlined in paragraph 9 above.

### Timetables

9. In terms of submissions for the unitary option the following timetable is anticipated:

Jan 2007	Deadline for councils to submit proposals for unitary structures.
March 2007	Announcement of the Government's preliminary views as to those proposals that have met specified criteria. Consultation with local stakeholders that are potentially affected by proposals.
June 2007	Stakeholder consultation closes.
July 2007	Final announcement of those areas that will be restructuring into unitaries.
May 2008	Elections to new unitaries.
By April 2009	New unitaries up and running.

10. In terms of submissions for pioneer two-tier models the government intends by the end of March 2007 to decide which proposals to work with. These will then be subject to independent long-term evaluation over a number of years

11. Clearly, if members are of a mind to pursue either of the options described above a significant amount of work will be necessary over the next three months. This work would involve the diversion of internal resources from other projects, the engagement of external consultants and the co-operation and commitment of other neighbouring councils.

IMPLICATIONS	
Finance	Work to prepare submissions for unitary structures or pioneer two-tier working is not provided for in current budgets.
Legal	Contained within the body of the report.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

Report Author	Tel	Date	Doc ID
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P Woodward	(01253) 658500	November 2006	h/cabinet/nov06/LGWhitePaper
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List of Background Papers		
Strong & Prosperous Communities – Local Government White Paper	October 2006	<a href="http://www.dclg.gov.uk">www.dclg.gov.uk</a> <a href="http://www.lga.gov.uk">www.lga.gov.uk</a>

### Attached documents

1. White Paper Summary Document.



# Strong and prosperous communities

## The Local Government White Paper





In October 2006 my department published the White Paper, *Strong and prosperous communities*. Its aim is to give local people and local communities more influence and power to improve their lives.

Radical improvements have been made in public services in the last ten years thanks to record levels of investment, strong performance management and the hard work and commitment of local government and others. But for these improvements to continue, we must show our confidence in local government, local communities and other public service providers by giving them more freedom and powers to bring about the changes we all want to see.

Working together, we can continue to improve public services and the quality of life in our communities.

A handwritten signature in black ink, reading 'Ruth Kelly'.

**Ruth Kelly MP**

**Secretary of State for Communities and Local Government**

This White Paper is on the side of individuals and families who want to make a difference, both to their own lives and to the communities in which they live. Our vision is of revitalised local authorities, working with their partners, to reshape public services around the citizens and communities that use them.

This means changing the way we work - to enable local partners to respond more flexibly to local needs; to reduce the amount of top-down control from central government; and to enable citizens and communities to play their part.

## Responsive services and empowered communities



People no longer accept the 'one size fits all' service models of old. They want choice over the services they receive, influence over those who provide them, and higher service standards. We want this to be the case everywhere – for people to be given more control over their lives; consulted and involved in running services; informed about the quality of services in their area; and enabled to call local agencies to account if services fail to meet their needs.

Local authorities will involve and consult service users more fully and provide better information about standards in their local area. People will be able to turn to their local councillor to demand an answer to their questions through a new Community Call for Action. And there will be measures to promote increased community ownership and management of local facilities and assets.

We will encourage councils to develop neighbourhood charters setting out local standards and priorities, and to take opportunities to manage services at the level of the neighbourhood, working more closely with neighbourhood policing teams, and giving councillors small budgets to tackle local issues. We will simplify the process for setting up tenant management organisations. The process for creating parishes will be devolved to councils, and communities in London will be given the same right to establish parishes as exists elsewhere, subject to consideration of community cohesion. In addition, the power of well-being will be extended to Quality Parish Councils.

And we will back this up with a stronger legal framework to require local authorities and other best value authorities to secure the participation of local citizens and communities.

## Effective, accountable and responsive local government



Councillors should be champions for their local community, able to speak out on all issues affecting their local area and able to sort out issues on the ground or demand a formal response through the scrutiny procedures.

Overview and scrutiny committees will be strengthened, to allow them to call on local public service providers for evidence and demand a response to reports from the council.

Leadership is the single most significant driver of change and improvement in local authorities. In future there will be three choices for councils: a directly elected mayor, a directly elected executive of councillors, or a leader elected by their fellow-councillors with a clear four year mandate. All the executive powers of local authorities will be vested in the leader of the council, with a strong role for the council to scrutinise the leader's actions and approve the budget and major plans.

The way councils best govern themselves will be different in different parts of the country. Local authorities will be able to move to the model of a directly elected mayor or executive by resolution of the council and in consultation with local people. Where they want to, they will also be able to move to whole-council elections and single member wards, improving accountability to voters. We also recognise the potential gains which unitary status can offer, in terms of leadership and efficiency. Councils in shire areas will be able to seek unitary status; we have published information on how to submit proposals and how we intend to handle the small number of proposals conforming with the criteria which we expect to receive. In remaining two-tier areas there will be new opportunities to provide stronger leadership and deliver better value for money.

