



Agenda

Council

Date:	Monday, 11 February 2019 at 7:00 pm
Venue:	Town Hall, St Annes, FY8 1LW
	<p>Mayor : Councillor Peter Collins Deputy Mayor : Councillor Jan Barker</p> <p>Leader : Councillor Sue Fazackerley MBE Deputy Leader : Councillor Karen Buckley</p> <p>Councillors Ben Aitken, Christine Akeroyd, Frank Andrews, Peter Anthony, Tim Ashton, Mark Bamforth, Keith Beckett ISO, Brenda Blackshaw, Julie Brickles, Maxine Chew, Alan Clayton, Delma Collins, Michael Cornah, Chris Dixon, David Donaldson, Trevor Fiddler, Tony Ford JP, Richard Fradley, Gail Goodman JP, Shirley Green, Peter Hardy, Neil Harvey, Paul Hayhurst, Karen Henshaw JP, Paul Hodgson, Angela Jacques, John Kirkham, Cheryl Little, Roger Lloyd, Kiran Mulholland, Edward Nash, Sally Nash, Graeme Neale, Jayne Nixon, Linda Nulty, Liz Oades, Sandra Pitman, Richard Redcliffe, Louis Rigby, Vince Settle, Elaine Silverwood, John Singleton JP, Roger Small, Heather Speak, Ray Thomas, Thomas Threlfall, Viv Willder.</p>

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the Meeting held on 10 December 2018 as a correct record.	1
	ANNOUNCEMENTS:	
3	Mayor's Announcements	1
4	Chief Executive's Communications	1
	REPRESENTATIONS:	
5	Questions from Members of the Council	3
6	Questions from Members of the Public For procedure to ask a question at a Council meeting see Public Speaking at Council Meetings .	4

	DECISION ITEMS:	
7	Notice of Motion – Sir Bill Beaumont	5 - 6
8	Invitation to Accept Appointment as Mayor 2019/20	7 - 10
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10	Schedule of Meetings 2019-2020	13 - 15
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12	Revocation of Dog Byelaws	24 - 26
13	The Annual Pay Policy Statement 2019	27 - 33
14	Constitutional Amendments	34 - 43
15	Council Tax Premium 2019/20	44 - 46
16	Financial Forecast Update 2018/19 to 2022/23 (Position as at January 2019)	47 - 58
17	Review of Statement of Gambling Policy	59 - 94

Contact: Sharon Wadsworth - Telephone: (01253) 658546 – Email: democracy@fylde.gov.uk

The code of conduct for members can be found in the council's constitution at

<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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REPRESENTATIONS

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	11 FEBRUARY 2019	5
QUESTIONS FROM MEMBERS OF THE COUNCIL			

PUBLIC ITEM

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

SUMMARY

No questions have been received from Members of the Council before the requisite deadline, as outlined in Procedural Standing Orders for Council and Committees of Part 4 of the Council's Constitution, and before the statutory deadline for publication of the agenda.

If any questions are received before the constitutional deadline, as outlined above, they will be circulated prior to the meeting for members' information, under separate cover.

Any question(s) will be heard during the Council meeting on 11 February 2019 and a response will be given by the Leader of the Council or any other member nominated by her.

REPRESENTATIONS

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	11 FEBRUARY 2019	6
QUESTIONS FROM MEMBERS OF THE PUBLIC			

PUBLIC ITEM

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

SUMMARY

As outlined in Article 15 – Public Speaking at meetings of the Council and its Committees any resident of the Councils district may, subject to various provisions of the article, ask a question at an ordinary meeting of the council.

If any questions are received before the constitutional deadline, as outlined above, they will be circulated prior to the meeting for members' information, under separate cover. No questions have been received under these procedures to date.

Any question(s) will be heard during the Council meeting on 11 February 2019 and a response will be given by the Leader of the Council or any other member nominated by her.

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	11 FEBRUARY 2019	7
NOTICE OF MOTION – SIR BILL BEAUMONT			

PUBLIC ITEM

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

SUMMARY

Notice of motion is a procedure that allows members of the council to ask the council to discuss any matter for which the Council has a responsibility or which affects the Fylde area. Any member of the council can give written notice to the Director of Resources of a motion that they wish to move. The Director will publish the motion on the council's website and arrange for it to be placed on the agenda of the next available ordinary council meeting. The motion will be debated at council subject to it being moved and seconded.

RECOMMENDATION

To consider the Notice of Motion received on 23 January 2019.

SUMMARY OF PREVIOUS DECISIONS

There have been no previous decisions on this item.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

The Motion

1. The following Notice of Motion has been received:

“I would like to move that the Council recognises and congratulates Fylde resident Sir Bill Beaumont who has been honoured for services to Rugby in the Queen's New Year Honours list in 2019.”

The Notice of Motion has been duly proposed by Councillor Cheryl Little

Standing Orders

2. Part 4 (Rules of Procedure), Standing Order 10 (Motions) of the council Constitution details the procedural requirements of handling a Notice of Motion.

IMPLICATIONS	
Finance	None arising directly from this report.
Legal	None arising directly from this report.
Community Safety	None arising directly from this report.
Human Rights and Equalities	None arising directly from this report.
Sustainability and Environmental Impact	None arising directly from this report.
Health & Safety and Risk Management	None arising directly from this report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Manning	tracy.manning@fylde.gov.uk Tel 01253 658521	23/1/19

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Council Constitution		https://fylde.cmis.uk.com/fylde/DocumentsandInformation.aspx

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	11 FEBRUARY 2019	8
INVITATION TO ACCEPT APPOINTMENT AS MAYOR 2019/20			

PUBLIC ITEM

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

SUMMARY

To invite a member of the Council to accept appointment as Mayor of the Borough of Fylde for the ensuring municipal year.

RECOMMENDATION

That the Council invites Councillor Angela Jacques to accept appointment at the 2019 Annual Meeting as Mayor of the Borough of Fylde for the municipal year 2019/20.

SUMMARY OF PREVIOUS DECISIONS

The Council is invited to appoint a Mayor of the Borough of Fylde annually.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

- Members are invited to consider nominations for the position of Mayor for the municipal year 2019/20.
- An updated seniority list is attached which shows the current position regarding this matter. The list has been compiled in accordance with the agreed Policy on the Operation of the Mayoralty.

IMPLICATIONS	
Finance	Provision is contained within the council budget for the Mayoralty.
Legal	None arising directly from the report.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Manning	01253 658521	

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

Attached documents
Appendix 1 – 2019 Seniority List

**FYLDE BOROUGH COUNCIL MAYORALTY
SENIORITY LIST – 2019**

	COUNCILLOR	START OF PRESENT TERM
1	ANGELA JACQUES	2007
2=	BEN AITKEN	2007
2=	KAREN BUCKLEY	2007
2=	CHERYL LITTLE	2007
2=	ELAINE SILVERWOOD	2007
6	KAREN HENSHAW	2010 (past service 2003-2007)
7	FRANK ANDREWS	2010
8=	JULIE BRICKLES	2011
8=	ALAN CLAYTON	2011
8=	DAVID DONALDSON	2011
8=	GAIL GOODMAN	2011
8=	PAUL HODGSON	2011
8=	EDWARD NASH	2011
8=	RICHARD REDCLIFFE	2011
8=	VIV WILLDER	2011
16=	MICHAEL CORNAH	2015 (past service 2007-2011)
17=	ROGER LLOYD	2015 (past service 1991-1995)
18=	ROGER SMALL	2015 (past service 1997-2011)
19=	JAN BARKER	2015
19=	BRENDA BLACKSHAW	2015
19=	DELMA COLLINS	2015
19=	RICHARD FRADLEY	2015
19=	SHIRLEY GREEN	2015
19=	NEIL HARVEY	2015
19=	GRAEME NEALE	2015
19=	SANDRA PITMAN	2015
19=	VINCE SETTLE	2015
19=	RAY THOMAS	2015
29	PETER ANTHONY	Dec 2015
30	MARK BAMFORTH	2017 (past service 1991-1999 and 2014-2017)
31	JOHN KIRKHAM	2017
32	JAYNE NIXON	Nov 2017
33	SALLY NASH	April 2018
34	CHRIS DIXON	Aug 2018

	TIM ASHTON	1991 Excluded himself from draw with Liz Oades in 2010 and excluded himself from draw with T Threlfall and H Henshaw in 2011
	KIRAN MULHOLLAND	1991 Does not wish to be considered for Mayoralty (Declared August 2009)
	MAXINE CHEW	2003 Does not wish to be considered for Mayoralty (Declared January 2017)
	TONY FORD	2007 Does not wish to be considered for Mayoralty (Declared September 2017)
	KEITH BECKETT	2007 (past service 1983-1987) Does not wish to be considered for Mayoralty (Declared September 2017)
	THOMAS THRELFALL	1995 Declined the position of Mayor for 2019/20 having been re-inserted back into the list in Jan 2017

	LOUIS RIGBY (Mayor 1991-92)	1976
	PAUL HAYHURST (Mayor 2000-1)	1979
	TREVOR J. FIDDLER (Mayor 2004-5)	1979 (broken service 1995-99)
	SUSAN FAZACKERLEY (Mayor 2008-9)	1987
	LIZ OADES (Mayor 2010-2011)	1991
	HEATHER SPEAK (Mayor 2012-13)	1999
	LINDA NULTY (Mayor 2013-14)	1999
	PETER HARDY (Mayor 2015-16)	1999
	CHRISTINE AKEROYD (Mayor 2016-17)	2002
	JOHN SINGLETON (Mayor 2017-18)	2007
	PETER COLLINS (Mayor 2018 -19)	2003

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	11 FEBRUARY 2019	9
INVITATION TO ACCEPT APPOINTMENT AS DEPUTY MAYOR 2019/20			

PUBLIC ITEM

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

SUMMARY

To invite a member of the Council to accept appointment as Deputy Mayor of the Borough of Fylde for the ensuring municipal year.

RECOMMENDATION

That the Council invites Councillor Richard Redcliffe to accept appointment at the 2019 Annual Meeting as Deputy Mayor of the Borough of Fylde for the municipal year 2019/20.

SUMMARY OF PREVIOUS DECISIONS

The Council is invited to appoint a Mayor and Deputy Mayor of the Borough of Fylde annually.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

- Members are invited to receive nominations for the position of Deputy Mayor for the municipal year 2019/20.
- It is understood that Councillor Richard Redcliffe will be nominated.

IMPLICATIONS	
Finance	An allowance is paid to the Deputy Mayor which is budgeted for within the council budget for the Mayoralty.
Legal	None arising directly from the report.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Manning	01253 658521	9 January 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	11 FEBRUARY 2019	10
SCHEDULE OF MEETINGS 2019-2020			

PUBLIC ITEM

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

SUMMARY

The attached Schedule of Meetings document highlights the proposed committees meeting dates for the forthcoming municipal year 2019/20

RECOMMENDATION

To approve the Schedule of Meetings for 2019/20 subject to any necessary amendments.

SUMMARY OF PREVIOUS DECISIONS

The Schedule of Meetings is approved at full Council each municipal year.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

- Appendix 1 highlights the proposed committee meeting dates for the forthcoming municipal year. Members are invited to endorse these proposals.
- The proposed schedule is based on the level of service for 2019/20 for which there is support from within existing budgetary provision.

IMPLICATIONS	
Finance	Provision is contained within the council budget for scheduled meetings.
Legal	None arising from the report.
Community Safety	None arising from the report.
Human Rights and Equalities	None arising from the report.
Sustainability and Environmental Impact	None arising from the report.
Health & Safety and Risk Management	None arising from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Manning	Tel 01253 658521	January 2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

Attached documents

Appendix 1 – Schedule of Meetings 2019/20

Fylde Council Schedule of Meetings

Version 3 Date 31/1/19

2019/2020

For Information Only

		CYCLE 1			CYCLE 2			CYCLE 3		CYCLE 4		CYCLE 5																										
2019/20	May	June	July	August	September	October	November	December	January 2020-	February	March	April	May	2018/19																								
Mo			1			1			1 New Years Day			1		Mo																								
Tu			2											3	4	1	2	3	4	5	6	7	Tu															
We	3		4																				1	2	3	4	5	6	7	We								
Th	2 Local Elections																													5	2	3	4	5	6	7	8	Th
Fr	3																																					6
Sa	4	7		4	5	6	7	8	9	10	Sa																											
Su	5										8	5	6	7	8	9	10	11	Su																			
Mo	6 Bank Holiday		9																6	7	8	9	10	11	12	Mo												
Tu	7																									10	7	8	9	10	11	12	13	Tu				
We	8																																	11	8	9	10	11
Th	9	12 MDSG (14:00)		9	10	11	12	13	14	15																												
Fr	10										13	10	11	12	13	14	15	16																				
Sa	11		14																11	12	13	14	15	16	17													
Su	12																									15 Council	12	13	14	15	16	17	18					
Mo	13																																	16	13	14	15	16
Tu	14	17 Public Protection 10am		14	15	16	17	18	19	20																												
We	15										18	15	16	17	18	19	20	21																				
Th	16		19																16	17	18	19	20	21	22													
Fr	17																									20	17	18	19	20	21	22	23					
Sa	18																																	21	18	19	20	21
Su	19	22		19	20	21	22	23	24	25																												
Mo	20										23	20	21	22	23	24	25	26																				
Tu	21		24																21	22	23	24	25	26	27													
We	22 Council AGM (14:00)																									25	22	23	24	25	26	27	28					
Th	23																																	26	23	24	25	26
Fr	24	27		24	25	26	27	28	29	30																												
Sa	25										28	25	26	27	28	29	30	31																				
Su	26		29																26	27	28	29	30	31														
Mo	27 Spring Bank Hol																									30	27	28	29	30	31							
Tu	28																																	31	28	29	30	31
Wed	29 Planning 13.00 start & bus tour	32		29	30	31																																
Th	30										33	30	31																									
Fr	31 Audit & Standards (10.00)		34																31																			
Sa																										35	32											
Su																																		36	33			
Mo		37		34																																		
Tu											38	35																										

KEY 2019/20 MEETINGS:		
Council	7	Mondays
Finance & Democracy	6	Mondays
Operational Management	5	Tuesdays
Environment, Health & Housing	5	Tuesdays
Planning, 10am	10	Wednesdays
Planning 6:30pm	5	Wednesdays
Tourism & Leisure	5	Thursdays
Audit and Standards	7	Thursdays
Public Protection	3	Wednesday am
MDSG	5	Fridays
TOTAL 2019/20 =	58	MEETINGS
Bank Holiday		

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	COUNCIL	11 FEBRUARY 2019	11
COASTAL REVIVAL FUND BID : LYTHAM HALL			

PUBLIC ITEM

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

SUMMARY

In the Spring of 2018, the Department of Housing, Communities and Local Government extended an invitation for local authorities or partnerships to submit bids for up to £50,000 from the Coastal Revival Fund. This would offer the opportunity to bid for grant aid towards identified schemes for the restoration of heritage features or artefacts that would assist in the regeneration or enhancement of seaside resort towns.

