



SWINDON BOROUGH COUNCIL
Municipal Year 2018/19

Thursday, 24 January 2019

**COUNCIL CHAMBER
CIVIC OFFICES
SWINDON**

16 January 2019

Dear Councillor,

Summons to attend Council Meeting

A MEETING of the **Council**, which you are requested to attend, is to be held at the CIVIC OFFICES, SWINDON, on **Thursday, 24 January 2019 at 7.00 p.m.**

The business to be transacted will be as follows:-

AGENDA

- 1. Apologies for Absence**
- 2. Communications**
To receive any communications or letters which the Mayor or Chief Executive may have to bring before the Council.
- 3. Minutes** (Pages 9 - 16)
To receive the minutes of the previous meeting.
- 4. Declarations of Interest**
Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

5. Public Question Time

See explanatory note below.

6. Minutes for Confirmation (Pages 17 - 112)

(1) To consider Minutes for Confirmation from the Licensing Committee:

- Minute 19 - Gambling Act 2005 – Statement of Licensing Principles.
- Minute 25 - Introduction of a Local Policy in respect of Home Boarding Businesses with Additional Hosts.
- Minute 26 - Street Trading.

(2) To note a Minute from the Scrutiny Committee:

- Minute 51 - Possible effects of leaving the EU.

7. Motions

(a) **Motion - Climate Change**
Councillor Cathy Martyn will move:

“That this Council:

Recognises that:

1. Climate change is a reality and a world-wide effort is essential to cut greenhouse gas emissions in order to avoid a catastrophic temperature rise of more than 2 degrees.
2. The UK has a world-first Climate Change Act with a legally-binding target of an 80 per cent emissions cut by 2050, and shorter-term national carbon budgets ensuring year-on-year emissions cuts.
3. Local authorities have a big say in how we heat and power our homes and how we get around, and are vital to building low carbon communities and meeting our national climate commitments.
4. It makes good economic sense to continue to take action now to drastically cut greenhouse gas emissions. If we delay acting on emissions, it will only mean more radical intervention in the future at greater cost, and larger impacts on society.

Notes that:

1. The Government has made a commitment to be the first generation to leave the environment in a better state than we inherited it and we welcome the Environment (Principles and Governance) Bill, the first in over twenty years, which will be an essential step towards this goal. The Government has pledged to support increased biodiversity and thriving plants and wildlife and to continue to clean up our air and our water, creating a healthier environment.
2. This Administration will continue to commit to cutting down unnecessary resource use and waste, reducing our impact on the world and shaping

a more efficient, sustainable and competitive economy. Nothing is more important than demonstrating our responsibilities to the next generation. Tackling climate change is an essential to those responsibilities. We must rise to the challenge.

3. Taking action now can also help to achieve long-term, sustainable economic growth from a low-carbon economy. Benefits of the development of green industries in the town include the potential for create well-paid, high-skilled employment locally, regionally and nationally.

Requests that the Leader of the Council:

1. Calls on the Government to provide additional powers and resources to ensure that local authorities such as Swindon Borough Council can help deliver on its ambitious targets for a reduction in Global Warming to less than 2%
2. Request the Cabinet to consider adopting a Risk Management Approach where all future Key Decisions are be considered for their impact on Climate Change and for relevant Policies to consider a sensible mix of approaches for reducing the risks and taking advantage of the opportunities presented by climate change.”

(b) **Motion - Domestic Abuse**
Councillor Mary Martin will move:

“That this Council:

Recognises that:

1. Each year nearly 2 million people in the UK suffer some form of Domestic Abuse.
2. Anyone can be a victim of Domestic Abuse, regardless of gender, age, ethnicity, socio-economic status, sexuality or background.
3. Domestic Abuse can manifest itself in many ways including; emotional, physical, sexual, psychological and financial.

Notes that:

1. The Council is already engaged in awareness and education around Domestic Abuse including the work carried out through the Community Safety Partnership Board to increase the local communities and organisations understanding and awareness of the extent and impact of Domestic Abuse.
2. The Council places a lot of emphasis on prevention and early intervention and is committed to working with partners to seek resolutions to reduce the prevalence of domestic abuse and to provide support for children and young people whose lives are affected by domestic abuse.

Requests that the Cabinet Member for Public Safety:

1. Continues to robustly adopt a zero tolerance approach to any form of domestic violence and abuse, and strongly reaffirms our steadfast commitment to tackle domestic violence and abuse through taking a public health approach with our multi-agency Domestic Abuse Strategy and Joint Health and Wellbeing Strategy, supported by awareness campaigns.
2. Encourages anybody from any background who is suffering from the impact of domestic violence and abuse to come forward and get the help and support they need from the extensive range of partners working collaboratively with Swindon Borough Council including the police, health services, schools and other key partner organisations such as the 24 hour English National Domestic Violence Helpline, Swindon Women's Aid, Citizens Advice Bureau, Victim Support and Galop.
3. Resolves to continue to promote awareness across the Borough to ensure residents, both adults and children, understand what constitutes domestic violence and abuse and who they can go to locally to access support."
4. Welcomes the Final Report and Recommendations of the Domestic Abuse Task Group to the Adult's Health, Social Care and Housing Overview and Scrutiny Committee (HHAOSC) in April 2019 and ensures that the recommendations contained in the report receive the weight of consideration due to such an important subject.
5. Ensures that the Swindon and Wiltshire CSPs are requested to take the lead in continuing to deliver a high level of service to support those who experience Domestic Abuse, with a particular focus on early intervention, vulnerability and health connections.
6. Ensures that the CSP considers how best to promote engagement and work to include wider partnership, the private sector, the MOD, especially Army.
7. Be asked through the CSP to build on GP/GWH work being delivered by SWA and look to extend this into Wiltshire.
8. Ensure that the outcomes of the meeting between Swindon CSP, Wiltshire CSP and the Police which will take place in the near future be taken to the CSP to ensure that any request for relevant action is discussed and followed up.

(c) **Motion - Land for Development**
Councillor Chris Watts will move and Councillor Jane Milner-Barry will second:

"This Council:

- Reaffirms its commitment to protecting allocated "Open Space" and "Strategic Green Corridor" parcels of land as defined and universally agreed upon within the Local Plan 2015.

- Reasserts, builds upon and prioritises the importance of adequate and strategic green and open space as a vital component part to delivering a framework to contribute to health and wellbeing when considering the next revision of the Local Plan.
- Notes Central Swindon South Parish Council's, known as South Swindon Parish Council, request for the Council to transfer to the Parish Council the parcels of land set out below on 99 year leases to protect them from potential development.

Site description: Lakeside - shelaa id: S0388

site description: Land north of Coate roundabout - shelaa id: S0256 (Oldlands Walk)

site description: Land east of 261 Marlborough Road - shelaa id: S0288

- Requests the Cabinet Members for Strategic Planning and Finance bring a report to Cabinet outlining how the Council could meet this request from Central Swindon South Parish Council."

(d) **Motion - Toothill Open Space**
Councillor Steph Exell will move:

"This Council:

- Notes the concerns of Toothill residents regarding the allocation of sites within Toothill that were on the Council's Strategic Housing and Land Availability Assessment (SHELAA).
- Notes that a Cabinet Member Decision Note from the Deputy Leader of the Council had been consulted on proposing to dispose of four sites along Bodiam Drive to the private sector for housing through the Swindon Housing Company.
- Notes that a petition has been started both in paper copy and online that has obtained 573 signatures calling on the Council to protect the open spaces along Bodiam Drive and across Toothill and not to sell them off for development.
- Welcomes the announcement from the relevant Cabinet Member that sites along Bodiam Drive will be removed from the updated SHELAA, but is concerned that there are still sites in Toothill that are green spaces that have not been removed.
- Is concerned that there has been no announcement from the Deputy Leader of the Council that his proposal to sell-off parcels of land for development have been scrapped.
- Requests the Cabinet Member for Strategic Planning to remove all green spaces in Toothill from the SHELAA and requests the Deputy

Leader of the Council to formally withdraw the Cabinet Member Decision Note proposing to dispose of four parcels of land along Bodiam Drive for development from the private sector and to give Ward Councillors all sites being considered for development through the Housing Company.”

(e) **Motion - Great Western Hospital Brighter Futures**
Councillor Jim Robbins will move and Councillor Claire Ellis will second:

“This Council:

- Notes the successful fundraising projects held in towns and cities around the country where sculptures are decorated and then installed for visitors to see as part of a trail, and then auctioned off for charity. Such projects include the Elephant Parade in London, the SuperLambBanana in Liverpool and the Wallace and Gromit trail in Bristol.
- Notes the outstanding efforts by the Great Western Hospital (GWH) Foundation Trust Brighter Futures Appeal and the people of Swindon to fundraise £2.7m for the planned Radiotherapy centre at the hospital.
- Further notes that there are a number of excellent artists in the town, such as David Bent, Ken White and all those who contribute to Swindon Open Studios.
- Asks the Leader of the Council present a report to Cabinet considering the options of how the Council can organise Swindon’s own trail with sculptures decorated by local artists and use it to raise money for the GWH Brighter Futures appeal.”

8. Appointment to Other Bodies

To approve that Councillor Dale Heenan replaces Councillor Garry Perkins as a Council representative serving on the Wiltshire Heritage Building Trust for the remainder of the Municipal Year 2018/19.

9. Minutes of Cabinet and Decisions Delegated to Cabinet Members

(Pages 113 - 126)

Members have the opportunity to raise questions with the relevant Cabinet Member in respect of Cabinet minutes (which are not reserved for Council for decision) and in respect of individual Cabinet Member delegated decisions.

10. Minutes of other Council Bodies

Members have the opportunity to raise questions with the relevant Chair in respect of all other Committee minutes (not reserved to Council for decision), as set out in the Minute Book circulated separately.

11. Councillors Question Time

Questions (if any) of which notice has been given by Councillors in accordance with Standing Order 15.

Yours faithfully

Stephen Gerrard

Interim Director of Law

Questions by Members of the Public in accordance with Standing Order 11

Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer Shaun Banks (07980752047 sbanks@swindon.gov.uk) or to the Interim Director of Law, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website (<http://ww5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

Access Arrangements - The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you have any special requirements to enable you to attend the meeting or would like to receive any of the pages contained in this agenda in a larger print size, please contact the Committee Officer as soon as possible prior to the date of the meeting.

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COUNCIL

THURSDAY, 8 NOVEMBER 2018

PRESENT:- The Worshipful The Mayor in the Chair; Councillors Steve Allsopp, Abdul Amin, Ray Ballman, Alan Bishop, Emma Bushell, Matthew Courtliff, Claire Crilly, Malcolm Davies, Paul Dixon, Oliver Donachie, Toby Elliott, Steph Exell, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, Jim Grant, John Haines, Dale Heenan, Russell Holland, Fay Howard, Janine Howarth, Mary Martin, Nick Martin, Cathy Martyn, Brian Mattock, Jane Milner-Barry, Des Moffatt, Teresa Page, Stan Pajak, Barbara Parry, Kevin Parry, Maureen Penny, Garry Perkins, David Renard, James Robbins, Imtiyaz Shaikh, Carol Shelley, Kevin Small, Roger Smith, Andy Spry, Gary Sumner, Timothy Swinyard, Caryl Sydney-Smith, Rahul Tarar, Chris Watts, Nadine Watts, Peter Watts, Steve Weisinger, Keith Williams and Robert Wright.

49. Apologies for Absence

Apologies for absence were received from Councillors John Ballman, Mark Dempsey, Claire Ellis, Teresa Page, Vera Tomlinson and Julie Wright.

50. Communications

The Chief Executive reported that no communications had been received.

51. Minutes

Resolved – That the minutes of the meeting held on 20th September 2018, be confirmed and signed.

52. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

53. Public Question Time

Mr Martin Costello submitted a written question regarding the Council's Members' Allowances provisions. The Council was advised that the Leader of the Council had provided a written response Mr Costello's question and this had been circulated at the meeting.

Mr Derrick Wood asked a question regarding Council Tax discounts for empty properties. The Leader of the Council responded at the meeting.

Mr Wood asked a supplementary question regarding the equality of the current Council Tax system. The Leader of the Council responded at the meeting.

54. Minutes for Confirmation

Councillor David Renard moved and Councillor Russell Holland seconded that Minute 41 of the Cabinet (Polling District and Places Review) be confirmed and adopted.

55. Council Petition Scheme

The Council considered a report of the Interim Director of Law concerning the receipt of a petition containing 466 signatures requesting the Council to “Protect the Toothill Farmhouse.”

In accordance with the Council’s Petition Scheme, Ms Mavis Read (petition Organiser) introduced the petition on behalf of the petitioners.

Councillor Keith Williams moved and Councillor Kevin Small seconded:

“This Council:

- (i) Thanks the petitioners for their petition.
- (ii) Requests the Cabinet Member for Finance to bring a report to Cabinet addressing the issues raised by the petitioners, including:
 - Giving the Toothill Junior Youth Club some certainty of tenure by agreeing with them a long term fixed lease on the Farmhouse.
 - Setting out the steps needed to make the Toothill Farmhouse an Asset of Community Value.
 - Agreeing that the Toothill Farmhouse will not be further leased or disposed of and commit the site to its existing use.”

The Motion was put to the vote and declared carried.

56. Appointment of Statutory Officers

The Leader of the Council and Chief Executive submitted a report setting out (a) proposed appointment to the posts of Returning Officer, Electoral Registration Officer and Monitoring Officer, (b) seeking authorisation for the Chief Executive to nominate appropriate officers to fill vacancies left vacant following the redundancy of the former Director of Law and Democratic Services.

Councillor David Renard moved and Councillor Russell Holland seconded:

- “(1) That the appointment of the Chief Executive as the Council’s Returning Officer and Electoral Registration Officer for Parliamentary elections, local elections and referendums be confirmed.”
- (2) That the Interim Director of Law be appointed as the Council’s Monitoring Officer until such time as a full time Head of Legal Services (Monitoring Officer) is appointed be confirmed.
- (3) That until a full time Head of Legal Services is appointed the Chief Executive be authorised to nominate appropriate officers to fill any vacant statutory and/or non-statutory positions identified as being previously occupied by the former Director of Law and Democratic Services.”

The Motion was put to the vote and declared carried.

(The Chief Executive and Interim Director of Law left the room during the discussion of this item.)

57. Motion - Tree Maintenance

Councillor Steph Exell moved and Councillor Des Moffatt seconded:

“This Council:

- Notes that only £50k has been budgeted in the general fund for the maintenance of trees.
- Notes that over the last three years, 21 tree claims were settled by the Council with a total paid of £373,700.
- Notes that in November 2017 a motion was brought to Council requesting a review of its tree maintenance policy. This motion was voted down by the majority group.

Given the significant council spend on tree claim settlements, this Council believes an urgent review of its tree maintenance policy is needed and requests the Cabinet Member for Highways and the Environment to bring a report to Cabinet outlining how the Council can prevent such significant settlements for lack of tree maintenance in the future.”

The Motion was put to the vote and declared lost.

58. Motion - Modern Day Slavery

Councillor Steve Allsopp moved and Councillor Jim Robbins seconded:

“This Council:

- Notes that Police Forces in the South West saw a 5% increase in reporting of modern day slavery in 2017 and the Global Slavery Index has estimated there are 136,000 victims of modern day slavery in the UK.
- Recognises the role it can play in proactively preventing modern day slavery, particularly through vetting our supply chain and notes that many councils across the country have signed up to the “Charter Against Modern Slavery”, led by the Co-operative Party.
- Requests the Leader of the Council bring a report to Cabinet outlining how the Council can meet the requirements within this charter, which includes:
 1. Training our procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply’s (CIPS) online course on Ethical Procurement and Supply.

2. Requiring contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
3. Challenging any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
4. Highlighting to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
5. Publicising its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
6. Requiring its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
7. Reviewing its contractual spending regularly to identify any potential issues with modern slavery.
8. Highlighting for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
9. Referring for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
10. Reporting publicly on the implementation of this policy annually."

Councillor Mary Martin moved and Councillor Tim Swinyard seconded that the Motion be amended to read:

"This Council welcomes the passing of the Modern Slavery Act by a Conservative led Government in 2015.

This Council commits to comply with the spirit and letter of that Act.
The Council notes that developments to date have included:

- The Cabinet Member booked onto a Local Government Association Sponsored Course on Modern Day Slavery Disruption and Community Safety.
- Swindon Borough Council being part of a pan-Wiltshire Anti-slavery Partnership Board.
- Swindon Borough Council Community Safety lead chairing a Victim Services task and finish group to create a response plan for victims and survivors to provide short-term support. This resulted in an off-the-shelf package that instructs all relevant parties in Swindon and Wiltshire in how to respond to operations that identify victims of modern slavery and trafficking.
- The work on the response plan leading to Swindon Borough Council being invited to the London Mayor's office to present the work to London Boroughs as best practice. Swindon Borough Council were the only non-London Borough in attendance.
- During police operations to support victims of slavery and trafficking through the National Referral Mechanism, Swindon Borough Council coordinating the response of partners, including charities, and provide infrastructure to enable that support. This is done through the Community Safety Team.