An independent review will look at incentives and barriers to serving on councils, and the code of conduct will be amended to allow councillors to speak out on licensing and planning issues that matter to their local neighbourhoods.

The making of byelaws will be fully devolved to local authorities and in future they will be more effectively enforced by using fixed penalty notices. We will also devolve most aspects of the conduct regime to local authorities with a streamlined Standards Board refocused as a light touch regulator.

## Strong cities, strategic regions



The challenges of the global economy and of sustainable growth require greater power and resources to be devolved to regional and local levels.

Building on recent progress, many of our towns and cities have come forward with proposals that would help promote their further economic development. We will continue to work closely with these local authorities – whether in city-regions or elsewhere – and with those that are interested in developing Multi-Area Agreements which cross local authority boundaries.

The Government will encourage stronger leadership models, including directly elected executives and indirectly or directly elected mayors where such arrangements are supported locally. Our clear, over-riding principle will be that the greater the powers being devolved, the greater the premium on clear, transparent and accountable leadership.

The Department for Transport will propose a package of reforms for Passenger Transport Authorities and Executives to strengthen leadership and enable a more coherent approach to transport in our biggest cities. It will also devolve powers to local authorities across the country to ensure that the bus services their communities need are delivered. We will also promote the concept of city development companies and encourage Employment and Skills Boards to be formed in core cities.

## Local government as a strategic leader and place-shaper



Communities need strategic leadership to help bring together local partners to improve the services citizens receive and the local quality of life. Issues such as community safety, health, or community cohesion require local authorities to align services provided by a number of agencies in their area. So we will put in place a new framework for strategic leadership in local areas, bringing together local partners to focus on the needs of citizens and communities.

Local authorities are already under a duty to prepare a Sustainable Community Strategy which sets the strategic vision for an area. We will now require county and unitary local authorities, in consultation with local partners, to prepare a delivery plan for the strategy – known as a Local Area Agreement.



The Local Area Agreement will include a single set of targets for improvement, tailored to local needs, agreed between Government and local partners. In this way, we will focus on the things that really matter to people everywhere, guaranteeing national minimum standards, but leaving room for local innovation and local priorities.

We will introduce a duty for local authorities and other local partners to work together to agree the priorities in the Local Area Agreement. Delivery of local priorities will be the responsibility of partners in key local partnerships like the Crime and Disorder Reduction Partnership, the children's trust and the new health and well-being partnerships. And, once agreed with Government, local partners will be required to have regard to these priorities for improvement.

## A new performance framework



The White Paper sets out a radical simplification of the performance framework for those outcomes secured by local authorities working on their own or in partnership. If we are to continue to improve public services we need to give local authorities and their partners the freedom and powers to meet the needs of their communities and to tackle complex cross-cutting issues like climate change, social exclusion and anti-social behaviour.

There will be around 35 priorities for each area agreed with Government, tailored to local needs through the Local Area Agreement, plus statutory attainment and childcare targets. Instead of the many hundreds of indicators currently required by central government there will be a single set of about 200 outcome-based indicators covering important national priorities.

In addition we will put in place a new regime for dealing with monitoring, support, assessment and intervention. Building on the success of Comprehensive Performance Assessment, the new assessment regime – Comprehensive Area Assessment – will be more proportionate and risk-based and enable more targeted support or intervention when things go wrong.

## Efficiency – transforming local services



Significant progress has been made in improving local services but rising public expectations and the challenging financial climate require that councils continue to drive forward the transformation of local services.

Ambitious efficiency gains will be required as part of the 2007 Comprehensive Spending Review. To help meet these we will encourage greater service collaboration between councils and across all public bodies. We will also support greater use of business process improvement techniques and greater contestability through the use of fair and open competition.

## Community cohesion



Diversity has brought enormous economic benefits, but change and migration also create challenges. Stronger local leadership, greater resident participation in decisions and an enhanced role for community groups, can all help local areas to promote community cohesion.

We will work with local authorities facing particular community cohesion challenges; provide support for areas facing difficulties; help share best practice between authorities; and support the establishment of forums on

extremism in parts of the country where they are necessary.

We will also encourage the Commission on Integration and Cohesion to produce more detailed plans on how to deliver a step change in promoting cohesion.

## Conclusion

This White Paper is about creating better services and better places. It sets out the tools which will help all local areas tackle the challenges of the 21st century, capture the strength and talents of their citizens and communities, and achieve their full potential.

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