A successful bid was submitted to the Coastal Revival Fund by the Lytham Hall Partnership for £42,500. The funding will be used to restore the Georgian Hall East Elevation and produce a Parkland research and feasibility study.

Council is requested to agree to receive the funding and act as the accountable body for the administration of the grant. In doing so it would require a fully funded addition to the Capital Programme for the financial year 2018/19.

The accountable body will ensure that the grant is spent in accordance with the proposed spend as outlined in the bid.

RECOMMENDATIONS

The Council is recommended to:

1. To approve that the Council acts as the accountable body for the Lytham Hall Partnership Coastal Revival Fund grant;
2. To approve a fully funded addition of £42,500 to the Councils 2018/19 Capital Programme for the restoration works at Lytham Hall to be met from a grant from the Coastal Revival Fund of the same amount; and
3. To approve the payment of the grant monies to the Lytham Hall Partnership upon completion of a legal agreement between the partnership and Fylde Council restricting the purposes to which the grant can be applied to those as described within the bid document and requiring the provision of supporting documentation to confirm compliance with that agreement.

SUMMARY OF PREVIOUS DECISIONS

Tourism and Leisure -7th January 2016

Following full consideration IT WAS RESOLVED:

1. To recommend to the Finance & Democracy Committee the approval of a fully funded addition of £47,000 to

the Councils 2015/16 Capital Programme towards the restoration of Lytham Hall to be met from a grant from the Coastal Revival Fund of the same amount.

2. To agree that, subject to approval of the addition to the Capital Programme by the Finance & Democracy Committee as described above, the delivery of the project is to be achieved through the engagement of consultants/contractors and suppliers to deliver the various elements of the project in line with the Councils financial regulations and contract rules and procedures.

3. To recommend to the Finance & Democracy Committee the approval of one single payment of the grant upon the receipt of supporting invoices from Lytham Hall (Heritage Trust North West).

Council-10th December 2018

It was RESOLVED:

1. To approve the recommendation of the Tourism and Leisure Committee that the Lytham Hall Partnership is added to the approved list of Outside Bodies for Fylde Council;

2. To approve the nomination of Councillor Richard Fradley, by the Tourism and Leisure Committee, to represent the Council on the Lytham Hall Partnership;

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

1. The Coastal Revival Fund is a Government initiative that has been in place for a number of years. The 2018/19 round has a total value of £1m. Bids were invited for grant aid assistance with projects that are advanced and could be delivered in the current financial year.
2. The Lytham Hall partnership submitted a bid to the Coastal Revival Fund in Autumn 2018 and were informed on Tuesday January 22nd that the bid was successful. Details of the bid are included in Appendix 1 to this report. The grant must be spent in the current financial year, by March 31st 2019. Lytham Hall Partnership have confirmed that it will be spent by that date but require approval from the Council as the accountable body to release the funds. The notification did not come in time to put before the Finance & Democracy Committee on January 28th therefore it has been put before Full Council to release the funds.
3. The Lytham Hall Partnership was approved at Council on 10th December 2018 to be added to the list of outside bodies and Councillor Richard Fradley was approved to represent the Council under the Tourism and Leisure Committee on the Lytham Hall Partnership.
4. The Council has worked with Lytham Hall as the accountable body on a previous Coastal Revival Fund scheme to undertake the external painting of the hall, the creation of a joinery workshop and to fund the production of a park conservation management.
5. In support of the bid, the Coastal Revival Fund requires the local authority to act as the accountable body. The role of an accountable body in grant funded schemes involves taking on the responsibility and accountability for the spending of grant monies and the delivery of planned outcomes. Requirements include monitoring the expenditure to ensure it is allocated to the agreed works outlined in the bid. The accountable body undertakes to pay back any grant which is deemed to relate to either spend that is not eligible for funding or to schemes that do not fully deliver their planned outputs, to date this has never been applicable when the council has acted as accountable body for any partnership.

6. A legal agreement between the Lytham Hall Partnership and Fylde Council will be prepared restricting the purposes to which the grant can be applied to those as described within the bid document and requiring the provision of supporting documentation to confirm compliance with that agreement. Grant monies will not be transferred to the Lytham Hall Partnership until that agreement has been duly signed by all parties.

IMPLICATIONS	
Finance	If the Council agrees to act as accountable body, although no Council resources would be required to deliver the project it would require an addition to the approved Capital Programme in respect of the project, to be fully-funded by the grant for this purpose.
Legal	None specific apart from ensuring that the funding would be appropriated in accordance with the approved grant.
Community Safety	None relevant
Human Rights and Equalities	The scheme would be beneficial to all sections of the community
Sustainability and Environmental Impact	None specific
Health & Safety and Risk Management	None relevant to The Council

LEAD AUTHOR	CONTACT DETAILS	DATE
Allan Oldfield Darren Bell	Allan.oldfield@fylde.gov.uk 01253 658500 Darren.bell@fylde.gov.uk 01253 658465	28 th January 2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Coastal Revival Fund	17.5.18	https://www.gov.uk/government/publications/coastal-revival-fund-an-invitation-to-apply-for-funding

Attached documents

Appendix 1: Copy of the Coastal Revival Fund bid.

COASTAL REVIVAL FUND APPLICATION FORM**What are the key priorities for your coastal area?**

The key document is the Fylde Coastal Strategy 2015-32 <http://www.fylde.gov.uk/business/fylde-coastal-strategy/> which sets out to create a unique, high quality visitor destination for residents and visitors which is based on the conservation and enhancement of the natural landscape and heritage assets. The Strategy has created six character Zones, and Lytham Hall falls into Zone 5 “Lytham Heritage Coast”.

In order to achieve this vision, the priorities in the Strategy are divided into key themes: coastal flood protection; water quality; green infrastructure; visitor economy; sport & recreation; nature conservation; conserving heritage assets; access and transport. A series of high level priorities are identified for each theme and “restoring Lytham Hall” is a key action for Zone 5.

Other selected priorities for the Fylde coast are coastal flood protection and the Council has secured funding towards flood defence schemes; supporting a vibrant day and night time visitor economy through creating visitor attractions, supporting cultural and sporting events and maintaining a high quality offer; implementing the new Bathing Water Directive; integrating the nature reserve, SSSI and biological heritage to create a significant nature reserve; achieving Green Flag Status for the local parks in the coastal area; improve footpath and cycle links between the coastal assets.

Our project, as well as being identified in the Fylde Coastal Strategy, contributes towards the vision for the Fylde coast through helping to create a high quality visitor attraction by utilizing an untapped heritage asset.

What does your project involve?

This involves the second phase of the Restoration of a Grade I Listed Georgian House. The first phase included the commission of research and architects plans and tender documents for the restoration works. This provided some very useful information. Unfortunately, as we were unable to find all the match funding we had to put the plans on hold and investigate other methods of delivery (see section 7.2 and 8.3 also). We have come up with an intriguing solution. Our professional advisors, (one of the key ones is a volunteer), suggested we could do the work in-house, using our own volunteer craftspeople (a result of the establishment of the Joinery Workshop that was funded by the previous Coastal Revival Bid). This has enabled us to make a start, painting the elevations one by one, at a fraction of the costs. It has also enabled our visitors to see what is going on and engage in the activities. We have appointed a Conservation Advisory Panel comprising three professional conservation officers and other experts in horticulture and museum management to monitor the work and ensure it meets the highest conservation standards commensurate with the Hall’s Grade I status.

Secondly, we wish to take the Conservation Management Plan, funded by the Coastal Community Fund, a step further forward with a Feasibility Study and research into planting schemes for the parterre, herbaceous border and woodland areas to make the Parkland more attractive to visitors. The Feasibility Study will address the costs of the long term maintenance, the need to appoint an appropriately skilled member of staff to care for the Parkland, and provide direction for volunteers and training opportunities for students of arboriculture, horticulture and woodland management.

How will your project meet the criteria for the Coastal Revival Fund**The value, importance or local regard for the site, structure or asset**

Lytham Hall is Grade I listed (At Risk). The Hall and estate are of national significance and include a number of Grade II listed buildings including the Stables (18th Century), Dovecote (18th Century), Paradise Wall (1718) and Paradise Garden with Prospect Mount (date unknown), Causeways, Edward Kemp Entrance Lodge with Gatehouses in winged walls and carriage drive (1864), Lily Pond created from

former horse and cart washing pond (c 1850s). Recent archaeological excavations have revealed the site of 2 canals, summer house, early 18th Century glasshouses and parterres. The Parkland is Grade II Registered and on the Lancashire County Council Biological Heritage Site with Tree Preservation Orders.

The long-term future of the Hall has been a concern to the local community since the end of the Second World War. A proposal to acquire the site in 1944 was unsuccessful. In 1996 the community raised funds (including a donation of £1 million from British Aerospace) to acquire for the benefit of the community what remained of this huge estate that once stretched from Preston up to Blackpool.

The Georgian Hall was built in 1764 by one of the leading architects of the Georgian period John Carr of York, adjoining an earlier Jacobean Hall. He built the Hall for the Clifton family, who were granted land following the dissolution of the Benedictine Lytham Priory and built the Jacobean Hall. Later generations of Clifton's squandered money on travel, horses, and yachts and eventually the last Squire was forced to sell to Guardian Insurance Company in 1963. The Clifton's owned and built much of Lytham and neighbouring St Anne's and there are many people in the community with links to the Hall, whose family once worked on the estate or live in houses built by the Clifton's.

Although Guardian Insurance Company saved the Hall from dereliction in 1963, the restoration they carried out was poor by today's standards, using modern unsympathetic materials in places. With high maintenance costs, the Hall was sold in 1997 and is in need of sympathetic conservation and modernisation. Electricians, plumbing and heating are sub-standard causing damp, paint is peeling and the 250-year-old windows are rotting. The building is on the national Heritage At Risk register due to the backlog of maintenance which is causing a lack of active use.

Delivering a community benefit from the revival fund

Prior to being acquired by Lytham Town Trust, Lytham Hall was in private commercial ownership and closed to the public. The Trust acquired the site in 1997 for the benefit of the local community and signed a 99 year lease with Heritage Trust for the North West to maintain and manage the site as a heritage attraction on its behalf.

As a result of this arrangement, the parkland is now open 6 days/week all year round free of charge to the public and is enjoyed by many dog walkers and families (especially during school holidays) as a quiet and safe environment to play, picnic and explore. The site is managed by Heritage Trust for the North West with support from an enthusiastic team of volunteers. Currently 140 volunteers from the local community work in the grounds, tea room, tour guide and event steward which provides new experiences, skills, training and social contact. Volunteer numbers will grow as we restore more of the site to active use.

Our visitor numbers are growing as a result of the investment we have made in marketing and publicity and creating an all-year events programme. Visitor numbers continue to increase. We forecast 50,000 by 2017 and there were actually 62,052 last year.

This growth in visitor numbers illustrates the latent demand from the community on our doorstep and by visitors from further afield for access to Lytham Hall. Lytham Club Day (local carnival) which we hosted for the first time in 2014, continues to use the Hall for the annual carnival (last year 2017, 3000 people attended, this year 2018 this figure rose to over 5,000.)

The future availability of this facility depends on making it financially sustainable. We need to restore the Hall buildings to make more commercial use of the space for weddings, conferences, exhibitions and visitor tours, and improve the parkland to make it a safe and inspiring place to visit. Meanwhile we have expanded our catering and hospitality services increasing the turnover from £52,000 in 2016 to £321,000 in 2017/18.

This investment in the site, and growth in the number of visitors and unrestricted income, is essential to the Business Plan to make the Hall self-financing by 2020. Our business plan has been updated on a regular basis to reflect the changes, and we are able to report it is moving in the right direction and making significant headway.

Delivering an economic benefit from the revival fund

Leisure, culture and tourism make up an important industry in Fylde Borough, accounting for 1 in 10 jobs, attracting over 3 million visitors each year, generating £220 million spending in the local economy. The three authorities on the Fylde coast (Blackpool, Wyre and Fylde) are working strategically to develop and promote a diverse and broad cultural tourism offer. Tourism trends have not been kind to traditional resorts and the area suffers from abundance of low quality attractions.

There are two Grade I Listed buildings on the Fylde coast; the world famous Blackpool Tower, and Lytham Hall which is often described as a 'hidden gem'. Lytham Hall has untapped potential to contribute to the visitor economy on the Fylde coast, appealing to audiences who enjoy this type of activity and setting, offering more to existing frequent visitors to the area, and attracting new visitors and corporate business to Fylde. With no direct competition from other historic house and gardens, Lytham Hall has potential to compliment and diversify the existing leisure and tourism offer on the Fylde coast.

Lytham Hall is on the national Heritage At Risk register, and the obstacle to its revival is securing sufficient funding to conserve and restore the hall buildings, and introduce modern visitor facilities to cater for conferences and weddings, improved toilet facilities and food and beverage offer for visitors.

As forecast we have been able to take on 4 additional staff in the past two years, including a General Manager and Deputy, catering and tour guides, and in doing so support the local leisure and hospitality employment sector. We receive no grants to meet the cost of the 12 Full Time and Part Time staff employed by the Trust. We have recently recruited a Full Time Apprentice in conjunction with Blackpool and Fylde College.

The Trust continues to be involved in the promotion of traditional building skills and now has a fully equipped Joinery workshop (funded by the Coastal Revival Fund). The Trust is working with Blackpool and the Fylde College School of Construction and the University of York Conservation Centre to provide further training opportunities in building construction. The restoration of the only Grade I building in Fylde is a huge opportunity to maximise training in traditional building skills. The Trust has also established a partnership agreement with Myerscough College to provide training opportunities in woodland management and horticulture.

Local support

Local support for Lytham Hall became galvanised in 1997 when Lytham Town Trust campaigned to raise funds to buy it from Guardian Insurance Company for the benefit of the community. As a result of their efforts Lytham Town Trust was able to buy the Hall with funds raised including a large donation from British Aerospace. In the same year a Friends of Lytham Hall was formed. They continue to raise money each year towards upkeep and restoration projects.

Other local groups such as the Lytham St Annes Civic Society, Lytham Heritage Group, Lancashire Gardens Trust and Decorative & Fine Arts Society are keen supporters and we host their regular coffee mornings and meetings at the Hall.