- The Council has run weeks of action such as high quality media campaigns to raise the public's awareness regarding modern slavery and related issues.
- Training around sexual exploitation, domestic abuse, adults and children is also undertaken by relevant staff.

The Council requests that the Leader of the Council and Cabinet Member keep this matter under review to ensure that we continue to be compliant.”

With the agreement of the Council and the mover and seconder of the Motion, the Motion was amended to read:

“This Council:

- Notes that Police Forces in the South West saw a 5% increase in reporting of modern day slavery in 2017 and the Global Slavery Index has estimated there are 136,000 victims of modern day slavery in the UK.
- Recognises the role it can play in proactively preventing modern day.
- Requests the Cabinet Member bring a report to Cabinet which includes consideration of:
 1. Training our procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
 2. Requiring contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
 3. Challenging any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
 4. Highlighting to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
 5. Publicising its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
 6. Requiring its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
 7. Reviewing its contractual spending regularly to identify any potential issues with modern slavery.
 8. Highlighting for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.

9. Referring for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.

10. Reporting publicly on the implementation of this policy annually."

The amended Motion was put to the vote and declared carried.

59. Adoption of the Hannington Parish Neighbourhood Plan

The Cabinet Member for Strategic Planning submitted a report setting out the result of the referendum of the Hannington Parish Neighbourhood Plan and seeking Council's approval for its adoption.

Councillor Maureen Penny moved and Councillor Steve Weisinger seconded:

"That the Hannington Parish Neighbourhood Plan be formally adopted and made as part of the statutory Development Plan for the Borough."

The Motion was put to the vote and declared carried.

60. Minutes of Cabinet and Decisions Delegated to Cabinet Members

The Council considered (a) the minutes of the meeting of the Cabinet held on 17th October 2018, (b) questions to the Cabinet Members regarding their portfolio responsibilities and answers received, and (c) Cabinet Member Decision Notices.

61. Minutes of other Council Bodies

The Council (a) received the minutes set out in the "Minutes of Other Council Bodies" circulated with the Agenda, and (b) considered questions to Chairs relating to the work of their Committees and other bodies and answers received.

62. Councillors Question Time

The Interim Director of Law reported that Standing Order 15 Questions had been received from Councillors Steve Allsopp, Jim Grant and Des Moffatt.

Councillor Jim Grant asked a supplementary question in relation current work to reduce the cost of consultancy fees. The Leader of the Council responded at the meeting.

Councillor Steve Allsopp asked a supplementary question in relation to the reduction in telephone response rates at the Council's call centre. The Cabinet Member for Corporate and Customer Services responded at the meeting.

Councillor Des Moffatt asked a supplementary question in relation the eviction of tenants by private landlords. The Cabinet Member for Housing and Public Safety responded at the meeting.

Councillor Jim Grant asked a supplementary question in relation serious case reviews by Children's Services. The Cabinet Member for Children and School Attainment responded at the meeting.

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COUNCIL

THURSDAY 24TH JANUARY 2018

MINUTES FOR CONFIRMATION

LICENSING COMMITTEE

THURSDAY, 22 NOVEMBER 2018

19. Gambling Act 2005 - Statement of Licensing Principles

The Council's Licensing Manager submitted a report setting out (a) the results of a public consultation in respect of a revised Gambling Statement of Principles, and (b) a proposed Gambling Statement of Principles as required under Section 189 of the Gambling Act 2005.

Resolved – That, subject to the inclusion of the email address of Swindon's branch of Gambler's Anonymous within the Statement of Principles and requiring betting establishments to display this email address, the revised Gambling Statement of Principles set out within the report be approved and recommended to Council for adoption.

25. Introduction of a Local Policy in respect of Home Boarding Businesses with Additional Hosts

The Committee considered (a) a report of the Council's Licensing Manager seeking the approval of the Committee to adopt a revised local policy in respect of Home Boarding Businesses with additional hosts following changes to guidance issued by the Department for Environment, Food and Rural Affairs, and (b) the comments of Hillary Coates and Alex Giles (Local Boarding Business representatives).

Resolved – That Council be recommended to adopt a revised Home Boarding Premises Policy, as set out within the report, including (a) an officer inspection of premises prior to any grant or renewal of a licence, and (b) authorisation for the Council's Licensing Manager to determine unannounced additional inspections of premises of home boarding premises defined as falling "out of scope" in guidance issued by the Department for Environment, Food and Rural Affairs.

The Council's Licensing Manager submitted a report setting out proposals for a revised Street Trading Policy for the Borough following a public consultation and the consideration of responses arising from the consultation by the Committee at its meeting held on 22nd November 2018.

Resolved – That Council be recommended to adopt the revised Street Trading Policy subject to the following amendments:

- (a) That no street trading involving food shall be permitted within 200 metres of an educational establishment;**
- (b) That the removal of the restriction on food sales only being permitted where it is ancillary to a market (this would allow food festivals and food markets within the area designed as markets only);**
- (c) A market shall require a minimum of 4 stalls to be constituted;**
- (d) That the designated streets be amended as set out in the report such that those currently designated “under consideration” be prohibited save for the holding of markets; and**
- (e) That any application by individual street traders for a permit to trade in restricted streets shall be deemed to have been refused unless it has been considered and approved by the Licensing Committee.**

MINUTE TO NOTE

SCRUTINY COMMITTEE

MONDAY, 10 DECEMBER 2018

51. Possible effects of leaving the EU

The Committee considered a report setting out the issues identified so far for the Council in light of the departure of the United Kingdom from the European Union ("Brexit") on 29th March 2019. The report also addressed the Council's response to Brexit through both its inward investment and business retention and expansion programmes. The report was submitted following this Committee's request for an update at its meeting on 10th September 2018 (Minute 26 refers) along with a subsequent Council resolution on 20th September 2018 (Minute 41 refers).

Councillor David Renard, Leader of the Council, and Councillor Oliver Donachie (Cabinet Member for Economic Prosperity) responded to questions and observations put by Councillors Des Moffatt, Stan Pajak, Jim Robbins, Chris Watts and the Chair on the following matters:

- The potential effects on the Council if there is a 'no deal' situation, particularly regarding issues such as the benefits currently gained from European funding.
- The contingencies in place should civil unrest result from the Brexit issue.
- How the Council, through the Local Resilience Forum and with support from the Business Retention, Expansion and Inward Investment Team, can assist businesses with considering eventualities and creating plans for Brexit.
- How smaller businesses can access support through organisations such as the Chamber of Commerce and The Federation of Small Businesses. The Swindon and Wiltshire Local Enterprise Partnership, through the Growth Hub, has also published information to help businesses prepare for Brexit.
- The consideration given to meta-economic circumstances (such as larger businesses dominating demand and supply, impacting on the ability of smaller businesses to compete) and how the Council can react to issues in, and support the needs of, key sectors not directly under its control.
- Concerns regarding the impact of Brexit on the trade of exports to the European Union (EU).
- The effect of the referendum result on the number of EU workers in Swindon, and the number of staff who might be EU citizens affected by the need to apply for Settled or Pre-Settled status.

- The potential impact on children's social care services if those EU citizens currently employed within the service decide to leave, and whether the Council will look outside the EU for recruitment in the future.

Resolved – (1) That the report be noted.

(2) That the Chair and Cabinet Member for Economic Prosperity be asked to report the outcomes from this discussion to the Growing the Economy Overview and Scrutiny Committee and Council.

(3) That information requested by members during the course of the Committee's consideration of this item be forwarded to them via the Committee Clerk.

The Gambling Act 2005

Statement of Licensing Principles

Licensing Committee

Date: 22nd November 2018

Author: Kathryn Ashton - Licensing Manager
Wards: All
Parishes Affected: All

1. Purpose and Reasons

- 1.1 Section 349 of the Gambling Act 2005 requires that before each successive period of three years, the Licensing Authority prepares and publishes a Statement of Licensing Principles that it proposes to apply in exercising its functions under the Act during that three year period.
 - 1.2 The Statement of Licensing Principles forms the Licensing Authority's mandate for managing the local gambling provision and sets out how the Licensing Authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.
 - 1.3 A Statement of Licensing Principles must be prepared and published for the next 3 year period. The Statement of Licensing Principles must undergo consultation prior to the final determination by full Council.
 - 1.4 A Statement of Licensing Principles is attached at **Appendix A** to this Report for approval by Licensing Committee and for recommendation to Full Council for adoption.
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2. Recommendations

That the Committee:

- 2.1 It is recommended that the Committee approve the Statement of Licensing Principles, Appendix A, and refer the Statement to Full Council for adoption.

3.0 Detail

- 3.1 The Gambling Act 2005 (the Act) came in to full effect on the 1st September 2007. It created a new system of licensing and regulation for commercial gambling in England, Scotland and Wales. Amongst other changes, it gave Local Authorities new and extended responsibilities for licensing premises for gambling, some of which were transferred to the Local Authorities from the local Licensing Justices.

The Gambling Act 2005

Statement of Licensing Principles

Licensing Committee

Date: 22nd November 2018

3.2 The main functions given to Licensing Authorities are to:

- Licence premises for Gambling activities;
- Consider notices given for the temporary use of premises for gambling;
- Grant permits for gaming and gaming machines in Clubs and Miners' Welfare Institutes;
- Regulate gaming and gaming machines in alcohol licensed premises;
- Grant permits to Family Entertainment Centres for the use of certain lower stake gaming machines;
- Grant permits for Prize Gaming;
- Consider Occasional Use Notices for betting at tracks;
- Register Small Society Lotteries.

3.3 Whilst there have been no changes to the primary legislation since the first Statement of Licensing Principles was determined, the Gambling Commission has revised its Guidance to Licensing Authorities on several occasions.

3.4 A draft Statement of Principles was presented to Licensing Committee on the 4th April 2018. The consultation for this commenced on the 27th July 2018 and concluded on the 19th October 2018.

3.5 A response has been received from the current secretary of Gamblers Anonymous in Swindon. It is also understood that he has emailed Members of the Committee directly. A copy of his email is attached at **Appendix B** to this Report.

3.6 Information has now been included within the Statement at Section A-7 Safeguarding, identifying Gamblers Anonymous Swindon as being available to individuals who need assistance, help and advice in relation to problem gambling. The following has been added to Section A-7:

Swindon Borough Council is also aware and supports the work of Gamblers Anonymous in Swindon. They are a valuable source of information, help and assistance in relation to gambling addictions. Further information can be sought at www.gamblersanonymous.org.uk

3.7 At the Committee Hearing in April, Members requested a more detailed definition in relation to the term Vulnerable Person at A-6. The following definition has been added:

The Gambling Act 2005

Statement of Licensing Principles

Licensing Committee

Date: 22nd November 2018

Vulnerable Persons also includes a child or children and an individual aged 18 years or more who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

- 3.8 Within the first few pages of the Statement of Principles it was intended to have a map of the Swindon Borough Council's area. However, attempts to get a clear map capable of being reduced in size and printed clearly and legibly to a page have not been successful. Therefore, this page has been removed.

4. Alternative Options

- 4.1 Should the Licensing Authority not adopt a Statement of Licensing Principles every three years following an appropriate period of consultation it would be determining applications and exercising its functions ultra vires.
- 4.2 The Licensing Authority would further be liable to legal challenge by way of Judicial Review in the Administrative Courts.

5. Implications, Diversity Impact Assessment and Risk Management Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from this report.

Legal and Human Rights Implications

- 5.2 A declaration has been made by the Secretary of State, that the Gambling Act is compliant with the Human Rights Act.
- 5.3 Determining the Statement of Licensing Principles is a statutory function that must be carried out by Swindon Borough Council and consultation must be undertaken prior to determining the final Statement of Licensing Principles.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.4 The consultation will be undertaken using existing staff resources.
- 5.5 There are no other implications associated with this report.

Diversity Impact Assessment

- 5.6 It is not considered that the preparation of a DIA is required in respect of this report.

The Gambling Act 2005

Statement of Licensing Principles

Licensing Committee

Date: 22nd November 2018

5.7 Consultees

The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

5.8 Background Papers

Gambling Act 2005

Gambling Commission's Guidance to Licensing Authorities (5th Edition)

Swindon Borough Council's Statement of Licensing Principles dated April 2015

5.9 Appendices

Appendix A - Swindon Borough Council's Statement of Licensing Principles

Appendix B - Comments received during the consultation period.



APPENDIX A

Gambling Act 2005 STATEMENT OF PRINCIPLES

January 2019

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All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 5th Edition, published September 2015, updated in September 2016.

Consultation

Consultation on this Statement of Principles commenced on 27/07/2018 for 12 weeks in accordance with the Government's 'Consultation Principles' document (published July 2012), which is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60937/Consultation-Principles.pdf

PART A – Swindon Borough Council & Introduction

Introduction

Swindon is a large town and unitary authority located within Wiltshire in South West England. It is midway between Bristol, approximately 40 miles to the west and Reading, approximately 40 miles to the east. Swindon Railway Station is on the main line from London, Paddington to Bristol and South Wales. Swindon Borough Council has been a unitary authority independent of the rest of Wiltshire since 1997. Swindon was named an Expanded Town under the Town Development Act 1952 and this led to a major increase in its population. Current population estimates show the population of the Swindon urban area as 174 000 with around 206,000 as the Borough wide estimate, which includes the satellite towns of Highworth and Wroughton and annexed villages (Bishopstone, Blunsdon St Andrew, Castle Eaton, Chiseldon, Hannington, Inglesham, South Marston, Stanton Fitzwarren and Wanborough).

The town is located between two junctions (15 and 16) of the M4 motorway and is on the main rail line to London. Thamesdown and Stagecoach are the main Swindon bus operators. Swindon Borough Council recognises its responsibility to the environment, realizing the impact it creates upon the planet, but are fully committed to minimise this whilst becoming as sustainable as possible. The Council achieves this via the principles of One Planet Living; using a fair share of Earth's resources. Swindon is one of the locations for innovative schemes such as car share and cycle for life.

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

The Gambling Act requires that the following parties are consulted by licensing authorities:

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

In addition to the statutory consultees, Swindon Borough Council consulted widely upon this statement before its finalisation and publication.

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

A-1 The Licensing Objectives

In exercising most of our functions under the Gambling Act 2005, Swindon Borough Council must have regard to the licensing objectives as set out in section 1 of the Act. These are:

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

A full description of the Gambling objectives is available on request.

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”.

Swindon Borough Council’s Licensing Authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices we should aim to permit the use of premises for gambling in so far as we think it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of licensing policy

A-2 Declaration

The Licensing Authority declares that this Statement of Principles has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act 2005. The Licensing Authority has consulted on this Statement of Licensing Principles, and given due regard to any responses from those consulted before adopting and publishing the final document.

This Statement of Principles is available on Swindon Borough Council’s website www.swindon.gov.uk.

A-3 Licensing Authority functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members’ clubs* and *miners’ welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*

- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

Information on these authorisations is provided in Parts B and C of this policy.

It should be noted that licensing authorities are not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

Any objections to new premises or requests for Reviews of Premises Licences should be based on the objectives of the Act. It must be noted that the Act does not include the prevention of public nuisance and anti-social behaviour as specific licensing objectives, therefore objections based on these issues may not be accepted. Each objection will be looked at on a case-by-case basis.

A-4 Responsible Authorities

Swindon Borough Council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The agency chosen must have a good knowledge of the direct and indirect impact of gambling on the welfare of children and be answerable to democratically elected persons, rather than any particular vested interest group.

In determining the choice of responsible authority to advise the Licensing Authority on the protection of children from harm or exploitation by gambling, regard has been had to expertise and experience, local knowledge, efficiency and uniformity of approach. It is considered that a locally based agency is best placed to advise on what happens in Swindon.

Whilst bodies comprising several different agencies are able to take an overview on child protection matters and are able to determine outcomes in particular circumstances, they consist of different strands and are only able to reach consensus at formal meetings. Reliance on such a body for an opinion could be slow and requesting a view would take up time that probably should be spent discussing other matters.

In relation to advice on protecting children from harm caused by the provision of licensable activities under the Licensing Act 2003, Swindon Borough Council has already chosen the Head of Children and Families as the responsible authority.

For the sake of uniformity and because the choice also satisfies the other criteria, this is also the Council's responsible authority under the Gambling Act 2005 for the protection of children from harm or exploitation by gambling.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website (www.swindon.gov.uk).