The Hall hosts many events each year, such as outdoor theatre, car shows, plant fairs, snowdrop walks, Heritage Open Days to name but a few. All these are well attended by the local community and visitors from afar with our social media streams capturing positive feedback, and helpful comments. Many of our social media followers and Trip Advisor comments frequently mention the sorry state of the outside

of the Hall, and often ask '*when are they going to paint the Hall?*'.

Fylde Borough Council continues to be very supportive at officer and Member level, recognising that Lytham Hall is a huge asset to the community, and it is listed as a priority project in Council strategic documents such as the Fylde Coastal Strategy (2015-2032), a 16 year vision to bolster the area as a visitor destination underpinned by its natural and historic environment. The Council has made a grant of £300,000 towards the restoration project.

Proposed Outputs and Project Delivery		
Item	Amount	Date of expenditure
Georgian Hall East Elevation	£32,000	March 2019
Parkland Research & Feasibility Study	£10,500	March 2019
Further investment		
<p>In the previous application, we expected a contribution of £1 million from Lancashire County Council. Due to cutbacks, this support never materialized. We attempted to negotiate a smaller bid with both Lancashire County Council and the Heritage Lottery Fund but these bids were unsuccessful. This led the Trustees to review the programme of works and they have concluded that there are other less expensive ways of delivering the project using local craftspeople and volunteers. This approach has been very well received. For example scaffolding costs (which were in the region of £68,000) have been eliminated due to a national company lending a scissor lift for an indefinite period, which is ideal for a two-man team restoring the roof and elevations of the Georgian Hall.</p> <p>The work is slower and therefore will take longer to complete, but it is of a higher standard and provides many training opportunities. Also the public becomes more involved in the work, learning about and caring for historic buildings, and also helping with fundraising.</p> <p>A presentable hall and parkland is much more marketable, which in turn increases visitor numbers and turnover, therefore making the project more sustainable for the future.</p>		
Unlocking further investment		
<p>The external restoration of the Georgian and Jacobean Halls was costed at £950,000. In Section 6 we explained that by doing the restoration work in-house, starting with the Georgian Hall, we could do the work at a fraction of the cost (i.e. £234,000). To date we have completed the restoration of the courtyard of the Jacobean Hall and the North Elevation of the Georgian Hall at a cost of £42,000. We have raised nearly £75,000 to cover these costs plus completing one further elevation. A contribution of £32,000 from the Coastal Revival Fund would allow us to complete the third of the three principal elevations of the Hall and complete Phase II of the decorating works.</p> <p>As anticipated, the work is attracting much interest and offers are coming forward to help raise funds for the next phase (£128,000). For example the Rotary Club last year raised £10,000 and this year have offered to double it. Success builds on success and provides an incentive for the public to contribute once they can see something happening.</p> <p>A contribution from the Coastal Revival Fund will be a significant boost to encourage further investment for the next phase.</p>		
Project delivery		
<p>Heritage Trust for the North West will be responsible for delivery of this project. The Trust is one of the most established and active building preservation trusts in the UK and has an extensive track record of acquiring, conserving and reusing redundant and at-risk historic buildings. The Trust has two trading</p>		

companies and profits from these are reinvested into the charitable objectives and core costs of the Trust thus creating a sustainable operating model.

The Trust has appointed a General Manager, supported by a Building Manager and Volunteer Co-ordinator, who together will deliver these projects, working alongside the 140 volunteers, many with specialist skills.

Transparency

Lytham Hall is open to the public free of charge 6 days per week all year round, and on Sunday when we charge £1 admission. The Hall external restoration will therefore be immediately visible to the public during and after the project. We expect the full project to be complete by December 2019 but the Coastal Revival Fund element to be spent by March 2019.

The parkland Feasibility Study and research will be made publicly available as part of future public consultation on restoration and development proposals, within 12 months.

8.6 Confirmations

Please write 'yes' in the sections below to confirm that:

A) Details of the projects and progress will be made available to the Ministry of Housing Communities and Local Government: **Yes**

B) All Coastal Revival Fund grants would be spent by 31 March 2019: **Yes**

C) The letter from your local authority has been included with your application: **Yes**

D) You are aware that you will be required to report on your projects progress and achievements. **Yes**

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	11 FEBRUARY 2019	12
REVOCATION OF DOG BYELAWS			

PUBLIC ITEM

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

SUMMARY

In 2017, the Council introduced a range of public spaces protection orders containing measures that enable all dog owners to enjoy exercising their dogs whilst providing enforcement measures to target irresponsible owners. During the currency of the orders, the council's existing byelaws that deal with the control of dogs are of no effect. However, they are not revoked, and would become effective again if the orders lapsed.

Council decided in February 2018 to revoke the existing byelaws, subject to no representations being received in response to the statutory publicity requirements. One representation has been received, so the council is asked to take that representation into account and confirm (or otherwise) whether it still wishes to revoke the existing dog control byelaws.

RECOMMENDATIONS

1. Notwithstanding the representation received, to make the byelaw which was attached in draft to the previous council report revoking the dog control byelaws listed in it.

SUMMARY OF PREVIOUS DECISIONS

Operational Services Committee 23 May 2017: RESOLVED to approve the recommendations from the cross party working group as outlined below:

- To remove all existing bylaws across the Borough in relation to dog control
- To implement a borough wide PSPO for fouling
- To implement a PSPO for dogs on lead on public vehicular highways
- To implement a PSPO for dogs on lead in all council owned car parks
- To implement a PSPO for dogs on lead in Lytham cemetery
- To implement a PSPO for dogs to be excluded from enclosed/fenced children play areas
- To implement a PSPO for dogs to be excluded from ornamental water features
- To implement a seasonal PSPO for dogs to be excluded on the designated Amenity Beach from Good Friday to 30th September.
- To implement a seasonal PSPO for dogs on leads along the Promenade Gardens in line with the Amenity Beach exclusion period.
- To implement a borough wide PSPO for dogs on lead by direction only
- To explore an accreditation scheme for professional dog walkers as an alternative to limits on the number of dogs in partnership with the Kennel Club and representatives from the professional dog walking organisations
- To implement the proposed PSPO's from 1 October 2017 (to allow for an educational phase) with

enforcement commencing from 1 November 2017

- To implement new signage that is clear, polite and informative in appropriate locations across the Borough based on best practice and feedback from the dog walking representatives, the cost of which will be met from existing approved revenue budgets
- To remove all outdated signage in relation to dog control bylaws.
- To provide an update report to the committee in September 2018.

Council 5 February 2018: Resolved to adopt a scheme to make a byelaw revoking dog control byelaws; to publicise the proposal to make the byelaw in accordance with statutory requirements; and, subject to no representation being received, to make the revocation byelaw.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

PSPOs AND BYELAWS

1. Following the decision of the Operational Services Committee on 23 May 2017, nine public spaces protection orders have been made to deal with the control of dogs in the borough. The orders are intended to replace the pre-existing patchwork of dog control byelaws in their entirety.
2. Under the Anti-social Behaviour, Crime and Policing Act 2014, '*a byelaw that prohibits...an activity regulated by a public spaces protection order is of no effect...during the currency of the order*'¹. The existing byelaws are therefore in abeyance while the orders are in force.
3. Public spaces protection orders are in force for three years, but can be renewed before they lapse. If any of the orders lapse without being renewed or replaced, any existing byelaw covering the activity regulated by the lapsed order would automatically become effective again.
4. Part of the reason for introducing the public spaces protection orders was because the byelaws were seen as being inefficient, archaic and impracticable to enforce. It was therefore felt to be inconceivable that members would wish to revert to them if the orders lapsed. Further, the continued existence of the byelaws, but without them being effective, would give rise to justified confusion. For both of these reasons, it was considered sensible to revoke the relevant byelaws.

PROCEDURE FOR REVOKING BYELAWS

5. The council can only revoke a byelaw by the full council making a 'revocation byelaw' - another byelaw that revokes the original one. The procedure for doing so requires the council to prepare a 'scheme' to make a revocation byelaw, which must include a draft of the proposed byelaw and a regulatory assessment of the proposal. The scheme was approved by the council on 5 February last year.
6. The procedure then requires the council to publicise the proposal in accordance with the regulations and take into account any written representations that it receives². If no representations had been received, the council's decision last year would have given authority for the revocation byelaw to have been made. In fact, one representation was received in response to the publicity. It is therefore necessary for the council to take

¹ See [section 70](#)

² Members may note with some bemusement that the statutory procedure for revoking a byelaw is rather more prescriptive than that for making a public space protection order.

account of the representation before deciding to whether to make the revocation byelaw. The representation was as follows:

In common with many Lytham residents, I think you should revert to using the more sensible 80s byelaws regarding dogs. The new rules you have put in place make life harder for those with disabilities/people who don't drive, as it is st [sic.] hard for them to get to any place they can let their dogs off the lead, and for some people, they struggle to actually walk any distance with their dog. The vast majority of people in Lytham and St Annes look after their dogs well, and the old byelaws worked perfectly well. The people who allow their dogs to cause trouble/ make mess are likely to disobey any laws and so are unaffected by the rules that just spoil this lovely area for people who have mobility issues/lack of time or money to drive places.

7. Members are asked to consider the representation and decide, in the light of it, whether to make the revocation byelaw.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report.
Legal	The procedure for revoking a byelaw is contained in regulations. It must be complied with to ensure that the existing byelaws are effectively removed.
Community Safety	Problems caused by the small minority of irresponsible dog owners are now more effectively dealt with the public spaces protection orders, which allow fixed penalty notices to be issued.
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	ianc@fylde.gov.uk & Tel 01253 658506	12 December 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Local government legislation: byelaws	Accessed 12 January 2018	www.gov.uk/guidance/local-government-legislation-byelaws#revoking-a-byelaw
Representation in response to the proposal to make a revocation byelaw.	27 August 2018	Town Hall, Lytham St Annes

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE CHIEF EXECUTIVE	COUNCIL	11 FEBRUARY 2019	13
THE ANNUAL PAY POLICY STATEMENT 2019			

PUBLIC ITEM

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

SUMMARY

The report provides details of the Pay Policy Statement for Fylde Council, it has been a requirement for all local authorities to have a Pay Policy Statement since April 1st 2012 as part of the Localism Act. The objective of the Statement is to ensure and confirm openness, transparency and fairness in the pay policy arrangements at Fylde. It is also a requirement to conduct an annual review of the Pay Policy Statement, this report includes any implications of the annual review for the 2019 Pay Policy Statement.

RECOMMENDATIONS

1. That Council approve the Pay Policy Statement 2019 included as Appendix 1 to this report, with the required statement on Gender Pay Gap information and the need for Full Council to approve redundancy / severance packages in excess of £100,000, as the only significant change from the statement approved in 2018.

SUMMARY OF PREVIOUS DECISIONS

The Pay Policy Statement was first approved by Full Council in 2012 and has been reviewed and approved at Full Council every year since.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

- 1) The Council is required as part of the Localism Act 2011 to produce a Pay Policy Statement and to review and formally approve the statement on an annual basis. The statement sets out the Council policy on:
 - a. Chief Officer Remuneration (recruitment, salary, bonus, performance related pay, charges, fees, allowances, benefits in kind, enhancement to pension at termination)
 - b. The arrangements in place to determine the Remuneration of all employees
 - c. Remuneration of its lowest paid employees (covering the same elements as above) the definition used for this group and the reason for adopting that definition
 - d. The relationship between Chief Officer Remuneration and that of other staff

- 2) Guidance from the DCLG of what is expected in the Pay Policy Statement includes:
 - a. The opportunity for full council to vote on senior remuneration packages with a value over £100,000 prior to an offer of appointment being made
 - b. The relationship between Chief Officer remuneration and that of other staff and the ratio between the highest paid and median salary that the authority aims to achieve and maintain
 - c. Any decision that the authority takes in relation to the award of severance to an individual Chief Officer
 - d. An explicit statement on whether or not to permit an individual to be in receipt of a pension in addition to receiving a salary
 - e. Policies to deal with those who may have returned to the authority under a contract of service of any type having already received a severance or redundancy payment

The Pay Policy Statement included as Appendix 1 to this report includes all the above.

- 3) Recommended best practice on data transparency states that Council's should disclose publically:
 - a. Senior employee salaries at £50,000 and above including disclosing the names, job descriptions, budgets and numbers of staff
 - b. An organisational chart
 - c. The pay multiple which is the ratio between the highest paid salary and the median average salary of the whole authority's workforce

This information is published on the Fylde website alongside all other data transparency requirements.

- 4) Fylde Council implemented a pay review process in 2007 and as part of that review a robust pay and grading job evaluation scheme was agreed between management and the trade unions to ensure fairness and equity in terms of pay is in place. This scheme has operated successfully since 2007.
- 5) Fylde Council complies with the recommended best practice for local authorities on data transparency and publishes data on www.fylde.gov.uk/opendata that is required to be made publicly available.
- 6) The Council's Pay Policy Statement is included as Appendix 1 to this report. Central to the statement is the acknowledgement that each job has a value in terms of scope, specialist skills and knowledge, size and impact that has been subject to the agreed pay and grading evaluation scheme to determine an appropriate pay scale. All pay increments, pay scale points and pay bands are set in accordance with the NJC terms and conditions, the revised pay scale points and pay bands agreed as part of the 2018 to 2020 national pay award will be implemented from April 1st 2019.
- 7) The Council's employee benefits policies are universally applied wherever possible and the financial arrangements for all employees leaving the organisation for whatever reason are based on the same principles regardless of grade.
- 8) The Pay Policy Statement has been subject to the required annual review process and includes the legislative change passed in respect of [Gender Pay Gap Information](#), the statement confirms that the council will publish

the required gender pay gap information online and it will be available from April 1st 2018 alongside the other data required as part of the Pay Policy Statement.

- 9) The ratios between salary levels will change to reflect any nationally agreed pay increases and all the required information in relation to the Pay Policy Statement is published online and updated after the financial year end on March 31st.

IMPLICATIONS	
Finance	None arising directly from this report
Legal	The legal responsibilities in respect of the Pay Policy Statement have been included in the body of the report
Community Safety	None arising directly from this report
Human Rights and Equalities	The pay and grading scheme implemented at Fylde has been subject to equality impact assessment. There are no direct human rights and implications arising from the report.
Sustainability and Environmental Impact	None arising directly from this report
Health & Safety and Risk Management	None arising directly from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Chief Executive	allan.oldfield@fylde.gov.uk 01253 658500	January 2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Full Council Agenda 2012 – 2018	First meeting of the calendar year	https://fylde.cmis.uk.com/fylde/MeetingsCalendar.aspx
Gender Pay Gap Reporting	January 2019	http://www.fylde.gov.uk/council/your-council/equality-information/?scmOverrideRecord=21R0T1jx8k&admin.logout=1 https://www.gov.uk/government/news/gender-pay-gap-reporting
Online Pay Policy Data	Updated annually in April	http://www.fylde.gov.uk/council/yourcouncil/pay-policy-statement http://www.fylde.gov.uk/council/yourcouncil/transparency/salary-ratios http://www.fylde.gov.uk/council/yourcouncil/pay-scales http://www.fylde.gov.uk/council/yourcouncil/management-team

Attached documents

Appendix 1 – Pay Policy Statement



Pay Policy Statement

Summary Statement

Fylde Council is committed to paying all employees appropriately and fairly through the implementation of recognised and approved job evaluation schemes that have been tested to ensure they are free of any bias. The pay scales for employees at all levels are in the public domain and the Council complies with the requirement to publish data on senior salaries and its entire pay scale in the interests of transparency.

In determining the pay and remuneration of all employees, the Council complies with all relevant employment legislation including; the Equality Act 2010; Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000; and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations.

All Council policies that relate to employment benefits are universally applied unless there is a specific contractual or business reason why they should be limited to a certain group of employees.

Basic Pay

All employee basic pay is based on pay and grading evaluation schemes with the GLPC scheme for posts up to Chief Officer and the Hay scheme for Chief Officer positions. Both schemes have been tested to ensure that they are free from gender bias and the use of these schemes has been agreed with the relevant recognised trade unions.

Pay and grading evaluation panels consist of trained employee representatives to evaluate the job description and person specification for each post which produces a score that equates to a pay grade. Equality is ensured by evaluating the post and not the person.

The Council has adopted a policy to pay the Real Living Wage. The Real Living Wage supplement is applied for Council employees whose total hourly rate is currently less than the national Real Living Wage.

The Council adheres to the National Joint Committee (NJC) pay bargaining arrangements and implements a pay grade scale determined through agreed annual pay increases negotiated on a national basis with joint trade unions.

All other pay related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining process.

Market Supplements

Market force supplements are only paid to employees and Chief Officers in exceptional circumstances in accordance with the strict controls in the Council's Market Supplements Policy. Any such payments are reviewed at least every six months to ensure they remain valid, the Council has not applied market supplements to any post for in excess of five years.

Incremental Progression

Progression through the grades within a pay band for permanent and temporary employees, including Chief Officers, is only possible upon completion of satisfactory service and in line with the NJC terms and conditions, as described in the Green Book.

New Appointments

Appointment to new posts will usually be made at the start of the incremental grade scale, unless there are exceptional circumstances where the most suitable candidate can evidence that such an offer would not reasonably be acceptable and the Council is satisfied that market conditions require the appointment to take place at a higher point, within the pay scale grade, than the start.

Any Chief Officer appointment is dealt with by the Chief Officer Employment Committee, using the normal recruitment procedures with appointments made to a post with a remuneration package of more than £100,000 being ratified by Full Council.

Overtime and Additional Hours Payments and Premium Payments

Contractual overtime and additional hours are paid in accordance with the NJC Terms and Conditions, as described in the Green Book.

Non contractual, voluntary overtime, additional hours payments are paid in accordance with the Council's pay review terms and agreed policy on overtime.

To meet specific operational requirements it may be necessary for an individual to temporarily take on additional duties or responsibilities, the Council's arrangements for authorising any additional remuneration, e.g. honoraria, ex gratia, 'acting up' relating to temporary additional duties or responsibility, are only made in exceptional circumstances and subject to a business case that must be approved in advance by the Senior Management Team which consists of the Chief Executive and the two Directors.

Chief Officers are not permitted to be paid overtime, additional hours payments or premium payments.

Bonus Payments and Earn Back Schemes

No employees including Chief Officers in the Council are in receipt of bonus payments or subject to earn back schemes where employees give up some salary to earn it back upon completion of agreed targets.

Performance Related Pay

The Council does not operate performance related pay schemes for any employees and has no plans to introduce policy to support performance related pay schemes.

Relationship between the Highest and the Lowest Paid

The Council is committed to paying employees based on the recognised job evaluation schemes detailed above. It is the application of these schemes that creates salary differentials. Pay rates for each grade are published on the Council's website and updated at the start of each financial year in April.

Relationship between the Highest Paid Employee and the Median Salary

The relationship between the highest paid employee and the median salary will be calculated on an annual basis and published on the Council's website alongside the information provided regarding senior manager salaries. The information is updated at the start of each financial year in April.

As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmark information as appropriate. In addition, upon the annual review of this statement, the Council will also monitor any changes in the relevant 'pay multiples' and benchmark against other comparable local authorities.

Gender Pay Gap Information

In accordance with regulations introduced in 2017 the Council will publish gender pay gap information alongside all other pay policy related data on the website and update this on an annual basis.

Charges, Fees and Allowances

The Travelling, Subsistence and Related Expenses Policy is applicable to all employees including Chief Officers.

The reimbursement of professional fees for certain occupational groups is covered by the Personnel Code and applies to all relevant employees regardless of grade.

Any other allowances paid to employees regardless of grade are detailed in the appropriate policy and procedures approved by the Council and paid only when necessary to the service activity.

Chief Officers do not receive additional allowance payments.

Electoral Fees

The Resources Director is the Council's appointed Returning Officer and is personally (not corporately) liable for the management of elections and referendums. The fee payable to the Returning Officer for a European, UK Parliamentary and any other election or referendum organised nationally is set and paid for from Central Government. The fee payable to the Returning Officer for local elections, local by-elections, for parish and parish by-elections is set per ward. The scale of fees is based on a payment for the first 3000 electors per ward, then for each 500 electors or part thereof over 3000 an additional fee is incurred. Although there is provision to pay an additional fee, no additional payment is made. Any changes to the fees will be considered as part of the annual review of the Pay Policy.

A panel is in place at Fylde that periodically reviews the payments made to any officers involved in election work.

Pension

Where employees have exercised their statutory right to become members of the Local Government Pension Scheme, the Council is required to make a contribution to the scheme representing a percentage of the pensionable remuneration due under the contract of employment of that employee. The rate of contribution is set by Actuaries advising the Lancashire Pension Fund and reviewed on a triennial basis in order to ensure the scheme is appropriately funded. The employer contribution rates are set by statute and are available from the Payroll Team.

Under the terms of the Flexible Retirement Policy it is permitted for an employee to be in receipt of a pension and to be paid a salary at the same time. The policy requires a minimum reduction in hours worked of 50% and only employees aged 55 years and older are eligible to apply. Flexible retirement will only be granted in exceptional circumstances when there is a financial benefit to the Authority or extenuating personal circumstances without any cost to the Authority. Flexible retirement is part of the Council's approach to succession planning and is primarily aimed at applying a phased approach to full retirement.

Redundancy Payments, Severance Payments and Retirement

All employees including Chief Officers are entitled to redundancy payments and pension release in accordance with the Council's Redundancy and Retirement Procedure. Where the proposed severance package is more than £100,000, the decision will be ratified by full Council.

Re-employment/Re-engagement of Former Employees

The Council has an obligation to ensure that it is managing public monies responsibly and will not normally re-engage (into the same or a very similar role or a consultant capacity) ex-employees who have left their prime employment with the Council on the grounds of voluntary or compulsory redundancy, efficiency release or employer consent retirement (where there is a cost to the Council) for a period of 12 months with effect from the date of leaving. This policy does not cover those employees who access their pension via the Council's Flexible Retirement Scheme.

Any proposal to re-engage a former employee that left the council on the grounds of voluntary or compulsory redundancy, efficiency release or employer consent retirement, within 12 month of the leaving date will require the approval of the Senior Management Team.

Access to Information on Remuneration (Chief Officers and all staff)

The Council will identify and publish all remuneration information and job descriptions relating to any Officers paid in excess of £50,000 per annum. This includes the details of any employee that is employed on reduced hours but pro rata would earn in excess of £50,000 per annum.

Post titles and salary scale band will be published for all employees in the Council in the format of an organisational structure chart.

The Council will publish the policy on employee expenses and a table of all the salary pay scale points applicable at Fylde. The schedule of election fees paid to the Returning Officer will be published.

This information will be available on the Council website www.fylde.gov.uk and on request from the Council, it is updated at the start of the financial year in April.

<http://www.fylde.gov.uk/council/your-council/pay-policy-statement/>

Scope

This Pay Policy Statement applies to all Council employees, excluding those who are subject to the TUPE Regulations (Transfer of Undertakings Protection of Employment).

Review

The Pay Policy Statement will be kept under review and developments considered in the light of external best practice and legislation. The Council will ensure the Pay Policy Statement is updated on an annual basis in line with the requirement of the Localism Act 2011. The annual Pay Policy Statement will be submitted to full Council for approval by 31st March of each year.

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	COUNCIL	11 FEBRUARY 2019	14
CONSTITUTIONAL AMENDMENTS			

PUBLIC ITEM

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

SUMMARY

At the Council meeting held on 10th December 2018 the progress of remote access to meetings was considered and noted, with a further report being sought at the Council meeting on 11th February as to whether the Audit and Standards Committee supports its original recommendations, with respect to proposed changes to the Council procedure Rules, supports the proposal tabled by the Finance and Democracy Committee at its meeting held on 26th November 2018 or the amendment as suggested by Councillor Clayton at the 10th December 2018 Council meeting.

The recommendation of the Audit and Standards Committee are before Council for decision.

Additionally Audit and Standards Committee has considered the results of an assessment carried out to compare the Council's current arrangements with the guidance issued by CIPFA "Audit Committees - Practical Guidance for Local Authorities and Police 2018" to ensure that the Committee continues to operate in accordance with best practice.

The recommendation of the Audit and Standards Committee incorporates the latest guidance to the term of reference for the committee and are before Council for decision. Specific requirements for Fylde Borough Council, within the current terms of reference, in relation to the regulatory framework and the arrangements of the committee will remain unchanged.

RECOMMENDATIONS

- As recommended by the Audit and Standards Committee to amend the Council Procedure Rules to allow for remote access as follows:

2 REMOTE ATTENDANCE:

2.1 Arrangements for remote attendance

(a) Subject to 2.3 and 2.4, the chairman may make arrangements to allow (as far as the law permits) a member ('M') to participate in a meeting of the council including any committee (s) of which that Councillor is a member, if the following circumstances apply

(i) M has notified the Director of Resources in writing no later than one week before the meeting of their wish to participate remotely; and

(ii) M reasonably believes that it would be detrimental to their physical or mental wellbeing to attend the meeting in person.

(b) Any arrangements must ensure so far as possible that any person attending the meeting is able to hear

M's contributions as easily as those of members attending in person.

2.2 Substitutes

M may be represented by a substitute under rule 22 or 23 but not by remote access means.

2.3 Exempt and confidential items

M may not participate remotely in any part of a meeting in which the public have been excluded under section 100A of the Local Government Act 1972.

2.4 Maximum number of members participating remotely

The maximum number of members who may participate remotely in a council meeting is 2.

2. As recommended by the Audit and Standards Committee to adopt the revised Terms of Reference for the Audit and Standards Committee as shown at Appendix A to the report.

SUMMARY OF PREVIOUS DECISIONS

Remote Access to Meetings

Audit and Standards Committee – 17 January 2019
Council – 10 December 2018
Finance and Democracy Committee - 26 November 2018
Audit and Standards Committee - 15 November 2018
Finance and Democracy Committee - 19 June 2017, 19 March
Council - 3 April 2017
Member Development Steering Group Notes - 2017/2018

Terms of Reference of Audit and Standards Committee

Audit and Standards Committee – 17 January 2019
Council – 6 February 2017
Audit and Standards Committee – 19 January 2017

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

Remote Access to Meetings

1. The Member Development Steering Group (MDSG) has been piloting technological solutions to allow members who are unable to attend formal meetings to participate in them by remote access. The MDSG undertook this review as a part of its remit to promote member wellbeing.
2. The technology has been tested through a number of differing means including the attendance of Councillor Mark Bamforth at meetings of the MDSG (latterly as a member of the Group), attendance at Learning Hours and a trial attendance at meetings of the Environmental, Health and Housing Committee. MDSG is satisfied that the technological solutions are now sufficiently robust and reliable to allow them to be used in formal meetings of the authority.

3. A councillor who is not physically present at a meeting of a council or committee in England is not considered in law as attending the meeting, even where they participate by remote access. This means that they cannot validly vote at the meeting, cannot be counted towards the quorum, and would be counted as not having attended it for the purposes of the 'six-month rule'¹. These limitations are statutory or common law rules, which cannot be changed by the council. However, this does not preclude a member attending a meeting by remote access means, although it should be noted that any attendance of a councillor at a committee meeting by remote access must be limited to participating in discussions and debates.
4. The proposed new procedure rule would therefore allow the chairman of a meeting to make arrangements, in the circumstances set out in the rule, for a member to participate in a meeting by remote access, to the extent permitted by the law.
5. The Constitution Review Working Group (CRWG) considered amendments to the Council Procedure Rules to facilitate and govern its use. CRWG put forward wording for a new procedure rule for discussion by the Audit and Standards Committee (ASC). The committee endorsed the proposed new rule at its meeting held on 15 November 2018.
6. Finance and Democracy Committee ('FDC') deliberated the proposed rule at its meeting on 25 November 2018 and proposed certain changes to its wording.
7. Since ASC has within its terms of reference the remit to consider constitutional changes and recommend them to council, council referred the matter back to the ASC for further deliberation giving it the opportunity to consider the changes recommended by FDC, and those suggested by Councillor Clayton, Vice-Chairman of the Member Development Steering Group.
8. Following a full discussion at the ASC meeting held on 16 January 2019 it was agreed to recommend to Council that the Council Procedure Rules contained within the Constitution be amended to allow for remote access at Councils meeting as follows:-

2 REMOTE ATTENDANCE:

2.1 Arrangements for remote attendance

(a) Subject to 2.3 and 2.4, the chairman may make arrangements to allow (as far as the law permits) a member ('M') to participate in a meeting of the council including any committee (s) of which that Councillor is a member, if the following circumstances apply

- (i) M has notified the Director of Resources in writing no later than one week before the meeting of their wish to participate remotely; and
- (ii) M reasonably believes that it would be detrimental to their physical or mental wellbeing to attend the meeting in person.

(b) Any arrangements must ensure so far as possible that any person attending the meeting is able to hear M's contributions as easily as those of members attending in person.

2.2 Substitutes

M may be represented by a substitute under rule 22 or 23 but not by remote access means.

2.3 Exempt and confidential items

M may not participate remotely in any part of a meeting in which the public have been excluded under section 100A of the Local Government Act 1972.