A-5 Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 (s.158) as follows:

"... a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

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

Swindon Borough Council is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

In considering who are interested parties the Licensing Authority notes that this definition must include anyone who is affected by gambling activity at the premises concerned, where that effect falls under the heading of one of the licensing objectives. The Licensing Authority will examine this as a question of fact in each case. Where a person has put forward an admissible and relevant representation as an 'interested party' but the case is not clear that the person is an 'interested party', the Licensing Committee (or Sub-Committee thereof) will rule on the matter as a preliminary issue. This ruling will be made immediately prior to a hearing - convened to hear the matter. The Licensing Authority will have regard to the Gambling Commission Guidance in reaching any decisions.

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 as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently

close to the premises to be or 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 that the representation is made is considered sufficient for these purposes.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department (licensing@swindon.gov.uk).

The Gambling Commission's Guidance provides that the words, "has business interests" will be given the widest possible interpretation and will include partnerships, charities, faith groups and medical practices.

It would be open to an educational establishment to raise concerns about the protection of children or young persons in its care and a counsellor or hypnotist who has a substantial involvement in assisting customers with a gambling addiction might have cause to object if a gambling facility was proposed in the vicinity of their treatment centre.

A-6 Vulnerable Persons

The term 'Vulnerable Persons' has not been defined within the Act. In seeking to protect vulnerable persons the Licensing Authority will normally class as 'vulnerable' those persons who gamble more than they want to, persons who gamble beyond their means and persons who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, or an addiction to alcohol, drugs or gambling.

The term 'Vulnerable Persons' also includes a child or children and an individual aged 18 years or more who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

A-7 Safeguarding

This Licensing Authority expects operators of gambling premises to have in place policies and measures to ensure children and other vulnerable persons are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.

The efficiency of such policies and procedures will be considered on their merits, however, they may include appropriate measures/training of staff as regards suspected truanting 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.

This Licensing Authority will pay particular attention to measures proposed by operators to protect children from harm in Adult Gaming Centres and Family Entertainment Centres. Such measures may include, but would not be limited to, the following: -

- Proof of age schemes;
- CCTV;
- Supervision of entrances and machine areas;
- Physical separation of areas;
- Specific opening hours;
- Self-barring schemes;
- Notices and signage;
- Measures/training of staff on how to deal with suspected truanting school children on the premises and how to recognise signs of potential child sexual exploitation;
- Clear policies that outline the steps to be taken to protect children from harm;
- Provision of information leaflets/numbers for organisations such as GamCare.

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

Swindon Borough Council is also aware and supports the work of Gamblers Anonymous in Swindon. They are a valuable source of information, help and assistance in relation to gambling addictions. Further information can be sought at www.gamblersanonymous.org.uk

A-8 Competition

Other gambling businesses that wish to put a case against a licensing application must do so within the framework of the licensing objectives. In practice, objections will be limited to areas such as informing the Licensing Authority of evidence of malpractice on the part of the applicant, evidence of criminal background or associations with crime or evidence of unfairness in relation to gambling transactions or evidence that gambling transactions compromised the welfare of children or vulnerable adults. Where a business is engaged in gambling activities, it may legitimately argue that it will be affected by any transgression or lowering of standards, which as a consequence threatens to undermine the reputation of the gambling industry.

A-9 Exchange of Information

Swindon Borough Council is required to include in their statements the principles that will be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

We have an established protocol for the exchange of information with the Police, for the furtherance of the responsibilities of both parties under the Crime and Disorder Act 1998 and which includes provisions ensuring that the provisions of the Data Protection Act 2018 will not be contravened. This framework provides for and will regulate the exchange of information between the responsible authorities, including the Gambling Commission, and the Licensing Authority. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Any revision to the protocol is not considered to be an amendment of the Licensing Policy Statement and such a revision may take place at any time.

A-10 Enforcement

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

The Licensing Authority adheres to a policy on enforcement and regulation that is generic to Swindon Borough Council. This policy is modelled on the Regulatory Compliance Code developed by the Department for Business Innovation & Skills (BIS). The local policy is taken to be a supplement to this Licensing Policy Statement. Any revision to the enforcement policy is not considered to be an amendment of the Licensing Policy Statement and such a revision may take place at any time. The enforcement policy provides for transparency, proportionality, accountability and consistency.

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

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences and also matters relating to the manufacture, supply or repair of gaming machines.

Inspections will be carried out on a risk-assessed basis. Priority will be given to visits prompted by complaints or reports from members of the public, interested parties or responsible authorities, indicating non-compliance with the licensing objectives. Risk will be considered on the basis of the extent of harm likely to result from non-compliance, either in terms of the number of people at risk or the severity of the impact upon them. The protection of children and vulnerable adults from harm is the foremost objective of the Licensing Authority.

A mix of announced and unannounced visits will be carried out on a programmed basis. Announced visits will provide an opportunity for unhurried discussion with key players present.

Any enforcement action will endeavour to be: -

- **Proportionate** – regulators should only intervene when necessary and remedies should be appropriate to the risk posed; costs should be identified and minimised;
- **Accountable** – regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent** – rules and standards must be joined up and implemented fairly;
- **Transparent** – regulators should be open and keep regulations simple and user friendly; and
- **Targeted** – regulators should be focussed on the problem and minimise side effects.

A-11 Gambling Related Harm as a Public Health Issue

Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without exhibiting any signs of problematic behaviour. There are, however, some individuals who do experience significant harm as a result of their gambling. For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and in some cases, criminality. It can also be associated with substance misuse. In many cases it is difficult to attribute these negative effects solely or directly to gambling.

Public Health Teams, whilst not a Responsible Authority under the Gambling Act 2005, are likely to have a better understanding of the range of health issues within our area, how they interrelate and where they are concentrated. Better working relationships between the Public Health Team and the Licensing Authority can help: -

- Identify and interpret health data and evidence to inform the review of the Statement of Licensing Principles and develop locally tailored local area profiles;
- Make decisions that benefit and protect the health and wellbeing of local communities;
- Be clear on issues which the Licensing Authorities can have regard to when deciding a licence for a wide range of gambling activities;
- Identify and interpret health data and evidence to inform the review of the Statement of Licensing Principles;
- Conduct a health impact assessment of gambling in the local area or assess any existing information

Whilst this particular working relationship is in its infancy in relation to the Gambling Act 2005 , it is envisaged that it will prosper over the lifespan of this Statement of Licensing Principles with facts and figures compiled during this period being used in the future development of all Swindon Borough Council's Statement of Licensing Principles.

PART B - General Principles

General Principles

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

Decision-making

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

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

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

A summary of Licensing Authority Delegations is attached at Appendix C to this Statement.

B-1 Definition of "premises"

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

The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the

circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit.”

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

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

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

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

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

The Licensing Authority notes the Gambling Commission guidance regarding the primary gambling activity authorised by a premises licence (paragraph 7.4 of the Guidance).

“By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo, with gaming machines as an ancillary offer on the premises.”

The Licensing Authority will take account of any advice notes published by the Commission regarding primary gambling activity, but it expects that the primary gambling activity shall be that described by the licence.

B-2 Location

As Licensing Authority Swindon Borough Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. It is not considered that the location of premises has any bearing on the fairness of the gambling process.

As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

It is the policy of this Licensing Authority that:

- Where it is proposed to use for gambling purposes premises which are thought to be in use as a base for organised crime or where the proposed premises are adjacent to premises which appear to be in use as a base for organised crime, the Licensing Authority will normally refuse to issue a licence and will be receptive to the idea of revoking a licence under such circumstances.
- Where it is proposed to use for gambling purposes, premises which are within a short distance of a facility already used as a centre for providing counselling and support to individuals who have a gambling addiction and the proposal is that the gambling premises will be open at the same time as the support facility, the application will normally be refused, if that opportunity presents itself.
- Where it is proposed to use for gambling purposes premises which are within a short distance of a place of assembly designed primarily for young people or children or vulnerable adults, this will be taken into account when the application is considered. For these purposes, use of a building as a youth centre or a school will be considered to be significant but a community centre which is used sometimes by young people but is provided for the wider community will not be viewed as relevant.
- Where it is intended that premises should be used for any gambling transaction that involves a face to face encounter between a customer and a member of staff, it is deemed that 'young persons' [as defined by the Act] are potentially at risk but that children [as defined by the Act] are not. The presence of a junior school or crèche will not be considered relevant when making a determination in relation to a betting office or bingo hall for example but the presence of a sixth form college may be considered relevant.

- Where it is intended that premises should be used for any gambling transaction that does not in itself involve a face to face encounter between a customer and a member of staff, it is deemed that 'young persons' and 'children' [each as defined by the Act] are potentially at risk. In relation to such a proposal, the presence within a short distance of a sixth form college, further education college, secondary school, junior or infants school will be considered relevant although the proximity of a facility for the under 5's will not be taken as relevant.

In considering if a gambling transaction involves a face to face encounter with staff in the above circumstances, no account will be taken of such matters as the giving of change or the hire of a computer terminal. A face to face transaction will include the placing of a bet at a counter or the placing of chips on a roulette table in the presence of the croupier.

Should any further policies be decided upon regarding areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

B-3 Duplication with other Regulatory Regimes

The Licensing Authority will not seek to take any action under the Gambling Act 2005, where an appropriate remedy is provided by other legislation that is more precisely targeted for that purpose. By way of illustration, this would preclude the use of the Gambling Act 2005 to pursue such matters as health and safety at work, equal opportunities or the visual amenity of buildings.

Furthermore, this authority will not consider whether a premises is likely to be awarded planning permission or building regulations approval, in its consideration of a licensing application for that premises. It will though, 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.

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

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

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

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

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

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case by case basis.

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

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

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

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

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

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

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

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

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

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

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

Planning:

The Gambling Commission Guidance to Licensing Authorities (paragraph 7.58) states: *“In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.”*

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance (paragraph 7.65): *“When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.”*

B-4 Local Risk Assessments

The Gambling Commission's Licence Conditions and Codes of Practice formalised the need for operators to ensure that from April 2016 all premises have a current Local Risk Assessment (LRA). This LRA must be kept on the relevant licensed premises and be readily available for inspection for any authorised officer. It would be a useless document if a LRA is kept at the Head Office of a company in a different part of the country. Social Responsibility Code 10.1.1 requires all premises licences to assess the local risks to the

licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures in place to minimise those risks. In undertaking these assessments operators must take into account matters identified in this Statement of Licensing Principles detailed below.

Licensees are required to undertake a LRA when applying for a new premises licence and when applying for a variation to their existing premises licence. The LRA must also be updated: -

- to take account of significant changes in local circumstances, including those identified in this Statement of Licensing Principles;
- when there are significant changes at a licensed premises that may affect their mitigation of local risks.

There is no statutory requirement for licensees to share their risk assessments with Responsible Authorities or Interested Parties. However, this Licensing Authority may request the licensee share a copy of their LRA which will set out the measures the licensee has in place to address specific concerns. It is anticipated that this practice should reduce the occasions on which a premises licence review and/or imposition of licence conditions is required.

This Licensing Authority would recommend that the following matters are considered by operators when making their LRA, and they have taken action in the form of conditions where the operators have not demonstrated that they are sufficiently mitigating the risks. This list is not exhaustive and other factors not in this list that are identified must be taken into consideration: -

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities;
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities etc.;
- Recorded incidents of attempted underage gambling.

If the LRA provided by an operator is deemed insufficient to meet the requirements detailed in this Statement of Licensing Principles it is expected that this Licensing Authority shall impose conditions on the premises licence to ensure any such requirements not addressed in the LRA are met.

The LRA's to be submitted for each licensed premises by the operator must be in the format set out at Appendix A to this Statement of Licensing Principles.

B-5 Adult Gaming Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, to restrict access to the premises, in appropriate cases.

This licensing authority may consider measures to meet the licensing objectives such as:

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

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. When an operator is carrying out its LRA for an Adult Gaming Centre they must, where applicable, include the risks associated with an adjoining Unlicensed Family Entertainment Centre particularly when access to the one is via the other.

B-6 (Licensed) Family Entertainment Centres:

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

This licensing authority may consider measures to meet the licensing objectives such as:

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

- GamCare and Gamblers Anonymous.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

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

B-7 Casinos

As Licensing Authority, Swindon Borough Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 Swindon Borough Council is aware, however, that it has the power to pass a 'no casino' resolution. Should this Licensing Authority decide to pass such a resolution in the future, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

B-8 Bingo premises

This Licensing Authority notes that the Gambling Commission's Guidance states (paragraph. 18.4):

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

This authority also notes the Guidance regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises, as the gaming machine entitlement for the single premises would be exceeded.

The Gambling Commission's Guidance further states (para.18.6):

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

B-9 Betting premises

Betting machines - This Licensing Authority will, in accordance with 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.

B-10 Tracks

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

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

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

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

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

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

Betting machines - This licensing authority will, as per Part 16 of 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 proposes to offer.

Applications and plans

The Act (s.51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

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

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

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place.

B-11 Travelling Fairs

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

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

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land.

This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

B-12 Accessibility

The Gambling Commission's relevant access provisions for each premises type (paragraph 7.23 of the Guidance) are reproduced below:

Type of Premises	Access Provisions
Casinos	<ul style="list-style-type: none"> the principal entrance to the premises must be from a 'street' no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence
Adult Gaming Centres	<ul style="list-style-type: none"> no customer must be able to access the premises directly from any other licensed gambling premises
Betting Shops	<ul style="list-style-type: none"> access must be from a 'street' or from other premises with a betting premises licence no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.
Tracks	<ul style="list-style-type: none"> no customer must be able to access the premises directly from a Casino or Adult Gaming Centre
Bingo Premises	<ul style="list-style-type: none"> no customer must be able to access the premises directly from a Casino, an Adult Gaming Centre or a Betting Premises, other than a Track
Family Entertainment Centres	<ul style="list-style-type: none"> no customer must be able to access the premises directly from a casino, an Adult gaming Centre or a Betting Premises other than a Track

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

B-13 Applications & Plans

A summary of the application forms and statutory notices are provided at Appendix B to this Statement of Licensing Principles, and the forms can also be downloaded from the Gambling Commission's website www.gamblingcommission.gov.uk

An application for a premises licence may only be made by persons (which includes companies or partnerships): -

- who are aged 18 or over **and**
- who have the right to occupy the premises **and**
- who have an operating licence which allows them to carry out the proposed activity; or
- who have applied for an operating licence to allow them to carry out the proposed activity. The premises licence cannot be determined until an operating licence has been issued.

The application must be made in the form as prescribed in regulations laid down by the Secretary of State, and must be accompanied by: -

- the prescribed fee;
- the prescribed documents, namely a plan of the premises and the plan needs to be to a scale (not prescribed)

In accordance with regulations a plan must show: -

- the extent of the boundary or perimeter of the premises;
- where the premises include, or consist of one or more buildings, the location of any external or internal walls of each such building;
- where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises;
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises;
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads;
- the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Full details of what else is required to be detailed on the accompanying plan, dependent on the type of premises, are available from the Licensing Authority.

The Applicant must publish a notice of their application and to notify Responsible Authorities and other persons about the application. This Notice must be given in three ways: -

- a notice placed on the premises for 28 consecutive days in a place where it can be read conveniently;
- in a newspaper or newsletter of local relevance, on at least one occasion within 10 days of the application being made;
- to all responsible authorities, which includes the Gambling Commission, within 7 days of the application being made.

A licence application, and any licence subsequently issued, is not valid if the relevant notifications have not been made.

PART C - Provisional Statements

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

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

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

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

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

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

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

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

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

PART D - Reviews

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

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

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

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

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

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

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

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

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

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

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

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

PART E - Permits

E-1 Unlicensed Family Entertainment Centres (Schedule 10 Paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant.... Licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group." (paragraph 24.8)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, ("FEC") and if the chief officer of police has been consulted on the application....licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - that staff are trained to have a full understanding of the maximum stakes and prizes."
- (paragraph 24.9 of Guidance)

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

Statement of Principles - This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises. This Licensing Authority will also expect, in accordance with the Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that

is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); that staff are trained to have a full understanding of the maximum stakes and prizes; and that a detailed plan is submitted with the application (in accordance with Section B-13 of this Statement of Licensing Principles)

E-2 Alcohol Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

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

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

Permit: 3 or more machines

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

This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or exploitation by gambling. However, no account can be taken of the presence of any premises in the locality that are principally used by children or young people, when an application to provide amusements with prizes machines is considered.

The applicant must satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include siting the adult machines within sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets or helpline numbers for organisations such as GamCare.

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

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for, but no other conditions can 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.

E-3 Prize Gaming Permits

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

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

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- Clear policies outlining the steps to be taken to protect children from harm.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3))

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

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

E-4 Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

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

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

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

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

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

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

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.

PART F - Temporary & Occasional Use Notices

F-1 Temporary Use Notices

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

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

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

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

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

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

F-2 Occasional Use Notices:

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

PART G – Registration of Small Society Lotteries

G-1 Definition of a Lottery

A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or complex lottery, in accordance with Section 14 of the Act.

SIMPLE LOTTERY

- Persons are required to pay to participate;
- One or more prizes are allocated to one or more members of a class;
- The prizes are allocated by a process which relies wholly on chance.