2.4 Maximum number of members participating remotely

The maximum number of members who may participate remotely in a council meeting is 2.

¹ Section 85 of the Local Government Act 1972. The effect of the rule is that a member automatically ceases to be a member of the council if they fail to attend council meetings, or a committee of which they are a member, for a period of six months or more, unless their absence is due to a reason approved by the council.

Revised Terms of Reference for Audit and Standards Committee

9. CIPFA have recently issued Audit Committees – Practical Guidance for Local Authorities and Police 2018 which sets out the functions, operations, roles and responsibilities of audit committees and represents best practice.
10. The latest guidance incorporates a suggested terms of reference for audit committees. Internal Audit have carried out an assessment of the new requirements and although they are more detailed and prescriptive, particularly in relation to Internal Audit, it was found that the Audit and Standards Committee is already largely operating in line with the model contained within the guidance.
11. Included within the current terms of reference for ASC are some specific requirements for Fylde Borough Council in relation to the regulatory framework and the arrangements of the committee and these will remain unchanged.
12. The suggested terms of reference, for ASC, has been presented to the Constitution Working Group, who had no objections to the proposals. The standards aspects of the remit of the committee will remain unchanged at this present time.
13. Following a full discussion at the ASC meeting held on 17 January 2019 it was agreed to adopt the revised Terms of Reference for the ASC committee as shown at appendix A.

IMPLICATIONS	
Finance	Enabling remote access requires specialist equipment and support from the IT Team. To date it has been possible to contain the cost of this from existing approved budgets. However, if demand for remote access were to grow exponentially an increased staffing resource within the IT Team may be required in the future.
Legal	The legal implications are covered within the body of the report.
Community Safety	No direct implications
Human Rights and Equalities	The Public Sector Equality duty set out in section 149 of the Equality Act 2010 applies to the council. This means that the council must, in the exercise of their functions, have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, advance equality of opportunity between people who share a protected characteristic and those who do not, and foster good relations between people who share a protected characteristic and those who do not. While it is not clear whether the Public Sector Equality Duty applies to member participation in council and committee meetings (because holding council and committee meetings could be characterised being part of the council's administrative machinery for making decisions rather than being a function of the council), the council is acting in line with the duty in developing its proposals for remote access.
Sustainability and Environmental Impact	No direct implications
Health & Safety and Risk Management	No direct implications

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Manning	01253 658521	21 January 2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Council Minutes	3/4/17	https://fylde.cmis.uk.com/fylde/Committees.aspx
Finance and Democracy Minutes	19/06/17 and 19/03/18	https://fylde.cmis.uk.com/fylde/Committees.aspx
MDSG notes	2017/2018	Democratic Services Section
Audit and Standards Minutes	19/11/18	https://fylde.cmis.uk.com/fylde/Committees.aspx
Finance and Democracy Minutes	26/11/18	https://fylde.cmis.uk.com/fylde/Committees.aspx
Council Minutes	10/12/18	https://fylde.cmis.uk.com/fylde/Committees.aspx
Audit and Standards Minutes	17/1/19	https://fylde.cmis.uk.com/fylde/Committees.aspx

Attached Documents

Appendix A - Revised Terms of Reference for the Audit and Standards Committee

Appendix A - Revised Terms of Reference for the Audit and Standards Committee

Changes proposed by the Audit and Standards Committee are shown as tracked changes.

AUDIT AND STANDARDS COMMITTEE

The committee's activities and areas of responsibility are as follows:

1. Function and Purpose

- (i) ~~The function of the Audit and Standards Committee is to provide an independent and high-level resource to support good governance and strong public financial management.~~
The Audit & Standards Committee is a key component of Fylde Council's corporate governance framework. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- (ii) ~~The purpose of the committee in relation to audit is to provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes. By overseeing internal and external audit it also makes an important contribution to ensuring that effective assurance arrangements are in place.~~
The purpose of the Audit & Standards Committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of Fylde Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.
- (iii) The purpose of the committee in relation to standards is to promote and maintain the highest ethical standards and conduct by councillors. The committee is responsible for operating a locally based system for initial assessment of complaints that a member may have breached the Code of Conduct.

2. Audit Activity

- (i) ~~Considering the Chief Internal Auditor's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.~~
To consider the head of internal audit's annual report providing:
 - a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions.
 - b) The opinion of the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the

work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement.

~~Receiving other reports from the Chief Internal Auditor who may report directly to the Chairman of the Committee if deemed necessary.~~

~~(ii) Approving (but not directing) internal audit's strategy, plan and performance.~~

~~(iii)(ii) To approve the risk based internal audit plan including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.~~

~~(iv)(iii) Considering summaries of specific internal audit reports as requested.~~

~~To consider summaries of specific internal audit reports as requested.~~

~~(v)(iv) Considering reports dealing with the management and performance of internal audit.~~

~~To consider reports from the head of internal audit of internal audit's performance during the year, including the performance of external provider of internal audit services.~~

~~These will include:~~

- ~~a) Updates on the work of internal audit including key findings of issues of concern and action in hand as a result of internal audit work.~~
- ~~b) Regular reports on the results of the Quality Assurance and Improvement Programme.~~
- ~~c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether non-conformance is significant enough that it must be included in the Annual Governance Statement.~~

~~(vi)(v) Considering a report from the Chief Internal Auditor on agreed recommendations not implemented within a reasonable timescale.~~

~~To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.~~

~~(vii) In relation to the authority's internal audit function:~~

- ~~i. Overseeing its independence, objectivity, performance and professionalism~~
- ~~ii. Supporting the effectiveness of the internal audit process~~
- ~~iii.i. Promoting the effective use of internal audit within the assurance framework~~

~~(vi) To approve the Internal Audit Charter.~~

~~(viii)(vii) Considering To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.~~

~~(ix)(viii) Considering To consider specific reports as agreed with the external auditor.~~

~~(x)(ix) Receiving other reports from the external auditor who may report directly to the Chairman of the Committee if deemed necessary~~

~~To provide free and unfettered access to the Audit and Standards Committee chair for the head of internal audit including the opportunity for a private meeting with the committee.~~

~~(xi)(x) Commenting To comment on the scope and depth of external audit work and ensuring to ensure it gives value for money.~~

- ~~(xii)(xi)~~ ~~Under current legislation to appoint the council's external auditor.~~
To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- ~~(xiii)(xii)~~ ~~Commissioning~~ To commission work from internal and external audit.
- ~~(xiv)(xiii)~~ ~~Supporting effective relationships between external and internal audit, inspection agencies and relevant bodies, and that the value of the audit process is actively promoted.~~
To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- (xiv) Meeting the external auditor and Chief Internal Auditor in private if deemed necessary.
- (xv) To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- (xvi) To approve significant interim changes to the risk based internal audit plan and resource requirements.
- (xvii) To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- (xviii) To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
- (xix) To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- (xx) To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.

3. Regulatory framework

- (i) Maintaining an overview of the council's constitution in particular the Contracts Procedure Rules, Financial Regulations and Codes of Conduct.
- (ii) Advising the Council on changes to the Constitution.
- (iii) Reviewing any issue referred to it by the Chief Executive or a Director, or any council body.
- (iv) ~~Considering the effectiveness of the authority's risk management arrangements and the control environment.~~
To monitor the effective development and operation of risk management in the council.
- (v) ~~Reviewing the risk profile of the authority and assurances that action is being taken on risk related issues, including partnerships with other organisations.~~
To monitor progress in addressing risk relating issues reported to the committee.

To review the governance and assurance arrangements for significant partnerships or collaborations.
- (vi) ~~Ensuring that the authority's assurance statements, in particular the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it~~

~~and demonstrate how governance supports the achievements of the authority's objectives.~~

To review the Annual Governance Statement prior to formal approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.

- (vii) ~~Overseeing the council's arrangements for corporate governance and agreeing necessary action to ensure compliance with best practice.~~

To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider local code of governance.

- (viii) ~~Considering the reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or internal control.~~

- (ix) ~~Monitoring arrangements for ensuring value for money and for managing the authority's exposure to the risks of fraud and corruption.~~

To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

To review the assessment of fraud risks and potential harm to the council from fraud and corruption.

- (x) ~~Monitoring council policies on Whistleblowing and the Anti-Fraud and Corruption Policy and Strategy and the council's complaint process.~~

To monitor the counter-fraud strategy, actions and resources.

- (xi) Considering governance, risk or control matters at the request of other committees or statutory officers.

- (xii) Considering the council's compliance with its own and other published standards and controls

- (xiii) Reviewing and monitoring treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.

- (xiv) To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

- ~~(xiii)~~(xv) To consider reports on the effectiveness of internal control and monitor the implementation of agreed actions.

4. Accounts

- (i) ~~Reviewing and approving~~To review the Annual ~~s~~Statement of ~~a~~Accounts. Specifically, ~~considering~~ to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

- (ii) ~~Considering external auditor's opinion to those charged with governance on the financial statements and reports to members, and monitoring management action in response to issues raised by external audit.~~

To consider the external auditor's report to those charged with governance in issues arising from the audit of the accounts.

5. Accountability

- (i) To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
- (ii) To report to full council on a regular basis on the committee's performance in relation to the terms of reference and effectiveness of the committee in meeting its purpose.
- (iii) To publish an annual report on the work of the committee.

6. Standards

- (i) To assist the Council in fulfilling its duty under the Localism Act 2011 to promote and maintain high standards of conduct by members.
- (ii) To support ethical values and review the arrangements to achieve those results.
- (iii) To monitor and advise the Council about the adoption, revision and operation of its Code of Conduct in the light of best practice and any changes in the law.
- (iv) To keep under review the arrangements for dealing with allegations that a member of the Council or a member of a town or parish council within the Council's district has failed to comply with the relevant Code of Conduct.
- (v) To determine whether a member for the Council or a member of a town or parish council within its district has failed to comply with the relevant Code of Conduct.
- (vi) Where it finds that a failure to comply with the Code of Conduct has occurred, to determine what action, if any, to take.
- (vii) To assist the Council with the appointment of an Independent Person(s) as required by the Localism Act 2011.
- (viii) To determine any request for a dispensation under Section 33 of the Localism Act 2011.
- (ix) To advise the Council on, and review as necessary, any local Protocols regulating the conduct of Members and to deal with allegations of breach of any such Protocol.
- (x) To consider reports referred by the Monitoring Officer.
- (xi) To respond on behalf of the Council to national reviews and consultations on standards related issues.
- (xii) To consider and make recommendations to the Council on any other matter that may be referred to the Committee relating to the conduct of Members within the Authority.

7. Arrangements

The Committee will

- (i) meet a minimum of four times per year, (timetable to be agreed);
- (ii) have the authority to request the attendance of any elected Member or Officer of the Authority;
- (iii) have the right to report to all other committees, corporate risk groups and other strategic groups; and
- (iv) consider and assess the performance of the committee annually.

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
FINANCE	COUNCIL	11 FEBRUARY 2019	15
COUNCIL TAX PREMIUM 2019/20			

PUBLIC ITEM

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

SUMMARY

In 2013 the Government introduced legislation allowing local authorities the discretion to charge an additional 50% premium to the owners of properties left empty for over two years. The Council introduced this additional charge with effect from 1st April 2014.

In November 2018, government introduced legislation allowing local authorities the discretion to increase the premium to 100% with effect from 1st April 2019.

This matter was considered at the meeting of the Environment, Health and Housing Committee on 8th January 2019. That committee resolved to **recommend that Council approve the introduction of a new Council Tax Premium level of 100% payable in respect of properties that have remained empty for more than two years, and that this be effective from 1st April 2019.**

RECOMMENDATIONS

The Council is requested to:

1. Note the recommendation of the Environment, Health and Housing Committee from the meeting of 8th January 2019 with respect to the Council Tax Premium for properties left empty for over two years; and
2. To approve the introduction of a new Council Tax Premium level of 100% payable in respect of properties that have remained empty for more than two years, and that this be effective from 1st April 2019.

SUMMARY OF PREVIOUS DECISIONS

On 27th January 2014 the Council approved the introduction of a new Council Tax Premium level of 50% payable in respect of properties that have remained empty for more than two years, effective from 1st April 2014.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

1.0 Background

- 1.1 Section 12 of the Local Government Finance Act (LGFA) 2012 (which amended s.11A of the LGFA 1992) allows billing authorities to have discretionary powers for a premium to be charged in cases where an owner has left a property unoccupied and unfurnished for over two years.

2.1 Empty Homes Premium on Properties Remaining Empty for in Excess of 2 Years

Current Position – 50% premium is currently charged

Dwellings which have remained empty and unfurnished for over 2 years are charged 150% of the normal Council Tax charge. At November 2018, 121 properties were subject to the premium charge.

Option from April 2019

This additional charge is discretionary and the Council could determine that the premium should remain at 150% of the normal Council Tax. However, the premium provides a strong incentive to owners to bring the property back into use and an increase in the premium to 200% of the normal Council Tax charge may encourage those owners that have not already done so to take action to ensure their property is brought back into use. Since the introduction of the premium, the number of long-term empty properties has reduced from 710 in October 2013 (the point when the annual tax base is established) to 450 at November 2018 – a reduction of 260 properties (36 %). For Council Tax purposes a property is classed as being a 'long-term empty' when it has been vacant for a period of over 6 months.

There remains a few national exemptions in respect of unoccupied and unfurnished properties and the premium does not apply in these cases. Full details are set out in section 3.0 of this report.

A further consideration in support of continuing to apply the premium charge links to Fylde Council Local Plan to 2032 which comments that the Council will identify and bring back into use empty housing and building in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. After two years of remaining empty, properties may start to deteriorate and impact negatively on neighbourhoods. The return to use of long term empty properties may also contribute to the level of New Homes Bonus receivable by the Council and helps to improve current housing stock and increase the overall supply of housing.

Property owners are provided with advance notification that their property is approaching the date when the premium charge will commence – some three to four months prior to that date. This provides an opportunity for property owners to take appropriate action to avoid the premium charge where such a course of action is available to them e.g. the letting of a vacant property.

The current premium charge would appear to be having the intended effect and it could be reasonably implied that any increase to the premium that is charged would incentives owners even further to bring their property back into use.

3.0 Continuing Exemptions

- 3.1 For certain types of properties there are exemptions under current legislation which apply nationally and which therefore exclude properties from the impact of locally determined premiums. Examples of such exemptions include properties owned and last used by a charity, probate is in the process of being granted and the property is to be occupied by a minister of religion. These national exemptions would exclude them from the changes to the premium charge that is currently under consideration. The exemption in respect of properties in probate runs for a 6 month period following probate, and all other exemptions run for an indefinite period whilst the exemption applies.