COMPLEX LOTTERY

- Persons are required to pay to participate;
- One or more prizes are allocated to one or more members of a class;
- Prizes are allocated by a series of processes;
- The first of these processes relies wholly on chance.

G-2 Social Responsibility

Participation in a lottery is a form of gambling, and as such this Licensing Authority is aware that the societies that we register are required to conduct their lotteries in a socially responsible manner and in accordance with the Act.

The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over. The Licensing Authority may take legal action against offenders as part of its enforcement procedures.

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

The Licensing Authority requires all registered Small Society Lotteries to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. These records must be available for inspection by an authorised officer of the Licensing Authority.

If a society running small lotteries fails to comply with any of the conditions of running such lotteries specified in the Act, it will be operating in an illegal manner, irrespective of whether it is registered with the Licensing Authority or not.

G-3 Applications

Applications for Small Society Lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents i.e. a copy of their terms and conditions, and their constitution to establish that they are a non-commercial society. Furthermore, on a case by case basis, applicants may be required to provide a declaration stating that they represent a bona fide non-commercial society.

Details of the Small Society Lottery will be maintained on a public register, in accordance with the Act.

A lottery return must be given to the Licensing Authority by the holder of the Small Society Lottery licence following **EACH** lottery held. Each return must be sent to the Licensing Authority no later than 3 months after the date of the lottery draw and must be signed by 2 members of the society who must be aged 18 years or older, are appointed for the purpose in writing by the society and must be accompanied by a copy of their letter or letters of appointment.

PART H – Complaints against Premises Licensed under the Gambling Act 2005

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

Should a local resolution not be achieved the Licensing Authority will determine its next course of action on a case-by-case basis. The outcome of the action may be: -

- Review of Premises Licence
- Prosecution for Offences
- Warning Letters

This is not an exhaustive list, and is merely indicative of example measures.

PART I – Public Register

The Licensing Authority is required to maintain a public register. The register will be available for the public to view at any reasonable time. If requested, the Licensing Authority must supply a copy of the information contained in any entry in its register in legible form. A fee may be charged for any such copy. Swindon Borough Council will charge a standard fee of £25 per copy requested.

APPENDIX A – LOCAL RISK ASSESSMENT FORM

Premises

Premises Name:	
Premises Address:	
Premises Post Code:	
Premises Licence Number:	
Category of Premises:	

Company

Operating Company:	
Operating Licence Number:	

Assessment Writer

Name of Person Writing this Assessment:	
Position within Company or Name of Authorised Agent:	
Date that Original Assessment was Written	

Requirement to Comply

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

Effective as at 6 April 2016

Social responsibility code provision 10.1.1

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at **each of their premises**, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
2. Licensees must review (and update as necessary) their local risk assessments.
 - a. to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c. when applying for a variation of a premises licence; and
 - d. in any case, undertake a local risk assessment when applying for a new premises licence.

Ordinary code provision 10.1.2

1. Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

Local Area Profile
To be completed by the Operator

Gambling Act 2005 – The Licensing Objectives

The Gambling Act 2005 sets out the three licensing objectives (LO), which are:

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

Risk Assessment	LO	Level of Risk	Impact	Control System	Risk Management	Reviewed
	(A)					
	(A)					
	(B)					
	(B)					
	(C)					
	(C)					
	(C)					

APPENDIX B

SUMMARY OF ALL APPLICATION FORMS & STATUTORY NOTICES

Application

Application for a premises licence under the Gambling Act 2005 (standard form)
Application for a premises licence under the Gambling Act 2005 (vessel)
Notice of application for a premises licence under the Gambling Act 2005 (to be published)
Notice of application for a premises licence (Form A) (for responsible authorities)
Notice of application for a premises licence (Form B) (for responsible authorities)
Summary of the Terms and Conditions of a premises licence
Premises licence
Notice of a grant of an application for a premises licence
Annex A – form to accompany notice of grant (conditions to be attached)
Annex B – form to accompany notice of grant (conditions to be excluded)
Annex C – form to accompany notice of grant (representations)
Notice of rejection of an application for a premises licence

Variation

Application to vary a premises licence under the Gambling Act 2005
Notice of Application to vary a premises licence under the Gambling Act 2005 (to be published)
Notice of Application to vary a premises licence (Form A) (for responsible authorities)
Notice of Application to vary a premises licence (Form B) (for responsible authorities)
Notice of grant of an application to vary a premises licence
Annex A – form to accompany notice of grant (conditions to be attached)
Annex B – form to accompany notice of grant (conditions to be excluded)
Annex C – form to accompany notice of grant (representations)
Notice of rejection of an application to vary a premises licence

Review

Application for a review of a premises licence under the Gambling Act 2005
Notice of application for a review of a premises licence under the Gambling Act 2005
Notice of application for a review of a premises licence (to the premises licence holder and responsible authorities)
Notice of intention to hold a review of a premises licence under the Gambling Act 2005
Notice of intention to hold a review of a premises licence (to the premises licence holder)
Notice of the decision on a review of a premises licence

Provisional

Application for a provisional statement under the Gambling Act 2005 (standard form)
Notice of application for a provisional statement under the Gambling Act 2005
Application for a provisional statement under the Gambling Act 2005 (vessel)
Notice of application for a provisional statement (Form A) (for responsible authorities)
Notice of application for a provisional statement (Form B) (for responsible authorities)
Provisional statement
Notice of grant of an application for a provisional statement
Annex A – form to accompany notice of grant (conditions to be attached)
Annex B – form to accompany notice of grant (conditions to be excluded)
Annex C – form to accompany notice of grant (representations)
Notice of rejection of an application for a provisional statement

Transfer

Application to transfer a premises licence under the Gambling Act 2005
Notice of application to transfer a premises licence (Form A) (for responsible authorities)
Notice of application to transfer a premises licence (Form B) (for responsible authorities)
Summary of terms and conditions of a premise licence
Premises Licence
Notice of grant of an application to transfer a premises licence
Annex A – form to accompany notice of grant (conditions to be attached)
Annex B – form to accompany notice of grant (conditions to be excluded)
Annex C – form to accompany notice of grant (representations)
Notice of rejection of an application to transfer a premises licence

Reinstatement

Application for the reinstatement of a premises licence under the Gambling Act 2005
Notice of application of the reinstatement of a premises licence (Form A)
Notice of application of the reinstatement of a premises licence (Form B)
Summary of terms and conditions of a premise licence
Premises Licence
Notice of grant of an application for the reinstatement of a premises licence
Annex A – form to accompany notice of grant (conditions to be attached)
Annex B – form to accompany notice of grant (conditions to be excluded)
Annex C – form to accompany notice of grant (representations)
Notice of the rejection of an application for the reinstatement of a premises licence

Temporary Use Notices

Gambling Act 2005 – Temporary Use Notice (for premises other than vessels)
Gambling Act 2005 – Temporary Use Notice (vessel)
Counter Notice (given in response to a temporary use notice)

Permits /lottery

Application Form for Club Gaming Permit or Club Machine Permit

Registration of Small Society Lotteries (Application form for registration of non-commercial society)

Club Gaming Permit

Club Machine Permit

Prize Gaming Permit

Family Entertainment Centre Gaming Machine Permit

Licensed Premises Gaming Machine Permit

APPENDIX C – LICENSING AUTHORITY DELEGATIONS

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Final approval of the Licensing Authority statement of policy	X		
Policy not to permit Casinos	X		
Fee setting (when appropriate)		X (if delegated by Full Council)	
Application for Premises Licence		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Application for a Variation to a licence		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Application for a Transfer of licence		X Where representations have been received from the Commission or Responsible Authority	X Where no representations have been received from the Commission or Responsible Authority
Application for a Provisional Statement		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Review of a Premises Licence		X	
Application for Club Gaming/Club Machine Permits		X Where objections have been made and not withdrawn	X Where no objections made/objections have been withdrawn
Cancellation of Club Gaming/Club Machine Permits		X	
Applications for other Permits			X
Cancellation of Licensed Premises Gaming Machine Permits			X
Consideration of Temporary Use Notice			X
Decision to give a Counter Notice to a Temporary Use Notice		X	

APPENDIX B

Hello!

My name is Nas and I am the present secretary for Gamblers Anonymous (GA) in Swindon. I am also a compulsive gambler and have been off gambling, ONE DAY AT A TIME, for 18 years and 4 months. I was made aware of this gambling consultation from SBC (Gambling Act 2005 Act draft Statement of Principles) and I would like to comment on it, as bullet pointed on page 6,

“One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.”

I’ll expressing myself in three different ways;

- A. According to GA principles as interpreted by me and can be found in www.gamblersanonymous.org.uk.
- B. My therapy-that’s through my own personal experiences.
- C. My own personal view point.

Therefore perhaps a little history of GA in Swindon might be helpful. Since restarting GA in Swindon in 1997, we have managed to date holding 3 meetings a week at Gorsehill Community Centre. Over this period, we have had a number of successful recoveries, but admittedly many more who have come and gone for many various reasons. Our present members consist of both sexes, various religions, etc..and people from various walks of life, and that includes accountants, soldiers, businessmen, ex-offenders, venerable people, etc.. . We have members from Swindon and the surrounding area of Wiltshire. This is a self help group that individuals share their strength, hope and experiences to stay off gambling one day at a time.

Every recovery from this illness is personal. I joined GA on 1st April 1990 on a Wednesday evening in Glasgow. After several returns to gambling (B), I eventually seen the light and attend at least one meeting a week. I went through many rough times before I accepted my addition as an illness and now have a lifestyle that I can embrace and enjoy without gambling.

We have no views on outside issues (A), but I’d like to express my own personal view (C)

I have noticed that one of your licencing objectives is:-

☑ Provision of information leaflets / helpline numbers for organisations such as GamCare.

I would like to see (C) SBC implement the awareness of the existence of GA (A) in this objective. We have A5 posters/information leaflets and a local mobile Swindon helpline number.

I have periodically given out posters and literature to doctors surgeries, libraries, etc... I have had articles in the local newspaper and interviews on the local radio stations. But I feel that my proposal will have a better awareness of our existence for help for anyone that wants it in the gambling establishments in Swindon (the internet & telephone gambling is another issue). We can supply the necessary materials for these establishments in Swindon should this proposal be considered okay.

Please do not hesitate to contact me if you would require any more information.

My anonymity is such that I do not mind people knowing that I am a compulsive gambler. But in trying to keep to GA principles, I only give my first name.

Nas NGTR (No Gambling To Report)

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Introduction of a Local Policy in respect of Home Boarding Businesses with additional hosts

Licensing Committee

Date: 17th December 2018

Author: Kathryn Ashton – Licensing Manager

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To seek the agreement of the Licensing Committee to adopt a local policy covering licence inspections in respect of home boarding premises falling 'out of scope' as defined in DEFRA guidance, referred to in paragraphs 3.10 – 3.11 and 3.14-15 of this report, and to commend the policy to Council for adoption.

2. Recommendations

2.1 It is recommended that:

Licensing Committee agree to the adoption of such policy and to commend the policy to Council for adoption.

3. Detail

- 3.1 Prior to the new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, Local Authorities in England, Scotland and Wales issued licences to proprietors of Kennels, Catteries and Home Boarders under the Animal Boarding Establishments Act 1963.
- 3.2 Under this legislation, anyone who carried out home boarding for dogs as part of a business required an annual licence including an inspection. This included "host" families also known as carers that were part of a wider business model.
- 3.3 This would generally be a main Arranger who would undertake all advertising, applications, payments and then place the dog with a suitable 'host' family. The Arranger could pay the 'host' family a proportion of the boarding fee, expenses only or in some business models, nothing at all.
- 3.4 Under the 1963 legislation, the Licensing Authority would individually license each host family if they received any payment. They received an inspection as part of their licence conditions. If the Arranger was able to provide all paperwork as being the same for each host family, the application fee was reduced as the inspection was simpler to carry out.

Further information on the subject of this report can be obtained from Kathryn Ashton 01793 466113, KAshton@swindon.gov.uk.

Introduction of a Local Policy in respect of Home Boarding Businesses with additional hosts

Licensing Committee

Date: 17th December 2018

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- 3.5 'Host' families that were not paid did not require a licence. It was felt that Arrangers for these premises should be licensed as they received payment for boarding although they were national companies based outside of the Borough so fell out of our remit.
- 3.6 On 1st October 2018 the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force. This replaced multiple pieces of legislation including the Animal Boarding Establishments Act 1963.
- 3.7 DEFRA has published guidance for this including the aspect of what should be considered "in and out of scope" for each activity. For home boarding, they have made it clear that businesses which arrange for the provision of accommodation should be licensed themselves.
- 3.8 DEFRA have stated in communications with Local Authorities that the guidance released is statutory guidance as referred to in Section 14 of the Regulations although it is noted that this is not referred to on the guidance documents themselves. Section 14 of the Regulations states: *A local authority must have regard in the carrying out of its functions under these Regulations to such guidance as may be issued by the Secretary of State.*
- 3.9 DEFRA have produced the "Guidance in relation to licensing of dog boarding franchises": Local Authorities have requested further guidance on how these Businesses should be licensed. In particular Local Authorities have asked if each host should be licensed, if only the central arranging body should be licensed, or if a licence is required from each local authority in which a Business has a host family.
- 3.10 DEFRA's responded that *The policy intention behind the Regulations is that anyone who is undertaking one of the five activities specified in the Regulations in England is licensed. This will ensure that businesses profiting from these activities in England all meet the minimum welfare standards set out in the Regulations. We are aware that under the previous legislative regime (the Animal Boarding Establishments Act 1963) these Businesses used different approaches to licences. Some Businesses asked each of their host families to obtain a licence from their local authority (at significant cost) while other Businesses did not hold a licence at all. The policy intention is for a middle ground between these two existing approaches. Such an approach allows for the proper inspection of activities involving animals in the interests of animal welfare*
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Further information on the subject of this report can be obtained from Kathryn Ashton 01793 466113, KAshton@swindon.gov.uk.

Introduction of a Local Policy in respect of Home Boarding Businesses with additional hosts

Licensing Committee

Date: 17th December 2018

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- and accords with the interpretation that businesses should be licensed where they are undertaking such activities.*
- 3.11 *The policy intention is for these Businesses to require a licence from each local authority in which they have host families. The individual host families do not themselves need to be licensed (unless they separately meet the business test in the Regulations). It does not matter how many host families the Business has in each local authority only one licence will be required per area.*
- 3.12 The Business test in the Regulations states that the Authority has to consider if the operator earns any commission or fee from the activity but in the guidance for each activity, it states that the allowance of £1000 for annual trading income should be considered and if the host family falls under this threshold they would not need to be individually. They would however be listed under the licence for the Arranger.
- 3.13 The Authority has questioned this matter with DEFRA at length due to the concerns that it would not be possible to check an operator's trading income for example. Instead a disclaimer has been drawn up for an operator that believes they are out of scope to sign. If evidence can be found that the operator is in fact receiving a higher trading income, this disclaimer could assist with any subsequent investigation and potential action.
- 3.14 With regards to inspections for out of scope premises that are listed on Arranger's licences, the "Guidance for providing home boarding for dogs" states that: *The accommodation provided in these circumstances must meet the conditions in Schedule 2 and 4, and it is the responsibility of the business to ensure that this is the case. The local authority needs to be satisfied that the conditions are met in all of the accommodation provided.*
- 3.15 In addition to this, the "Guidance in relation to licensing of dog boarding franchises" states: *It will be for the individual local authorities to decide what level of inspection they wish to conduct in relation to each licence. Depending on the number of hosts in their area they may wish to inspect all of them or only a selection, they may also wish to cooperate to ensure a consistent approach is taken across local authorities. Beyond the requirement that these Businesses obtain a licence in each local authority in which they operate it will be for each local authority to make an assessment of how best to assess whether the business meets the licence conditions in their area. We do not want to specify a standard approach*
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Further information on the subject of this report can be obtained from Kathryn Ashton 01793 466113, KAshton@swindon.gov.uk.

Introduction of a Local Policy in respect of Home Boarding Businesses with additional hosts

Licensing Committee

Date: 17th December 2018

here as what may work in one local authority may be inappropriate in another.

- 3.16 One of the other changes to the requirements is that the premises will be star rated and can potentially achieve a one, two or three year licence. This will depend on whether they meet the required standards, the higher standards and whether they are considered to be high or low risk. An inspection is only required at the point of applying for a new licence with a further unannounced inspection within the licence period.
- 3.17 The Authority have enquired of DEFRA if unlicensed host families also require an unannounced visit in the licence term, they have been clear that such decisions are a matter for the individual authority to make a decision on.
- 3.18 Whilst the Licensing Manager has delegated authority to consider such operational matters, it is felt most appropriate for this element to be considered by the Licensing Committee and determined as a local policy.
- 3.19 Currently the Borough has several different types of businesses with additional host families. Some are part of a wider national franchise, some of these with head offices in a different area of the country but there are also businesses with a franchise owner in the Borough or indeed non-franchise businesses based solely in this Borough.
- 3.20 The Licensing Authority proposes that each host family be inspected before being used as a premises to board dogs and on each renewal of the Arranger's licence in accordance with Regulation 4(2). It is considered that the only way the Authority can be satisfied the required conditions are met in all of the accommodation provided is by carrying out this proposed frequency of inspections. Previously the properties were inspected on an annual basis so, it could be certain that standards were maintained. With the potential for a three year licence being issued, it is also proposed that host families be included in the requirement for an unannounced visit as otherwise it would potentially be a considerable amount of time between inspections.
- 3.21 It is recognised by the Licensing Authority that some businesses with host families have a more "hands on" approach than others with their own additional inspections and checks carried out. The Licensing Authority welcomes such proactive work by franchises but considers a consistent approach across all business models is necessary to discharge the Authority's responsibility in licensing such premises.

Further information on the subject of this report can be obtained from Kathryn Ashton 01793 466113, KAshton@swindon.gov.uk.

Introduction of a Local Policy in respect of Home Boarding Businesses with additional hosts

Licensing Committee

Date: 17th December 2018

4. Alternative Options

- 4.1 The Council could decide not to adopt a local policy; however, this would mean that there would be no consistent guidelines when undertaking inspections of proposed and existing establishments and attaching appropriate conditions.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial or procurement implications arising from this report, though licences for animal activities do attract a fee, which is considered to be reasonable in ensuring that there is no financial burden on the Council in dealing with, and enforcing consents.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with Convention Rights. The Council is required to comply with the statutory provisions referred to in the report. All other legal and human rights implications have been considered in the preparation of this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other implications

Diversity Impact Assessment

- 5.4 A DIA has been completed and is available on request

6. Consultees

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- 6.2 All Licensed Animal Boarding Establishments within the borough

7. Background Papers

- 7.1 Animal Boarding Establishments Act 1963

Further information on the subject of this report can be obtained from Kathryn Ashton 01793 466113, KAshton@swindon.gov.uk.

Introduction of a Local Policy in respect of Home Boarding Businesses with additional hosts

Licensing Committee

Date: 17th December 2018

- 7.2 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- 7.3 Procedural guidance notes for local authorities – October 2018
- 7.4 Guidance in relation to licensing of dog boarding franchises - October 2018
- 7.5 Guidance notes for conditions for providing home boarding for dogs – November 2018
- 8. Appendices**
- 8.1 None

Review of Street Trading Policy

Licensing Committee

Date: 17 December 2018

Author: Kathryn Ashton - Licensing Manager

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 On the 17th April 2018, Members authorised the Licensing Manager to undertake a consultation in respect of the Council's Street Trading Policy. This consultation commenced on the 27th July 2018 and concluded on the 11th November 2018.
 - 1.2 On the 22 November 2018 the Licensing Committee considered the responses received following the consultation of the Policy and agreed proposed amendments to the current policy.
-

2. Recommendations

That the Committee:

- 2.1 Agree to the amendments, as outlined below, being incorporated into the new Street Trading Policy to be endorsed by Full Council.
 - 2.1.1 No street trading involving food shall be permitted within 200metres of an educational establishment ;
 - 2.1.2 Removing the restriction of food stalls only permitted as ancillary to a market; (this will allow food festival and food markets within the area designated as markets only)
 - 2.1.3 There shall be a minimum of 4 stalls to constitute a market;
 - 2.1.4 The designated streets be amended such that those 'under consideration' become 'prohibited' save for markets.

3.0 Detail

- 3.1 Swindon Borough Council has resolved that Schedule 4 of The Local Government (Miscellaneous Provisions) Act 1982 applies to its area. Under this Schedule the Council can manage street trading by designating streets as consent streets, licence streets or prohibited streets.
- 3.2 Street Trading is defined as the selling or exposing or offering for sale any article in a street subject to a number of exemptions, which include the following:
 - Trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: KAshton@swindon.gov.uk

Review of Street Trading Policy

Licensing Committee

Date: 17 December 2018

- Any trade in a market or fair, the right to hold such market or fair having been obtained by a grant, enactment or order
 - Trading as a news vendor
 - Trading at or adjoining a shop premises, as part of the business of the shop
 - Offering or selling things as a rounds man.
- 3.3 Schedule 4 of the Local Government (Miscellaneous) Act 1982 defines a street as any road, footway, beach or other area to which the public have access without any payment, and a service area as defined in section 329 of the Highway Act 1980. There are 3 classifications of 'street' for the purpose of street trading as follows:
- A consent street is a street in which street trading can only take place if the consent of the local authority has been obtained
 - A prohibited street is a street in which street trading is prohibited from taking place at all
 - A licence street is a street in which street trading is prohibited without a formal licence given by the local authority.
- 3.4 The current Street Trading Policy for Swindon Borough Council, **Appendix A**, was introduced in 2013, and came into effect in 2014. The policy has been subject to full consultation over the last few months and is proposed that the new policy take effect in February 2019.
- 3.5 There are a number of individual 'full' street trading consents issued throughout the Borough with the exception of the town centre. These consents are issued for a 12 month period and then must be renewed. There is an application fee of £2400 generally paid quarterly. Any trader must have obtained the relevant planning consent prior to utilising any street trading consent.
- 3.6 The proposed policy will continue to prevent individual street traders within the town centre due to previous noise and odour issues of certain traders located ad hoc outside retail units. Any individual applications will be considered by Licensing Committee. The Policy does, however, continue to allow street markets specified as weekly farmers markets, themed markets and a Christmas market.
- 4. Alternative Options**
- 4.1 The Licensing Committee could choose not to agree the reviewed Street Trading Policy if it considers that there is no benefit in doing so. However, it is considered that the policy requires updating to reflect changes in trading particularly within the town centre.

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: KAshton@swindon.gov.uk

Review of Street Trading Policy

Licensing Committee

Date: 17 December 2018

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial or procurement implications arising from this report, though consents for street trading do attract a fee, which is considered to be reasonable in ensuring that there is no financial burden on the Council in dealing with, and enforcing consents.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. The recommendations of this report are compatible with Convention Rights as they are fully in accord with the requirements of relevant legislation. The Council is required to comply with the statutory provisions referred to in the report, which the adoption of this policy will ensure it does. All other legal and human rights implications have been considered in the preparation of this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no staffing, sustainability or rural implications arising from this report.

Diversity Impact Assessment

- 5.4 A DIA is available.

5.5 Consultees

The Director of Law (Monitoring Officer) is consulted in respect of all reports.

5.6 Background Papers

The Local Government (Miscellaneous Provisions) Act 1982

Current Street Trading Policy for Swindon dated 2013

Review of the Street Trading Policy Consultation Responses

5.7 Appendices

Appendix A - Swindon Borough Council's Street Trading Policy 2018

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: KAshton@swindon.gov.uk

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General Statement of Principles for the Regulation Of Street Trading in Swindon

INTRODUCTION

- 1.1 The regulation of street trading is concerned solely with the social, economic and environmental impact that street trading has, especially on (but not restricted to) the immediate locality. Such activities are regulated under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 ('the Act').
- 1.2 Swindon Borough Council has resolved pursuant to section 3 of the Act that Schedule 4 shall apply to its district. The Council therefore has the power to designate any street within its district as a 'Prohibited Street', a 'Licence Street' or a 'Consent Street' for street trading purposes.
- 1.3 These are defined in the Act as:
 - "Prohibited Street" - a street in which street trading is prohibited.
 - "Licence Street" - a street in which street trading is prohibited without a licence granted by the district council;
 - "Consent Street" - a street in which street trading is prohibited without the consent of the district council;
- 1.4 The Council has resolved that all streets within the Borough of Swindon shall be consent streets for street trading purposes, save for those identified as prohibited streets on the plan of the town centre (Appendix A).
- 1.5 The Council has control over areas which have been adopted as Public Highway under law. Some of the streets in the town centre are not owned by the Council and therefore the landowners consent will be required for street trading activities in these streets.

PART A - STREET TRADING CONSENTS (GENERAL)

- 2.1 The core criteria of avoiding 'obstruction of the street or danger to persons using it' and 'nuisance or annoyance (whether to persons using the street or otherwise)' shall be used to determine applications. Additionally, applications shall be judged against presentation, sustainability and the achievement of a sensible retail mix, together with any other reasonable consideration.
- 2.2 The pedestrianised public highways in shopping centres are intended to provide uncluttered, open vistas between shops. Traders who seek to use portable structures to gain access to prime retail sites on a daily basis at a fraction of the outlay expected of shop-keepers shall be looked at on an individual basis.

- 2.3 In the principal retail areas of Old Town and the Town centre, street trading shall be assessed on its likely impact on the vitality, success and reputation of the area as a place to do business. Street trading consents shall only be granted to traders who demonstrate that their presence will enhance those qualities. Traders do not have a 'right' to access core areas and those with a neutral or negative impact shall be excluded.
- 2.4 Street trading legislation does not distinguish between trailers and market stalls but there is generally a substantial difference between the two types of trading. Both trading formats are subject to this policy but they will be affected in different ways (see 'Part B - Markets' below).
- 2.5 For the streets identified on the plan of the town centre as 'consent solely for markets' (Appendix A), the Council will only grant a consent to carry on street trading where the applicant is part of an organised market. No Street Markets will be allowed outside of these specified streets within Swindon's Business Improvement District area.
- 2.6 Hot food trailers and vans etc. tend to function as portable shop units, operating in isolation. Where it appears that they will be used principally to save on costs relative to competing cafes & take-aways, a street trading consent shall not normally be granted. Where the infrastructure or trading opportunities are such that a fixed retail unit could not be justified, a fast food trailer shall be considered for consent.
- 2.7 Aside from their exclusion from the Town centre, there is a presumption against the siting of fast food traders in residential areas, in the locality of fixed fast food premises, close to schools or where they may impact adversely on the amenity of the area or conflict with this policy.
- 2.8 Parish and town councils may make recommendations on whether an application to engage in street trading within their area should be granted, within 15 working days of being notified. Swindon Borough Council will administer the applications and will monitor street trading consents. The minimum legal requirements must still be met.
- 2.9 Street trading consents can be withdrawn at any time and therefore have no intrinsic value. It is entirely legitimate for a trader to sell any trailer, equipment or stock to a third party. It is unlawful however for a trader to purport to sell a 'pitch' or a consent. Where such transactions are discovered to have taken place, use of the pitch in question by any person shall be suspended immediately and the ban shall remain in effect for a period of six months. The police will be informed.
- 2.10 In the case of individual pitches, new proposals shall normally proceed by way of planning consent, sought by the business which wishes to trade there. In these cases, the proposer will have the first option on applying for a street trading consent. Planning consent is required for routine trading pitches but the existence of a planning consent provides no guarantee that a street trading consent will be issued.

- 2.11 Where established individual pitches are vacated, the street trading consent must be handed back to the Council. An outgoing trader shall not be permitted to propose an incoming trader for the pitch that they have vacated.
- 2.12 An e-mail list of potential traders is maintained by the Council. Anyone asking for their name to be added to that list will be notified if an individual trading pitch becomes vacant. Letters will not be sent out. Any pitch vacancy will be posted on the Council's web site and expressions of interest must be submitted within 30 days of the date of posting. Any street trading consent subsequently issued will be allocated on merit, according to the published criteria.
- 2.13 It is entirely a matter for individual street traders, whether or not their business is profitable and whether or not there is sufficient customer demand for their product or service. No account will be taken of either of these factors, when street trading decisions are made.
- 2.14 The overall employment consequences or the likely external economic impacts of a street trading proposal may be taken into account.
- 2.15 The regulation of street trading will not be used directly to secure compliance with the many other legislative duties which impact on street traders. Consent conditions will not say, for example that traders "must fulfil their obligations under the Health & Safety at Work Act". Failure to comply with any legal requirement will nevertheless be a material factor, should it be necessary to review a consent.
- 2.16 When carefully sited, permanent island trading units of high quality may be useful in providing accents in the street scene. They may for example link different areas of the town centre. Structures of that kind fall outside the scope of street trading and therefore of this policy. It will be expected that any proposal for a fixed structure will mirror any design criteria already laid down for shop-fronts.

PART B - MARKETS

- 3.1 Street markets have been part of the town centres in the UK for many years. In the past they tended to be very local affairs but now include Continental, German and Farmer's Markets that offer a more specialised experience. Street markets can bring benefits to a Town centre by offering an alternative shopping experience, a place for social interaction, an attraction for tourists and by contributing to the local economy. On the other hand, they may take business away from established retailers, they pay no rent and can take up prime dates when the streets could be used for alternative purposes. There is therefore a need to take a balanced approach to the issue but the Council will support street markets where they contribute to the overall social and economic wellbeing of the Town.

3.2 Objectives

In supporting street markets within Swindon Town Centre, the Council has a number of objectives:

- To support the local economy;
- To enhance the shopping experience;
- To provide an additional attraction to encourage more shoppers to the Town Centre;
- To encourage local producers and businesses; and
- To add vibrancy to the town centre.

3.3 General Principles

The following factors will be into account when considering proposals for Town Centre street markets:

- The benefit to the economy of the Town;
- The potential to connect with local businesses;
- The provision of opportunities for the sale of local produce;
- The offering of a diverse range of products;
- The impact on the environment and the of use sustainable methods in their operations; and
- Where possible, the employment of local residents.

3.4 In submitting a proposal to the Council, the Market Operator and Stall Holders shall be expected to show how their event complies with the above objectives and general principles. The Council will not normally support an application for a street market in the Town centre where the above objectives and general principles have not been appropriately addressed.

3.5 The appearance of a market must ideally enhance, but at least not be detrimental to the street scene. Precise measurements of the height, width and depth of proposed stalls shall be submitted with any application.

3.6 Markets Options

Preference will be given to Town centre markets in the following order:

- A weekly general market
- Markets offering local produce or craft items;
- Markets that show a link to existing shops and/ or local producers; and
- Markets with no local connections, such as Continental style markets.

The preferred usage for markets in the town centre is set out in the table below, although a market will be considered in any consent street.

Type	Frequency	Location	Duration	Goods	Conditions
Christmas Market	Annual	Canal Walk/Wharf Green	Maximum 21 days, to fit in with the lights switch on.	Festive related goods, this includes hot food.	Stall holders must use the chalets provided by InSwindon.
					In Swindon are responsible for the site layout of the market
					The layout of the market must be designed to ensure access between shop fronts and chalets for emergency services.
Weekly Market	Weekly	Canal Walk, Wharf Green, Havelock Square	One day per week as agreed between the Market organiser and Licensing Committee	Ideally goods that compliment that which is currently being sold in the town centre	The Stalls used must meet the design code as between the market organiser and licensing committee
				Hot food can be sold but must be subsidiary to the main business of stall.	The layout of the market must be designed to ensure access between shop fronts and chalets for emergency services.
Specialist market	Monthly	Canal Walk, Wharf Green, Havelock Square, The Parade, The Cenotaph, Theatre Square.	One day per Month as agreed between the Market organiser and Licensing Committee.	Must be in keeping and related to the theme of the specialist market	The layout of the market must be designed to ensure access between shop fronts and chalets for emergency services.

- 3.7 In submitting a Business Case proposal, the Market Operator and Stall Holders should take the following matters into account.

3.7.1 Public Safety

The market should not present a significant risk to the public in terms of road safety, obstruction or fire hazard and should not present a risk to public order. If a market stall(s) causes an obstruction to the free flow of pedestrians or access for emergency vehicles, the Council reserves the right to remove such stalls.

3.7.2 Potential Nuisance

The market should not present a substantial risk of public nuisance from noise, rubbish, fumes, vermin, vibration, smoke or dust. The Market Operator and Stall Holders shall not do or suffer anything to be done in or on the street which in the opinion of the Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public. Failure to do so may mean removal of the said stall(s).

3.7.3 Amplified music and other amplified sound

The Market Operator and Stall Holder shall not use or suffer or permit any music playing, music re-producing or sound amplification apparatus or any musical instruments radio or television sets unless prior consent has been granted by Swindon Borough Council when granting the street trading consent. Such consent to play music or use other amplified sound may be subject to additional conditions.

3.7.4 Advertising

The Market Operator and Stall Holder shall not place on the street or affix to any equipment placed on the street (excluding the trading units) any advertising material of any description whatsoever. The holder shall not make any excavations or indentations of any description whatsoever in the surface of the street, grass or planted area or place or fix any equipment of any description in the said surfaces.

The Market Operator and Stall Holder shall not attach anything to any street furniture.

3.7.5 Equipment

The Market Operator and Stall Holder shall not place on the street any furniture or equipment other than as permitted by the Council and the Market Operator and Stall Holder shall maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.

The Market Operator and Stall Holder shall not remove any existing street furniture without the express permission of the Council.

3.7.6 Waste

The Market Operator and Stall Holder shall provide at his own cost and expense litterbins or similar receptacles for the deposit of cartons, wrappings, containers and similar discarded items and remove them and their contents at the end of each daily period of use. Thereafter, the waste shall be deposited at an appropriate waste site.

The Market Operator and Stall Holder shall retain with any van, cart, barrow or other vehicle or stall included within his consent any water used or waste produced until the end of each daily period. Thereafter it shall be removed and disposed of at a suitable waste disposal point. In particular the Market Operator and Stall Holder shall not deposit any such waste near or into any street drain or channel or any public litter bin

3.7.7 Health and Safety

All participants/contractors must comply with the relevant Health and Safety legislation throughout the duration of the market.

The Market Operator and Stall Holders are responsible for all public health and safety aspects of the event prior to, during and subsequent to the event.

All stalls/equipment must be contained within the locations specified and laid out by the Council and must be positioned to allow free flow of pedestrians or access by emergency service vehicles. Ideally there must be a gap of 2 metres around the market to ensure swift and safe evacuation, having regard to the volume of people likely to be in the building.

The positioning of the stall must ensure that emergency vehicles can gain access to building frontages. This applies to items that cannot be quickly and easily removed. Where food is sold, the Market Operator and Stall Holder will be required to ensure that all participants comply with the relevant food safety legislation:

The Market Operator and Stall Holder shall keep their trading position and the immediately adjacent area in a clean and tidy condition during the permitted hours and also leave the same in a clean and tidy condition and unobstructed at the end of each daily period of use. Failure to do so may mean removal of the said stall(s).

The Market Operator and Stall Holder shall remove all equipment from the street outside trading hours unless appropriate on-site security measures for their retention have been agreed in advance with the Council. (This will not apply in the case of Christmas Markets as InSwindon will provide chalets).

3.7.8 Use of electricity

The Council may make the provision for the use of electricity for the stall holders and will charge an appropriate fee for this.

3.7.9 Insurance

The Market Operator and Stall Holders shall have at least £5million public liability insurance to cover any activity arising from the trading.

3.7.10 Fire prevention

No refuse or combustible material shall accumulate in or around any pitch or be placed near to electrical fittings.

No hazardous substances or chemicals or inflammable substance shall be stored on the pitch. No gas bottles or other high-pressure container shall be left on the pitch unattended or overnight.

Any stall holder that has any form of heat, gas or electrical equipment on or around their stall shall have a fully functioning fire extinguisher.

3.7.11 Evacuation

In the event of fire, bomb threat or such potentially serious incident which requires the immediate evacuation of the area, instructions will be given by the InSwindon staff.

All traders are advised to make themselves aware of the evacuation procedure in place at the market. On being requested to evacuate by a member of the InSwindon team emergency services or police, traders shall leave the market without delay and where possible and, without danger to themselves or others, assist in directing customers away from the market area.

3.7.12 Conduct of stall holders

All traders shall fully comply with all the rules & regulations and with all terms and conditions of any permit agreement when attending the market and shall comply with all reasonable directions of the Market Operator and InSwindon. The Council's decision is final in all matters and it can remove any trader at its discretion.

All market traders, their servants, agents, employees or contractors shall conduct themselves in an orderly manner so as not to cause annoyance or inconvenience to other users of the market and to act in a responsible manner and not cause any act of neglect, wilful damage or disturbance to the peaceable enjoyment of the market.

The stallholder shall not use or permit to be used abusive, profane, offensive or insulting language. In a dispute between a trader and consumer the trader shall at all times endeavour to remain courteous and polite. Where the matter cannot be resolved amicably the Market Operator will attempt to arbitrate, if requested to do so. If in his/her opinion the consumer is found to have a justifiable complaint, the trader shall be requested, without any liability on the part of the Market Operator, to rectify the matter as recommended.

If the Market Operator is unable to offer a clear opinion or the trader is unwilling to resolve the matter then the consumer shall be advised to take the matter to the local Trading Standards Service. The trader shall be expected to comply with the written opinion of the Trading Standards Service.

- 3.7.13 The stall/pitch holder shall move to another pitch when told by the InSwindon staff at short notice. This is to ensure that complaints or other issues can be dealt with quickly.

3.8 General Conditions

- 3.8.1 Street markets within one area shall be limited to one per calendar month. (This is in addition to any planned Farmers Markets and any Christmas Market).
- 3.8.2 Street markets shall not be held in the same week as Farmer's markets.
- 3.8.3 Traders shall provide their own stalls, save for those involved in Christmas Markets, where InSwindon shall provide Chalets.
- 3.8.4 A street market shall normally consist of 10 to 50 individual stalls (this would not apply to charity markets).
- 3.8.5 A street market shall normally be permitted to last not more than 3 days, except Christmas Market which will last no more than 21 days.
- 3.8.6 Markets shall have a theme in relation to the goods being sold e.g. a continental or Christmas market.
- 3.8.7 The use of generators shall be prohibited unless absolutely necessarily, in the event of generators being required they will be of a design to minimise noise and pollution.
- 3.8.8 Music shall not normally be permitted. Permission to play music may be given in exceptional circumstances where a request to do so has been included in the application and specific consent has been given by the Council when granting the street trading consent.

3.8.9 Other than Christmas markets and continental markets, hot food shall only be sold as ancillary to the stall holder's main activity.

3.8.10 The Council reserves the right to restrict or prevent any trader from participating in a market if they breach this policy.

3.9 Other Statutory Consents

The Market Operator shall ensure that the correct planning and highways consents are in place before submitting a 'street-trading' consent application on behalf of each of the stall holders. Licences are dealt with under the statutory procedures outlined in the Act.

3.10 Management Procedures

Where statutory consents are granted, the Council will expect the Market Operator and Stall Holders to comply with any conditions attached to the grant of any consents and the relevant criteria. Lack of compliance by Operators and/or stall holders may be taken into account when future proposals are considered by the Council.

PART C - GENERAL

4.1 Revocation and Renewal

In accordance with the Local Government (Miscellaneous) Provisions Act 1982, the Council may revoke any consent at any time if, in the Council's opinion, the holder of the consent is operating in an inappropriate manner contrary to the general principles and objectives set out in this policy. The Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder of the street trading consent, or Market Operator where appropriate, in respect of such revocation. Where consent is revoked the holder is entitled to have the fee paid remitted in whole or in part. Consents are only valid for 12 months and then must be renewed.

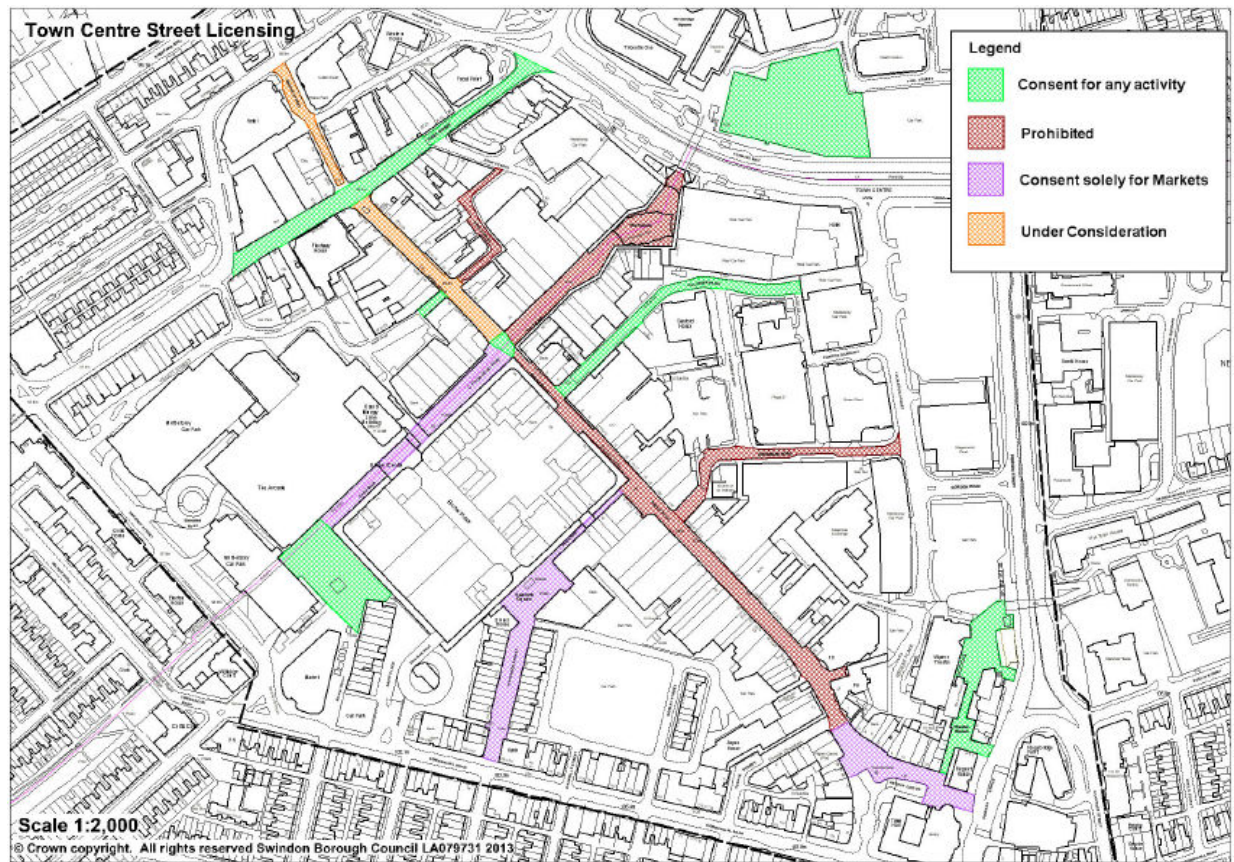
4.2 Commencement & Review

This policy shall come in to effect on 01 August 2014.

The policy may be reviewed at any time, as required, but shall be reviewed no later than 5 years from the date of commencement.

APPENDIX A

Plan of Town Centre showing designation of streets



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Possible Effects of Leaving the EU

Scrutiny Committee

Date: 10th December 2018

Author: Leader of the Council, Cabinet Member for Economic Prosperity and Head of Strategic Growth and Place

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 The report sets out in broad terms the issues identified so far for the Council in light of the departure of the United Kingdom from the European Union (“Brexit”) on 29th March 2019. It also addresses the Council’s response to Brexit through both its inward investment and business retention and expansion programmes.
- 1.2 The report is required following Scrutiny Committee’s request for an update at its meeting on 12th September 2018 along with a subsequent Council resolution on 20th September 2018.

2. Recommendations

The Committee is recommended to:

- 2.1 Note the contents of the report,
- 2.2 Put relevant questions to the Leader of the Council, the Cabinet Member for Economic Prosperity, and the Head of Strategic Growth and Place, and
- 2.3 Invite the Scrutiny Committee Chair and Cabinet Member for Economic Prosperity to report the outcomes from the discussion to the Growing the Economy Overview and Scrutiny Committee and Council.

3. Detail

Background

- 3.1 In the referendum on 23rd June 2016, 61,745 electors (54.7%) in Swindon voted for the UK to leave the EU and 51,220 voted to remain (45.3%) with a 75.8% turnout. For the UK as a whole, 51.9% voted to leave and 48.1% to remain.
- 3.2 Following discussion of the annual Question and Answer report for Councillor Donachie, the Cabinet Member for Economic Prosperity, on 12th September 2018, Scrutiny Committee resolved “(3) To agree the addition of an item providing an update on the impact of Brexit in Swindon to the 2018/2019 Work Programme.” (Scrutiny Minute 25, 2018/19 refers).
- 3.3 On 20th September 2018, Council resolved that: “The Cabinet member for Economy bring a report to O&S outlining the Council’s response to Brexit through both its inward investment and business retention and expansion programs

Further information on the subject of this report can be obtained from Douglas Chanda-Campbell, 0776 989 1673, docampbell@swindon.gov.uk.

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ensuring the Borough is well placed to exploit any economic opportunities that may manifest in the future. (Council Minute 41, 2018/19 refers). In addition to Members' requests, there was an ongoing management need to understand more fully the effects of leaving the EU.

- 3.4 This is a dynamic process and the report could easily be overtaken by events between submission for publication and the meeting itself. At the time of writing this report, the Prime Minister had announced the agreement with the EU negotiators on a Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community. It is to this text that any references below are made (<https://www.gov.uk/government/publications/progress-on-the-uks-exit-from-and-future-relationship-with-the-european-union> accessed 15th November 2018). It will be referred to as "the Treaty" for brevity. The Prime Minister had also agreed the draft Political declaration with EU Leaders on 22nd November 2018. EU Leaders endorsed the draft Treaty and the Political declaration on 25th November 2018. Having also received the UK Cabinet's support on 14th November, the next stage is for the government to secure Parliamentary approval for the Treaty.
- 3.5 Alongside the negotiations the European Union (Withdrawal) Act 2018 (the Withdrawal Act 2018), which received Royal Assent on 26th June 2018, repealed the European Communities Act 1972 and saved all current EU-derived domestic legislation. This provides some certainty for the Council's routine operations such as procurement, health and safety, and planning. The Treaty contains further provision to preserve current arrangements for public procurement during the transition period (Article 76). However, the Institute of Government has identified a further 10 Bills related to departure of which only five have received Royal Assent as well the need for the Government to table around 1,000 Statutory Instruments.
- 3.6 While the debate about Brexit continues, the Council has to continue to discharge its statutory duties, especially in providing personal care services, as well as to deliver the refreshed Vision Priorities and the Swindon Programme.
- 3.7 The greatest issue for the Council remains the uncertainty about whether Parliament will approve this Draft Treaty or, if it does not, what could happen next. This report seeks to set out immediate, medium-term, and long-term possible effects on the Council by comparing a possible worst-case scenario with the draft Treaty. It will focus primarily on those issues as they relate to the local council.

Short-Term

- 3.8 To ensure there is a proper response to any short-term issues, Swindon Borough Council continues to be an active member of the Local Resilience Forum (LRF) chaired by the Chief Constable of Wiltshire. This body is already undertaking appropriate preparations with "blue light" services, local authorities, and relevant

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central government departments and agencies to account for a wide range of scenarios. The Council's Business Continuity Manager is leading the core LRF task group and senior officers are being kept informed about any pressures as they emerge. There are contingency plans for a number of eventualities that could be activated if the need arises that would minimise and disruptions, were they to occur.

Effect on the Economy

- 3.9 There could be risks to services caused by interruptions to the complex multi-national supply chains, which could affect anything from medicines to vital parts for machinery. If there is no Treaty and there are no transitional arrangements, some industries could immediately lose access to essential supplies or registrations for their products.
- 3.10 However. In mitigation it is noted that EU states are also dependent on the UK as a destination for exports as well as for some goods manufactured in Swindon and other parts of the UK. Therefore, there could be pressure on EU states to preserve an efficiently functioning trade relationship with a post-Brexit UK.

Consequences for EU citizens

- 3.11 If the systems allowing EU citizens to apply for settled status do not perform as expected, there could be a departure of key workers from the public sector. The sudden loss of staff could both undermine service delivery, with immediate adverse consequences for service users, as well as further increasing the budgetary pressures if there is a steep rise in the cost of contracts and commissioning as the council's providers struggle to obtain the necessary staff.
- 3.12 Article 11 of the Treaty sets out how the rights of EU citizens working and residing in the UK, along with their families, would remain unchanged during the transition period. The government has outlined how EU citizens will be able to remain in the UK (<https://www.gov.uk/settled-status-eu-citizens-families>) and announced that the application process would be fully open from March 2019 with Article 15 recommending similar rights for UK citizens already living in the EU. The cost in the UK will be £65.00 per adult and £32.50 per child under 16.
- 3.13 To provide some certainty, the government opened the application for settled status for those EU citizens already in the UK who work in the health or social care sectors from 29th November 2018. Council Officers have participated in briefings about how the pilot testing phase could be introduced here. However, the pilot schemes do not extend to spouses, partners, or families.

Medium-term

- 3.14 A large body of EU regulation has been "saved" into UK law. This means that until Parliament legislates otherwise, there will be no change to procurement or

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similar regulations. Individual service areas will monitor any changes to these as they would any other periodic updates from central government. Other possible medium/long-term effects are set out in Table 1 below. The issues are not ranked in any particular order and the references to the Treaty assume that it has been approved.

Table 1 Possible Effects of Leaving the EU

Issue	Uncertainties about the economic future after Brexit.
Effects Potential Negative effects	There is a reduction in business confidence and investment and may even result in redundancies or closures. Reduced business rate and Council Tax income. Increased demand for benefits and other Council support services. Rise in Council Tax debt/housing arrears.
Potential Positive effects	The economy could be unaffected or grow; business rate and council tax increase. High employment reduces the demand for Council Tax support as well as helping to ensure tenants pay rent.
Service area(s) affected	Revenue and Benefits and Housing, but possibly the whole Council.
Issue	Uncertainty in the supply chain.
Effects Potential Negative effects	Some firms may move away from "Just in Time" or reliance on imports. Loss of employment land for high-skilled employment opportunities and pressure on sites that are needed for housing. Pressure on the Local Plan/Neighbourhood Plans to accommodate more land for storage. Higher costs/longer delivery times. Delays in obtaining key parts for repairs. Local factories do not win contracts for new work because they cannot apply the just-in-time production model.

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Potential Positive effects	There are no significant changes to the supply chain; therefore, there are not additional pressures to established manufacturers. Existing goods and services, apart from live animals, would be accepted after the UK leaves the EU (Article 41). Manufacturers may seek new, local sources for key parts, boosting employment.
Service area(s) affected	Planning, Highways, Housing
Issue	Loss of current professional, skilled and semi-skilled workers, especially from construction, personal care, and the health services.
Effects Potential Negative effects	Difficulty recruiting or retaining staff to provide care for the elderly or for support roles at the hospital, with the ultimate concern that lives would be put at risk. Difficulty meeting house building targets putting pressure on the local plan. Additional cost to the Council if there are wage increases to address shortages. Additional cost to the Council if it chooses to pay for the settlement fees for council workers and their families. Difficulty maintaining core, visible services e.g. waste and recycling collection if the current pool of staff cannot be retained or replaced.
Potential Positive effects	There might be no change to the workforce or any losses are replaced by newly trained people/other migrants. EU workers' rights, including access to housing, are retained during the transition period (Article 24). Article 27 sets out the basis for continuing to recognise professional qualifications. EU residents still would be able to access social security systems while

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Possible Effects of Leaving the EU

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	in the EU (Article 30). The Home Office will be running a pilot scheme for registering health and social care workers until 21 st December 2018 so many staff, but not their dependents, could already have secured settled status. SBC officers from Children's and Adults' Social Care were part of a briefing on 15 th November and will circulate material to relevant staff.
Service area(s) affected	Planning, Adult Social Care, Children's Services, Revenue and Benefits, Key partner organisations, especially the Clinical Commissioning Group, the Great Western Hospital, and private care homes for the elderly.
Issue	With renewed focus on non-EU trade by the government, International trade may increase; therefore, links to Heathrow and England's Economic Heartland would become even more important.
Effects Potential Negative effects	Pressure on transport infrastructure, especially the A420 and lack of direct service either to Oxford or to Heathrow. High demand for housing raises prices – risk of homelessness Air quality may deteriorate near the main roads.
Potential Positive effects	Higher rents make new developments more viable. Business growth may generate more business rates income.
Service area(s) affected	Highways, Planning, Housing, Economy, Revenue and Benefits, Public Health.
Issue	Pensioners returning to the UK because they cannot get their state pensions paid.
Effects	Increased demand for specialist housing and care support packages,

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Possible Effects of Leaving the EU

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Potential Negative effects	increased budgetary pressure on the Council.
Potential Positive effects	Current arrangements remain in place so UK citizens remain abroad. Fewer EU residents other than those in work could reduce demand.
Service area(s) affected	Adult Social Care, Housing
Issue	Tourism from other parts of Britain grows at a rate that exceeds any decline from the EU.
Effects Potential Negative effects	Additional pressure on the road network. Demand for additional hotels requires changes to the Local Plan/Town Centre Masterplan. Increase in the number of lower skilled service jobs.
Potential Positive effects	Economic benefits to the town centre, especially cafes and restaurants. Benefits to hotels and other related employers, resulting in stable or increased business rates revenue.
Service area(s) affected	Economy, Revenue and Benefits, Highways, Planning
Issue	Change in the number of unaccompanied minors entering the UK and becoming the Council's responsibility.
Effects Potential Negative effects	If the number increases or remains high, there is a significant financial pressure on the Council to find accommodation and foster parents. There could also be an increased risk if adults pretend to be minors in order to remain in the UK. There might be budget pressures, since the local authority would have to pay the fees for settled/pre-settled status.
Potential Positive effects	Renewed border controls reduce the number of unaccompanied minors and so eases the pressure.

Further information on the subject of this report can be obtained from Douglas Chanda-Campbell, 0776 989 1673, docampbell@swindon.gov.uk.

Possible Effects of Leaving the EU

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Service area(s) affected	Children's Services.
Issue	Fewer native-speaking French, German, other European language teachers, or other EU teachers with specialist skills such as STEM.
Effects Potential Negative effects	Decline in school attainment. Reduction in skills available to local employers, making it harder for them to function here.
Potential Positive effects	Opportunity to adopt new languages such as Mandarin as well as new demand for Spanish and Portuguese. Recruit new professional teachers from non-EU nations.
Service area(s) affected	Education, Economy
Issue	Changes in central government funding and grants (to pay for EU commitments up to 2028 in the Treaty).
Effects Potential Negative effects	Fewer or no additional Free schools to meet pupil demand. Reductions in funding from the LEP to support regeneration. Less support for inward investment in the UK. Less support for demand-led services, especially for capital programmes or demand minimisation schemes.
Potential Positive effects	Government revenues improve so there are new or additional funding streams for capital programmes if not for revenue support. For example, funding for new schools, highways maintenance, independent living etc.
Service area(s) affected	Adult Social Care, Children's Services, Education, Highways, Economy
Issue	Local business confidence changes.
Effects Potential Negative effects	Further loss of trade for town centre shops and businesses, decline of

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Possible Effects of Leaving the EU

Scrutiny Committee

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	traditional town centre, loss of jobs.
Potential Positive effects	Accelerated conversion of shops to houses, leisure, or cafes. Continued evolution of town centres to adjust to new technologies.
Service area(s) affected	The Business Investment District, Revenue and Benefits, Planning
Issue	Changes to the way the police service would be able to work with EU counterparts.
Effects Potential Negative effects	Increased risk to residents of crime from EU criminals, lack of intelligence about those coming from the EU with criminal connections, ability of criminals to flee the UK's jurisdiction and take refuge in the EU.
Potential Positive effects	The Treaty provides for maintaining judicial cooperation in criminal matters for the transition period, including European arrest warrants (Articles 62 to 64).
Service area(s) affected	Public Safety
Issue	Disposal of recyclates, loss of the market for RDF/SDF fuel
Effects Potential Negative effects	A rise in storage and disposal costs for recyclates. A legal risk to the Borough as well as to its reputation for not meeting UK government recycling targets. A cost pressure if there is increased use of landfill or the gate price for the removal of RDF/SDF fuel.
Potential Positive effects	New technologies emerge or become viable to allow more recycling to occur locally e.g. the plastic recycling process and South Marston. New UK demand for SDF/RDF to replace EU customers.
Service area(s) affected	StreetSmart

Further information on the subject of this report can be obtained from Douglas Chanda-Campbell, 0776 989 1673, docampbell@swindon.gov.uk.

Possible Effects of Leaving the EU

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Issue	Ending of EU funding streams e.g. ESIF
Effects Potential Negative effects	Less investment in businesses for growth, R&D, and employment.
Potential Positive effects	The government has committed to fund all projects that the EU would have supported from 2014 to 2020. New funding streams may be developed. Article 152 of the Treaty would permit the UK to have access to the 11 th round of the European Development Fund.
Service area(s) affected	Business Retention and Expansion
Issue	Change in the financial conditions – inflation rates, availability of loans
Effects Potential Negative effects	There could be significant price and contract inflation if there is a shortage of goods or key workers. There could be difficulty obtaining loans, or those loans for capital works could become more expensive, if the money supply contracts as a result of leaving the EU.
Potential Positive effects	The general money supply and inflation rates remain unaffected. New sources of imports outside EU rules help reduce some prices. More skills-based international recruitment and training for UK workers means that there is no wage-led inflation.
Service area(s) affected	Finance initially but the whole Council in due course.

- 3.15 In case there is no agreement, Central government has provided guidance papers to allow businesses to start preparing for a “no deal” scenario, which officers in relevant departments are monitoring. These are available here: <https://www.gov.uk/government/collections/how-to-prepare-if-the-uk-leaves-the-eu-with-no-deal>. There are also briefings from the House of Commons library that can be found here: <https://www.parliament.uk/business/publications/research/eu-referendum/> The

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European Union has also produced preparedness notices on the assumption that there is no agreement that are available here:

https://ec.europa.eu/info/brexit/brexit-preparedness/preparedness-notices_en.

- 3.16 The Swindon and Wiltshire Local Enterprise Partnership, through the Growth Hub has also published information to help businesses prepare for Brexit. They are available here: <https://growthhub.swlep.co.uk/topics/brexit>. Other Council actions are addressed below in the section on Next Steps.

Swindon's current investment and business outside the EU

- 3.17 Prior to the referendum to leave the European Union, the Council's inward investment strategy was already focused on markets beyond Europe. Swindon's key sectors already have strong links with the Americas, Asian, and Pacific market. This already includes particularly the pharmaceutical and automotive industries as, for example, both BMW and Honda export extensively to the US market.
- 3.18 For companies in the digital technology, advanced manufacturing, life science, financial and professional service and clean energy, or which are deemed strategically important to the town (such as one of the major local employers), the Council either has or is developing strong relationships. Any changes with those businesses would prompt a direct approach and, where possible, support from Council Officers. Apart from firms working in key sectors, the Council, along with Switch on to Swindon and the Swindon and Wiltshire Local Enterprise Partnership, provides information and support for most businesses through the Swindon and Wiltshire Growth Hub.
- 3.19 A further policy concern is the range of trade tariffs the US is imposing on China and the EU. Alongside this, China has taken retaliatory measures, which may affect trade and global supply chains. Resolving these matters lies outside the capacity of local government.
- 3.20 Local employers have highlighted the need for a highly skilled workforce to keep Swindon competitive. In order to address this, the Council has already taken steps to promote apprenticeships and increase skills base within the town from existing schools and colleges.
- 3.21 In October 2017, Cabinet authorised the Cabinet Member for Economic Prosperity along with the Cabinet Member for Children's Services and School Attainment to become champions for the concept of Swindon: a Learning Town as part of the Swindon Challenge (Cabinet Minute 41, 2017/18 refers). As stated in the covering report, key objectives from this would be to Increase the number of students with higher-level qualifications and participation in Higher Education and to increase the number of young people with STEM (science, technology, engineering, and maths) qualifications and ensure a good understanding of the employment opportunities requiring STEM. Once the Council knows the full

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Possible Effects of Leaving the EU

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nature of Britain's departure from the EU, the Cabinet Members and relevant officers may wish to review this strategy.

Possible effects on business – inward investment/business retention and expansion

- 3.22 As with the Council, the current issue is one of uncertainty, as businesses do not know what will happen to product licensing, supply chains, export controls, and employment to name but a few concerns. The July 2017 report "Brexit, trade and the economic impacts on UK Cities" from the Centre for Cities identified that Swindon could suffer a reduction in GVA per worker of between 1.4 and 2.4%. Nevertheless, independent of any work by the Council as set out in subsequent paragraphs, on 18th October 2018, Apple confirmed that it had signed a £460m deal with Swindon-based Dialog Semiconductors without any Brexit deal being in place. In addition, the Treaty contains extensive provisions for the transition period to protect the movement of goods (Article 51), upholding intellectual property rights (Article 54), and protecting databases (Article 58). These should minimise any short-term effects on the economy in Swindon.
- 3.23 This assumes that there is a treaty, in the event of a "no deal" Brexit the UK would be reduced to the status of a third party, with no guaranteed access to markets; no mutual recognition of products, classifications, or qualifications; no certainty over the supply chain. For example, Swindon-based firms could lose recognition from the European Medicines Agency for their products, which would prevent or impede their export.
- 3.24 The Council has a small team dedicated to inward investment and business retention and expansion, one of whom acts as the prime point of contact for the Department for Business, Energy, and Industrial Strategy. There is a weekly telephone conference with the Department to update local authorities. These officers spend most of their time with individual businesses, key networks such as Switch on to Swindon, and other business stakeholder groups. An additional post is being created in the team that will provide dedicated support to Switch on to Swindon.
- 3.25 Table 2 below illustrates some of the issues identified so far from contact with businesses and other sources.

Table 2 Inward investment/Business Retention and Expansion effects

Issues	Effect(s)	Council's response
Uncertainty over the supply chain. However, the Treaty makes provision to leave	Delays or higher costs in obtaining parts and materials, desire to increase	To be determined through the Planning process.

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Possible Effects of Leaving the EU

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Issues	Effect(s)	Council's response
existing customs union processes in place for the transition period (Article 47).	local storage.	
Loss of access to EU accreditation processes for key supplies and exports e.g. pharmaceuticals	Firms relocate from Swindon to the EU	To request Members raise this with the political parties in Westminster.
Possible loss of skilled employees from the EU/difficulty recruiting staff. (The government has already announced its scheme to allow people to apply for settled status.)	Difficulty sustaining or increasing productivity, especially in high-skill sectors	Work with Switch on to Swindon's Business and Retention and Expansion service and the Swindon and Wiltshire growth hub. Swindon : A Learning Town
Loss of business confidence because of uncertainty	Reluctance to make investment decisions	Place marketing by Leader, Cabinet and Switch on To Swindon
Delays in future investment plan because of uncertainty	Firms may expand plants abroad where the political and trade conditions are more stable	Work with Switch on to Swindon's Business and Retention and Expansion service to minimise risk

Next Steps

- 3.26 Should there be no Treaty, Officers would need to ensure that full attention was being paid to the precise effects of leaving the EU as they emerged or were becoming more probable. While these are not quantifiable at this time, budget holders and service heads will be monitoring these spending patterns closely as part of the Swindon Programme. If significant pressures arise, service areas will have the responsibility of developing the mitigating actions to manage them within their existing budgets.
- 3.27 If there is a settlement, once the details are known officers would produce a full probability impact assessment. It would then be a matter for Cabinet Members and senior managers to agree on appropriate mitigating actions and report to Scrutiny and Council if they require any formal decisions.

Further information on the subject of this report can be obtained from Douglas Chanda-Campbell, 0776 989 1673, docampbell@swindon.gov.uk.

Possible Effects of Leaving the EU

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- 3.28 At the time this report was submitted for publication, Parliament had not voted on the Draft Withdrawal Treaty. The later a decision is made, the more organisational effort will have to be allocated to making the precise changes that are required and these would have to take priority. However, Swindon Borough Council, along with local government as a whole, has a reputation for being able to adapt at short notice to changes imposed from Whitehall.

4. Alternative Options

- 4.1 No further alternatives were considered as this report was intended to inform Members rather than to make recommendations.

5. Implications, Diversity Impact Assessment and Risk Management

- 5.1 There are no financial or procurement implications arising because of this report. Any expenditure arising because of an item on the Committee's Work Programme would be met by the Overview and Scrutiny Support budget, subject to the Committee's approval.

Legal and Human Rights Implications

- 5.2 As this is not a decision-making report, there are no specific legal or human rights implications of which Members need to be aware.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other direct implications arising as a result of this report.

Diversity Impact Assessment

- 5.4 Since this is not a decision-making report, no diversity impact assessment (DIA) was required.

Risk Management

- 5.5 Since this is not a decision-making meeting, there are no specific risk management issues.

6. Consultees

- 6.1 Given that this is not a decision-making report, Officers have chosen not to consult the Monitoring Officer (Interim Director of Law) or the Section 151 Officer (Director of Finance).

7. Background Papers

- 7.1 None.

Further information on the subject of this report can be obtained from Douglas Chanda-Campbell, 0776 989 1673, docampbell@swindon.gov.uk.

Possible Effects of Leaving the EU

Scrutiny Committee

Date: 10th December 2018

8. Appendices

8.1 None.

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CABINET

WEDNESDAY, 5 DECEMBER 2018

PRESENT:- Councillors David Renard (Chair), Oliver Donachie, Brian Ford, Dale Heenan, Russell Holland, Cathy Martyn, Maureen Penny, Gary Sumner and Keith Williams

Apologies for absence were received from Councillors Mary Martin

Councillors Jim Grant and Jane Milner-Barry attended the meeting in respect of Minute Nos. 48 and 52.

45. Declarations of Interest.

The Chair reminded members of the need to declare known interests in any matters to be considered at the meeting.

46. Minutes.

Resolved – That the minutes of the meeting held on 17th October 2018 be confirmed and signed as a correct record.

47. Public Question Time.

There were no public questions.

48. Budget Update

Councillor Russell Holland, the Cabinet Member for Finance, and the Director of Finance (Section 151 Officer), submitted a joint report providing Cabinet with an update on the position in relation to the 2018/19 forecast outturn and the work underway to address the financial challenge in the period to March 2020.

It was noted that the report also met the requirement of paragraph 2(a) of the Council's Budget and Policy Framework Procedure Rules (Part 4 of the Council's Constitution) for the Council to publish initial proposals for the Budgetary and Policy Framework at least two months before the Framework must be adopted.

Councillor Holland introduced the report, placing it in the context of the Cabinet's commitment to again delivering a balanced budget at year end. He advised the meeting that information regarding the Local Government Financial Settlement had been expected before the end of this week but that this advice would not be available until after the pending Brexit vote.

Councillor Holland highlighted some of the major aspects of the report, including the continued commitment to aiding lower income households by maintaining the Council Tax Local Support scheme, and continuing and making greater use of the "empty premium" allowing the Council to apply a Council Tax charge on domestic properties that are empty and unfurnished for more than 2 years.

Councillor Holland referred to the current projected overspend in 2018/19 of £2.3m and advised that significant mitigating actions were being taken to address this. He also advised of provision within the draft budget proposals for major additional investment within Children's Services.

Following his introduction of the report, Councillor Holland, supported by the Leader of the Council and Councillors Keith Williams, the Cabinet Member for Corporate and Customer Services, and Councillor Oliver Donachie, the Cabinet Member for Economic Prosperity, responded to questions put by Councillors Jim Grant, Dale Heenan and Jane Milner-Barry on the following matters:

- The impact of austerity on the Council's level of financial resource and the particular impact of austerity on service provision for the least well-off in the community.
- Budget proposals in respect of Forward Swindon Limited
- The relevance of technological advancement on the viability of the LED street lighting business case and the replacement of LED street lights as part of the Council's ongoing street column replacement programme
- The positive impact of changed borrowing arrangements on the viability of the LED street lighting business case.
- The changes proposed in relation to passenger transport, particularly the re-tendering of transport contracts, and the specific financial implications of these proposals for Dial-a-Ride.
- The original cost of installing the splash park at Coate Water.
- The Green Flag status of Coate Water in 2018.
- Service proposals in relation to Arts and Heritage provision.
- The review of the Wyvern Theatre contract to achieve subsidy reduction and the implications of this and other proposals for art groups, including the outreach work these groups do within the education system.
- The economic benefit to Swindon of the proposed "Snowdome" development and actions to mitigate potential environmental impacts, particularly in relation to highway and traffic management issues.

Resolved – (1) That the in-year forecast outturn position for 2018/19 be noted and that responding management actions continue to be employed to eliminate the projected year-end overspend.

(2) That, with regard to the 2019/20 budget, the following be noted:

- a) That the Local Government Finance Settlement for 2019/20 has yet to be published and therefore the funding assumptions in this report contain levels of uncertainty.
- b) That there is currently a gap between the assumed funding levels for 2019/20 and the current proposed cost of services as set out in Table 3, and that work is continuing to identify further options to close this gap for consideration by Members once actual funding levels are confirmed and before the final budget is recommended to Council.
- c) That the council tax base for 2019/20 will be 74,532.0.

(3) That the following be agreed:

- a) The virements set out in Appendix 2.
- b) That those new budget proposals that do not directly affect front-line services can be implemented by officers at the earliest opportunity, including undertaking consultation with staff where appropriate.
- c) That consultation commences for budget proposals affecting front-line

services with the outcome of that consultation being reported to Cabinet in February 2019 prior to considering the final budget to be recommended to Council.

- d) That budgets for fees and charges that are set by the Council should be uplifted by 5% or a rounded price close to 5% except where alternative proposals are recommended.
 - e) That the Local Council Tax Support (reduction) scheme in 2019/20 be unchanged from that for 2018/19, apart from the annual increases in allowances, applicable amounts and non-dependant deductions, which will be increased in line with the national scheme.
 - f) That the Council Tax on unfurnished and unoccupied properties in excess of two years be increased from 150% to 200% with effect from 1st April 2019, in accordance with the Rating and Council Tax Act 2018, to encourage their owners to bring them back into use.
 - g) That the Council's share of the estimated surplus on the council tax element of the Collection Fund as at 31 March 2019 is £1.393m.
- (4) That written answers be provided to Councillor Jane Milner-Barry in respect of her questions to the meeting regarding:
- a) The changes proposed in relation to passenger transport, particularly the retendering of contracts, and the specific financial implications of the proposals for Dial-a-Ride.
 - b) The original cost of installing the splash park at Coate Water.
 - c) The Green Flag status of Coate Water in 2018.
 - d) The implications of the review of the Wyvern Theatre contract on the outreach work within the education system of other theatre groups.

The reasons for the decision and alternative options are as set out in the report to the meeting.

49. Capital Monitoring Quarter 2 2018-19

Councillor Russell Holland, the Cabinet Member for Finance, and the Director of Finance (Section 151 Officer), submitted joint report presenting to Cabinet the second quarter's monitoring position for the Council's capital programme and some proposed changes to the programme.

Resolved – (1) That the forecast capital expenditure, set out in Tables 1 & 2 in the report, and Appendix 1 to the report, be noted.

(2) That the changes to the programme, detailed at section 3.3 of the report, be approved.

(3) That the issues identified and detailed at section 3.4 of the report, be noted.

The reasons for the decision and alternative options are as set out in the report to the meeting.

50. Mid-Year Treasury Performance 2018/19

Councillor Russell Holland, the Cabinet Member for Finance, and the Director of Finance (Section 151 Officer), submitted a joint report setting out the mid-year Treasury Management performance for 2018/19.

Resolved – That the mid-year Treasury Management performance for 2018/19 be

noted.

The reasons for the decision and alternative options are as set out in the report to the meeting.

51. References from Other Council Bodies - Corporate Parenting Advisory Board and Health and Wellbeing Board

Councillor Mary Martin, the Cabinet Member for Children and School Attainment, Councillor Brian Ford, the Cabinet Member for Adults, and Councillor Oliver Donachie, the Cabinet Member for Economic Prosperity, and the Corporate Director Children's Services and Corporate Director Social Services and Health, submitted a joint report regarding (i) recommendations of the Corporate Parenting Advisory Board, at its meeting on 24th September 2018, that Cabinet adopt (a) the draft Looked After Children and Care Leavers Strategy and Operational Plan "Making Looked After Children and Care Leavers Strategy a Reality 2018-2020" Strategy, and (b) the Children in Care Sufficiency Strategy 2018-2020, and (ii) a recommendation of the Health and Wellbeing Board, at its meeting on 10th October 2018, that Cabinet adopt the Supported Employment Strategy 2018-2022.

Resolved – That the recommendations of the Corporate Parenting Advisory Board, at its meeting on 24th September 2018, that (a) the draft Looked After Children and Care Leavers Strategy and Operational Plan "Making Looked After Children and Care Leavers Strategy a Reality 2018-2020" Strategy, and (b) the Children in Care Sufficiency Strategy 2018-2020, be adopted, and (ii) a recommendation of the Health and Wellbeing Board, at its meeting on 10th October 2018, that the Supported Employment Strategy 2018-2022 be adopted, be agreed.

The reasons for the decision and alternative options are as set out in the report to the meeting.

52. Draft Waste Strategy 2019 - 2029

Councillor Maureen Penny, the Cabinet Member for Highways and the Environment, and the Interim Head of Streetsmart, submitted a joint report presenting to Cabinet the Councils ten year Waste Strategy – 'Sustainable Swindon: Waste Less, Recycle More' for approval.

It was noted that a clear strategy was necessary to plan and deliver effective and efficient waste collections that reduce both the environmental and financial impact of the waste generated in Swindon as well as enabling the Council to achieve its statutory obligations with regard to waste collections and disposal.

Councillor Penny introduced the report and, supported by the Leader of the Council and Councillors Dale Heenan, the Cabinet Member for the Town Centre, and Oliver Donachie, the Cabinet member for Economic Prosperity, responded to questions put by Councillors Jim Grant and Jane Milner-Barry regarding:

- Proposals for plastic recycling collections and the further consideration of the collection method and treatment of plastics recycling following the publication by the Government of its Recycling strategy, anticipated in Spring 2019.
- The processing of all general household rubbish collected through the

Councils unique Solid Recovered Fuel (SRF) Plant and the availability of the plant to take plastic and to turn it into a fuel for industry.

- Charges for replacement recycling boxes.

Resolved – (1) That the Waste Strategy and implementation of the associated year one action plan to achieve a Council recycling rate of 60% by 2029, be approved.

(2) That a twenty year extension (until December 2045) of the disposal contract with Public Power Solutions be agreed.

(3) That the Council support innovation and investment in new and emerging technologies, for example pelletisation, thermal cracking and back-end sort technology, in order to deliver as flexible approach to future changes in waste management as possible. By doing so, the aim is to make Waterside Depot an environmental hub pioneering technical innovation in waste management solutions.

The reasons for the decision and alternative options are as set out in the report to the meeting.

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Notice of Decisions Made

Decision Maker:	Councillor Russell Holland, Deputy Leader of the Council and Cabinet Member for Finance
Subject	Development of Housing at Highworth Golf Club
Decision(s): -	<ul style="list-style-type: none">(1) That the Director of Finance allocates a budget (up to the amount identified in the report) to this project within the Council's Capital Programme, funded from an allocation previously agreed by Cabinet for small-scale housing developments on Council-owned land.(2) That the Director of Law and Democratic Services, in consultation with the Head of Property Assets, agree terms for the transfer of the site, referred to in the report, at a time in the future which he considers to be appropriate.

Consultation:

Commercial Investment Strategy CMAG

Councillor Emma Famarzi – No comments received

Councillor Stan Pajak – Supports proposal subject to local support

Councillor Kevin Small – That having checked out the financial arrangements for this scheme and been given the assurances that SBC has the capacity to loan this money without effecting our short to medium term cash flow, I am happy for it to proceed as it is an appropriate use of the land and a good investment opportunity for the Housing Company and SBC.

Ward members:

Councillor Alan Bishop – no comments received.

Councillor Maureen Penny – The development sits outside the settlement boundary for Highworth. The development does not accord with the Highworth neighbourhood Plan. The development may impact upon the proposed skate park development. The Parish would prefer to see affordable units.

Councillor Steve Weisinger – no comments received.

Opposition Spokesperson

Councillor Emma Bushell: Endorsed Councillor Small's comments (above)

Date of Publication: Thursday 27th September 2018

**Date for Receipt of
Requests for Call-in** Friday 5th October 2018

For more details on the subject of the Decision or for a copy of the Decision Note please contact: Adam Gatier Tel: 07392 109967 Email: AGatier@swindon.gov.uk

Or from Steve Jones, Committee and Member Services Manager, Direct Dial: 01793 463602 or Email stevejones@swindon.gov.uk

The Decision Note (report) sets out the background to, and reasons for, the decisions referred to in the Notice above. Details of the alternative options put forward for consideration (if any) are also recorded in the Decision Note (report). Any alternative options considered that did not appear in the initial report will be recorded as part of the above Notice of Decisions. The Decision Note is available via the following link on the Council's website =

<http://ww5.swindon.gov.uk/moderngov/mgListPlanItems.aspx?PlanId=640&RP=285>

Notice of Decisions Made

Decision Maker: Councillor Dale Heenan, Cabinet Member for the Town Centre

Subject Delivery of Town Centre Regeneration

Decision(s): -

- (1) That the Chief Executive be authorised to implement the TUPE due diligence and consultation process with FSL employees and carry out the transfer of staff into Swindon Borough Council.
- (2) That the Board of Directors of Forward Swindon Ltd in consultation with the Director of Law and Democratic Services be authorised to apply to the Companies House for the company to be struck off the register of the Companies House, ensure that all existing contractual obligations of the company are met, and any outstanding contracts are novated to the Council and to dissolve the company by end March 2019.
- (3) That the Chief Executive make any and all appropriate arrangements to indemnify the Directors of the company against any future claims through relevant insurances.

Consultation: Opposition spokesperson for Town Centre Regeneration, Heritage and Culture Councillor Jane Milner-Barry commented 'It has always been Labour Group policy that FSL could operate more effectively as a part of SBC and I am happy to see FSL staff integrated into the Town Centre Development Team'

Leader of the Liberal Democrats Councillor Stan Pajak commented 'The bringing of FSL to an in-house element of the Council marks a long overdue consensus of the political parties in the Council. I am happy with the recommendation'

Date of Publication: Thursday 1st November 2018

Date for Receipt of Requests for Call-in Friday 9th November 2018

For more details on the subject of the Decision or for a copy of the Decision Note please contact: Emma Gee Tel: 07769 281734 Email: egee@swindon.gov.uk

Or from Steve Jones, Committee and Member Services Manager, Direct Dial: 01793 463602 or Email stevejones@swindon.gov.uk

Notice of Decisions Made

Decision Maker: Councillor Cathy Martyn, Cabinet Member for Housing and Public Safety

Subject Affordable Housing Developments

Decision(s): - That the Council enters into an agreement with Homes England in relation to Homes England 2016-21 Shared Ownership and Affordable Housing Programme (SOAHP) funding for successful bids in order to meet Pledge (6f) as set out in paragraph 1.2 of the Decision Notice.

Consultation: The following Opposition Spokespersons have been consulted on the recommendations of the report and their responses are summarised below:

Councillor Emma Bushell - responded via e-mail (dated 30th October 2018) and stated "While we support the council seeking external funding sources to build new housing, the Labour Group believe HRA land should be used to build social/affordable housing for rent that will remain within the HRA stock".

Note that with respect to the Queens Drive Re-development land, it is proposed to demolish a significant number of social-rent council houses for rent onsite and convert an unspecified number of social-rent council properties to affordable-rent properties elsewhere. Therefore the number of shared ownership homes should be minimal and the majority of homes built should be social housing for rent and retained as Housing Revenue Account stock, to ensure that there is no decrease in the number of social -rent properties resulting from the new development.

Councillor Pajak stated "Very happy to support our seeking grant support for this important scheme to create homes".

Date of Publication: Thursday 8th November 2018

Date for Receipt of Requests for Call-in Friday 16th November 2018

For more details on the subject of the Decision or for a copy of the Decision Note please contact: Nick Kemmell Tel: 01793 464402 Email: nkemmett@swindon.gov.uk

Or from Steve Jones, Committee and Member Services Manager, Direct Dial: 01793 463602 or Email stevejones@swindon.gov.uk

The Decision Note (report) sets out the background to, and reasons for, the decisions referred to in the Notice above. Details of the alternative options put forward for consideration (if any) are also recorded in the Decision Note (report). Any alternative options considered that did not appear in the initial report will be recorded as part of the above Notice of Decisions. The Decision Note is available via the following link on the Council's website =

<http://ww5.swindon.gov.uk/moderngov/mgListPlanItems.aspx?PlanId=642&RP=285>

Notice of Decisions Made

Decision Maker:	Councillor David Renard, the Leader of the Council, Councillor Russell Holland, Cabinet Member for Finance, Councillor Dale Heenan, Cabinet Member for the Town Centre and Councillor Oliver Donachie, Cabinet Member for Economic Prosperity
Subject	Kimmerfields – Office Purchase Opportunity
Decision(s): -	<p>(1) That the Leader and Cabinet Members authorise the Chief Executive, in consultation with the Director of Finance and the Head of Property Assets, to purchase the office building to be constructed and occupied by Zurich at Kimmerfields, reflecting the purchase price and commercial rate of return as detailed in paragraphs 3.6 and 6.2 in the main body of the Note.</p> <p>(2) That the Head of Property Assets, in consultation with the Interim Director of Law and the Head of Town Centre Development, agree detailed terms of any relevant legal documentation required to support the purchase and simultaneous lease back of the offices to Zurich, on such terms as necessary to protect the Council's interests.</p>
Consultation:	<p>The following Opposition Spokespersons / Ward Members have been consulted on the recommendations of the report.</p> <p><i>The responses received from Councillors Bob Wright and Kevin Small reference exempt information and can only be inspected as set out in the Decision note, available on the intranet or on request from the Committee and member Services Manager.</i></p> <p>Councillor Bob Wright (see above)</p> <p>Councillor Julie Wright - No comment received</p> <p>Councillor Junab Ali – No comment received</p> <p>Councillor Jim Grant – No comment received</p> <p>Councillor Jane Milner-Barry – No comment received</p>

Councillor Kevin Small (*see above*).

Date of Publication: Thursday 6th December 2018

**Date for Receipt of
Requests for Call-in** Friday 14th December 2018

For more details on the subject of the Decision or for a copy of the Decision Note please contact: Rob Richards Tel: 07740037316 Email: rrichards@swindon.gov.uk

Or from Steve Jones, Committee and Member Services Manager, Direct Dial: 01793 463602 or Email stevejones@swindon.gov.uk

The Decision Note (report) sets out the background to, and reasons for, the decisions referred to in the Notice above. Details of the alternative options put forward for consideration (if any) are also recorded in the Decision Note (report). Any alternative options considered that did not appear in the initial report will be recorded as part of the above Notice of Decisions. The Decision Note is available via the following link on the Council's website =

<http://ww5.swindon.gov.uk/moderngov/mglIssueHistoryHome.aspx?Ild=57596&PlanId=643>

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