4.0 Conclusions

- 4.1 This matter was considered at the meeting of the Environment, Health and Housing Committee on 8th January 2019. That committee resolved to **recommend that Council approve the introduction of a new Council Tax Premium level of 100% payable in respect of properties that have remained empty for more than two years, and that this be effective from 1st April 2019.**

- 4.2 The Council is therefore requested to consider the level of Council Tax Premium charge currently in operation and to approve the introduction of a new Council Tax Premium level of 100% payable in respect of properties that have remained empty for more than two years, and that this be effective from 1st April 2019.

IMPLICATIONS	
Finance	If approved the introduction of an additional 50% Council Tax premium on properties left empty for over two years would (based on the current number of empty properties of 121) generate additional income to Fylde Council of approximately £12,000 per annum at current council tax Band D charge levels, assuming that all of these properties were at Band D and remained vacant, thus incurring the full increased premium charge.
Legal	Section 12 of the Local Government Finance Act (LGFA) 2012 (which amended s.11A of the LGFA 1992) allows billing authorities to have discretionary powers for a premium to be charged in cases where an owner has left a property unoccupied and unfurnished for over two years. At the November 2017 Budget, the Chancellor announced the Government's intention to legislate to bring the maximum premium in England up to 100%, making the total payable 200%. The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 brought in this power with effect from the 2019-20 financial year.
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
Paul O'Donoghue, Chief Financial Officer	01253 658566	January 2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
n/a	n/a	n/a



DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	11 FEBRUARY 2019	16
FINANCIAL FORECAST UPDATE 2018/19 TO 2022/23 (POSITION AS AT JANUARY 2019)			

PUBLIC ITEM

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

SUMMARY

This report provides Members with an update of the financial forecast for the five years 2018/19 to 2022/23.

The main purpose of this update to the Financial Forecast is to reflect the impact of the provisional 2019/20 Local Government Finance Settlement, details of which were announced on 13th December 2018.

The bid by Lancashire councils to be selected as one of the '75% Business Rate Retention Pilot' schemes for 2019/20 was confirmed as successful as part of the settlement announcement, the implications of which are set out in the report.

The proposed change in the calculation methodology for New Homes Bonus (and the consequential reductions in the level of New Homes Bonus income in future years under the proposed revised arrangements) on which the government has consulted at various times, has not been implemented for 2019/20. Whilst this is welcomed and provides clarity in respect of 2019/20 the government may at some point amend the way in which the scheme operates for future years.

The assumptions set out in this forecast are the latest best estimates and will be updated as and when further information is made available.

This report was considered by the Finance and Democracy Committee at the meeting of 28th January 2019. The Committee recommended that Council note the implications of this updated financial Forecast.

RECOMMENDATION

The Finance and Democracy Committee considered this report at the meeting of 28th January 2019.

In accordance with those deliberations it is recommended:

1. That the Council note the implications of this updated financial forecast.

SUMMARY OF PREVIOUS DECISIONS

The Council set its budget for 2018/19 at the meeting of 5th March 2018. This report provides Members with a further update to the financial forecast following the position that was considered by Council in December 2018.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

1. PURPOSE OF THE FINANCIAL FORECAST UPDATE

- 1.1 This report updates the financial forecast which was considered by Council in December 2018. Attached at Appendix A is the financial forecast position reported to Members at that time. Appendix B shows the general assumptions underpinning the base forecast, whilst Appendix C sets out the latest changes and Appendix D sets out the supporting narrative to the latest changes. **Appendix E details the latest updated forecast position.**
- 1.2 The forecast has been updated to reflect the impact of the 2019/20 Local Government Finance Settlement, announced on 13th December 2018, and the decisions of Council at its meeting of 10th December 2018, including the continuation of the scheme for New Homes Bonus Grant distribution to town and parish councils to reflect growth in property numbers.
- 1.3 This latest financial forecast update is designed to:
 - Present an updated five-year financial forecast for revenue and capital spending following the announcement of the Local Government Finance Settlement in December 2018;
 - Review and update the currently identified risks and opportunities;
 - Alert Members to any new specific risks and opportunities;
 - Inform Members of any changes required to budgets due to external factors outside the Council's control; and,
 - Provide a basis on which Members can begin to make future spending decisions.

1. THE CAPITAL PROGRAMME

- 2.1 The latest in-year position on the Capital Programme, along with the associated financial risks, is contained within a separate report for consideration at this meeting and has also been reported to each of the Programme Committees as part of the January cycle of meetings.

- 2.2 Any future capital financing issues facing the Council will be addressed as part of the Council's budget proposals for 2019/20 which will be published in mid-February 2019.

2. KEY CHANGES TO THE GENERAL FUND REVENUE BUDGET FORECAST

- 3.1 Many of the financial risks as set out in the Financial Forecast update considered by Council in December 2018 still remain. The changes to the General Fund Revenue Forecast are those arising from the Local Government Finance Settlement, together with some further in-year revenue budget changes. These are detailed below:

i) **The 2019/20 Local Government Finance Settlement**

The main document detailing the Local Government Finance Settlement is entitled 'Provisional local government finance settlement: England, 2019 to 2020'. Full details of the settlement can be found at the following link: [Finance Settlement 2019 to 2020](#)

The key points arising from the Finance Settlement for Fylde Council are:

a) Confirmation of acceptance of the bid by Lancashire authorities to form part of the '75% Business Rate Retention Pilot Scheme' arrangements for 2019/20

As part of the 2019/20 budget consultation fourteen Lancashire Councils as well as the Lancashire Fire & Rescue Service submitted a bid to be included in a 75% business rates retention pilot scheme. On 13th December 2018 it was announced that this bid has been successful.

Under the current pooling arrangements business rate income raised in Fylde is first split with 50% going to the government and the rest being shared between Fylde Council (40%), LCC (9%) and Lancashire Fire and Rescue Service (1%). Under the pilot scheme this initial split will change to 25% government and 75% local preceptors. This increases the reward possible from growth of business rate income, but there is also a greater risk of adverse consequences if income declines.

This increased split means the members of the Lancashire pilot are expected to increase the estimated share of business rate income retained by a total of £9.6m in 2019/20. District Councils such as Fylde will see their initial allocation increase from 40% under the current system to 56% under the pilot arrangements.

The ADDITIONAL growth in retained business rate income under the pilot scheme will first be top sliced as follows:

- Initially, 5% of additional growth will be set aside to provide a resilience fund that will mitigate against any losses in business rate income for participating authorities should their income fall below baseline funding levels;
- A further 25% of the additional growth will then be set aside to create a Lancashire-wide fund to be used to target strategic economic growth and to improve financial sustainability within the county. This will be allocated based on decisions of the Lancashire Leaders Business Rates Pilot Group.

It is currently estimated that the residual additional growth retained by Fylde as a result of these arrangements will be £370k in 2019/20. **The beneficial effect of this is reflected in the**

updated Financial Forecast summary as shown at Appendix E to this report together with the estimated impact of the latest in-year business rate income monitoring.

The government continues its ambition to implement a new 75% business rates retention scheme for **all** local authorities by 2020/21. The current pilot is expected to benefit the Council in terms of retaining more business rate income in 2019/20. However the final scheme for future years from 2020/21 onwards will differ predominately for two reasons:

- The current pilot uses historic baseline funding levels; however the result of the Government's fair funding review (see para **d**) below) will see this baseline adjusted via a scheme "reset" with the potential for Fylde Council to receive less of its retained business rate income, and
- The government may introduce a less favourable split between lower and upper tier authorities than is currently the case in the pilot arrangements.

The government is consulting on the reforms due to be implemented in 2020/21, and at this stage the forecast assumes a reduced level of business rate income closer to the current baseline level until details of the outcome of the fair funding review are known.

b) Confirmation of the 2019/20 General Council Tax Referendum Principles

As part of the 2018/19 Finance Settlement the government increased the general council tax referendum principle (the upper limit on the year-on-year increase that can be applied without the requirement for prior approval through a local referendum) from 1.99% to 2.99% for 2018/19 and 2019/20. For shire district councils such as Fylde Council, the council tax referendum principle that applies is therefore the higher of 2.99% or £5 for a Band D property in 2018/19 and 2019/20. An increase of 2.99% for 2019/20 for Fylde equates to £6.02 for a Band D property.

The Financial Forecast currently assumes a 2.99% increase (at average band D) for each year of the forecast. This will be kept under review and any amendment to this assumption will form part of a future update to this Financial Forecast.

Referendum principles will not be extended to town and parish councils for 2019/20, but could be applied to these councils in future years.

c) No Change to the New Homes Bonus arrangements

The Government has refrained from introducing further reform to the calculation methodology in respect of New Homes Bonus. The proposal to introduce further reform, including a change to the 0.4% baseline level and an option to withhold New Homes Bonus in respect of properties built following an appeal to the Planning Inspectorate, formed part of an earlier consultation on the operation of the scheme.

If introduced as proposed the changes would have reduced the total New Homes Bonus that Fylde Council would receive and consequently the continuation of the current arrangements is welcomed.

The future forecast of New Homes Bonus income has been reviewed in the light of the latest available information on property numbers and updated forecast amounts are contained within the revised summary Financial Forecast at Appendix E to this report.

d) Announcement of a 'Fair Funding Review'.

Alongside the Local Government Finance Settlement, the Government confirmed that it is looking to implement the Fair Funding Review in April 2020 and published the [Fair Funding Review Consultation](#). This consultation:

- proposes to simplify the assessment of local authorities' relative needs;
- considers the type of adjustment that will be made to an authority's relative needs assessment to take account of the relative resources available to them to fund local services; and
- proposes a set of principles that will be used to design potential transitional arrangements and examines how the baseline for the purposes of transition should be established.

Although no details are known at this stage it is possible that, given the financial pressures on upper-tier and unitary councils with responsibility for services with escalating costs such as adult social care, that the review could result in shire district councils being regarded as requiring a reduced share of national resources. Any implications arising from this review will be reported within future updates to the financial Forecast.

ii) Other Revenue Budget Adjustments

a) New Homes Bonus Distribution to Town and Parish Councils

The Council meeting of 10th December 2018 approved the continuation of the scheme for the distribution of a portion of the New Homes Bonus Grant income to town and parish Councils. The financial consequence of this decision is contained within the summary Financial Forecast at Appendix E to this report.

b) Other budget adjustments

A limited number of further budget adjustments have been made to this updated financial forecast update, including confirmation of the actual level of income relating to the chargeable green waste collection service for 2018/19 now that subscriptions for the current year have ended. These are included within the variance analysis at Appendix C to this report and an explanation of each is provided at Appendix D. Council Tax income projections have also been updated from the December financial forecast to reflect the actual Council Tax base information for 2019/20 which was finalised in December 2018.

3.2 Other Continuing Financial Risks

Many of the other financial risks that were detailed within the previous Financial Forecast Update that was presented to the Council in December 2018 still remain. These are:

- **Future Central Government Funding Reductions**
- **Announcement of a 'Fair Funding Review'**
- **Retained Business Rates**
- **Borrowing Costs Assumptions**
- **Reduction in Housing Benefit Administration Grant**
- **Universal Credit**
- **Grounds Maintenance (External Contracts)**
- **The Living Wage**
- **Community Infrastructure Levy (CIL)**

Full details of each of these can be found within the December 2018 Financial Forecast report via the following link: www.fylde.gov.uk/

4. CONCLUSIONS

- 4.1 The 2019/20 Local Government Financial Settlement has provided a degree of improvement, but has not fundamentally changed, the general financial standing of Fylde Council. There remains (as reported in the December 2018 Financial Forecast update) a projected surplus for each of the years up to and including 2022/23.
- 4.2 The confirmation of the success of the bid by Lancashire authorities to participate in the 75% Business Rate Retention pilot scheme is welcomed, as is the decision not to further amend the calculation methodology in respect of New Homes Bonus. Developments with regard to the more distant proposals (the implementation of a 'Fair Funding Review', encompassing a possible re-assessment of relative need within local government generally) will be followed closely and any implications reported within future Financial Forecast updates when known.
- 4.3 In order to maintain the current financial position, the Council needs to continue with the approach to delivering savings and efficiencies and maximising income which have helped deliver balanced budgets and contribute to reserves over recent years. Through continued focus on the importance of financial stability the Council has delivered a significant savings programme in recent years and has continued to reduce senior management costs and other overheads. Ongoing modernisation work and business improvement will continue to make Council services more efficient, save money and maintain frontline services to customers. This work has yielded ongoing savings to help improve the Council's overall financial position over that period.
- 4.4 Although it is clear that further uncertainty lies ahead, **the finances of the Council remain robust and the reserves and balances are at healthy levels as compared to earlier periods.** Furthermore Fylde Council has a past record of taking actions in order to meet and overcome financial challenges as they arise. The Council will continue to seek opportunities to maintain a robust financial position in the face of a changing financial environment. This approach will ensure that the Council continues to achieve and sustain a balanced budget position on an ongoing basis and is able to deliver the priorities set out in the Corporate Plan.
- 4.5 The assumptions set out in this forecast are the latest best estimates and will be updated as and when further information becomes available.

IMPLICATIONS	
Finance	The financial implications are contained within the body of the report.
Legal	None arising from this report
Community Safety	None arising from this report
Human Rights and Equalities	None arising from this report
Sustainability and Environmental Impact	None arising from this report
Health & Safety and Risk Management	None arising from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Paul O'Donoghue Chief Financial Officer	01253 658566	January 2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Medium Term Financial Strategy (MTFS) Update, Including General Fund, Capital Programme and Treasury Management for 2017/18 – 2021/2022	Budget Council meeting 5 th March 2018	www.fylde.gov.uk
MTFS – Outturn Position For 2017/18 (Including General Fund, Capital Programme & Treasury Management)	Finance and Democracy Committee meeting 25 th June 2018	www.fylde.gov.uk
Revenue Budget Monitoring Report 2018/19 – to 31 st July 2018	Finance and Democracy Committee meeting 24 th September 2018	www.fylde.gov.uk
Capital Programme Monitoring Report 2018/19 – to 31 st July 2018	Finance and Democracy Committee meeting 24 th September 2018	www.fylde.gov.uk
Medium Term Financial Strategy (MTFS) Update, Including General Fund, Capital Programme and Treasury Management for 2018/19 – 2022/23	Council meeting 10 th December 2018	www.fylde.gov.uk

Attached documents

1. Appendix A – Forecast approved at Council on 10th December 2018
2. Appendix B – Schedule of general assumptions underpinning the forecast
3. Appendix C – Schedule of changes to the forecast
4. Appendix D – Explanation of changes to the forecast
5. Appendix E – Updated latest forecast position

General Fund Budget Forecast 2018/19 to 2022/23 - 10th December 2018

	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	Adverse / Favourable
Forecast approved at Council on 5th March 2018	9,675	10,149	10,420	10,547	10,547	Favourable
Forecast Changes - per Appendix C of December 2018 MTFS report	- 259	- 34	- 301	- 148	88	
Forecast Budget Requirement	9,416	10,115	10,119	10,399	10,635	
Financed by:						
Council Tax Funding:						
Council Tax - Precept	5,998	6,281	6,554	6,839	7,134	
Council Tax - Share of Previous Years Surplus/(Deficit)	- 35					
Sub Total - Council Tax Funding	5,963	6,281	6,554	6,839	7,134	
Business Rates Funding:						
Retained Rates (including assumed pooling benefit 2018/19 & 2019/20)	3,594	2,953	2,200	2,200	2,200	
Sub Total - Business Rates net of reserve transfers	3,594	2,953	2,200	2,200	2,200	
Council Tax Freeze Grant relating to 2015/16 freeze						Favourable
New Homes Bonus	1,349	1,379	1,476	1,399	1,348	
Less - NHB distribution to Town & Parish Councils	- 65					
Revenue Support Grant	47					
Less - Parish Element of Council Tax Support Funding	- 4					
Sub Total - Other Funding	1,327	1,379	1,476	1,399	1,348	
Forecast Financing	10,884	10,613	10,230	10,438	10,682	
Forecast surplus(-)/deficit for year	- 1,468	- 498	- 111	- 39	- 47	
Reserves						
Forecast surplus/deficit (-) for year from above:	1,468	498	111	39	47	
Less: Proposed Transfer to Capital Investment Reserve	- 1,468	- 498				
Balance of surplus/deficit(-) remaining:	0	0	111	39	47	
Balance of General Fund Reserves b/f	3,685	3,685	3,685	3,796	3,835	
Less transfer to/from(-) General Fund Reserves in year			111	39	47	
Forecast Reserves at Year End	3,685	3,685	3,796	3,835	3,882	
Band D Council Tax (Excl Parish Precepts)	£201.61	£207.63	£213.84	£220.24	£226.83	Favourable
Band D Average Council Tax Increase	£5.85	£6.02	£6.21	£6.40	£6.59	
Band D Average Council Tax Increase	2.99%	2.99%	2.99%	2.99%	2.99%	

General Assumptions

The forecast has been prepared on the basis of the following assumptions:

- General Prices Inflation – a freeze or cash-limiting of all general revenue expenditure budgets with the exception of pay, fuel & utility budgets;
- Slippage - underspend items from 2017/18 agreed by the Finance and Democracy Committee in June 2018 have been slipped into 2018/19;
- Pay award - assumed to be 2% per annum for 2018/19 onwards;
- Employers Pension Contributions – the Council's contribution to the Lancashire pension fund scheme is set in accordance with the estimated outcome of the 2016 Triennial Pension Review at 15.2% plus 9% deficit recovery lump sum payment for the period to 2019/20; any amendments resulting from the final review will be reflected in later updates to the Financial Forecast;
- Employer's National Insurance contributions – the forecast reflects the statutory contribution rates currently in place, including a reduced contribution rate as a result of the Council being part of the pension scheme;
- Council tax increases – 2.99% increase assumed per annum from 2019/20 onwards;
- Government Grant Support – the forecast assumes central government funding is as notified in the draft Local Government funding settlement announced in December 2018;
- Fees and Charges – The forecast takes account of the revised fee levels as approved by Budget Council in March 2018. For future years budget-holders have reviewed fee levels as appropriate and any proposed changes to fees & charges will be considered at the Budget Council in March 2019 following consideration by the appropriate programme committee;
- Employee Cost Savings (including Vacancy Savings) – the forecast assumes Employee Cost Savings of £300k per annum from 2018/19 onwards;
- Localisation of Council Tax Benefit Scheme – the forecast assumes a fully funded scheme with no cost to the Council from 2018/19 onwards.

Appendix C

Forecast changes since December 2018 Council Meeting

	<u>18/19</u> <u>£000</u>	<u>19/20</u> <u>£000</u>	<u>20/21</u> <u>£000</u>	<u>21/22</u> <u>£000</u>	<u>22/23</u> <u>£000</u>	<u>ADVERSE /</u> <u>FAVOURABLE /</u> <u>NEUTRAL</u>
1 <u>CHANGES AS A RESULT OF MEMBER APPROVALS:</u>						
Lowther potential additional subsidy - as approved at Council 19th November 2018	175	0	0	0	0	ADVERSE
2 <u>UPDATED ESTIMATES OF INCOME BUDGETS:</u>						
Additional income from green waste subscription service	-18	-18	-18	-18	-18	FAVOURABLE
TOTAL	157	-18	-18	-18	-18	

Appendix D

The following notes relate to specific adjustments made to the Forecast set out in Appendix C

(1) Additional Subsidy to Lowther Trust in 2018/19

The payment of an additional subsidy to Lowther Trust for 2018/19 (up to a maximum potential sum of £175k) as approved by Council in November 2018 is now included within this updated Financial Forecast.

(2) Additional income from green waste subscription service

Confirmation of the actual level of income relating to the chargeable green waste collection service for 2018/19 (now that subscriptions for the current year have ended) shows a favourable variance against the budget of £18k. The final number of subscriptions for 2018/19 was 17,850 producing a total actual income for the service of £535,500. The income estimates for the current and all future years have been updated to reflect this increased projected level of income.

Latest General Fund Budget Forecast 2018/19 to 2022/23

	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	Adverse / Favourable
Forecast approved at Council on 10th December 2018	9,416	10,115	10,119	10,399	10,635	Adverse
Forecast Changes - per Appendix C	157	- 18	- 18	- 18	- 18	
Forecast Budget Requirement	9,573	10,097	10,101	10,381	10,617	
Financed by:						
Council Tax Funding:						
Council Tax - Precept	5,998	6,243	6,505	6,776	7,058	
Council Tax - Share of Previous Years Surplus/(Deficit)	- 35					
Sub Total - Council Tax Income	5,963	6,243	6,505	6,776	7,058	
Business Rates Funding:						
Retained Rates (including pooling benefit 2018/19 & pilot impact 2019/20)	3,591	3,641	2,200	2,200	2,200	
Sub Total - Business Rates Income	3,591	3,641	2,200	2,200	2,200	
New Homes Bonus	1,349	1,412	1,508	1,431	1,380	Adverse
Less - NHB distribution to Town & Parish Councils	- 65	- 69				
Revenue Support Grant	47					
Less - Parish Element of Council Tax Support Funding	- 4					
Sub Total - Other Income	1,327	1,343	1,508	1,431	1,380	
Forecast Financing	10,881	11,227	10,213	10,407	10,638	
Forecast surplus(-)/deficit for year	- 1,308	- 1,130	- 112	- 26	- 21	
Reserves						
Forecast surplus/deficit (-) for year from above:	1,308	1,130	112	26	21	
Less: Proposed Transfer to Capital Investment Reserve	- 1,308	- 1,130				
Balance of surplus/deficit(-) remaining:	0	0	112	26	21	
Balance of General Fund Reserves b/f	3,685	3,685	3,685	3,797	3,823	
Less transfer to/from(-) General Fund Reserves in year			112	26	21	
Forecast Reserves at Year End	3,685	3,685	3,797	3,823	3,844	
Band D Council Tax (Excl Parish Precepts)	£201.61	£207.63	£213.84	£220.24	£226.83	Adverse
Band D Average Council Tax Increase	£5.85	£6.02	£6.21	£6.40	£6.59	
Band D Average Council Tax Increase	2.99%	2.99%	2.99%	2.99%	2.99%	

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	11 FEBRUARY 2019	17
REVIEW OF STATEMENT OF GAMBLING POLICY			

PUBLIC ITEM

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

SUMMARY

The Gambling Act 2005 requires the Licensing Authority to determine and publish a Statement of Gambling Policy for a 3 year period to set out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made.

A draft revised Gambling Policy Statement was presented to the Licensing Committee on 30th January 2019 and it was resolved to recommend the draft Statement of Gambling Policy 2019-2022 for approval by Full Council.

RECOMMENDATION

That Council approves the Statement of Gambling Policy 2019 – 2022.

SUMMARY OF PREVIOUS DECISIONS

30th January 2019 – recommendation to the Public Protection that, *“That the Committee note the contents of the report and recommends the draft Policy for approval by Full Council.”*

14th December 2015, Council resolved to “to adopt the revised Policy”.

3rd December 2012, Council resolved “To note the contents of the report and approve the revised policy.

23rd November 2009, Council resolved to “note the contents of the report and approve the Policy.”

27th November 2006, Council resolved “To approve the draft Gambling Policy Statement detailed within the report, which had 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.”

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

1. The Gambling Act 2005 requires the licensing authority (Fylde Borough Council) to prepare a Statement of Gambling Policy every three years.
2. The Authority's current Statement of Gambling Policy was adopted by Council on the 14th December 2015 and is due for renewal.
3. Members will be aware that Fylde Borough Council has responsibility under the Act to issue premises licences, permits and temporary use notices in respect of premises where it is proposed that gambling should take place. Additionally, the Authority is responsible for the registration of Small Society Lotteries.
4. S25 of the Gambling Act requires the Gambling Commission to issue Guidance to Licensing Authorities on the discharge of functions under the Act. The Guidance was originally issued in April 2006 and dealt primarily with matters intended to assist the Licensing Authorities in the development of Gambling Policy.
5. The Guidance has been subject to several revisions, the latest being in September 2015 (parts updated in September 2016) following emerging issues since the implementation of the Act. This Guidance sets out the principles that must be applied by the Licensing Authority in exercising its functions under the Act.
6. The draft revised Gambling Policy was issued for consultation on the 3rd December 2018 and the final date for any comments to the proposals was 12th January 2019. There were no responses to the Consultation apart from a number of recommendations from the Councils legal officer which have been included.
7. The existing Policy has been kept under review since coming into force and no revision has been deemed necessary to the existing policy apart from references which have become outdated and an update at part 4 concerning Local Risk Assessments.
8. The Act requires the Council to consult with various groups before the Policy is determined as follows:
 - the Chief Officer of Police for the authority's area
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act
9. The Consultation included:
 - Lancashire Constabulary
 - 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
 - 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
10. The Public Protection Committee were informed of the consultation process at their meeting on the 30th January 2019 and resolved to recommend Council adopt the amended policy for 2019/2022.

IMPLICATIONS	
Finance	The adoption of the policy has no direct financial implications, although there are resource implications for enforcement of any licence conditions. Such implications will be delivered within existing revenue budget provision.
Legal	The Council continues to have the statutory responsibility to administer the gambling function.
Community Safety	Views of community safety partners are incorporated into the policy.
Human Rights and Equalities	No direct implications arising from the report or policy.
Sustainability and Environmental Impact	A balanced approach to regulating the trade as part of a sustainable community is promoted through the policy.
Health & Safety and Risk Management	No direct implications arising from the report or policy. Those arising from enforcement activity will be managed operationally.

LEAD AUTHOR	CONTACT DETAILS	DATE
Chris Hambly	chris.hambly@fylde.gov.uk	23 rd January 2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Gambling Commission, Guidance to licensing authorities	September 2015	https://www.gamblingcommission.gov.uk/PDF/GLA5.pdf

Attached documents

App A – Statement of Gambling Policy 2019 – 2022



Draft Statement of Gambling Policy

2019-2022

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1

BACKGROUND

- 1.1 The Gambling Act 2005 (the Act) requires licensing authorities to publish a statement of policy every three years, which sets out how they intend to exercise their functions. The policy sets out the general approach of the licensing authority to making licensing decisions. However, each application must be considered on its own individual merits. Further, the licensing authority can only decide on an application if relevant representations have been made about it.
- 1.2 The Act introduced 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.
- 1.3 The Act also introduced an independent unified regulator for commercial gambling in Great Britain, the Gambling Commission, and a licensing regime to be operated by the commission or by licensing authorities depending on the matter to be licensed.
- 1.4 The Act 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.
- 1.5 Local authorities, as Licensing Authorities, are responsible for the granting of premises licenses for: casinos, betting offices and race tracks, bingo clubs, adult gaming centres and family entertainment centres. They 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) is also the responsibility of Licensing Authorities. The Authority is also responsible for the issue of occasional use notices at tracks.
- 1.6 Licensing Authorities may also authorise premises that are not generally licensed for gambling purposes to be used for gambling for limited periods.

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 propose 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 The Council recognises that gambling is a legitimate pastime of many of the residents of Fylde but also understands the problems that it can cause by gambling, particularly to those who are young or especially vulnerable. This "Gambling Policy Statement" 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 will regulate gambling in the public interest and, consistent with Section 153 of the Act, in making decisions about premises licences and temporary use notices will 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 was adopted by the Full Council at its meeting on the XXXXXXXX.

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:-

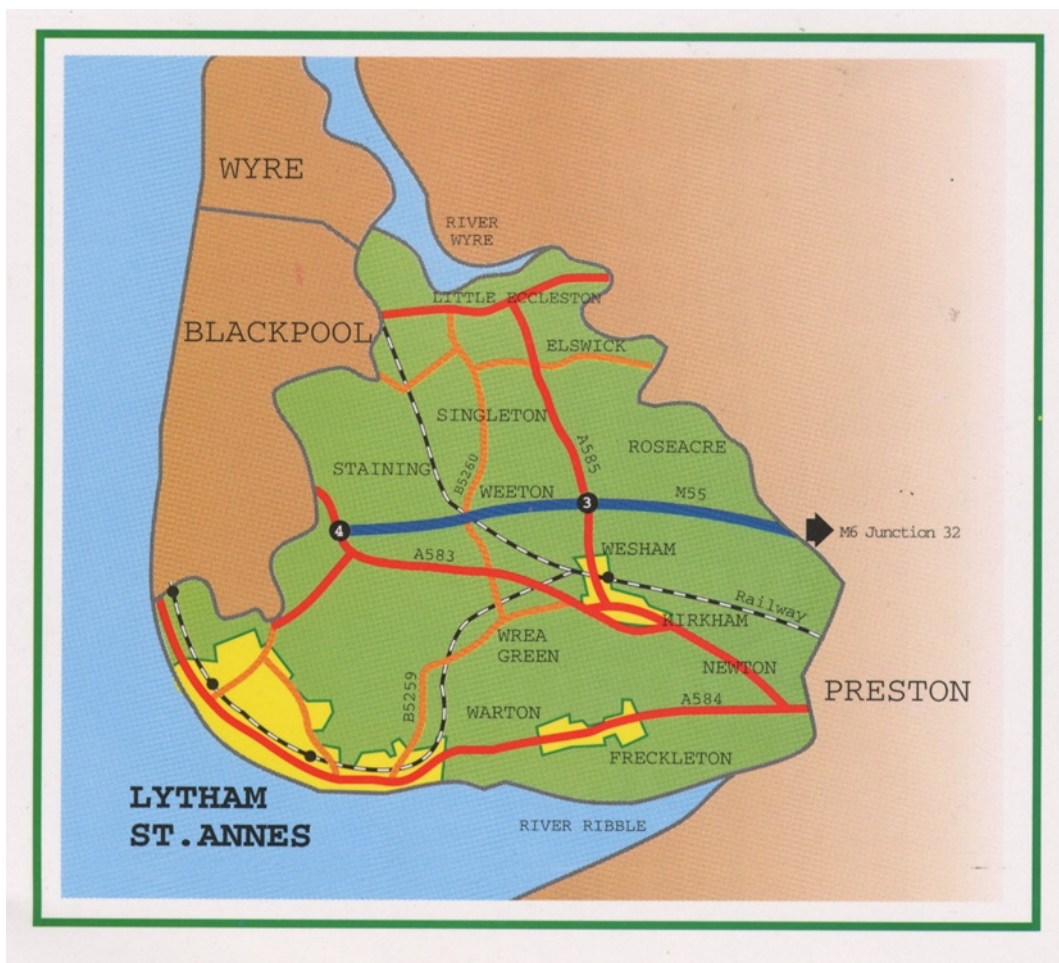
- Responsibility for the licensing of premises where gambling activities take place by issuing premises licences
- Issue of Provisional Statements
- Regulation of members clubs and miners welfare institutions who may wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club 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 14 Licensing Authorities in total. The Council area has a population of 78,883 (2017) with an estimated 27% of the population over 65 (2017 mid-year population estimate for the Lancashire-14 area). 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 218th out of 354 English authorities, based on the government's indices of multiple deprivation (2015).

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 2018, there is one casino in the Borough which is located within St Annes (not currently trading), seven betting shops are located in the area with 3 in St Annes and 2 in Kirkham and two in Lytham. There are 7 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 58 pubs and 12 clubs have permits for gaming machines.

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
- 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 will be given to the views of all those consulted prior to this Gambling Policy Statement being finalised and taking effect.

4 Local Risk Assessments

- 4.1 The Commission's Licence Conditions and Codes of Practice (LCCP) (issued in February 2015) requires operators to consider local risks in their applications.
- 4.2 As part of the application process licensees are required to submit a local risk assessment when applying for a new Premise Licence. An updated risk assessment must also be submitted:
- When applying for a variation of a Premises Licence
 - To take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
 - When there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 4.3 This Authority may require a licensee to share their risk assessment with it. The risk assessment will set out the measures the licensee has in place to address specific issues where concerns exist over new or existing risks. By adopting this proactive approach the Authority and licensees should be able to reduce the occasions on which a premises review is required.

4.1 Local Area Profiles

- 4.1.1 Whilst this Authority does not currently have a Local Area Profile, as referenced in the Commission's Guidance, nonetheless its clear priority is to ensure that children and vulnerable persons are not harmed by gambling. To this end the Authority will expect applicants to research and understand the local environment in which they wish to operate and to demonstrate that they have effective and robust measures in place to promote this licensing objective and mitigate any risks related to it.
- 4.1.2 It should be noted that the Authority may develop a Local Area Profile setting out the local issues, local data, local risks and the expectations that it has of operators who either currently offer gambling facilities or wish to do so in the future. Should it do so it will be included as an Annex to this Statement.
- 4.1.3 In the absence of a Local Area Profile when considering applications for Premises Licences, permits and other permissions, and when determining whether to review a

Licence, the Authority will consider each application on its merits and relevant considerations are likely to include the type of gambling proposed and the proximity of gambling premises to schools and vulnerable adult centres, or to residential areas where there may be a high concentration of families with children.

5 Legislation

- 5.1.1 In undertaking its licensing function under the Gambling Act 2005, this authority is also bound by other legislation, including:-
- Section 17 of the Crime and Disorder Act 1988
 - Human Rights Act 1998
 - Health and Safety at Work Act 1974
 - Environmental Protection Act 1990
 - The Anti-Social Behaviour Act 2003
 - Equality Act 2010
 - Anti-Social Behaviour, Crime and Policing Act 2014
- 5.1.2 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.
- 5.1.3 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.

5.2 Human Rights

- 5.2.1 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 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

5.3 Discrimination

- 5.3.1 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 all diversity groups in accordance with the Councils Equality and Diversity Policy.

6 Exchange of Information

- 6.1 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.

- 6.2 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.
- 6.3 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.
- 6.4 The exchange of information will be in full compliance with the requirements of the General Data Protection Regulation, Data Protection Act 2018 and Freedom of Information legislation in accordance with the Council's existing policies.
- 6.5 Details of those persons making representations will, where permitted under the General Data Protection Regulation and Data Protection Act 2018, and with consent, 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.

7 Premises Licences

- 7.1 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.

7.2 Demand for Premises

- 7.2.1 This Licensing Authority will not take into account whether or not there is a 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.

7.3 Definition of Premises

- 7.3.1 The Gambling Act prohibits more than one premises licence applying to single premises. The term premise is defined in the Act as "any place" and therefore it is possible for a single building to consist of more than one premises providing that the different parts of the building can reasonably be considered as separate premises. Every application will be judged on its merits but in general the authority will consider a single building to be single premises unless it can be shown that the parts are truly separate. Examples of this are where different floors of a building are distinct and separate or where shopping centres have discrete trading units
- 7.3.2 The Authority will not support the artificial separation of premises by temporary or artificial means where the authority considers that the purpose of such separation is to circumvent the intention of the Act to limit the number of gaming machines allowable at that particular type of premises. The Authority will expect all separations

between different premises to be clearly defined permanent structures.

7.3.3 In determining whether two or more proposed premises are truly separate, the Authority will take into account the following:

- Are the different parts subject to separate business rates?
- Are the different parts of the premises in the same ownership?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from other gambling premises?

7.3.4 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.

7.3.5 In considering applications for multiple licences for a building or for a discrete part of a building used for other non-gambling purposes the Authority will be aware of the following:

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

7.3.6 The Authority will expect that any premises licensed for a particular activity such as betting or bingo will provide that activity as the primary gambling activity and any gaming machines authorised to be provided under this licence should be subsidiary to this main activity.

7.3.7 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 can 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 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.

7.4 Location of Premises

7.4.1 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.

7.4.2 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.

7.4.3 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.

7.5 Achieving the Licensing Objectives

7.5.1 Decisions taken by this Licensing Authority and premises licences granted will, as far as possible, be consistent with the three licensing objectives detailed above at 2.1 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.

Preventing Crime and Disorder

7.5.2 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.

7.5.3 This Licensing Authority is aware of the distinction between disorder and nuisance and 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.

7.5.4 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.

7.5.5 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.

7.5.6 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.

- 7.5.7 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.

Ensuring that Gambling is Conducted in a Fair and Open Way

- 7.5.8 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.
- 7.5.9 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.

Protecting children and other vulnerable persons

- 7.5.10 This Licensing Authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children (defined in S45 of the Act as being less than 16 years old or a young person as between 16 and 18 years old) 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.
- 7.5.11 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.
- 7.5.12 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'
-

7.5.13 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. 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.

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.

7.6 Conditions

7.6.1 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

7.6.2 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 or winnings.

7.6.3 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.

7.6.4 The starting point in determining applications will be to grant the application without discretionary 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.

7.6.5 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.

7.6.6 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.

7.6.7 Where category C or above machines 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.

7.6.8 Where there is concern that a particular premises will attract disorder or be subject to attempts at unauthorised access by, for example, children or vulnerable adults a condition may be added to a licence requiring that the entrances to such premises be controlled by door supervisors. Where the Private Security Industry Act 2001 requires such door supervisors to be licensed by the Security Industry Authority (SIA) (or successor body) then this requirement will normally also be deemed to be a condition of the premises licence. Where, however, door supervisors are employed as 'in house' staff in casinos and bingo halls they do not need to be licensed by the SIA.

7.6.9 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, that additional supervision of entrances / machines is appropriate. The Authority may decide, in the light of the particular circumstances, that these need to be SIA licensed.

It will, however, not be automatically assumed that they need to be so licensed.

7.7 Adult Gaming Centres

- 7.7.1 The term adult gaming centre was introduced by the Gambling Act 2005. Such premises are entitled to provide gaming machines which pay-out 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.
- 7.7.2 This Authority's main concern in these premises is to protect children and vulnerable persons.
- 7.7.3 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.
- 7.7.4 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.

7.8 Family Entertainment Centres (Licensed)

- 7.8.1 The Act created two classes of family entertainment centres, only one of which requires a premises licence.
- 7.8.2 Licensed family entertainment centres are permitted to provide category C and D gaming machines. Unlicensed family entertainment centres can only provide category D machines. No limits are set on the numbers of machines in these categories.
- 7.8.3 Children and young persons are permitted in licensed 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.
- 7.8.4 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 7.6.4 above.

7.9 Casinos

- 7.9.1 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.
- 7.9.2 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.
- 7.9.3 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.

7.10 Bingo Premises

- 7.10.1 This Licensing Authority acknowledges that children and young people can be allowed entry into bingo premises but are not allowed to take part in bingo or use category B and C machines that are on the premises. This Authority will wish to ensure that sufficient measures are in place to prevent children participating in these activities.
- 7.10.2 The Licensing Authority will take into account guidance or codes of practice from the Gambling Commission on the suitability and layout of bingo premises when determining any applications for premises licences. This guidance includes a requirement that:-
- all category B & C gaming machines are located in an area of the premises
 - 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 the machines are located;
 - access to 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.

7.11 Betting Premises

- 7.11.1 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.
- 7.11.2 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 7.9.3 above when considering the number/ nature/circumstances of betting machines an operator wants to offer.

7.12 Tracks

- 7.12.1 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.

- 7.12.2 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 7.6.4 above.
- 7.12.3 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.
- 7.12.4 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.
- 7.12.5 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.)

- 7.12.6 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."
- 7.12.7 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.

7.13 Travelling Fairs

- 7.13.1 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.
- 7.13.2 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.
- 7.13.3 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.

8 Representations

- 8.1 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.
- 8.2 Admissible and Relevant**
- 8.2.1 A representation will only be admissible if it is from a responsible authority or interested party.
- 8.2.2 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.

8.3 Frivolous or Vexatious or Likely to have no Influence on a Decision

- 8.3.1 This Licensing Authority will determine an application without a hearing if the representations are considered to be either frivolous or vexatious.
- 8.3.2 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.
- 8.3.3 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.
- 8.3.4 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.

8.4 Responsible Authorities

- 8.4.1 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.

- 8.4.2 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 to be the Lancashire Safeguarding Children

Board.

8.5 Interested Parties

8.5.1 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

8.5.2 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.)

8.5.3 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 only 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.

8.5.4 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.)

8.5.5 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.

8.5.6 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.

- 8.5.7 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.

9 Review of Premises Licence

- 9.1 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.
- 9.2 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.
- 9.3 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
- 9.4 A review can be held in relation to a class of premises or in relation to a particular premises.
- 9.5 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.

10 Provisional Statements

- 10.1 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.

- 10.2 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.
- 10.3 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.
- 10.4 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.
- 10.5 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 applicant's circumstances.

11 Permits, Notices and Lotteries

- 11.1 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
- 11.2 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.
- 11.3 **Unlicensed Family Entertainment Centre Gaming Machine Permits**
- 11.3.1 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.
- 11.3.2 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.

- 11.3.3 Although this Licensing Authority recognises that it cannot attach conditions to this type of permit, it is suggested 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.
- 11.3.4 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.
- 11.3.5 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.
- 11.3.6 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.

11.4 Alcohol Licensed Premises - Gaming Machine Permits

- 11.4.1 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.
- 11.4.2 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.
- 11.4.3 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.

11.4.4 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.

11.4.5 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.

11.5 Prize Gaming Permits

11.5.1 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.

11.5.2 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.

11.5.3 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.

11.5.4 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.

11.6 Club Gaming and Club Machine Permits

11.6.1 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 (no more than 3 machines of categories B3A (only one of

this category), 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[3]A (only one of this category), B[4], C or D). It should be noted that commercial clubs may not site category B[3]A gaming machines offering lottery games in their clubs.

- 11.6.2 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.

- 11.6.3 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.

- 11.6.4 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.

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

11.7 Temporary Use Notices

- 11.7.1 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.
- 11.7.2 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.

- 11.7.3 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.

- 11.7.4 This Licensing Authority will hold a hearing if an objection notice is served unless all parties agree that a hearing is unnecessary.
- 11.7.5 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.

11.8 Occasional Use Notices

- 11.8.1 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.

11.9 Small Society Lotteries

- 11.9.1 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

12 Enforcement

- 12.1 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.

- 12.2 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.
- 12.3 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.
- 12.4 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.
- 12.5 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.
- 12.6 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.
- 12.7 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.
- 12.8 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.

- 12.9 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.

13 Complaints Against Licensed Premises

- 13.1 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.
- 13.2 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.
- 13.3 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.

14 Appeals

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

15 Policy Review

- 15.1 This policy takes effect on the XXXXXXXXX. It will be subject to periodic reviews and further consultation in line with current Government guidance.
- 15.2 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 for Licensing Authority

Licensing Team
Fylde Borough Council
Town Hall
Lytham St Annes
Lancs
FY8 1LW

Email: licensing@fylde.gov.uk

Tel no: 01253 658658

Contact Details for Responsible Authorities

Responsible Authority	Address
The Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Tel No. 0121 230 6500 Fax. 0121 237 2236 info@gamblingcommission.gov.uk
Police	Police Licensing Department Lancashire Constabulary Bispham Police Station Red Bank Road Blackpool Lancs FY2 0HJ
Fire	Technical Fire Safety Lancashire Fire and Rescue Service St Annes Fire Station St Andrews Road North St Annes Lancashire FY8 2JQ Tel No: 01253 722268
Environmental Protection and Planning	C/O Licensing Team Fylde Borough Council Town Hall Lytham St Annes Lancashire FY8 1LW Email: licensing@fylde.gov.uk Tel No: 01253 658658

Protection of Children	Lancashire Safeguarding Children Board, Room 503 Eastcliffe JDO Preston PR1 3JP
Her Majesty's Commissioners of Custom and Excise	Operational Team, HM Revenue and Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ

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	



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Authorised by: