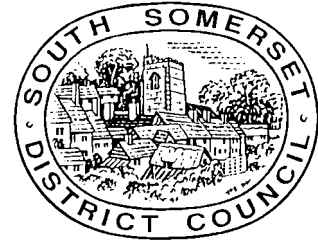


South Somerset District Council

Notice of Meeting



**South Somerset
District Council**

Making a difference where it counts

Thursday 17th December 2015

7.30 pm

**Council Chamber
Council Offices
Brympton Way
Yeovil
BA20 2HT**

(disabled access is available at this meeting venue)



All members of Council are requested to attend the meeting:

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Angela Cox, Democratic Services Manager**, (01935) 462148

This Agenda was issued on Wednesday 9 December 2015.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk



South Somerset District Council Membership

Chairman: Mike Best
Vice-chairman: Tony Capozzoli

Clare Aparicio Paul
Jason Baker
Cathy Bakewell
Marcus Barrett
Mike Beech
Neil Bloomfield
Amanda Broom
Dave Bulmer
John Clark
Nick Colbert
Adam Dance
Gye Dibben
Sarah Dyke-Bracher
John Field
Nigel Gage
Carol Goodall
Anna Groskop
Peter Gubbins
Henry Hobhouse
Kaysar Hussain

Tim Inglefield
Val Keitch
Andy Kendall
Jenny Kenton
Mike Lewis
Sarah Lindsay
Mike Lock
Tony Lock
Paul Maxwell
Sam McAllister
Graham Middleton
David Norris
Graham Oakes
Sue Osborne
Tiffany Osborne
Stephen Page
Ric Pallister
Shane Pledger
Crispin Raikes
Wes Read

David Recardo
Jo Roundell Greene
Dean Ruddle
Sylvia Seal
Gina Seaton
Peter Seib
Garry Shortland
Angie Singleton
Alan Smith
Sue Steele
Rob Stickland
Andrew Turpin
Linda Vjeh
Martin Wale
William Wallace
Nick Weeks
Colin Winder
Derek Yeomans

Information for the Public

The meetings of the full Council, comprising all 60 members of South Somerset District Council, are held at least 6 times a year. The full Council approves the Council's budget and the major policies which comprise the Council's policy framework. Other decisions which the full Council has to take include appointing the Leader of the Council, members of the District Executive, other Council Committees and approving the Council's Consultation (which details how the Council works including the scheme allocating decisions and Council functions to committees and officers).

Members of the Public are able to:-

- attend meetings of the Council and its committees such as Area Committees, District Executive, except where, for example, personal or confidential matters are being discussed;
- speak at Area Committees, District Executive and Council meetings;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- find out, from the Executive Forward Plan, what major decisions are to be decided by the District Executive.

Meetings of the Council are scheduled to be held monthly at 7.30 p.m. on the third Thursday of the month in the Council Offices, Brympton Way although some dates are only reserve dates and may not be needed.

The agenda, minutes and the timetable for council meetings are published on the Council's website – www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

The Council's Constitution is also on the web site and available for inspection in Council offices.

The Council's corporate aims which guide the work of the Council are set out below.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

South Somerset District Council – Council Aims

Our key areas of focus are: (all equal)

- Jobs – a strong economy which has low unemployment and thriving businesses
- Environment – an attractive environment to live in with increased recycling and lower energy use
- Homes – decent housing for our residents that matches their income
- Health & Communities – communities that are healthy, self-reliant and have individuals who are willing to help each other

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South Somerset District Council

Thursday 17 December 2015

Agenda

1. Apologies for Absence

2. Minutes

To approve and sign the minutes of the previous Council meetings held on Tuesday, 13th October and Thursday, 22nd October 2015.

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15th May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

4. Public Question Time

5. Chairman's Announcements

Items for Discussion

6. Chairman's Engagements (Pages 6 - 7)

7. Adoption of the SSDC Statement of Community Involvement (Pages 8 - 62)

8. Adoption of the Statement of Principles (Gambling) 2016 - 2019 (Pages 63 - 130)

9. Delegated Licensing Arrangements with Yeovil and Wincanton Town Councils (Pages 131 - 139)

10. Treasury Management Strategy Statement and Investment Strategy 2015/16 - Mid year review (Pages 140 - 167)

11. **Adoption of a Revised Private Sector Housing Strategy** (Pages 168 - 206)
12. **Report of Executive Decisions** (Pages 207 - 212)
13. **Audit Committee** (Pages 213 - 215)
14. **Scrutiny Committee** (Pages 216 - 221)
15. **Motions** (Pages 222 - 223)
16. **Questions Under Procedure Rule 10**
There were no questions submitted under Procedure Rule 10.
17. **Date of Next Meeting** (Page 224)

Agenda Item 6

Chairman's Engagements

13th October

Mike met with a Chinese delegation at the Yeovil Innovation Centre. The delegation were specifically looking at education, tourism and agriculture and met for a semi-formal discussion on these topics.

15th October

At the invitation of Barton St. David Village Hall and Playing Field Charity, Mike attended the opening event for the new play equipment.

19th October

Mike attended a photo call with Sport England at the Artificial Grass Pitch at Yeovil Recreation Ground to mark the Council have funded £163,000 over the last 3 or 4 years.

23rd October

At the invitation of the Principal of Yeovil College, Mike attended the Graduation Day Ceremony which was held at the Octagon Theatre, Yeovil.

24th October

At the invitation of the Mayor of Yeovil, Mike and Liz attended a charity fundraising ball for Yeovil Heartbeat Cardiac Rehabilitation Unit and the Douglas Macmillan Haematology and Oncology Day Care Unit. This was held in the Senior Rates Mess at RNAS Yeovilton.

25th October

At the invitation of Bath and North East Somerset Council, Mike and Liz attended an Annual Civic Celebration at Bath Quaker Meeting House in Bath.

26th October

Tony attended the Annual General Meeting of the Samaritans of Yeovil, Sherborne and District which was held at The Holy Trinity Community Centre, Yeovil.

27th October

Mike attended the Gold Star Awards which were held at the Octagon Theatre. This is an annual awards night which focuses on the amazing feats of youngsters up to the age of 18 and the adults who work with young people in a voluntary capacity.

3rd November

At the invitation of the Board of Yeovil College, Mike attended a breakfast briefing in the Da Vinci restaurant. The aim of the briefing was to give an update on the current position of Yeovil College and the services it offers to the communities and businesses in the area.

In the evening Mike attended the Somerset Freemasons Grants Presentation Evening in the Masonic Hall in Taunton.

8th November

Mike attended the annual Remembrance Day Parade, the Church service at St. John's and the wreath laying ceremony at the War Memorial in the Borough, Yeovil.

11th November

Mike, together with Ric Pallister, attended the Remembrance Day gathering around the flagpole and was joined by a large number of staff for a short service and 2 minutes silence.

13th November

At the invitation of the Chairman of North Somerset Council, Mike and Liz attended the civic evening held at the Winter Gardens, Weston-Super-Mare on the evening of the Weston Carnival.

14th November

Mike attended the switching on of the Christmas lights in the Quedam Centre in Yeovil.

15th November

At the invitation of the Chairman of Somerset County Council, Mike and Liz attended the Civic Service which was held at the Church of the Holy Ghost in Crowcombe.

18th November

At the invitation of Somerset Care, Mike attended the Grand Opening of Cooksons Court, a new care home for the elderly at Cooksons Orchard in Yeovil.

26th November

Mike and Liz attended a celebration of the success and achievements of Neighbourhood Policing in Avon and Somerset at Cadbury's House Hotel in Congresbury, Bristol.

28th November

At the invitation of Leukaemia and Lymphoma Research, Mike attended the Social Evening at The Old Barn Club in Yeovil. This included a short power presentation to illustrate the reasons behind the Society's change of name to "Bloodwise".

30th November

Tony attended an Annual Open Meeting of the NFU which was held at The Royal Bath and West Showground.

6th December

The Salvation Army invited Mike and Liz to their annual Carol Service which is held in the Octagon Theatre which they had pleasure in attending.

7th December

The Chairman of Somerset County Council and Sound Foundation Somerset invited Mike and Liz to the Christmas Celebration Concert at Wells Cathedral which they were pleased to attend.

11th December

At the invitation of the Headmistress of Chilton Cantelo School, Mike attended the School's Christmas Carol Service which was held at Sherborne Abbey.

12th December

Mike and Liz attended the Sing for Somerset Carol Service which took place at Wells Cathedral.

13th December

At the invitation of the Chairman of West Somerset District Council, Mike and Liz attended the Carol Service at the Church of the Holy Ghost, Crowcombe

Agenda Item 7

Adoption of South Somerset District Council Statement of Community Involvement

Service Manager: Paul Wheatley, Principal Spatial Planner
Lead Officer: Jo Wilkins, Policy Planner
Contact Details: Jo.wilkins@southsomerset.gov.uk or (01935) 462588

Purpose of the Report

To formally adopt the South Somerset District Council Statement of Community Involvement.

Public Interest

The Council has a statutory responsibility to produce a Statement of Community Involvement (SCI). The SCI sets out how and when the public, businesses, and other organisations will be consulted on the preparation of statutory planning documents, such as the Local Plan. The SCI also explains how and when the Council will consult on planning applications.

South Somerset District Council's current SCI was adopted in 2007 and requires updating due to the many changes in planning policy and legislation. The updated SCI responds to these new requirements and best practice from around the country.

Recommendation(s)

That Council:

1. Adopt the South Somerset District Council Statement of Community Involvement (**Appendix A**).
2. To delegate responsibility to the Assistant Director for Economy in consultation with the Portfolio Holder for Strategic Planning (Place making) to make any final minor text amendments to enable the adopted South Somerset District Council Statement of Community Involvement to be published.

1. Background

- 1.1 The SCI sets out how and when the community and other stakeholders will be consulted on the preparation of the Council's statutory planning documents. It also explains how the community will be consulted on planning applications. The previous SCI was adopted in 2007 and requires updating due to changes in planning legislation and regulations.

2. South Somerset Statement of Community Involvement

- 2.1 The Draft SCI was consulted upon for a six week period commencing on 20th August 2015 and ending on 2nd October 2015. All those on the Spatial Policy Consultation database were notified of the consultation and the document was placed on the iNovem online system and in South Somerset Council offices and local libraries. In total 27 respondents made comments on the SCI and these have informed the final document presented in Appendix A.

2.2 A summary of the main issues raised during the consultation together with an officer response can be seen in Appendix B.

3. Next Steps

3.1 Once adopted the SCI will be posted on the Council's web site, and will replace the 2007 version.

4. Financial Implications

4.1 Current levels of consultation for plan making are fully resourced and can be accommodated within existing budgets. But should there be requirements for additional rounds of consultation then this will have a resourcing and financial implication.

5. Corporate Priority Implications

5.1 No direct implications, although an SCI is required as part of the Councils planning function which has an impact on all areas of the Council Plan by making provision for housing and economic growth, protecting the environment and helping to contribute to happy and healthy communities.

6. Carbon Emissions and Climate Change Implications

6.1 None.

7. Equality and Diversity Implications

7.1 Equality considerations are embedded in the SCI and the Equality Officer was engaged during the drafting of the document.

Background Papers

Appendix A: South Somerset Statement of Community Involvement (November 2015)

Appendix B: Summary Report of Responses to Consultation (October 2015)

Appendix A
South Somerset District Council
Statement of Community Involvement



November 2015



Foreword

I am pleased to present our new Statement of Community Involvement (SCI).

Planning is an important consideration in many aspects of our lives, from the protection of our historic landscape and features, to the location of the homes we live in and the places we work.

South Somerset District Council has a history of successful engagement with its local communities and is committed to building on its reputation for successful community involvement. This document sets out how the Council plans to engage with and involve the community in plan-making and the preparation of policies, as well as helping to decide on planning applications.

I hope that you will take the opportunity to help to shape your communities by getting involved in the planning process.

Cllr Angie Singleton
Portfolio Holder Strategic Planning (Place Making)

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If you need this document in large print, Braille, audio or another language, please contact the Spatial Policy Team at The Council Offices, Brympton Way, Yeovil, BA20 2HT.

If you have hearing difficulties and have access to a Textphone call: (01935) 462440

1. Introduction

- 1.1 As required by the Planning and Compulsory Purchase Act 2004 (as amended) South Somerset District Council has produced this Statement of Community Involvement (SCI)¹. The SCI sets out how and when the community and other stakeholders will be consulted on the preparation of the Council's statutory planning documents. It also explains how the community will be consulted on planning applications. The previous SCI was adopted in 2007 and requires updating due to changes in planning legislation and regulations.
- 1.2 The Localism Act (2011) updated the Planning and Compulsory Purchase Act (2004) and introduces a number of changes to the planning system, including the introduction of Neighbourhood Plans. Alongside this there have also been changes to The Town and Country Planning (Local Planning) (England) Regulations 2012 which mean that the Council's SCI no longer needs to be examined.
- 1.3 The Government has also introduced the National Planning Policy Framework (NPPF) which was adopted in March 2012². This has since been supported by the publication of the National Planning Practice Guidance (NPPG) in March 2014³. The NPPF sets out national planning policy and must be taken into account when preparing local planning policy, and in determining planning applications. The NPPF, along with the NPPG, aim to simplify the basis from which to make planning decisions and have replaced the majority of previous Planning Policy Statements and Planning Policy Guidance Notes.
- 1.4 In respect of community involvement the NPPF states that in preparing Local Plans:
“Early and meaningful engagement and collaboration with neighbours, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area...” (Paragraph 155).
- 1.5 The Localism Act (2011) has introduced many changes to the planning system, including the revocation of regional strategies and the introduction of Neighbourhood Plans. Therefore the Council must ensure that the adopted local development documents⁴ conform to legislation and latest government policy. This may involve a full review of an existing document or a partial review such as of a specific policy or topic. It will also involve the production of new documents such as a Community Infrastructure Levy (CIL) charging schedule.

¹ Requirement for a Statement of Community Involvement is set out in Section 18 of the Planning and Compulsory Purchase Act (2004) (as amended):

<http://www.legislation.gov.uk/ukpga/2004/5/section/18>

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

³ <http://planningguidance.planningportal.gov.uk/blog/guidance/>

⁴ Local development documents include Local Plans, Development Plan Documents and Supplementary Planning Documents

- 1.6 South Somerset District Council is committed to high quality engagement with its residents, businesses, local councils and other organisations operating within the district. The benefits of engaging with a wide range of people and organisations in the planning process within South Somerset include:
- Greater public ownership of planning decisions;
 - Informing the Council of public priorities;
 - Providing opportunities for the Council and others to work collaboratively; and
 - Compliance with statutory regulations.
- 1.7 The Council has a good track record of communicating and working with the community to shape the future of South Somerset. The Council uses its own South Somerset Corporate Equalities Steering Group to ensure all documents are released in an easy to understand format.
- 1.8 In addition, the Council's structure includes four Area Development Teams who are integrated with the local community allowing their views to be more easily incorporated into the Council's work; and for Council's information to be shared more readily. Most officers in the Area Development Teams are trained community facilitators. This SCI continues these efforts and looks to build upon the Council's best practice.
- 1.9 One of the key objectives of the SCI is to encourage continuous community involvement in the planning process and to provide opportunities for involvement and participation for those who wish to be involved in planning matters. It is hoped that through the methods and processes outlined in this document you will have a clear understanding of how you can be involved and be encouraged to take an active part in planning matters. The Council is keen to build on its reputation for actively engaging with the community and by setting out its approach in relation to planning. In this document it makes it clear to all the level of engagement that can be expected.
- 1.10 By engaging in the planning process you will be able to help shape your environment, make a positive contribution for the future and help to ensure that the Council is aware of local issues. By getting involved in the process at an early stage problems and aspirations can be highlighted and addressed.
- 1.11 This document sets out how the Council plans to engage with and involve the community in plan-making and the preparation of policies, as well as helping to decide on planning applications.

Contact Details

- 1.12 The Council's planning teams can be contacted in writing, via email, by telephone, or through the Council's website:

	Write or visit	South Somerset District Council Council Offices Brympton Way Yeovil BA20 2HT
	Email	Spatial Policy Team: planningpolicy@southsomerset.gov.uk Development Management Team: planning@southsomerset.gov.uk
	Telephone	01935 462462
	Online via the website	www.southsomerset.gov.uk

2. Plan Making

- 2.1 The Council is responsible for the production of planning documents for South Somerset. These can include:
- A Local Plan and Proposals Map;
 - Development Plan Documents (DPD);
 - Supplementary Planning Documents (SPD); and
 - Community Infrastructure Levy (CIL).
- 2.2 The timetable for preparing these documents is detailed in the South Somerset Local Development Scheme (LDS). The LDS sets out a programme and resourcing plan for the various documents to be prepared and finalised. It also identifies inter-dependencies, risks and contingencies associated with their delivery. The LDS can be viewed on the South Somerset District Council website: www.southsomerset.gov.uk. Progress of the LDS is reviewed as part of the Authority's Monitoring Reports (AMRs) and changes may be made as a result.

Local Plan

- 2.3 Following the introduction of the Town and Country Planning (Local Planning) Regulations 2012, Councils are generally expected to include all their planning policies within the Local Plan, however the law does still allow for the production of other planning policy documents such as DPDs or SPDs. The South Somerset Local Plan (2006 – 2028) was adopted in March 2015. The process of producing any planning policy document should fully involve everyone who has an interest in the document.

Development Plan Documents

- 2.4 Any development plan documents will be produced following the same process as a Local Plan and will often focus on a particular area such as a town centre or topic such as site allocations.

Supplementary Planning Documents

- 2.5 Supplementary planning documents (SPD) add further detail to policies in the local plan / DPD and can be used to provide further guidance for development on specific sites or on particular issues such as design. SPDs are not considered by an independent inspector.

Sustainability Appraisal

- 2.6 An on-going part of producing a local plan or DPD is Sustainability Appraisal (SA). This is a mechanism for checking the social, environmental and economic effects of a document and must be carried out for every local plan / DPD. The SA will be subject to public consultation as it develops, and the Council will seek the views of the three statutory authorities associated with the SA scoping stage, namely: the Environment Agency, Heritage England,

and Natural England. At other stages in the process the SA is consulted upon widely along with the relevant local plan or DPD.

Duty to Co-operate

- 2.7 There is now a 'duty to co-operate' in the plan making process. The NPPF says that public bodies (known as 'Prescribed Bodies' - see Appendix 1) have a duty to co-operate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities (e.g. housing provision). Local planning authorities are expected to demonstrate through evidence that they have effectively co-operated in planning for these issues.

What are the Stages for Preparing a Local Plan or Development Plan Document?

- 2.8 The consultation requirements for a local plan or DPD are set out within the Town and Country Planning (Local Planning) (England) Regulations 2012⁵. These regulations are summarised below. To understand the full legal requirements please refer to the published regulations. An illustration of the process is shown in Figure 1.

Regulation 18 (Preparation of a local plan) requires consultation with:

- Various "specific consultation bodies" (essentially statutory national and local organisations that are affected by the subject matter of the local plan (see Appendix 1).
- Any of the "general consultation bodies" (essentially anybody interested in the social, economic or environmental development of the district) considered appropriate (see Appendix 1).
- Residents of or other bodies who carry out business in the district; and;
- The Council must make all relevant documents available, including a 'statement of the representations procedure'. Documents must be made available for inspection at the Council's principal office and elsewhere as appropriate (e.g. local area offices and public libraries) and on the Council's website.
- The Council must take into account any representations received.

Regulation 20 (representations relating to a local plan) involves a six week consultation process.

Regulation 22 (Submission of documents and information to the Secretary of State) requires the Council to submit to the Secretary of State all associated documents including the sustainability appraisal report, submission policies map and a comprehensive statement on the consultation that has taken place, including copies of the representations received. The Council must then make these documents and the local plan available for public inspection, give specific notification to the people who made

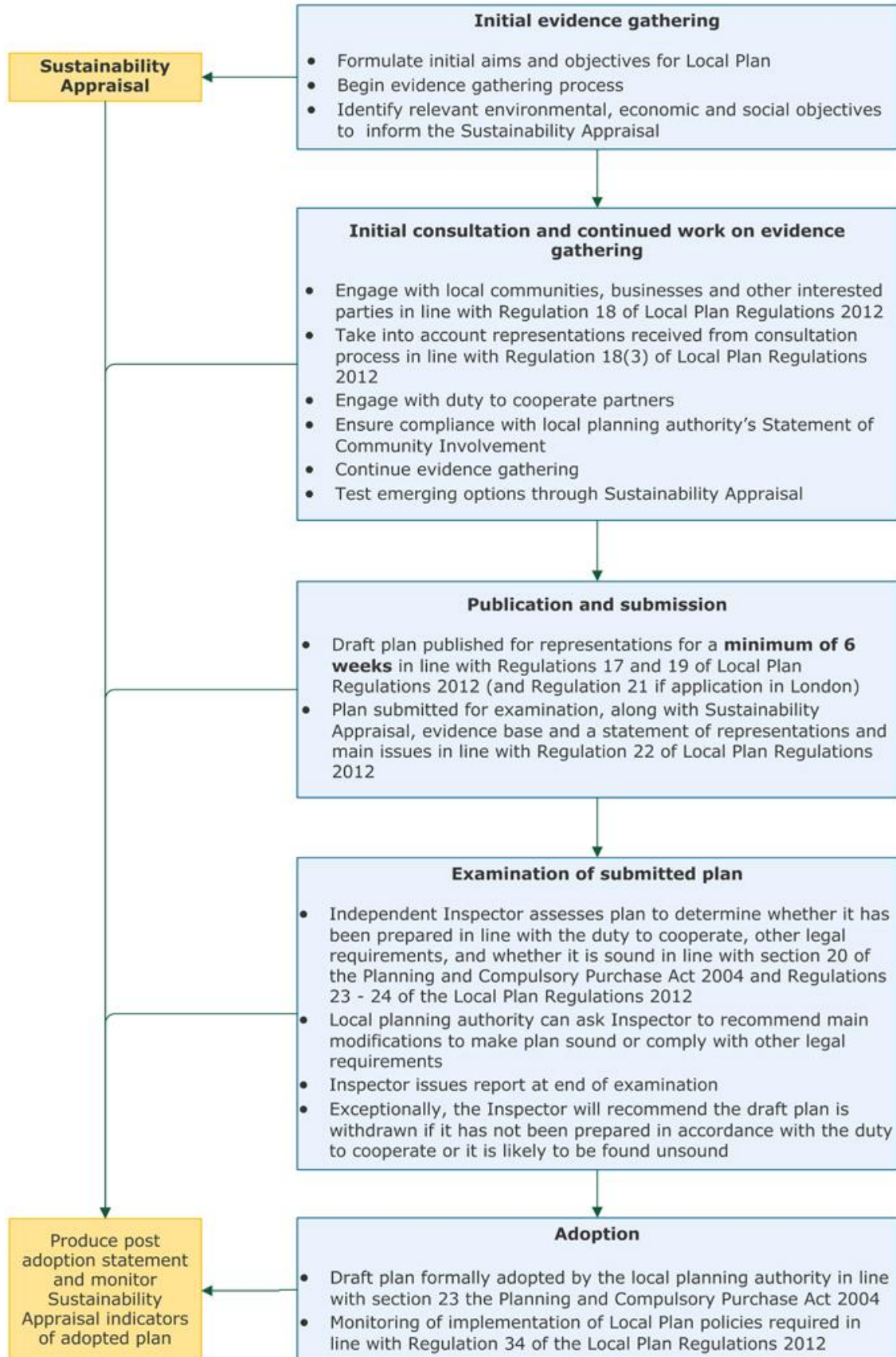
⁵ <http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

representations and to anyone else who has requested to be notified at this stage.

Regulation 23 (consideration of representations by appointed person) requires that any representations on the submitted local plan received in the six-week period must be considered by the Inspector who carries out the examination.

Regulation 35 (Availability of documents: general) requires that during consultation periods documents should be made available for inspection at the Council's principal office and any other places within the area the Local Planning Authority (LPA) consider appropriate during normal office hours,. Documents should also be published on the Council's website.

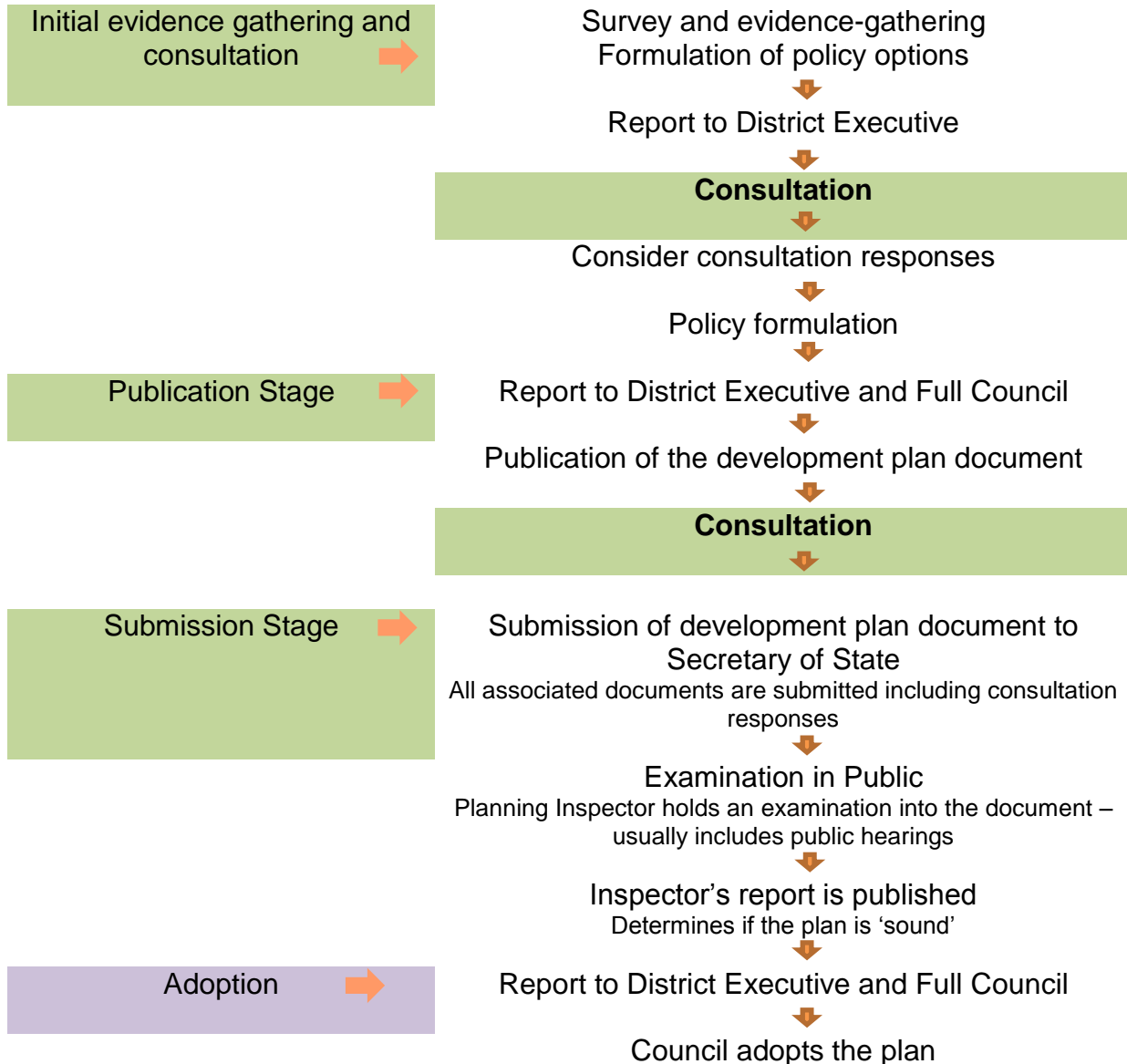
Figure 1: Local Plan / Development Plan Document Process



Source: National Planning Policy Guidance, CLG, 2014, Paragraph 005, Reference ID 12-005-20140306

2.9 Figure 2 further simplifies the process set out in Figure 1 and indicates the stages when the document will be considered by District Councillors at Committee.

Figure 2: Local Plan / Development Plan Document Process Simplified



How will I be consulted?

2.10 Table 1 shows who will be consulted and the types of engagement methods to be used at each stage in the production of a local plan / DPD. The most suitable and effective consultation methods for the stage in the production of each document will be used. The most suitable methods to be used will be defined at the time in light of the prevailing circumstances. Appendix 2 provides an explanation of the methods of engagement that might be used when a document is being produced.

Table 1: Local Plan / Development Plan Documents Production and Involvement

Production stage	Who will be involved?	Methods of involvement
<p>1. Initial evidence gathering The information needed for the local plan / DPD is prepared and potential issues identified.</p>	<p>The Council will engage with a wide range of individuals or bodies as required including:</p> <ul style="list-style-type: none"> • South Somerset District Council officers • District Councillors • Relevant town and parish Councils, consultants, developers, local employers and other local groups as relevant • Duty to co-operate 'prescribed bodies' as appropriate 	<p>Engagement will involve some or all of the following:</p> <ul style="list-style-type: none"> • Workshops • Letters • Email • Telephone • Meetings
<p>2. Initial consultation and continued work on evidence gathering (Regulation 18) The information gathered at the first stage is taken into account in the drafting of detailed policies and allocations. Depending on the level of complexity, the draft local plan / DPD stage may involve more than one period of consultation.</p>	<ul style="list-style-type: none"> • Various 'specific consultation bodies' essentially statutory national and local organisations that are affected by the subject matter of the document (see Appendix 1) • Any of the 'general consultation bodies' (essentially anybody interested in the social, economic or environmental development of the district) considered appropriate (see Appendix 1). • Duty to co-operate 'prescribed bodies' as appropriate • Any other person, organisation or interest group who wishes to engage 	<p>The main way the Council will seek to engage will be via the online consultation software (iNovem). Documents will also be made available for inspection at the Council's principal office and elsewhere as appropriate (e.g. local area offices and public libraries) and on the Council's website (Regulation 35).</p> <p>Methods of involvement at this stage could include:</p> <ul style="list-style-type: none"> • Public notice • Letter • Email • Local media • Leaflet • Public exhibitions or meetings • Workshops <p>The Council must take into account any representations received and identify and publish the main issues that emerge.</p>
<p>3. Publication (Regulations 17 and 19) The local plan / DPD is finalised and published for a 6 week period of</p>	<ul style="list-style-type: none"> • All those who were invited to comment at stage 2 (initial consultation and continued work on evidence gathering) and stage 3 (publication). • All those who commented at stage 2 (initial 	<p>The main way the Council will seek to engage will be via the online consultation software (iNovem). Documents will also be made available for inspection at the Council's principal office and elsewhere as appropriate (e.g. local area offices and</p>

Production stage	Who will be involved?	Methods of involvement
consultation. Comments at this stage will only be sought on soundness and legal compliance of the plan.	consultation and continued work on evidence gathering) and stage 3 (publication). <ul style="list-style-type: none"> Any other person, organisation or interest group who wishes to engage 	public libraries) and on the Council's website (Regulation 35). Methods of involvement at this stage could include: <ul style="list-style-type: none"> Public notice Letter Email Local media Leaflet Public exhibitions or meetings Workshops The Council must take into account any representations received and identify and publish the main issues that emerge.
4. Submission (Regulation 22) The draft local plan / DPD, and all supporting documents and the comments received from public consultation are submitted to the Secretary of State, who appoints an independent planning inspector. Documents are made available to view for a 6 week period.	<ul style="list-style-type: none"> All those who were invited to comment at stage 2 (initial consultation and continued work on evidence gathering) and stage 3 (publication). All those who commented at stage 2 (initial consultation and continued work on evidence gathering) and stage 3 (publication). 	The main way the Council will seek to engage will be via the online consultation software (iNovem). Documents will also be made available for inspection at the Council's principal office and elsewhere as appropriate (e.g. local area offices and public libraries) and on the Council's website (Regulation 35). <ul style="list-style-type: none"> Public Notice Email / letter
5. Public examination (Regulation 23)	Those who made representations at stage 4 (submission).	The person who is appointed to carry out the independent examination considers main issues raised at the Submission stage.
6. Adoption The local plan / DPD is adopted following the consideration of the recommendations in the inspector's report.	All respondents Any person who has asked to be notified of the adoption of the document	

Supplementary Planning Documents go through the following stages:

- **Pre-production** survey and initial evidence gathering.
- **Public participation** seeking comments on a draft of the Supplementary Planning Document.
- **Adoption** the Council considers all comments received and adopts the SPD, whether amended or not.

Evidence base documents

- 2.11 As part of the plan making process the Council will be producing (or commissioning external consultants to produce) evidence base documents that support the local plan. Where appropriate the Council will consult relevant 'specific' or 'general' consultation bodies on the contents of that evidence including working proactively with other authorities on strategic cross boundary issues in line with the duty to co-operate.
- 2.12 The Authority's Monitoring Report (AMR) is an evidence base document that helps the Council assess if local plan policies are being delivered or not. They will look at the Council's performance against the monitoring targets set out in the Local Plan. This will include analysis of recent performance in achieving housing targets. The AMR will also assess if the Council is able to demonstrate a five-year supply of housing land, which is an important aspect in decision making. The AMR will be published at least annually, formally signed off by the Council's District Executive Committee, and then published on the website.

The Council's commitment to equality

- 2.13 The Equality Act 2010 places general and specific duties and responsibilities on the Council. The Public Sector Equality Duty, (s149 of the Equality Act 2010), requires the Council to consider all individuals when carrying out our day- to- day work, in shaping our policies, in delivering services, and in relation to our staff.
- 2.14 When carrying out our activities, we are required to have due regard to the need to:
- Eliminate discrimination
 - Advance equality of opportunity
 - Foster good relations between different people
- 2.15 The Specific Duties help the Council to achieve the Equality Duty. These include preparing and publishing equality information and the setting of Equality Objectives⁶.
- 2.16 The Council employs its own Equalities Officer who assists in the formulation of documents. This is particularly relevant to planning which has a role to play in promoting equality of opportunity and cohesion by considering the needs of the community. The Council recognises that equality of opportunity in practice includes ensuring that vulnerable or disadvantaged groups have their voices heard and needs considered. This statement supports that objective through providing guidance on how to get people involved.
- 2.17 Carrying out an Equality Analysis (EqA) on our Planning policies is a way of assessing the effect on different groups protected from discrimination by the Equality Act, (the protected characteristics are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race,

⁶ http://www.southsomerset.gov.uk/media/644381/equality_objectives_v6.pdf

religion or belief, sex and sexual orientation). The EqA considers if there are any unintended consequences and if the policies will be fully effective for all groups.

Different equality groups

- 2.18 It is recognised that some sectors of the community may be more difficult to engage in participation in the planning process. These different equality groups may include those with sensory loss, Black and Minority Ethnic (BME) communities, young people, the elderly, those from deprived neighbourhoods, and Gypsies, Travellers and Travelling Showpeople. Here the expertise of the South Somerset Corporate Equalities Steering Group will be invaluable as they have direct day-to-day links working with and helping representatives of these parts of the community and will be able to advise on and assist with engagement. Where appropriate the Council will also use its links to these groups through the Equalities Officer, Area Development Teams and Community Health and Leisure Team to enable engagement in the planning process.
- 2.19 Different equality groups will require tailored methods of engagement and this will be assessed on a document-by-document basis

What will happen when I get involved in the local plan / DPD or SPD process?

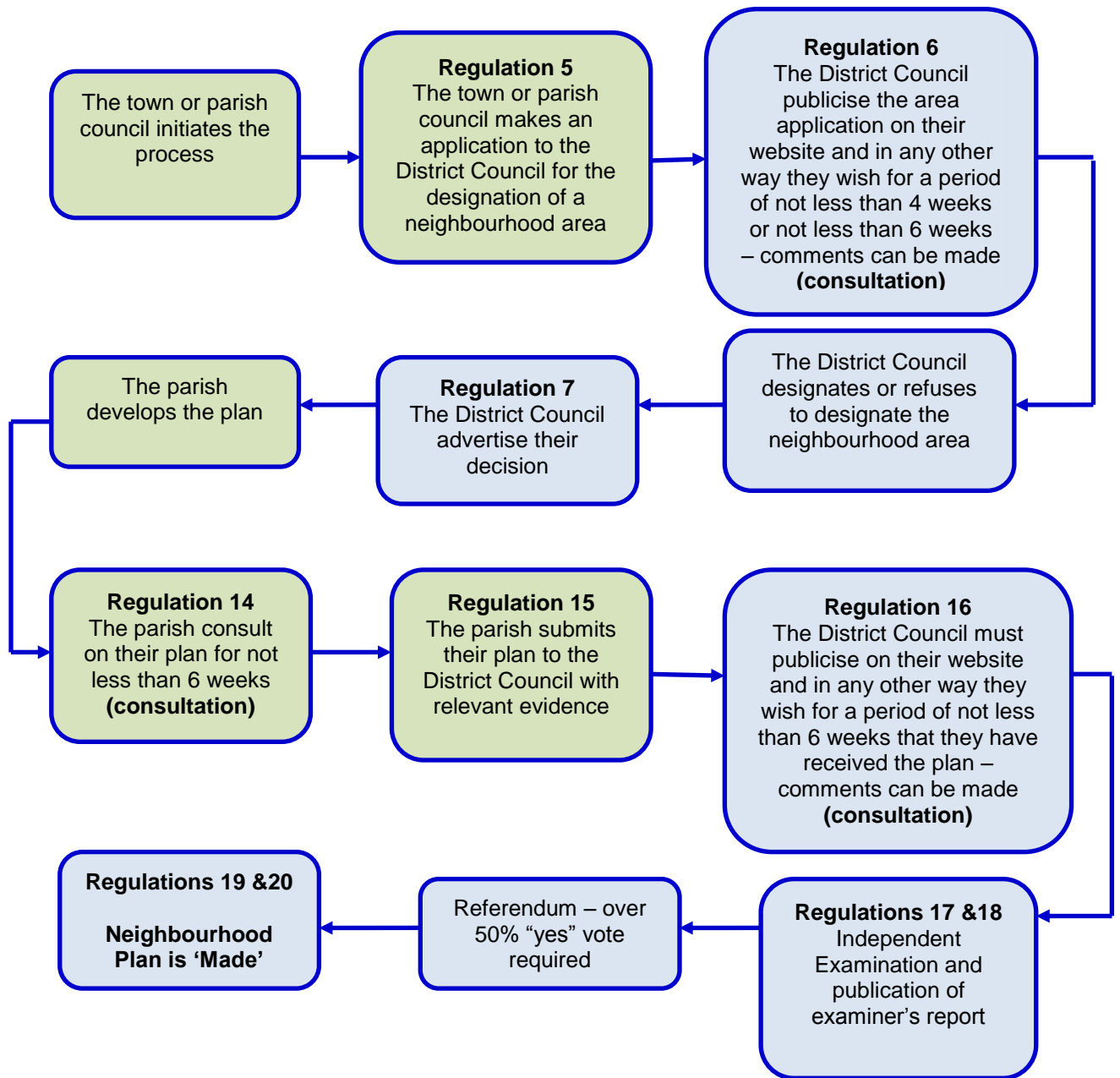
- 2.20 All relevant comments received will be:
- Acknowledged
 - Recorded on a database
 - Clarified where necessary either by letter, email or telephone
- 2.21 At each consultation stage in the production of a local plan / DPD or SPD, an outline of the consultation undertaken and the main issues arising from that consultation will be reported to District Councillors together with officer recommendations. Details of committee meetings and reports are posted on the Council's website and hard copies are available at Council offices.
- 2.22 The Council allows individuals and group representatives to attend its committee meetings either as observers or to address the members of the committee. Those who wish to make a presentation to a committee are usually given a maximum of 3 minutes. If you do wish to speak at a committee meeting you must first complete a request slip and give it to the Committee Clerk (request slips are available at the meeting and are completed on the day of the meeting).
- 2.23 Where appropriate, comments received suggesting amendments to or raising relevant new issues regarding a local plan / DPD or SPD will be taken into account and the document amended as necessary.

Neighbourhood Plans

- 2.24 Neighbourhood Plans were introduced by the Localism Act 2011 and the process for producing them is set out in The Neighbourhood Planning (General) Regulations 2012 as amended (the regulations)⁷.
- 2.25 A neighbourhood plan is a community-led and prepared document for guiding the future development, regeneration and conservation of a parish (or group of parishes). It may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocation of sites for specific kinds of development. It can deal with a wide range of social, economic and environmental issues (such as housing, employment, heritage and transport) or it may focus on one or two key local issues only. In order to progress to referendum a neighbourhood plan must be examined to ensure that it meets a number of basic conditions i.e. that it has regard to national planning policies, it is in general conformity with the strategic policies of the local plan for the area, it contributes to the achievement of sustainable development and is compatible with European Union law and human rights obligations. Once 'made' a neighbourhood plan becomes part of the development plan so it has statutory weight and its policies along with those in the local plan will be used to determine planning applications.
- 2.26 The key stages for producing a neighbourhood plan are set out in Figure 3, it also identifies when consultation takes place during the process. The statutory requirements of the Council are highlighted in **blue** and parish/town council responsibilities are in **green**.

⁷ <http://www.legislation.gov.uk/uksi/2012/637/contents/made> and http://www.legislation.gov.uk/uksi/2015/20/pdfs/uksiem_20150020_en.pdf

Figure 3: Key Stages in Preparing a Neighbourhood Plan



2.27 The following paragraphs set out how the Council will comply with its statutory duties with regards to consultation on neighbourhood plans.

Regulation 6: Publicising an area application

2.28 At the neighbourhood area application stage where the application is made by a parish or town council and the neighbourhood area relates to the whole area of the parish the District Council will publish the relevant documents for consultation for a period of not less than 4weeks, in all other cases the

consultation period will be for not less than 6 weeks⁸. The following methods will be used:

- Publication on SSDC's website www.southsomerset.gov.uk;
- Request that the town/parish council display the notice with details of how to comment on the parish notice board/parish website/magazine and at local venues they consider will raise awareness of the proposal locally;
- SSDC to send email / letter to adjoining parishes and ward members;
- SSDC to send email / letter to relevant parish and ward member/s;
- Advertise in the local press; and
- Where it is judged to be necessary notify, where known, affected landowners or interest groups.

Regulation 7: Publicising the designation of a neighbourhood area

- 2.29 Once designated the District Council will inform all those it notified at the Regulation 6 stage of their decision to designate the neighbourhood area (or their reasons for not designating the area). The relevant documents will also be posted on the website.

Regulation 16: Plan proposals

- 2.30 Once the town /parish council has submitted its plan to the District Council in accordance with the Regulation 15, the District Council will publicise the plan for consultation for a period of not less than 6 weeks (Regulation 16). The following methods will be used:
- Publication on SSDC's website www.southsomerset.gov.uk;
 - Request that the town/parish council display the notice with details of how to comment on the parish notice board/parish website / magazine and at local venues they consider will raise awareness of the proposal locally;
 - SSDC to send email / letter to adjoining parishes and ward members;
 - SSDC to send email / letter to relevant parish and ward member/s;
 - Advertise in the local press; and
 - Any 'consultation body'⁹ that is referred to in the consultation statement submitted by the town and parish council in accordance with Regulation 15 will be notified via email / letter that the plan proposal has been received.

Regulation 18: Publication of the examiner's report and plan proposal decision, Regulation 19: Decision on a plan proposal and Regulation 20: Publicising a neighbourhood development plan

- 2.31 The District Council are also required to publicise the examiner's report, their decisions on the plan, their decision to 'make' the neighbourhood plan and make the plan publically available once it has been 'made'. This will be done using the following methods:
- Publication on SSDC's website www.southsomerset.gov.uk;

⁸ The Neighbourhood Planning (General) (Amendment) Regulations 2015 2 (2) (amendment to Regulation 6)

⁹ Consultation Bodies are listed in Schedule 1 of The Neighbourhood Planning (General) Regulations 2012

- SSDC to send email / letter to adjoining parishes and ward members;
- SSDC to send email / letter to relevant parish and ward member/s; and
- Advertise in the local press (Regulation 19 only).

2.32 For those working on neighbourhood plans the Area Development Teams can provide advice and support when groups are consulting with their local communities.

3. Planning Applications

- 3.1 One of the key roles of the Council's Development Management Service is to determine a wide range of planning applications. These range from small household extensions, and listed building applications, through to large housing developments. The County Council deal with applications relating to minerals, waste, the County Council's own development and major highway schemes. They are also the Lead Local Flood Authority (LLFA). As the LLFA they are required to develop a strategy to tackle local flood risks, involving flooding from surface water, 'ordinary watercourses', for example ditches, dykes, and streams, groundwater, canals, lakes and small reservoirs.
- 3.2 As part of its planning function, the Council is required to notify owners and occupiers of neighbouring properties along with the relevant statutory consultees on the planning applications it receives.
- 3.3 The NPPF expects Councils to have a positive approach to decision-taking in order to deliver sustainable development. They are expected to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. It is clear that efficiency and effectiveness can be improved by good quality pre-application discussion and Councils are expected to encourage other parties to engage with them before submitting a planning application. Where they think this would be beneficial they should also encourage any applicants who are not already required to by law to engage with the local community before submitting their applications.¹⁰ The SCI therefore outlines the level of community involvement and pre-application discussion that the Council will expect to be undertaken before an application is submitted. The level of pre-application consultation and particularly early public engagement will be determined by the type and scale of the application.

Pre-Application Discussions

- 3.4 Applicants and/or agents will be encouraged to contact the Council at the pre-application stage to discuss what the Council will expect in terms of pre-application consultation and early public involvement. The level of early community involvement will be dependent upon the nature and scale of the application, as set out below.

Major Applications

- 3.5 Applicants making an application for major development (e.g. large housing projects, large renewable energy applications, industrial development) are encouraged to engage with the local community and relevant interest groups prior to submission of applications. Where appropriate, the submission of a statement of community involvement will be sought as supporting information. Pre-application documents will be required to be at a level of detail sufficient

¹⁰ National Planning Policy Framework (CLG, 2012), paragraphs 186 -195

to enable assessment of the main issues raised by the proposed development.

- 3.6 In appropriate circumstances, the Council will enter into Planning Performance Agreements, to agree timetables for determination of applications, as advised in the National Planning Policy Framework (paragraph 195).

All other applications

- 3.7 Householders and other applicants and/or agents are encouraged to consider matters such as loss of privacy and light, noise, odour or pollution and to discuss/show their plans to neighbours before submitting a planning application. If the application is within or adjoins a Conservation Area, or relates to a listed building or its setting, then advice should be sought from the relevant Development Management Team and/or one of the Conservation Planners.

Benefits of Pre-application discussions

- 3.8 Pre-application discussions and early public participation have a number of benefits including being a useful means of resolving issues that may result in public objections at a later stage and helping to ensure an inclusive and transparent process. Further benefits are to improve the overall quality of the application that is submitted, to assist the Council to make timely decisions and ensure that applicants do not experience unnecessary delays and costs. This can be achieved for example by the Council giving early advice to applicants on the type of supporting information that should accompany an application, advice on design and landscape issues and providing contact details for other relevant consultees, for example County Highways.
- 3.9 Pre-application discussions are undertaken in confidence. Normally this would involve the submission of sketch drawings and other relevant detail. Evidence of and results of pre-application community consultation should be submitted as part of a formal planning application. However, it must be stressed that the Council cannot refuse to accept a valid application because an applicant has either not undertaken pre application consultation or has undertaken pre-application consultation using a different method to that outlined in the SCI.

Validation Checklist

- 3.10 In order to improve the Council's service in terms of pre application advice and information, the Council's Development Management Service has prepared a validation checklist. This can be seen on the Council's website <http://www.southsomerset.gov.uk/media/176496/validation%20document%202007.pdf>. The checklist provides guidance to applicants/ agents on the scope of material that should be supplied with a planning application, and benefits the applicant in terms of providing greater certainty as to the nature and extent of information required in order to validate the application. It also benefits the local authority by helping to achieve good standards of performance.

Approaches to Early Community Involvement

- 3.11 Small-scale applications (e.g. householder applications, minor changes of use, small-scale operational development) would not normally be subject to extensive community-wide pre-application community consultation.
- 3.12 Applicants submitting more complex applications would be advised to consider various consultation methods as follows:

Table 2: Pre-application Consultation with the Community

Type of Application	Suggested methods of pre-application consultation
Applications where there are considerable issues of scale and controversy, or where the application is contrary to or out of line with the Development Plan ¹¹ (a “departure” application).	Public meeting(s); public exhibition(s); early engagement with Parish Council(s); media engagement (as appropriate); discussions with case officer to assist with internal and external consultees; general discussion with case officer.
Applications that are broadly in accordance with the Development Plan BUT raising controversial issues or detail.	Discussions arranged with case officer, involving external consultees as necessary.
Development where an Environmental Impact Assessment is required.	Seek screening/scoping opinion; engagement with case officer to liaise with consultees; general discussion with case officer.
Applications of a scale or development area for which the LPA requires wider community involvement e.g. applications that fall within sites that are “sensitive” to development pressures and allocated sites that may not have generated significant objection through the local plan process for example applications of “local significance” that the LPA considers requires wider community involvement.	Public meeting(s); public exhibition(s); media engagement (as appropriate); early engagement with Parish Council(s); discussions with case officer to assist with and advise on appropriate internal and external consultees; general discussion with case officer.

¹¹ The Development Plan is the adopted Local Plan and any Neighbourhood Plans that are ‘Made’

Dealing with Applications - what happens following receipt of an application?

- 3.13 Upon receipt and validation of an application, the application is allocated to a case officer.
- All relevant neighbours, parish/town Council, and other relevant statutory and non-statutory consultees are notified of the application.
 - Advertisements, where required, are placed in the local press and on site.

Statutory and other Consultees

- 3.14 All statutory and other consultees will receive notification of relevant planning applications;
- Statutory consultees include Highways England, the Environment Agency and Natural England;
 - Parish/town Councils are consulted on all applications within their area;
 - Other consultees would include bodies such as the LLFA¹²
 - There is a statutory period of 21 days within which comments should be received by the Council. Comments received after this period but before the application is determined will be considered.

Weekly List

- 3.15 The Council produces a weekly list of registered and determined planning applications; you can sign up to receive a copy through the Council's web site: <http://www.southsomerset.gov.uk/my-account/my-planning/>

Neighbour Notification

- 3.16 Although not required by legislation, South Somerset District Council will normally notify via letter all owners and/or occupiers of adjoining properties about the submission of a planning application.
- The notification letter provides the application number, name of case officer, details of where to view the application, and how/where to forward any comments.
 - Any person or consultee who wishes to view any particular application is able to do so via the Council's website; www.southsomerset.gov.uk or by visiting the relevant parish/town Council or the District Council Offices at Brympton Way, Yeovil.
 - Relevant comments may be forwarded to the Council via fax, email, website and letter.
 - Anyone wishing to make representations to the Council has a period of 21 days from the date of the notification letter to submit their comments.
 - Dependent upon the nature, scale and wider possible impact of a proposed development, wider neighbour notification may be appropriate.

Site Notices

¹² All bodies with responsibilities relating to flood risk are members of the Somerset Rivers Authority which was launched in January 2015. See the SRA website at <http://www.somersetiversauthority.org.uk/>

- 3.17 For certain applications, it is a statutory requirement to display a site notice and advertise in the local newspaper(s). These applications include those that are:
- accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Assessment) (England and Wales) Regulations 2011;
 - departures from the Development Plan;
 - applications for Listed Building and Conservation Area Consent and development that will affect the character or setting of a listed building or the character or appearance of a Conservation Area;
 - ‘major’¹³ applications; and
 - Notification / application involving ‘permitted’ development under the General Permitted Development Order.
- 3.18 A site notice may also be erected for ‘general interest’. This is usually in rural areas where there are no immediate neighbours or where it is difficult to identify adjoining owners/occupiers. There may also be occasions where an officer, using their professional judgement, may consider it appropriate to put up a site notice because they consider that the application may be of a wider public interest.

Submission of Comments

- 3.19 Comments on any application can be forwarded to the Council via the website, email and letter:
- Anyone who has an interest in an application can make representations even though they may not have received a notification letter.
 - Any relevant comments made will be treated as a “material consideration” within the context of national and local policy.
 - The deadline for submitting comments is 21 days from the date stated on the letter and/or site notice and from the publication of the paper advertisement (where advertised). However, bodies such as Historic England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.
 - Comments will be scanned, placed onto the electronic document management system and are made available for public inspection.
 - An acknowledgment letter is sent to those who have made representations.
 - All relevant comments received are taken into account by the case officer when considering the application.
 - The Council will also inform those who have made representations:
 - If the application is due to be considered at an area committee; and
 - If any amended plans are received
 - The Council will not publish or take into account any discriminatory or libellous comments

Amendment of Application Details

¹³ Applications for 10 or more dwellings and 1,000 sq m or more for economic development

- 3.20 Where an application has been amended, whether to meet changed requirements of the applicant or to respond to issues raised during the consultation process, it may be necessary to re-consult neighbours and other consultees. Where appropriate, this is done in writing, allowing a clearly specified period (generally 14 days) for the receipt of further comments. In accordance with current Government guidance, the period for consultation would need to balance the need for consultees to be given adequate time to consider the issues raised against the need for efficient decision making.

Scheme of Delegation

- 3.21 The Council operates a scheme of delegation.
- In brief, it gives authority to the Development Manager to issue decisions on the majority of applications without the need to refer the application to the relevant Area Committee.
 - For further information on the scheme of delegation, please see here: http://www.southsomerset.gov.uk/media/120189/scheme_of_delegation_aug11_.pdf or contact the Development Management Service on 01935 462462.

Area Committee Meetings

- 3.22 Any application that is referred to Committee will be considered by one of the relevant 4 Area Committees.
- Each Area Committee meets once a month on successive Wednesdays throughout the month.
 - Meetings are usually held either at the Council offices or at local village halls/public buildings within the relevant district area.
 - Committee reports are made publicly available 5 working days before the meeting and are available on the Council's website (please see under agenda/minutes). Paper copies are available at the Council offices and distributed on the day of the meeting.
 - Applicants and persons who have made representations on applications are advised in writing of the time and place of the meeting.

Regulation Committee

- 3.23 A small number of applications may need to be referred from one of the Area Committees to the Regulation Committee for example, a major application that is contrary to the adopted local plan or an application raising controversial issues. Where possible the need for an application to be determined at Regulation Committee will be identified prior to the Area Committee meeting.
- The Regulation Committee is held monthly in the Council Chamber at Brympton Way, Yeovil.
 - Those who have made comments on an application that is being referred to Regulation Committee will be informed of the fact.
 - The committee report will be made available 5 working days before the meeting and can be viewed on the Council's website. Paper copies are available at the Council offices.

Public Speaking at all Committee Meetings

- 3.24 The Council provides an opportunity for a member of the public and/or any other interested person to address the committee - a maximum of 3 minutes is given.
- For larger or more controversial applications where many people may wish to speak, the Chairman will normally ask that a spokesperson be appointed to address the committee.
 - Those wishing to speak are advised to fill in a slip and pass to the Committee clerk either at the beginning of the meeting or during the break, which is usually held before consideration of planning applications.

Post Decision

- 3.25 All planning decisions are available to view on the Council's website.

Planning Appeals

- 3.26 An applicant has the right of appeal against a refusal of planning permission and against any conditions attached to a permission. The applicant also has the ability to appeal against non-determination if no decision is made within the required time period
- Appeals are lodged with the Planning Inspectorate
 - Appeals are considered by an independent Planning Inspector.
 - The right of appeal currently only extends to the applicant and not to any third parties.
 - The Council will write to those who were originally consulted informing them of the appeal and outlining the appeal process.
- 3.27 There are 3 types of appeal:
- Written Representations
 - Informal Hearing
 - Public Inquiry
- 3.28 Most appeals are considered via written representations. The more complex and controversial applications are usually considered via a hearing or Public Inquiry. Irrespective of the type of appeal, members of the public and any other interested parties are given an opportunity to forward comments to the Planning Inspectorate.
- 3.29 A time limit of 6 weeks is allowed in which comments can be forwarded to the Planning Inspector. Applicants, agents and third parties are given an opportunity to address the Inspector during an Informal Hearing and Public Inquiry.
- 3.30 For further information on any aspect of the appeal process please see <http://www.planningportal.gov.uk/planning/planninginspectorate>

General

- 3.31 The Council operates a Duty Planning Officer system to deal with simple enquiries, as well as offering general planning and procedural advice. This is available Monday to Thursday between 8.45 am and 5.15pm and between 8.45 am and 4.45 pm on Fridays in the reception at the Council Offices, Brympton Way, Yeovil or on the phone: 01935 462462.
- 3.32 A 'Planning Surgery' system (a duty officer) is also available in Wincanton (Churchfields) every Monday morning between 9am and 1 pm; and in Chard (Holyrood Lace Mill) every Tuesday morning between 9.30am and 1pm.

4. Resources Available for Community Involvement

- 4.1 The Council is committed to effective community engagement and intends to continue this commitment through the Statement of Community Involvement. To assist the Spatial Policy and Development Management Teams, the Council has a number of trained community facilitators in the Area Development Teams who can offer advice and guidance on a range of community related issues including methods of engaging with different groups within South Somerset. These could include:
- Planning for Real[®] exercises
 - Workshops
 - Drop in events
- 4.2 The following staff/teams/services will also provide valuable input in the production of planning documents:
- Economic Development Team;
 - Strategic Housing;
 - Development Management;
 - Environmental Health;
 - Community Health and Leisure Team; and
 - Equalities Officer.
- 4.3 The assistance of Planning Aid South West may be called upon as necessary or appropriate.
- 4.4 The proposed methods of engagement reflect past experience of what has worked well although the SCI provides the opportunity to review the methods of engagement, particularly in reaching and engaging with hard to reach groups. The Council, however, must be realistic in what it can undertake and achieve given the level of staff and economic resources available and the commitment to providing value for money for its residents.
- 4.5 Where planning applications are concerned the onus will be on the applicants and their agents to undertake pre-application consultation activities where appropriate although the Council's advisory role will have resource implications.

5. Monitoring and Mechanisms for Review

- 5.1 The Statement of Community Involvement will be kept under review and revised where necessary following the same procedures. Revisions should only need to be made when significant changes occur in the planning process or the Council wishes to revise how it engages with the community.
- 5.2 In plan making it is intended to continue the practise of asking those who are consulted if they wish to continue being consulted on a particular document to prevent involving those who no longer wish to be. Additionally the Spatial Policy consultation database will be amended and updated as address details change or where an additional consultee asks to be added.
- 5.3 The Council will review the procedures for involving the community in plan-making and planning applications to ensure it achieves a representative level of public involvement.

Appendix 1: Consultation Bodies

This Appendix lists the Specific Consultation Bodies, General Consultation Bodies and other Consultees the LPA may consult, where applicable, on the preparation of our planning documents. Members of the public and agents and other groups that are on our existing database will also be consulted. **If you want to check that you are on or would like to be added to our database please do not hesitate to contact the Spatial Policy Team: Please also let us know if you no longer wish to be included on our database and do not wish to receive any further letters and/or consultation documents.**

Specific Consultation Bodies – (these are defined in the Town and Country Planning (Local Planning) (England) Regulations 2012)

- a) The Coal Authority
- b) The Environment Agency
- c) Historic England
- d) The Marine Management Organisation
- e) Natural England
- f) Network Rail Infrastructure Ltd (company number 2904587)
- g) Highways England
- h) A relevant authority any part of whose area is in or adjoins the LPA's area:

Somerset:	South Somerset Town and Parish Councils
	Somerset County Council
	Mendip District Council
	Sedgemoor District Council
	Taunton Deane Borough Council
Dorset:	Dorset County Council
	North Dorset District Council
	West Dorset District Council
Wiltshire	Wiltshire Council
Devon	Devon County Council
	East Devon District Council

Adjoining Parish Councils that fall outside South Somerset District Council's administrative boundaries:

<p>Ashcott Parish Council Baltonsborough Parish Council Batcombe Parish Council Bickenhall Parish Council Bourton Parish Council Bradford Abbas Parish Council Broadwindsor Parish Council Buckhorn Weston and Kington Magna Parish Council Burrowbridge Parish Council Butleigh Parish Council Chardstock Parish Council Chedington Parish Council Churchstanton Parish Council Clifton Maybank Parish Council Curland Parish Council Ditcheat Parish Council Fifehead Magdalen Parish Meeting Gillingham Town Council Goathill Parish Council Greinton Parish Council Halstock Parish Council Hatch Beauchamp Parish Council Kilminster Parish Council Lamyatt Parish Meeting Lydford on Fosse Parish Council Maiden Bradley with Yarnfield Parish Council Marnhull Parish Council</p>	<p>Melbury Osmund Parish Council Membury Parish Council Milton Clevedon Parish Meeting Mosterton Parish Council North Curry Parish Council Othery Parish Council Otterford Parish Council Purse Caundle Parish Council Queen Thorne Group (Nether Compton, Over Compton, Trent & Sandford Orcas Parish Councils) Ryme Intrinseca Parish Council Seaborough Parish Council Silton Parish Meeting Stalbridge Town Council Staple Fitzpaine Parish Council Stoke St Gregory Parish Council Stourton with Gasper Parish Council Street Parish Council Thornecombe Parish Council Upton Noble Parish Meeting Walton Parish Council West Bradley Parish Meeting Witham Friary Parish Council Yarcombe Parish Council Yeo Head Group (Poyntington & Osborne) Parish Council Zeals Parish Council</p>
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- i) Any person:
 - a. to whom the electronic communications code applies
 - b. who owns or controls electronic communications apparatus in the district
- j) If it operates within the district:
 - a. Clinical Commissioning Groups;
 - b. Electricity licence holder
 - c. Gas licence holder
 - d. Sewerage undertaker
 - e. Water undertaker
- K) Homes and Communities Agency

General Consultation Bodies (these are defined in the Town and Country Planning (Local Planning) (England) Regulations 2012)

General Consultation Bodies are:

- a) Voluntary bodies whose activities benefit any part of the district;
- b) Bodies which represent the interests of different racial, ethnic, or national groups in the district;
- c) Bodies which represent the interests of different religious groups in the district;
- d) Bodies which represent the interests of persons with disabilities in the district; and
- e) Bodies which represent the interests of persons carrying out business in the district.

Other consultees

Other consultees are residents or other persons carrying on business in the district which are considered appropriate to invite to make representations. These are in addition to the specific and general consultation bodies and would be on the Spatial Policy Team's consultation database.

Duty to Co-operate Prescribed Bodies (these are defined in the Town and Country Planning (Local Planning) (England) Regulations 2012)

- a) The Environment Agency;
- b) Historic England;
- c) Natural England;
- d) The Mayor of London (not relevant for South Somerset District Council);
- e) The Civil Aviation Authority;
- f) The Homes and Communities Agency;
- g) Clinical Commissioning Groups (as established by the National Health Service Act 2006);
- h) The Office of Rail & Road
- i) Transport for London (not relevant for South Somerset District Council)
- j) Each Integrated Transport Authority (not relevant for South Somerset District Council)
- k) Highways England
- l) The Marine Management Organisation (not relevant for South Somerset District Council)

The Local Enterprise Partnership (LEP) and Local Nature Partnership (LNP) are not subject to the requirements of the 'duty' but local planning authorities and the public bodies that are subject to the duty must cooperate with LEPs and LNPs and have regard to their activities when they are preparing their Local Plans, so long as those activities are relevant to local plan making.

Appendix 2: Methods of engagement for development plan documents and supplementary planning documents

Method	What it is	Advantages	Disadvantages
Letter	Written form of communication sent directly to an individual, group or organisation.	<p>Sends information directly to a targeted individual.</p> <p>Can provide users with detailed, comprehensive information. Helps to fulfil the statutory requirement to inform.</p>	<p>Can be seen as impersonal and remote from the community.</p> <p>Letter can be misunderstood.</p> <p>Very large mail shots can be expensive.</p>
Email	Message sent from a computer either directly through the users own email provider or through the Council's website.	<p>Opportunity for distributing information and material quickly and widely at a lower cost. At any time of the day or night.</p> <p>Can be useful for reaching certain groups (e.g. young people) or more remote rural areas.</p>	<p>Access to the internet is variable and can therefore exclude those without access.</p> <p>Technical problems may arise.</p>
Telephone	System that allows you to speak directly to an individual in another place.	<p>Allows for direct, easy dissemination or collection of information.</p> <p>Allows for two-way dialogue, which ensures a better understanding.</p>	<p>Impractical when seeking to contact large numbers of people in terms of time and cost.</p> <p>Difficult to convey large quantities of information.</p>
Meetings	<p>Officer meeting - where a selected group of officers are invited to discuss a particular issue.</p> <p>Public meeting - where the event is held in a</p>	<p>Enables Officers to gain the views of the invited group of people and where it is a steering group to gain an important political steer at an early stage.</p>	<p>May attract only a limited number of people who may be unrepresentative of the local community.</p>

Method	What it is	Advantages	Disadvantages
	<p>public place is publicised and an open invitation to attend given. At the meeting an Officer/Officers from the Council and possibly local Councillors and or developers will be available to answer questions.</p> <p>Steering Group – where a selected group of Councillors, with officer support, are invited to discuss a particular issue to provide a political steer.</p>	<p>Allows the public to give their views to ensure a better understanding in an efficient way.</p> <p>Can be tailored to large or small audiences.</p>	<p>Can be dominated by activists or those most confident at speaking in public.</p> <p>Issues raised tend to be very local or personal.</p>
Committee Reports and Meetings	<p>Officers of the Council produce committee reports in order to inform Councillors of processes that have been gone through or of representations that have been received on a document. They make a recommendation in that report and Councillors make a decision based on the information and recommendation/s in front of them.</p> <p>Committee meetings are open to the public.</p>	<p>Offers the opportunity for attendees to take part in the formal decision making process by allowing them to speak to local Councillors when they are making decisions.</p>	<p>A formal setting such as this – requires the speaker to be confident making their point in a public meeting.</p> <p>Participant is limited to 3 minutes in which to make their point.</p>
Public Notice	<p>The Council places public notices in local newspapers at consultation stages of the plan process. The Notice is to let everyone know that a document has been published and that representations can be made on the contents of that document. It also tells you what the document is where you can see it, where and when by representations must be sent.</p>	<p>Provides the opportunity to inform a wide range of local people of the consultation that is taking place.</p>	<p>Formal wording may discourage the community from engaging with or taking part in the process.</p>
Workshops	<p>Where a selected group of people are invited to discuss a particular issue. Usually takes the form of a presentation followed by</p>	<p>Effective for dealing with more complex issues.</p>	<p>Can be resource intensive to run i.e. may require the booking of a hall or the</p>

Method	What it is	Advantages	Disadvantages
	breaking out into discussion groups in order to try and answer particular questions or to present ideas and options.	<p>Gives the selected attendees an opportunity to discuss different issues and options.</p> <p>Useful for including groups that may often feel excluded i.e. hard to reach groups.</p> <p>Gives Officers the opportunity to learn from those involved.</p>	provision of refreshments and multiple officer attendance.
SSDC Website	<p>A way of presenting information about the Council by means of electronic communication (i.e. the computer). Also offers the opportunity to fill in online forms and surveys and in some instances provides the opportunity to use the Council's online consultation software. SSDC's website address is:</p> <p>www.southsomerset.gov.uk</p>	<p>The Council is statutorily required to put Local Plan/ DPD, SPDs and Neighbourhood Plan documents on their website.</p> <p>Opportunity for distributing information and material quickly and widely at a lower cost. At any time of the day or night.</p> <p>Can be useful for reaching certain groups (e.g. young people) or more remote rural areas.</p> <p>Enables information to be managed and update in an efficient way.</p>	<p>Access to the internet is variable and can therefore exclude those without access.</p> <p>Technical problems may arise.</p>
Local Media	Local radio, television or newspapers.	<p>Reaches large audiences.</p> <p>Good for getting a message across quickly in a clear and understandable way.</p>	<p>Could be expensive.</p> <p>Suited to larger scale or more contentious issues in the broader public interest.</p>
Press Release	An information bulletin that is sent to local newspapers, radio and television stations.	<p>Reaches large audiences.</p> <p>Good for getting a message across quickly in a clear and understandable</p>	Depends on the newspaper/TV station/radio station being interested picking up the

Method	What it is	Advantages	Disadvantages
		way.	story.
Parish/Town Council Newsletters	Many parish and town Councils have a newsletter that they distribute to their parishioners advising them of local issues.	Excellent way of engaging Parish Councils and using their local knowledge. Good for addressing local issues.	Dependent on the Parish Council producing a newsletter and having a particular interest in the subject / issue.
Leaflet/questionnaire	A short paper document containing information sent directly to consultees or interested parties – can also be left in Council Offices and other public places. May also sometimes include a tear off questionnaire.	Sends information directly to an individual in an attractive way. Can provide users with a summary of the main points in an easy to understand way. Questionnaire element can provide an efficient way of making a response.	May not always generate a large response rate. Could be misunderstood or questions could be tailored towards a particular response.
Public Exhibitions / 'drop in' sessions	Plans/text/photographs are displayed on exhibition boards in order to inform and prompt questions. Usually staffed. Can be located in one place or can move around e.g. on exhibition bus. Usually located at village halls or other public places and advertised in advance.	Easy way to publicise issues and provide information. Gives the opportunity for direct feedback from attendees. Gives the public the flexibility of when to attend.	Not always representative due to lack of accessibility and the timing of an event. Can be poorly attended. Limited feedback.
Planning for Real® exercise	This is where representatives of the community are brought together in a village hall or other public place and issues particular to that neighbourhood are identified (on option cards). A three dimensional map is built of the local area and people can use the option cards to mark on the plan what they want and where they want it. All the options are then	Can reach the parts of the community that do not usually attend meetings e.g. families. It is a participatory consultation method.	Limited scope in its application – normally used for a site or location specific issue or Neighbourhood Plan. Can lead to heightened expectations.

Method	What it is	Advantages	Disadvantages
	prioritised as either 'now'; 'soon' or 'later' and this information can then be fed into the document.	<p>Raises issues in a non-confrontational way.</p> <p>Does not require those who participate to be experienced or articulate speakers.</p> <p>It is mobile and flexible.</p>	
Comments form	If you want to make a representation on a document you can use a comments form. These are produced at the formal stages of consultation and will ask for comments relating to the consultation matter and specific information that is required by the Council and the Inspectorate to ensure that the representation is properly considered and assessed.	<p>Provides a structure for the respondent to put down his/her comments in a considered structured way.</p> <p>Provides the Council & Inspectorate with the information they need in a structured way.</p>	Forms may be filled in incorrectly or questions missed out or misunderstood.
Visits to exemplar projects	Would involve inviting selected stakeholders to visit to a particularly successful project.	Will help to inform attendees on a particular issue e.g. a visit to a scheme where the use of renewable energy has been particularly successful.	<p>Only feasible for small groups of people.</p> <p>Limited number of opportunities to be used.</p>

Appendix 3: Acronyms

The following is a list of acronyms used in this document:

Acronym	Meaning
The Council	South Somerset District Council
SSDC	South Somerset District Council
iNovem	South Somerset District Council's on line software package which allows response to consultations to be made online.
SCI	Statement of Community Involvement
NPPF	National Planning Policy Framework (CLG, March 2012)
NPPG	National Planning Practice Guidance
CIL	Community Infrastructure Levy
DPD	Development Plan Document
SPD	Supplementary Planning Document
LDS	Local Development Scheme
AMR	Authority's Monitoring Report
SA	Sustainability Appraisal
LLFA	Lead Local Flood Authority
SRA	Somerset Rivers Authority
EqA	Equality Analysis
BME	Black and Minority Ethnic
LEP	Local Enterprise Partnership
LNP	Local Nature Partnership

Draft Statement of Community Involvement August 2015 - Summary of Main Issues Raised During Consultation

Any proposed new text is shown in **bold and underlined** any deleted text is shown with a ~~strikethrough~~.

27 respondents made comments.

Issue No.	Issues / Response Summary	Officer Response
Question 1: Do you think the Council's approach to involving the community and other groups in producing the local plan (see Table 1) is sufficient?		
	Yes 55% (6) No 36% (4) Don't Know 9% (1)	Noted. See responses under questions 3 and 5.
Question 2: If you answered no to Question 1, what suggestions do you have for how the Council can improve the way it consults on the local plan?		
1	Consultation means nothing if the Local Plan is not supported. Developers have too much power over the process and last minute changes have rendered the Local Plan largely useless.	The purpose of the SCI is to set out how the community will be consulted during the process of plan making and decision taking. Every planning application must be determined on its own merits. Planning officers are required by law to make recommendations in accordance with the policies in the development plan (Local Plan or 'made', neighbourhood plan) unless material considerations indicate otherwise. Recommendation: No Change to the SCI.
2	Paragraph 2.6 - Sustainability Appraisal (SA) is not defined, to some it means a purely environmental appraisal.	Paragraph 2.6 of the SCI states that the purpose of the SA is to check "...social, environmental and economic effects". Social factors would include provision of services and facilities, economic factors include jobs. Recommendation: No change to the SCI.

3	Paragraph 2.12 refers to Annual Monitoring Reports (AMRs) but this term is not described or defined. Does not explain what authority it has.	Paragraph 2.12 describes what the AMR does but it does not explain what authority it has. Recommendation: Amend paragraph 2.12 The <u>Authority's Monitoring Report (AMR) is an evidence base document that helps the Council assess if local plan policies are being delivered or not. They</u> will look at the Council's performance against the monitoring targets set out in the Local Plan.						
4	Suggest setting up a planning forum in each town/parish to enable members of the public to discuss and exchange ideas about planning and development.	Parish and Town Council meetings provide an existing forum for this type of discussion. Recommendation: No change to the SCI.						
5	The Council needs to start working with Huish Episcopi Parish Council.	Noted. Recommendation: No change to the SCI.						
Question 3: Do you think the Council's approach to consulting with the public on planning applications (as set out in Section 3) is sufficient?								
	<table border="0"> <tr> <td>Yes</td> <td>27% (3)</td> </tr> <tr> <td>No</td> <td>64% (7)</td> </tr> <tr> <td>Don't Know</td> <td>9% (1)</td> </tr> </table>	Yes	27% (3)	No	64% (7)	Don't Know	9% (1)	Noted. See responses under questions 4 and 5.
Yes	27% (3)							
No	64% (7)							
Don't Know	9% (1)							
Question 4: If you answered no to Question 3, what suggestions do you have for how the Council can improve the way it consults on planning applications?								
6	Developers should be required to hold a public consultation event for all applications of four or more dwellings and all multiple applications in Conservation Areas. Will assist Parish Councils who feel uncomfortable engaging with developers on pre-app.	Paragraph 189 of the National Planning Policy Framework states: <i>Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants</i>						

		<p><i>who are not already required to do so by law to engage with the local community before submitting their applications.</i></p> <p>Pre-application consultation is only required by law for Nationally Significant Infrastructure Projects. These are usually large scale developments relating to energy, transport, water, or waste which require a type of consent known as “development consent”. Therefore officers can only encourage applicants to undertake pre-application consultation with themselves and/or the community.</p> <p>Recommendation: No change to the SCI.</p>
7	Paragraph 3.21 – Scheme of Delegation only mentions the Development Manager and the Area Committee Meetings it should also refer to the role of Parish Councils.	<p>The Council is the final decision maker as the Local Planning Authority (LPA). The Scheme of Delegation deals with processes internal to the Council, making workable arrangements for the determination of applications by the LPA. However, the LPA is required, in the overall process, to consult with and consider the views of the Parish Council in each instance.</p> <p>Recommendation: No change to the SCI</p>
8	Once a planning application has been made the pre-application advice should be made publicly available.	<p>Local Planning Authorities and developers are encouraged to engage in pre-application discussions, although this is not a requirement. The knowledge that the discussions are confidential is a key element in establishing a working relationship between developers and the Council’s staff, which would be undermined should there be a requirement to disclose details of these discussions at any stage.</p> <p>Recommendation: No change to the SCI</p>
9	Parish council comments should be given more weight. Would like a good reason why comments have been disregarded.	<p>The decision making process is plan-led (see response to issue 1). The appropriate weight allocated to parish council comments will relate to individual circumstances in each case, determined on its merits. The LPA does, as a matter of policy, notify parish councils where decisions are taken contrary to their views, and offers an explanation of the reasons for this.</p>

		<p>Recommendation: No change to the SCI</p>
<p>Question 5: Do you have any other comments on the Statement of Community Involvement?</p>		
10	<p>Bulleted points in paragraphs 2.8 and 3.19 do not all fit grammatically with the introductory phrase.</p>	<p>Noted.</p> <p>Recommendation: Amend paragraphs 2.8 as follows: Regulation 18 (Preparation of a local plan) requires consultation with:</p> <ul style="list-style-type: none"> • Various “specific consultation bodies” (essentially statutory national and local organisations that are affected by the subject matter of the local plan (see Appendix 1). • Any of the “general consultation bodies” (essentially anybody interested in the social, economic or environmental development of the district) considered appropriate (see Appendix 1). • <u>Residents or other bodies who carry out business in the district;</u> <u>and;</u> • The Council must make all relevant documents available, including a ‘statement of the representations procedure’. Documents must be made available for inspection at the Council’s principal office and elsewhere as appropriate (e.g. local area offices and public libraries) and on the Council’s website. • Residents of or other bodies who carry out business in the district. • The Council must take into account any representations received. <p>Amend paragraph 3.19 as follows:</p> <p>Comments on any application can be forwarded to the Council via the website, email and letter, and includes:</p> <ul style="list-style-type: none"> • Anyone who has an interest in an application can make representations even though they may not have received a notification letter.
11	<p>It is a good idea to gain the opinions of neighbours and statutory consultees.</p>	<p>Agreed.</p> <p>Recommendation: No change to the SCI.</p>

12	Page 30: ORR is now known as The Office of Rail & Road	Noted. Recommendation: Amend Appendix 1 as follows: h) The Office of Rail Regulation <u>The Office of Rail & Road</u>				
13	Concern that West Stour (Stours Parish Council) is not listed in Appendix 1 as an adjoining authority. Concerned that they will not continue to be notified of planning applications at Henstridge Airfield.	Stours Parish Council does not adjoin the boundary of South Somerset therefore should not be listed in Appendix 1. The draft SCI does not alter the current consultation practices in relation to consultation with regards to planning applications for development on Henstridge Airfield. Recommendation: No change to the SCI.				
14	The explicit link in the document between consultation and equalities is welcomed. Would like to see explicit reference to health and well-being aspects included in consultation material related to planning. Health Impact Assessments should be considered for major developments. The document demonstrates a clear commitment to community involvement and should be commended.	Noted. Recommendation: No change to the SCI.				
15	The document too long and is not easily read by members of the public unless they are technically well informed and favours applicants and their consultants.	The Council are required to produce an SCI by the Planning and Compulsory Purchase Act 2004 (as amended). Planning is a technical process and the legislation that accompanies Local Plan production in particular is complex and many staged. The SCI seeks to dis-till this into a document that is understandable but also technically accurate. Recommendation: No change to the SCI.				
16	The document should include an appendix defining acronyms.	Agreed. Recommendation: Insert a list of acronyms used in the document as <u>Appendix 3:</u> <table border="1" data-bbox="994 1318 2036 1369"> <thead> <tr> <th data-bbox="994 1318 1227 1369"><u>Acronym</u></th> <th data-bbox="1227 1318 2036 1369"><u>Meaning</u></th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	<u>Acronym</u>	<u>Meaning</u>		
<u>Acronym</u>	<u>Meaning</u>					

		<u>The Council</u>	<u>South Somerset District Council</u>
		<u>SSDC</u>	<u>South Somerset District Council</u>
		<u>iNovem</u>	<u>South Somerset District Council's on line software package which allows response to consultations to be made online.</u>
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		<u>AMR</u>	<u>Authority's Monitoring Report</u>
		<u>SA</u>	<u>Sustainability Appraisal</u>
		<u>LLFA</u>	<u>Lead Local Flood Authority</u>
		<u>SRA</u>	<u>Somerset Rivers Authority</u>
		<u>EqA</u>	<u>Equality Analysis</u>
		<u>BME</u>	<u>Black and Minority Ethic</u>
		<u>LEP</u>	<u>Local Enterprise Partnership</u>
		<u>LNP</u>	<u>Local Nature Partnership</u>
17	The Cranborne Chase and West Wiltshire	The Cranborne Chase and West Wiltshire Downs AONB is included on the Spatial	

	Downs AONB should be listed in Appendix 1 and other environmental groups should be consulted.	Policy consultation database and will remain so. This means that it will be consulted on all relevant Spatial Planning documents. Only the Specific Consultation Bodies as defined in the Town and Country Planning (Local Planning) (England) Regulations 2012 are listed in Appendix 1. The Appendix does not list all those on the database as it includes over 2,000 records and is constantly being updated. Recommendation: No change to the SCI.
18	Appendix 1 - Nether Compton has been omitted from the Queen Thorne Group of villages.	Agreed. Recommendation: Amend Appendix 1 as follows: ...Queen Thorne Group (<u>Nether Compton</u> , Over Compton, Trent & Sandford Orcas Parish Councils)....
19	The section of the SCI dealing with Neighbourhood Plans should include a reference to the basic conditions.	Agree that it would be useful to include a reference to the 'basic conditions'. Recommendation: Amend paragraph 2.25 as follows: A neighbourhood plan is a community-led and prepared document for guiding the future development, regeneration and conservation of a parish (or group of parishes). It may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocation of sites for specific kinds of development. It can deal with a wide range of social, economic and environmental issues (such as housing, employment, heritage and transport) or it may focus on one or two key local issues only. <u>In order to progress to referendum a neighbourhood plan must be examined to ensure that it meets a number of basic conditions i.e. that it has regard to national planning policies, it is in general conformity with the strategic policies of the local plan for the area, it contributes to the achievement of sustainable development and is compatible with European Union law and human rights obligations.</u> Once 'made' a neighbourhood plan becomes part of the development plan i.e. it <u>so</u> has statutory weight and its policies along with those in the local plan will be used to determine planning applications.

20	How would someone be able to contact the council in person -with regard to the contact the council table in the document.	Noted. Recommendation: Amend contact details table in paragraph 1.10 to include: Write <u>or Visit</u> Council Offices Brympton Way, Yeovil BA20 2HT
21	Paragraph 2.6 Sustainability appraisal - what about including Somerset Wildlife Trust and community environmental groups?	The Somerset Wildlife Trust and other local environmental groups are not statutory consultees for Sustainability Appraisal they are included on the Spatial Policy Consultation database. Recommendation: No change to the SCI.
22	Paragraph 3.10 web link should go direct to the check list.	Agreed. Recommendation: Amend paragraph 3.10 as follows: “...This can be seen on the Council’s website www.southsomerset.gov.uk . http://www.southsomerset.gov.uk/media/176496/validation%20document%20007.pdf”
23	Appendix 2: Suggestion of setting up a Community Planning Panel or engaging with the Design Review Panel made up of diverse representatives of the community and or built environment experts? see http://www.architecturecentre.co.uk/ds-dre-south-west-design-review-panel http://www.designreviewpanel.co.uk/#!local-authorities/c1be9 http://creatingexcellence.net/	Appendix 2 lists: Methods of engagement for development plan documents and supplementary planning documents. A Design Review Panel is a tool for reviewing planning applications and is something that SSDC may consider using in the future. Recommendation: No change to the SCI.
24	The SCI should state that as well as being able to view the weekly list on the SSDC website, it is also possible to receive this list by email.	Agreed. Recommendation: Amend paragraph 3.15 as follows:

		The Council produces a weekly list of registered and determined planning applications and it is available to view on the Council's website; you can sign up to receive a copy through the Council's web site: http://www.southsomerset.gov.uk/my-account/my-planning/
25	The scheme of delegation should be better described as to the circumstances when applications are referred to an area committee.	Noted. Recommendation: Amend paragraph 3.21 as follows: For further information on the scheme of delegation, please see here: http://www.southsomerset.gov.uk/media/120189/scheme_of_delegation_aug_11_.pdf or contact the Development Management Service on 01935 462462
26	Paragraph 3.4 and 3.7 should include an obligation on the Council to consult with the local Parish Council and neighbours before they advise the applicant that the application is likely to succeed.	Paragraph 3.13 states that on receipt of a planning application “..All relevant neighbours, parish/town Council, and other relevant statutory and non-statutory consultees are notified of the application...” Pre-application advice is given on a without prejudice basis and can never predetermine if a proposal will achieve planning permission or not. Recommendation: No change to the SCI.
27	Paragraph 3.7 should list more examples of issues that need to be discussed e.g. noise, smell & pollution etc.	Agreed. Although the list is not meant to be prescriptive or an agreed set of issues. The particulars of each application will vary according to circumstance. Recommendation: Amend paragraph 3.7 as follows: Householders and other applicants and/or agents are encouraged to consider matters such as loss of privacy and light, noise, or odour , and to discuss/show their plans to neighbours before submitting a planning application....
28	There is no mechanism for residents to discuss the implications of major applications before they are formally discussed at a parish/town council meeting.	Despite there being no formal mechanism, residents are not prevented from meeting, collaborating and discussing applications with each other. This may include traditional methods (e.g. letter writing, petitions, informal meetings etc.) and also more modern methods (e.g. using social media) to discuss issues prior to a formal parish or town council meeting. Recommendation:

		No change to the SCI.
29	The public should be involved in planning applications at an earlier stage. On occasion pre-application discussions have been on-going for years before the developer holds a public consultation event.	Pre-application discussions with applicants are conducted on a confidential basis for reasons set out above (see 8 above). Whilst developers can be encouraged to engage with the public timeously, there is no mechanism whereby the LPA can require lengthy consultation exercises. Recommendation: No change to the SCI.
30	Parish Councils should be more pro-active in identifying major applications and bringing them to the attention of the community.	This is a matter for discussion with individual Parish Councils. Recommendation: No change to the SCI.
31	Most planning application consultation responses from members of the public are ignored. They should be given more weight.	Consultation responses relating to planning issues are given due regard and reported to members in Committee reports. Recommendation: No change to the SCI.
32	Huish Episcopi Parish Council comments have often been ignored during the consideration of planning application/s, a number of key local sustainability issues have been ignored. N.B. The response includes analysis of issues relating to sewerage and water supply, employment, transport, flooding, health provision, affordable housing.	These comments relate to individual planning applications in a specific settlement and are not relevant to the SCI. Recommendation: No change to the SCI.
33	Major Applications – the word “encouraged” is not strong enough, engagement with local communities prior to submission of applications should be mandatory.	See response to issue no. 6 above. Recommendation: No change to the SCI.
34	The document is currently lacking a foreword by the relevant Portfolio Holder.	Agreed. Recommendation: A foreword by the Portfolio for Strategic Planning (Place Making) has been added to the document.
35	The current document does not include	Agreed.

	<p>paragraphs 1.4 and 1.5 of 2007 SCI - consider that they should be included in the update document.</p>	<p>Recommendation: Insert the following new paragraphs before 1.9.</p> <p><u>One of the key objectives of the SCI is to encourage continuous community involvement in the planning process and to provide opportunities for involvement and participation for those who wish to be involved in planning matters. It is hoped that through the methods and processes outlined in this document you will have a clear understanding of how you can be involved and be encouraged to take an active part in planning matters. The Council is keen to build on its reputation for actively engaging with the community and by setting out its approach in relation to planning. In this document it makes it clear to all the level of engagement that can be expected.</u></p> <p><u>By engaging in the planning process you will be able to help shape your environment, make a positive contribution for the future and help to ensure that the Council is aware of local issues. By getting involved in the process at an early stage problems and aspirations can be highlighted and addressed.</u></p>
36	<p>Would welcome a reference to local councils and NGOs, so that it refers to "... residents, businesses, local councils and NGOs operating within the district". Last sentence of para. 1.6 could usefully mention 'and organisations' after 'a wide range of people'.</p>	<p>Agreed.</p> <p>Recommendation: Amend paragraph 1.6 as follows:</p> <p>South Somerset District Council is committed to high quality engagement with its residents and businesses, <u>local councils, and other organisations</u> operating within the district. The benefits of engaging with a wide range of people <u>and organisations</u> in the planning process within South Somerset include:</p> <ul style="list-style-type: none"> • Greater public ownership of planning decisions; • Informing the Council of public priorities; • Providing opportunities for the Council and others to work collaboratively; and • Compliance with statutory regulations.
37	<p>Paragraph 3.12: Paragraph should begin with 'Applicants submitting...'</p>	<p>Agreed.</p> <p>Recommendation: Amend paragraph 3.12 as follows:</p>

		Applicants submitting more complex applications would be advised.....
38	Table 2, bottom of the first column on page 19, should 'requiring' in fact be 'requires'?	Agreed. Recommendation: Amend first column of Table 2 as follows:for example applications of "local significance" that the LPA considers requiring requires wider community involvement.
39	Paragraph 3.16 "[after "appropriate" continue] in the public interest, including the display of Site Notices, e.g. for a major housing development potentially affecting a wider areas than the application site and its' immediate environs."	This is not necessary as site notices are adequately addressed in paragraphs 3.17 and 3.18 of the SCI. Recommendation: No change to the SCI.
40	Paragraph. 3.20 - SSDC may have created a legal legitimate expectation that people will be further consulted, something that cannot lawfully be discarded or ignored by SSDC in the interests of "efficient decision making". Re-consultation would seem to me to be the rule to be followed by SSDC, not the exception.	Noted. The process does not create an automatic expectation of further consultation. Recommendation: No change to the SCI.
41	Consultation periods, should be extended if they coincide with holiday periods or avoid holiday periods.	Where it is possible SSDC seeks to avoid holding Local Plan consultations over holiday periods, however this cannot always be avoided due to deadlines and the need to balance a number of different projects. There have been instances where consultation periods have been extended because of holiday periods. Recommendation: No change to the SCI
42	Respondent suggests: ii) Mobile consultations taking place in more than one location e.g. in Ilminster perhaps using the Tesco car park and another location such as the parish rooms (iii) Offering different times to enable a consultation to be accessible, particularly for	Noted. Recommendation: No change to the SCI.

	<p>people who work during the day (iv) Identify employment land (v) A maximum and minimum number of new housing would be clearer than a target number</p>	
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Agenda Item 8

Proposed Changes to Statement of Principles (Gambling Policy)

Service Manager: Nigel Marston, Licensing Manager
Lead Officer: Anita Legg, Licensing Officer, Licensing
Contact Details: anita.legg@southsomerset.gov.uk or 01935 462137

Purpose of the Report

To inform members of the consultation responses received in respect of the draft Statement of Principles (Gambling Policy) and request the draft Statement of Principles shown in Appendix One is adopted subject to the proposed amendments.

Public Interest

The Gambling Act 2005 - (the Act) places a duty on the Licensing Authority to produce a Statement of Principles. (This may also be referred to as the "Gambling Policy"). Licensing Authorities are required to review the policy document every three years and to consult on this document.

Recommendations

That Council:-

- (1) agrees the body to fulfil the Responsible Authority role to advise the Licensing Authority on Protecting Children from Harm is changed to Somerset Local Safeguarding Children Board
- (2) agree the revised draft Statement of Principles under the Gambling Act 2005 and the suggested amendments
- (3) authorise the Licensing Manager to publish the amended Statement of Principles and any notices required in accordance with the provision of the Gambling Act 2005
- (4) delegate the power to make any minor amendments to the Statement of Principles to the Licensing Manager in consultation with the Assistant Director – Environment

Background

The Gambling Act 2005 gives Licensing Authorities a number of important functions in relation to gambling. These functions include:

- licensing premises for gambling activities;
- considering notices given for the temporary use of premises for gambling;
- granting permits for gaming and gaming machines in clubs and miners' welfare institutes;
- regulating gaming and gaming machines in alcohol licensed premises;
- granting permits to family entertainment centres for the use of certain lower stake gaming machines;
- granting permits for prize gaming;
- considering occasional use notices for betting at tracks; and
- registration of small societies' lotteries.

In administering these functions, the Council is required to discharge its responsibilities under the Act with a view to promoting the three licensing objectives, namely:

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

In South Somerset, there are currently 380 authorisations issued by the Council; the table below shows a breakdown of the different types.

Premises Licence	Club Permits	Alcohol Licensed Premises Permit	Alcohol Licensed Premises Notification	Small Society Lottery Registrations	Family Entertainment Centre Permit
12 x Betting Shops	19 x Club Machine Permits (up to 3 Gaming Machines Categories B3A, B4, C or D)	9 (3 or more Category C or D gaming machines)	111 (Up to 2 Category C or D gaming machines)	196	1
1 x Track	1 x Club Gaming Permit				
1 x Bingo					

Consultation

The consultation period on the draft Statement of Principles commenced on 14 August and ceased 09 October 2015. The Gambling Act 2005¹ requires that we consult one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

To ensure that an extensive consultation was carried out, 106 organisations and individuals comprising of Responsible Authorities, premises licence and permit holders, schools, town and parish councils were directly consulted (mainly by email); it was also advertised on our website and at the Council's main office at Brympton Way, Yeovil. A copy of the draft policy was sent to Chard, Langport, Wincanton and Yeovil libraries to represent each of the four areas covered by the Council. Six replies were received; one reply advised that "it [the draft SOP] looks fine" and the remaining five replies contain points of representation reproduced in Appendix Two together with comments. Legal advice was sought from a prominent senior barrister who is an appointed Queen's Counsel on the replies to the consultation.

¹ S349 Gambling Act 2005

During the consultation the Somerset Local Safeguarding Children Board consented to become the Responsible Authority to fulfil the role of the body which is competent to advise the Council about the protection of children from harm. Should members agree to this change, the board will be designated in writing for this purpose².

Proposed Amendments

The table below shows paragraphs that should be amended either to omit out of date references and typo's or to provide more clarity.

Paragraph/Page Number	
Paragraph 1.4	<p>Replace paragraph to replicate wording of s153 with:</p> <p>In exercising their functions under the Act the licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it —</p> <p>(a) in accordance with any relevant code of practice under section 24, .</p> <p>(b) in accordance with any relevant guidance issued by the Commission under section 25,</p> <p>(c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and .</p> <p>(d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).</p>
Paragraphs 1.19, 1.20, 1.21 and 2.60	Remove paragraphs in their entirety as BACTA Codes have now been confirmed as no longer being current.
Paragraph 1.5	Similarly remove the last sentence “Where there is reference to BACTA’s voluntary codes, the Licensing Authority recognises that these are BACTA’s current codes on social responsibility for the gaming machines sector and merely recommends adoption of these voluntary codes.”
Page 38	Remove reference to BACTA from Glossary
Paragraph 2.12	<p>Remove reference to primary activity as shortly to become defunct to read:</p> <p>The Gambling Commission has issued Codes of Practice relating to Bingo premises and the Licensing Authority expects all applicants to comply with these codes. The Licensing Authority shall determine Bingo Premises Licence applications in accordance with the Guidance issued by the Gambling Commission.</p>
Page 22	Insert new heading after paragraph 2.27 “Gaming Centres”

² S157(h) Gambling Act 2005.

Paragraph/Page Number	
Paragraphs 2.28 – 2.33 Re-order of these paragraphs for clarity as criteria also applies to LFEC's and UFEC's	2.28 becomes 2.32; 2.29 becomes 2.33; 2.30 becomes 2.2; 2.31 becomes 2.29; 2.32 becomes 2.30; 2.33 becomes 2.31
Paragraph 2.18	Remove reference to primary activity as shortly to become defunct to read: The Licensing Authority shall determine Betting Premises Licence applications in accordance with the Guidance issued by the Gambling Commission.
Paragraph 2.29 (now 2.33)	Remove last sentence from paragraph to read: "Where the Adult Gaming Centre is situated in a complex such as a shopping centre or service station, the Licensing Authority will pay particular attention to the location of entry so as to minimise opportunities for children gaining access."
Paragraph 2.45	Remove paragraph as primary activity shortly to become defunct. The Licensing Authority supports the Gambling Commission's view that an operator should provide the primary activity specifically authorised by its Premises Licence in order to limit the number of gaming machines available for use on the premises. As such, the Licensing Authority shall expect applicants to comply with the Gambling Commission's Guidance on primary activity
Paragraph 2.46	Typo error replace 'cited' with 'sited'
Paragraph 3.5	Delete last 3 factors (top of page 29) as they have been duplicated within the list.

Should a Statement of Principles relating to gambling not be adopted, it would leave South Somerset District Council in a position of being unable to undertake its statutory responsibilities and functions under the Act.

Under s17 of the Crime and Disorder Act 1998 the Council also has a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area.

Financial Implications

There are no additional financial implications as a result of the proposals contained within this report except for the cost of the consultation.

Council Plan Implications

The issues raised in this report impact upon the following objective as identified with the Council's Corporate Plan 2012-2015:

- Focus One – Jobs. Strong economy which has low employment and thriving businesses

- Focus Four – Health & Communities
- Overall Council Ambitions – To strive to deliver an improving life for all. Well managed, cost effective services valued by our residents.

Carbon Emissions and Climate Change Implications

None

Equality and Diversity Implications

Initial assessment under EIA stage one carried out on 02 December 2015 indicating no further action required.

Privacy Impact Assessment

The identity of the respondents to the consultation has been removed throughout the table of consultation responses to preserve anonymity.

Background Papers

- *Gambling Act 2005*
- *Gambling Commission Guidance to Licensing Authorities 4th Edition Published September 2012 as amended 2013*
- *Gambling Commission Guidance to Licensing Authorities 5th Edition published September 2015*
- *Guidance on Undertaking Local Gambling Risk Assessments – City of Westminster*

Appendix Two – Table of Consultation Responses

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
1.23	"The proposed location of gambling premises may be taken into account when assessing the application. The Council is asked to consider that the location of racecourses will not have altered since its foundation, and cannot be transferred to another location"	None	If a paragraph does not apply to an organisation, then it will not be taken into account
1.23	Whilst it is acknowledged that each case will be judged on its merits, the inference is that premises located near schools, residential areas & church premises are at risk of causing harm to the licensing objectives. [We] know no evidence that children coming from schools are gaining access to betting offices. [Our] general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by [us] is adequate to ensure that under—age gambling does not occur in [our] premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.	None	If evidence is that these factors have no bearing, they will not be taken into account.
1.23	The SOP indicates that when considering the location of proposed gambling facilities, the licensing authority will consider the proximity of proposed premises to local schools, centres for those with gambling problems, centres for or used by vulnerable and young persons, premises to residential areas where there is a high concentration of children and young people or where high levels of deprivation exist,	None	If evidence is that these factors have no bearing, they will not be taken into account

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
	<p>places of worship and areas of known high criminal activity. The Licensing Authority is reminded that betting offices have been regulated for over 50 years. Betting offices are always situated in areas with high footfall or which are densely populated and are therefore always in areas where there are children and in certain cases in areas very close to schools. Over the last 50 years, operators have developed policies and procedures to ensure that those who should not bet do not do so. These policies and procedures ensure that instances of persons who should not bet being able to do so are minimal. The proximity of a new premise to local schools or premises that deal with persons with gambling problems will always be part of the local area risk assessment from 6th April 2016.</p> <p>The reference to high levels of deprivation and places of worship should be deleted. The Gambling Commission guidance is clear that moral or ethical objections to gambling cannot be considered when considering an application. A requirement to consider high levels of deprivation can only be relevant if the licensing authority has predetermined that persons in areas of deprivation are automatically vulnerable. We respectfully submit that these references should be removed from the policy.</p>		
1.23 + 1.34	[Our] shops already operate strict age restrictions and we do not promote betting or gambling in our shop windows	None	If evidence is that these factors have no bearing, they will not be taken into account.

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
	<p>attractive to young children or vulnerable adults.</p> <p>We accept the importance of the premises design to mitigate risk, which is one of the reasons we install CCTV cameras in specific places to monitor activity (for example at the entrance and exit of the shop) and it is our policy, unless physically impossible, to locate machines in line of sight of our cashiers. Where this is not possible, we implement alternative measures to ensure that shop team are in a position to monitor the activity in the machines area of the shop.</p> <p>Security and health and safety risk assessments already detail control measures in this area which are effective in tackling these issues. Similarly, we do not accept the premise that the proximity of young people to betting shops should be regarded as an additional risk. We have strict policies and procedures in place to ensure that only those who are eligible to bet can do so. We have also invested in colleague training for the Challenge 21 policy, whereby any new customer who does not look old enough to bet is asked to provide identification. If official age verification is not provided, the customer will be asked to leave the premises. [We] also has a Primary Authority Partnership for age-restricted products.</p> <p>Our policies regarding compliance with the licensing objectives are supported by thorough staff induction training programmes followed by annual refresher training in the</p>		

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
	higher risk areas such as the prevention of underage gambling (Think 21) and tested through internal audit processes and, in the case of Think 21, test purchasing conducted by a third party service provider and the fact that those results are and other associated information is shared with the Gambling Commission.		
1.25	At paragraph 1.25, there is a statement that an applicant must demonstrate how it will “promote” the licensing objectives. The authority is reminded that within the Gambling Act 2005, the authority itself must “have regard” to the licensing objectives whilst applications must be “reasonably consistent” with the licensing objectives. There is no requirement on either the licensing authority or an applicant to promote the licensing objectives and therefore this should be amended.	Amend paragraph 1.25 to read- In all cases, however, the Licensing Authority will determine each application on its own merit and consider the type of gambling proposed. <i>Any evidence provided by the applicant, whether in its risk assessment or otherwise</i> the Licensing Authority shall take this into account when determining such applications.	Whilst it is true that the applicant does not have to provide an operating schedule stating how the objectives are to be promoted, it does have to provide a risk assessment explaining the control measures. Paragraph could also be left as originally drafted as the sentence complained about started with “If” which did not imply a mandatory condition.
1.29	[This paragraph] refers to instances of “disorder and nuisance”, there is no licensing objective under the Gambling Act 2005 that requires the prevention of public nuisance. Instead nuisance is left to other regulatory regimes. The Gambling Commission is clear in its Guidance that nuisance is not an issue and that disorder is intended to mean activity that is more serious and disruptive than mere nuisance. References, therefore, to large pay our machines, levels of noise from public address systems and a suggestion that conditions would govern opening hours for betting shops	Removal of the word nuisance throughout this paragraph and slight wording changes to read: The Licensing Authority recognises that disorder may be focused on premises and therefore expects an applicant to demonstrate an understanding of possible crime or disorder and to take such controls as are necessary to prevent it. Examples may include thought given to the way that	It is not proposed that the paragraph be deleted as it is still relevant for crime or disorder

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
	<p>in a residential areas, are not, therefore within the scheme of the Act. This paragraph should be deleted.</p>	<p>gambling is conducted on the premises, company policy on prevention of crime or disorder, siting of large pay out machines. Consideration, where relevant, will be given to the placing of appropriate conditions on the licence governing opening hours for betting shops in residential areas which may include the use of Door Supervisors. Where the Licensing Authority imposes a Door Supervision condition, if the supervisor is required by the Private Security Industry Act 2001 to hold a licence under that Act, the requirement shall be a condition of the licence.</p>	
1.28	<p>Paragraph 1.28 indicates that in certain circumstances the licensing authority may consider appropriate conditions to be attached to the licence. The policy should be clear that conditions will only be imposed where there is evidence of a risk to the licensing objectives that is not adequately dealt with by the existing mandatory and default conditions. The system must be evidence based.</p>	<p>Add test to paragraph 1.28</p>	<p>It is wrongly submitted that conditions may only be applied in exceptional circumstances, and on the basis of "evidence". The test is set out paragraph 9.31 of the Guidance to Licensing Authorities 5th Edition (which is replicated below) and there is no specific requirement of "evidence". It is merely the material before the authority should enable the inference to be drawn that the test in the Guidance is met.</p> <p>"Conditions imposed by the licensing authority must be proportionate to the circumstances which</p>

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
			<p>they are seeking to address. In particular, licensing authorities should ensure that the premises licence conditions are:</p> <ul style="list-style-type: none"> • relevant to the need to make the proposed building suitable as a gambling facility • directly related to the premises (including the locality and any identified local risks) and the type of licence applied for • fairly and reasonably related to the scale and type of premises • reasonable in all other respects.”
1.32	<p>Paragraph 1.32 outlines the policy with regard to the licensing objective of ensuring gambling is conducted in a fair and open way. The Gambling Commission Guidance indicates that “generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business and therefore subject to the operating licence or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.” This paragraph seeks therefore to trespass upon matters dealt with by the licensing authority.</p>	None	<p>It is wrong to say the Licensing Authority may not say anything about fairness and openness. There is no clear bright line between the Commission and the Authority. It is entitled to set out its expectations as to how the fairness requirement is to be promoted at premises level.</p>
1.32	<p>As a responsible operator we already display comprehensive rules on fair play in all of our shops which covers the following areas – and many more which are not listed;</p>	None	<p>It is not expected that all establishments will display the probability of winning / losing as the general principles section in the SOP is written for all types</p>

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
	<ul style="list-style-type: none"> • Minimum age • Conduct • Responsible gambling • Fraud and error • Taking a bet • Paying for bets • Prices (including changes, starting prices, each way bets) • Contact details <p>It would be almost impossible to display the probability of winning / losing as this will vary depending on each bet that is placed on each race / sporting event / contest. Even if this could be published, the number of entrants often changes at the last minute due to non-runners for a number of reasons. In horse racing this could be because the runners may become lame, if the ground or going suddenly changes or it is reported wrongly or if runners are withdrawn because it was stated they would be equipped with blinkers (or other aids) and are found not to be when they enter the stalls.”</p>		<p>authorisations that the Council are empowered to deal with and clearly states that “examples may include ...”; each case would be based on its own merits.</p>
1.32	<p>[Written Rules]’... we are concerned at the suggestion that font size must 11 or above. The feedback we have received from the Gambling Commission is that our information on fair play must be as comprehensive as possible. Therefore we would encourage a balanced approach to this, accepting that in order to provide customers with as much information as possible which still fits within the parameters of our shop space, the font size may need to be smaller than is currently suggested in this consultation. It should also be noted that as</p>	<p>Add “where practicable”</p> <p>... The Licensing Authority expects that where written rules are provided that they are of a font not less than 11 where practicable and further that ...</p>	<p>The SOP sets out an expectation that the written rules will be in font 11 or above; it should not be read as an immutable requirement. Whilst carrying out inspections, I have found the font size to be quite small – I believe font 8 is used and have requested that a larger font is used as it does in my opinion disadvantage those that are visually impaired (although I was assured that staff members would advise if requested). The consultation response</p>

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
	<p>a responsible operator we also publish our rules around fairplay on our website which are accessible via a computer, tablet or mobile phone.</p> <p>It is crucial that any additional conditions around fair play are proportionate and achievable for operators and take into account the existing material which is already available to customers.”</p>		<p>advises that rules are also accessible via a computer, tablet or mobile phone, however not everyone has access to them, which could include some of the more vulnerable adults. I have suggested to organisations that if space is an issue, the rules, terms and conditions could be printed on several A4 pages which could be laminated and threaded through a hole at the top; this would then provide a document that is more in keeping with Equalities and anti-discrimination legislation.</p>
1.32	<p>A requirement that the font size of the rules goes beyond the licensing authority’s remit. Social Responsibility Code Provision 4.2.6 deals with the display of rules in off course betting. There is no need for the licensing authority to become involved with this unless there is evidence in a particular circumstance that would require it to do so.</p>	None	See comment immediately above.
1.38	<p>It [may be] worth including the requirement that generally there can be no direct access between different types of gambling premises.</p>	<p>Amend Paragraph to read:</p> <p>The Licensing Authority will pay particular attention to applications where access to the licensed premises is through another premises and will consider whether or not children can gain access (<i>generally there can be no direct access between different types of gambling premises</i>); where there is direct access, it will take into</p>	

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
		<p><i>account</i> the compatibility of the two establishments and its ability to comply with requirements of the Gambling Act. The Licensing Authority will also consider whether the co-location of the licensed premises with other facilities will create an arrangement that is likely to be prohibited under the Act. In any event, the Licensing Authority expects access to all adult areas in licensed premises shall be monitored in accordance with any mandatory conditions and Gambling Commission Codes of Practice.</p>	
1.28, 1.29 1.71 & 1.72	<p>"The Council is asked to be aware that under the Licensing Act 2003 and the Private Security Industry Act 2001, racecourses are already required to provide licensed door supervisors in some roles. In line with the Government's Better Regulation Agenda, and the stipulation by the Council on Page 34 that they will seek to avoid duplication with other regulatory regimes, the Council should not impose any further provisions relating to door supervisors."</p>	<p>None except to paragraph 1.29 concerning the removal of nuisance – see above.</p>	<p>Paragraphs are generic in nature, as there are different types of premises licences issued under the Gambling Act 2005 so if an organisation is already required to provide door staff, they will not be required to do so again. Further not all premises licence holders also have a premises licence issued under the Licensing Act 2003. The Licensing Committee may consider it appropriate to impose a condition relating the number of door supervisors required and/or for time(s) of the day that they are required to be present. Any conditions imposed by the Licensing Committee would be appropriate to the nature of the application</p>
1.41 - 1.44;	"We welcome the focus on	None	Different local situations

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
1.47 - 1.50	<p>partnership working and that is one of the reasons we are a leading signatory to the 'ABB-LGA Framework for local partnerships on betting shops' which was published in January this year. We also have Primary Authority agreements with [X] Council and [X] Council which has resulted in greater clarity and consistency of regulation at a local level. In contrast, we are concerned that this guidance as currently drafted would lead to variations and inconsistencies which prove burdensome and costly for a business that operates across a multi-site estate in numerous different local authorities</p>		<p>and issues will inevitably lead to different policies from Local Authorities and this is reflected in the Gambling Commission Guidance; the following are extracts from the Guidance:</p> <p>6.3 Statements of policy are likely to reflect differences in approach between different licensing authorities. The statement made by a seaside town licensing authority, which may see gambling businesses as an important part of its plans for growth and regeneration based on regular influx of visitors, may well be significantly different from that of an inner city authority, which may be more concerned with impact on the vulnerable. ...</p> <p>6.4 The Commission encourages licensing authorities to have a statement of policy that is genuinely reflective of local issues, local data, local risk and the expectations that a licensing authority has of operators who either currently offer gambling facilities or wish to do so in the future. The existence of a clear and robust statement of policy provides greater scope for licensing authorities to work in partnership with operators, other local businesses, communities, and responsible authorities to identify and</p>

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
			to proactively mitigate local risks to the licensing objectives
1.51 – 1.67	"There is a clear, existing process in place for interested parties or responsible authorities to make representations and we would therefore caution against statements of theoretical risk without any evidence to support the argument."	<p>Amend paragraph 1.51 to read: Interested Parties can make representations about licence applications, or apply for a review of an existing licence. The Gambling Act 2005, defines interested parties as persons who:</p> <ul style="list-style-type: none"> • Live sufficiently close to premises to be likely to be affected by the authorised activities; • Have business interests that might be affected by the authorised activities; or • Represent persons in either of the above two groups. 	<p>No further changes proposed as the Gambling Act at section 158 also states ...“ a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence, if in the opinion of the licensing authority which issues the licence or to which the application is made, the person ...</p> <p>(omitted part relates to list in third column (proposed change)</p> <p>The draft SOP sets out what factors we would take into consideration to help form an opinion on whether a person is an interested party or not as we are entitled to set out what factors we believe would be potentially relevant, further it also sets out that each case would be judged on its merit.</p>
1.57	Paragraph 1.57 correctly identifies that representations on the basis of demand and competition would not be relevant. This paragraph, however, seems to indicate that representations only on the basis of the licensing objectives would be considered relevant. The correct position is at paragraph 1.63 which states that the relevant representations must be relevant to the three licensing objectives, raise issues under the SOP, raise issues under the Gambling Commission's	None	The legal advice given is that it is not considered there is anything wrong with this paragraph.

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
	Guidance or raise issues under the LCCP. Paragraph 1.57 needs to be amended to reflect the accurate position.		
1.68 – 1.70	<p>Paragraphs 1.68 to 1.70 deal with conditions. The policy would be assisted by an acknowledgement that the starting point for any application is that the application will be granted without additional conditions, the robust mandatory and default conditions being sufficient to ensure operation that is reasonably consistent with the licensing objectives. The policy should further state that it is only where there is evidence in a particular case that the mandatory and default conditions need to be supplemented that additional conditions should be imposed.</p>	<p>Add text to sentence at paragraph 1.68 to read:</p> <p>Any conditions attached to a Premises Licence will <i>take account of any mandatory and default conditions</i>, be proportionate and will be:</p> <ul style="list-style-type: none"> • 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 	<p>The idea that there should be a starting point is not agreed with. The test for conditions is set out in paragraph 9.31 of the Guidance to Licensing Authorities 5th Edition (which is replicated above at paragraph 1.28). Whilst it is agreed that Licensing Authorities should take account of the mandatory and default conditions when considering whether further conditions are warranted, it is not agreed that “evidence” is needed in order to apply a condition.</p>
1.68 – 1.71	<p>[We] believe that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. [We are] concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.</p> <p>This would further increase variation across licensing authorities and create</p>	None	<p>A rational concern is sufficient basis for the imposition of a condition.</p> <p>Also see comments above relating to 1.41 - 1.44; 1.47 - 1.50</p>

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
	uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.		
1.71	The suggestion at paragraph 1.71 that conditions could be imposed if there are “concerns” needs to be amended. A concern would not be sufficient to impose a condition. There must be evidence to do so.	None	A rational concern is sufficient basis for the imposition of a condition.
2.27	"The Council should be aware that it may not be practical for racecourses to print examples of the Standard Rules of Betting (Tattersalls Rules) in their racecard or in a leaflet form. However, these will be displayed in line with the Premises Licence Mandatory and Default Conditions	None	If this is not practicable, it will not be taken into account as not expressed in a mandatory form
2.53	[We believe it is] worth reflecting the [Gambling Commission] guidance issued in the Local Authority Bulletin in October 2014 in that UFEC permits may only be granted in respect of a clearly designated area. In many cases we have seen permits granted in respect of say shopping centres as a whole which of course is not correct. I think the expectations from such operators are very good and clearly set out.	<p>Add sentence to paragraph 2.53 to read:</p> <p>Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.</p> <p><i>It is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the</i></p>	

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
		<i>machines would be in a designated, enclosed area so as to comply with S238 of the Gambling Act 2005.</i>	
Part 3 generally and paragraphs 1.68 and 1.69	<p>It is important to note that betting shops are often the victims of crime rather than a source of crime (burglaries, robberies etc). However, as a responsible business we would consider the existing levels of gambling and betting related crimes as well as the measures we can take to mitigate this risk before applying for a local licence. It is unclear and we would expect that other general levels of crime would not affect a licencing application.</p> <p>Instead, each case should be considered on its own merits and therefore we would caution against general statements that gambling premises should automatically face a higher burden of proof in these areas. Without any clear requirements in the revised licencing policy statements that additional licence conditions should be accompanied by robust evidence, this process could lead to unintended consequences and local shop closures and job losses.</p>	None	A rational concern is sufficient basis for the imposition of a condition.
Part 3	It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.	None	It is open to the licensing authority to set out in the SOP factors which are potentially relevant; whether they are relevant to the specific operator/operation/location is a matter for consideration in the individual case and each case is decided on its merits. Factors help to focus the mind, not

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
	<p>This would distort the “aim to permit” principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.</p> <p>A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.</p> <p>We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.</p>		<p>predetermine the outcome.</p> <p>Only the maps are shown in the appendix and they are placed there and not in the main body of the document because as new layers of information become available they can be updated without the full consultation process.</p>
3.5	<p>Part 3 of the policy deals with local area profiling. At paragraph 3.5 there is a list of factors that must be considered by applicants and operators when undertaking a risk assessment. This list needs to be amended. ... some of that which is to be considered is not relevant.</p> <p>The Social Responsibility Code Provision 10.1.1 requires that “licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and</p>	None	A Licensing Authority is entitled to set out potentially relevant factors. Whether they apply in individual cases will turn on the evidence.

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
	<p>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." The requirement, therefore, is for the licensee to assess risks to the licensing objectives and for the licensing authority to identify matters relevant to the licensing objectives. It is accepted that issues such as educational facilities, gambling care providers and the proximity of schools will be relevant to a local area risk assessment but issues such as ethnicity, age, economic makeup and the proximity of pawnbrokers/payday loan businesses cannot be. Similarly issues of deprivation identified in the maps within Appendix E can only be relevant if the authority has predetermined that any person in that area of deprivation is automatically a vulnerable persons. In the circumstances, we respectfully submit that this list of criteria be amended to include only matters that are relevant.</p>		
3.5 – 3.7	<p>It is important that any changes or additional conditions are evidence based and as a result, deemed to have a real impact on the ability of betting operators to uphold any or all of the three licensing conditions. Such a list of factors, as outlined in section 3.5 and 3.7, based on opinion rather than fact, and therefore open to interpretation in many different ways, could result in an inconsistent licencing regime.</p>	None	<p>A Licensing Authority is entitled to set out potentially relevant factors. Whether they apply in individual cases will turn on the evidence.</p>

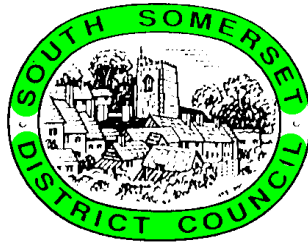
Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
	<p>Operators already take certain factors into consideration to ensure compliance with the licensing objectives, both in relation to new applications and existing licensed premises, and therefore it should be, as it is now, a matter for the local operator to decide how this is determined and what should be included. This being the case, only local risks that are evidence based, would be included in the risk assessment. We would therefore caution against the inclusion of certain named categories which operators are prescribed to take into account by the local authority, including educational establishments and general levels of crime.</p>		
3.5 – 3.7	<p>Within Section 3.0 (Local Area Profiling) where your Statement discusses the new risk assessment required, the policy again identifies a range of premises which by their inclusion, may suggest that applications near to such locations could be deemed high risk. Notably; schools, bus stops, supermarkets etc.</p> <p>[We] know of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that:-</p> <ul style="list-style-type: none"> a) those using such facilities are inherently problem gamblers b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities c) that if they do, that they are more likely to engage in problem gambling 	None	<p>A Licensing Authority is entitled to set out potentially relevant factors. Whether they apply in individual cases will turn on the evidence.</p>

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
	<p>d) that the protective mechanisms arising from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk.</p> <p>We do not believe that there evidence for any of these propositions..</p> <p>The reason for [our] caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.</p> <p>For example:</p> <ul style="list-style-type: none"> <input type="checkbox"/> [We benefit from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns. <input type="checkbox"/> [We are] subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted. <input type="checkbox"/> It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted. <input type="checkbox"/> It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments). <input type="checkbox"/> It operates the assessment 		

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
	<p>principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.</p> <ul style="list-style-type: none"> □ It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code. □ It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required. □ It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity. <p>[Our] experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, [we] believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list the locations that are currently stated (as there is no evidence that there is a link between such venues and a betting office causing harm to the gambling objectives), however notwithstanding this, such locations would automatically be included with the operators risk assessment submitted when the application is considered.</p>		

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
	<p>We do appreciate that this is a new requirement and from viewing over 100 different Council Statements, it is clear that there are numerous different ways of adapting a policy.</p> <p>We would caution against the council providing a long list of locations which must be risk assessed and instructions / templates for completion which is disproportionate to the very regulated business we already operate within.</p>		
3.6 – 3.10	<p>With effect from 6th April 2016, under new Gambling Commission LCCP provisions - [Licence Conditions and Codes of Practice], operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.</p> <p>Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.</p> <p>[We] are concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In our view this should</p>	None	It is open to the licensing authority to set out in the SOP factors which are potentially relevant; whether they are relevant to the specific operator/operation/location is a matter for consideration in the individual case and each case is decided on its merits. Factors help to focus the mind, not predetermine the outcome.

Paragraph No:	Representation	Proposed Change	Reason(s) why representation rejected/ other comments
	<p>be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.</p> <p>Although our members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.</p> <p>[We] support the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. [We are] also committed to working pro-actively with local authorities to help drive the development of best practice in this area.</p>		
3.7 – 3.10	<p>The lists at paragraph 3.7 and 3.10 relating to significant changes in local circumstances or the premises are too prescriptive. If the licensing authority is to define significant change then these definitions need to relate to whether or not the changes could have any effect upon the licensing objectives. Issues such as a new payday loan or pawnbrokers in the area or a new premise involving gambling activity are not relevant in this regard.</p>	None	<p>A Licensing Authority is entitled to set out potentially relevant factors. If evidence is that these factors have no bearing, they will not be taken into account.</p>



SOUTH SOMERSET DISTRICT COUNCIL

GAMBLING ACT 2005



STATEMENT OF PRINCIPLES 2016 - 2019

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All references to the Guidance refer to the Gambling Commission's draft Guidance to Licensing Authorities, 5th Edition, published March 2015 and the 4th Edition published September 2012 (as amended 2013).

PART 1

Consultation Process

In accordance with paragraph 349(1) of the Gambling Act 2005, a Licensing Authority must prepare and publish a Statement of Principles that it proposes to apply in exercising its functions.

The consultation process took place between 12 August and 09 October 2015. The draft Statement of Principles was published on our website and the Council consulted widely across a widespread cross section of the community and with the statutory consultees before finalising and publishing. A list of those persons consulted is provided at Appendix C.

Due consideration has been given to all responses and the Licensing Authority has had due regard to the Guidance and given appropriate weight to the views of all those consulted. In determining the weight given to particular responses the Licensing Authority has taken into account the following factors:

- Who has submitted the response (what is their expertise/interest);
- Relevance to the Licensing Objectives;
- How many others expressed the same or similar views; and
- How far those responses relate to matters that the Licensing Authority should include in this Statement of Principles.

The draft Statement of Principles was approved and adopted at the full Council meeting on **XX**. The newly adopted Statement of Principles was advertised and published in accordance with Regulations. Copies were placed in the Council Offices at Yeovil, Chard and Wincanton, public libraries and in the offices of the larger Town Councils.

The Statement of Principles will remain in force until the next successive 3 year period and may be subject to periodic reviews and further consultation. Following consultation, any revisions or amendments to the statement will be appropriately published in accordance with the regulations.

1. Introduction

Geographical Area covered

South Somerset District Council is situated in the County of Somerset. The Council area has a population of 161,300 – (2011 *Census*) making it the largest District Council in the County in terms of population. In terms of area it covers 370 square miles. The Council area is mainly rural with market towns.



Maps of the larger market towns in South Somerset showing the “Index of Multiple Deprivation” are shown in Appendix E. The key provided identifies an index of the most to least deprived areas of our area. The maps also show other information that applicants should be aware of.

Overview

1.1. The Statement of Principles sets out the issues which the Licensing Authority will take into consideration when carrying out its functions throughout the District of South Somerset.

1.2. The Licensing Authority recognises the potential impact of gambling on the community within the District and will seek to address the needs of residents to ensure a safe and healthy environment in which to live and work, together with safe and well-run entertainment premises that will benefit the local economy.

1.3. 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 for alcohol licensed premises (under the Licensing Act 2003) for the use of two or less gaming machines
- Issue *Licensed Premises Gaming Machine Permits* where there are two or more machines for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003.
- 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

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

1.4. In exercising the Licensing Authority's functions under the Act the Licensing Authority shall aim to permit the use of premises for gambling on condition that the premises operate:

- 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 consistently with the Licensing Objectives; and
- In accordance with the Council's Statement of Principles.

1.5. In exercising its discretion under the Gambling Act 2005, the Licensing Authority must have regard to the Gambling Commission's Guidance and Codes of Practice and the Licensing Authority's own Statement of Principles - (this has been shortened to SOP throughout the rest of the document). "Must have regard" does not mean that the Licensing Authority must always following the Guidance to the letter; however the expectation is that there should be strong and defensible reasons from departing from it. Where there is reference to BACTA's voluntary codes, the Licensing Authority recognises that these are BACTA's current codes on social responsibility for the gaming machines sector and merely recommends adoption of these voluntary codes.

1.6. In exercising its functions under the Gambling Act 2005, the Licensing Authority must have regard to the Licensing Objectives as set out in Section 1 of the Act. These are:

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

1.7. The SOP has been prepared with the view that no statement will override the right of any person to make an application under this Act and will not undermine the right of any person to make representations on an application or to seek a review of that Licence.

1.8. In considering applications and in making any decisions, the Licensing Authority will take into account the Human Rights Act 1998, in particular:

- Article 1, Protocol 1 – peaceful enjoyment of possessions.
- Article 6 - right to a fair hearing.
- Article 8 – respect for private and family life
- Article 10 – right to freedom of expression.

1.9. The SOP does not intend to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators; however, the Licensing Authority will require that prior to submission of a Premises Licence application (except in the case of tracks), the appropriate Operator's Licence has been obtained or applied for.

1.10. The Licensing Authority has considered the wide range of premises that will be licensed, including casinos, tracks, amusement arcades, bingo halls, betting offices, members' clubs and alcohol-licensed premises.

1.11. The Licensing Authority recognises the need to work closely with the Gambling Commission in exchanging information as and when required.

1.12. The Licensing Authority shall always seek to regulate gambling in the public interest.

Declaration

1.13. In producing the final statement, the Licensing Authority declares that it has had due regard to the three Licensing Objectives of the Gambling Act 2005, Guidance issued by the Gambling Commission and to any relevant formal responses from those consulted on the draft statement.

Fees

1.14. Premises Licence fees are set within the prescribed maximum levels in accordance with The Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 and will be limited to full cost recovery. Fees for Permits and other services are set by the Secretary of State.

1.15. Information regarding the fees to be charged will be made available to the public via the Council's website or in writing upon request.

1.16. Where the annual fee for a premises licence or permit is not paid the Licensing Authority will revoke it unless we believe it is attributable to administrative error.

1.17. Where a payment of an application fee is not honoured by the applicant's bank, the Licensing Authority will not regard the application as properly made and any licensable activity undertaken will be considered unlawful. .

1.18. All non-payment of annual premises licence and permit fees will be reported to the Gambling Commission.

General Principles

1.19. The Licensing Authority recognises that the responsibility for an individual's gambling is his or her own. The responsibility to exercise a duty of care is that of the Site Operator, however, the Licensing Authority expects applicants for Adult Gaming Centres and Family Entertainment Centres to adopt BACTA's voluntary Code of Social Responsibility and Good Practice and where gaming machines are concerned, applicants are expected to adopt the Code of Practice. These codes can be obtained at www.bacta.org.uk.

1.20. Where there are age restrictions on entry to certain premises, the Licensing Authority expects applicants to adopt BACTA's and GamCare's joint training initiative on a Site Age-of-Entry Control Policy.

1.21. The Licensing Authority recognises that many people are able to enjoy and control their gambling, however, because there are those who are unable to control gambling, the Licensing Authority expects applicants to adopt BACTA's and GamCare's Site Self-Exclusion Policy for those particular clients to request their exclusion for a fixed period.

1.22. When determining whether to grant a premises licence the Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide within the District of South Somerset. Every application to the Licensing Authority will be considered on its own merits and will be treated fairly and objectively in accordance with the three Licensing Objectives.

1.23. When considering the location of proposed gambling facilities, the Licensing Authority will consider the proximity of:

- Premises to local schools
- Premises to Centres for those with gambling problems
- Premises to Centres for, or used by, vulnerable and young persons
- Premises to residential areas where there is a high concentration of children and young people or where high levels of deprivation exist
- Premises to places of worship, particularly where Sunday Schools are in operation
- Premises to areas of known high criminal activity.

1.24. The Licensing Authority will not consider moral representations to gambling as these do not relate to the three Licensing Objectives and are not a valid reason for rejection. Where the Licensing Authority does reject an application for a Premises Licence, it will rely on reasons that demonstrate that the Licensing Objectives are not being met.

1.25. In all cases, however, the Licensing Authority will determine each application on its own merit and consider the type of gambling proposed. If an applicant can demonstrate how they will promote the licensing objectives, then the Licensing Authority shall take this into account when determining such applications.

1.26. The Licensing Authority will have regard to the Gambling Commission's Guidance to Local Authorities and the Council's SOP when considering applications where access to the licensed premises is through other licensed or unlicensed gambling premises.

Licensing Objectives

Preventing Gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime

1.27. It is the responsibility of the Gambling Commission when issuing Operating Licences to ensure the operator is a suitable applicant. If, however, during the course of considering a Premises Licence application or at any other time, the Licensing Authority receives such information that causes it to question the suitability of the applicant, those concerns will be brought to the immediate attention of the Gambling Commission.

1.28. The Licensing Authority will consider the location of premises, particularly if such a premises is in an area where there was known to be organised crime. Where this is the case, the Licensing Authority in these circumstances would consider what controls, if any, would be appropriate to prevent such premises becoming a source of crime. In certain circumstances, the Licensing Authority may consider appropriate conditions to be attached to the Licence, such as Door Supervisors, CCTV, etc.

1.29. The Licensing Authority recognises that disorder and nuisance may be focused on premises and therefore expects an applicant to demonstrate an understanding of possible crime and disorder and to take such controls as are necessary to prevent such disorder and nuisance. Examples may include thought given to the way that gambling is conducted on the premises, company policy on prevention of crime and disorder, siting of large pay out machines, levels of noise from public address systems that should ideally be sited at the back of the premises away from residential areas. Consideration, where relevant, will be given to the placing of appropriate conditions on the licence governing opening hours for betting shops in residential areas and in the case of disorder, the use of Door Supervisors. Where the Licensing Authority imposes a Door Supervision condition, if the supervisor is required by the Private Security Industry Act 2001 to hold a licence under that Act, the requirement shall be a condition of the licence.

1.30. Where there are persistent levels of disorder, the Licensing Authority will liaise closely with the Gambling Commission to consider the suitability of the applicant or premises licence holder as an operator. In addition, the Licensing Authority will strive to have a good working relationship with the Police in accordance with any protocol that is currently in place.

1.31. The Licensing Authority may seek legal advice when determining what action to take in circumstances in which disorder may be a factor. It is appreciated that disorder is intended to mean activity that is more serious and disruptive than nuisance, however, in determining this issue the Licensing Authority will consider each circumstance individually.

Ensuring Gambling is conducted in a fair and open way

1.32. All gambling should be fair in the way it is played with transparent rules such that players know what to expect. Examples may include easily understandable information being made available on the rules and probability of winning/losing, ensuring the rules are fair and that advertising is not misleading. The Licensing Authority expects that where written rules are provided that they are of a font size not less than 11 and further that rules in appropriate larger font sizes are provided for those with visual impairments upon request with a notice displayed to that effect in a prominent position at the premises. Further the Licensing Authority expects that there are measures in place to ensure that the results of competitions/events are made public.

1.33. Generally, it is for the Gambling Commission to ensure this Licensing Objective is complied with, however, with regard to race tracks; the role of the Licensing Authority is more significant. The Licensing Authority, in certain circumstances, may seek to impose conditions to ensure that the environment in which betting takes place is suitable. The Licensing Authority may wish to know the nature of the venue, and where the operators will conduct on course betting and whether or not there are any off course betting operators. The plan for a track shall include access to the place where gambling is to take place.

Protecting Children and other vulnerable persons from being harmed or exploited by gambling

1.34. As children and young persons are prohibited from the majority of gambling premises they must be prevented from entering adult only gaming environments; this Licensing Objective intends to prevent children and young persons from taking part in, or being in close proximity to, gambling. Restrictions are therefore necessary when advertising gambling products that are aimed at children or advertised in such a way that makes them attractive to children. The Licensing Authority will therefore consider whether or not specific measures are needed to protect children at particular premises. Such measures may include:

- staff training,
- company policies for protecting children and vulnerable persons,
- careful consideration of the siting of cash machines,
- additional requirements to provide supervision at entrances,
- steps taken to segregate gambling from non-gambling areas frequented by children
- supervision of gaming machines in non-adult gambling specific premises in order to prevent children or vulnerable young persons from being harmed or exploited by gambling.
- appropriate signage,
- location of machines
- numbers of staff on duty

These measures will be particularly relevant on mixed use premises and on tracks where children have freedom of movement in betting areas on race days.

1.35. As regards 'vulnerable persons', it is noted that the Gambling Commission has not defined a 'vulnerable person' but states that it will assume that this group will include people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health issues, learning disability or substance abuse. Whilst the Gambling Act does not prohibit vulnerable groups in the same manner as children and young persons, the Licensing Authority will consider whether or not any measures have been taken to protect such a group. Any such considerations will be balanced against the Licensing Authority's aim to permit the use of premises for gambling and each application will be treated on its own merit. Furthermore the Licensing Authority will expect to see evidence that measures have been put into place to protect this group of people during any inspections it may carry out.

1.36. With this Licensing Objective in mind, the Licensing Authority will take particular care when considering applications for more than one licence for a building and those relating to a discrete part of a building used for other non-gambling purposes, such as shopping centres.

1.37. The Licensing Authority recommends that measures are taken to ensure entrances and exits from parts of a building covered by one or more licences are separate and identifiable so that people do not drift into a gambling area in error. Such measures could include appropriate signage, physically separating Family Entertainment Centres and Adult Gaming Centres, and supervision of entrances. In addition, 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. The Licensing Authority also expects that where children and young persons are permitted access to the premises that gaming

machines of category C or above are not sited close to gaming machines of category D unless the area is physically separated.

1.38. The Licensing Authority will pay particular attention to applications where access to the licensed premises is through another premises and will consider whether or not children can gain access; the compatibility of the two establishments and its ability to comply with requirements of the Gambling Act. The Licensing Authority will also consider whether the co-location of the licensed premises with other facilities will create an arrangement that is likely to be prohibited under the Act. In any event, the Licensing Authority expects access to all adult areas in licensed premises shall be monitored in accordance with any mandatory conditions and Gambling Commission Codes of Practice.

1.39. The Licensing Authority will consider multiple licences carefully and applicants are recommended to configure these buildings with careful consideration if they seek to develop multi-purpose developments and in particular consider how they will protect children from being harmed by gambling as well as preventing children from being in close proximity to gambling.

1.40. The Licensing Authority expects that all staff are suitably trained on the appropriate provisions of the Gambling Act 2005, its associated regulations and any amending legislation with special emphasis placed on age restrictions relating to gaming machines and social responsibility. Staff are expected to be vigilant to ensure compliance with the law.

Exchange of Information

1.41. The Licensing Authority will work closely with the Gambling Commission, Avon and Somerset Constabulary and with Responsible Authorities where there is a need to exchange Information on specific premises e.g. where the Commission makes observations and representations on the suitability of the applicant for a premises licence or any other aspect of the application, the Commission and Licensing Authority shall discuss matters relating to that application and the appropriate action to take.

1.42. The Licensing Authority shall continue to submit annual returns to the Commission as they are an important source of information that can assist both in improving their work as risk based regulator and shall work together to ensure that the returns process is managed effectively.

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

1.44. Where relevant, information will be protected and the confidentiality of those making representations will be maintained. Information will be shared between the Responsible Authorities and Gambling Commission.

Register

1.45. The Licensing Authority will maintain a Licensing Register of all Premises Licences and Permits issued which is available on the Council's website at: www.southsomerset.gov.uk. The register is available for inspection at the Council's offices between 09:00 and 17:00

Monday to Thursday and 09:00 to 16:30 on Friday. Where a hard copy is requested, the Licensing Authority may charge a reasonable fee for providing copies of such information.

Planning Permission/Building Regulation Approval

1.46. The Licensing Authority will only take into account relevant representations related to gambling and the three Licensing Objectives. The existence of a planning permission or building regulation approval for a premises or activity associated with gambling shall not be taken into account by the Licensing Authority in determining a Premises Licence application. Similarly, the existence of a gambling licence shall not prejudice the consideration of any planning or building regulation application related to a gambling activity or premises.

Responsible Authorities

1.47. The Licensing Authority will notify all Responsible Authorities of applications and these bodies will be entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, Premises Licences.

1.48. The Responsible Authorities are as listed in Appendix A. With regard to the Responsible Authority in relation to vulnerable adults, the Licensing Authority recognises the Secretary of State shall specify a particular body as being the Responsible Authority.

Body representing Children from Harm

1.49. The Licensing Authority has designated in writing the body it considers competent to advise the Licensing Authority on the protection of children from harm. This body currently is:

Somerset County Council – Children’s Social Services

1.50. The reasons the Licensing Authority has chosen the above as a responsible authority competent to advise it on the protection of children from harm are that this body is:

- Answerable to democratically elected persons and is not answerable to a particular vested interest group.
- Responsible for the area covered by the Licensing Authority and this SOP;
- Experienced in dealing with the protection of children.

Interested Parties

1.51. Interested parties can make representations about licence applications, or apply for a review of an existing licence. For the purposes of the Gambling Act 2005, interested parties will include persons who:

- Live sufficiently close to premises to be likely to be affected by the authorised activities;
- Have business interests that might be affected by the authorised activities; or
- Represent persons in either of the above two groups.

Principles of deciding on Interested Parties

1.52. The Licensing Authority is required by regulations to state the principles that it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. With regard to specific premises, the Licensing Authority will consider

whether a person is an interested party on a case-by-case basis, judging each on its own merit. The Authority will not apply a rigid rule to its decision-making.

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

1.54. The principles the Licensing Authority will apply when deciding whether or not a person is an interested party are:

- Size of the premises where larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities;
- Nature of the activities being conducted on the premises.
- Persons living sufficiently close to the premises

1.55. The Licensing Authority will take into account the following factors when interpreting 'sufficiently close':

- Size of the premises
- Nature of the premises
- Distance of the premises from the location of the person making the representation
- Potential impact of the premises, i.e. number of customers, routes likely to be taken by those visiting the establishment; and
- Circumstances of the complainant, i.e. interests of the complainant that may be relevant to the distance from the premises.

1.56. The Licensing Authority recognises 'sufficiently close to be likely to be affected' could have a different meaning for, for instance, a private resident, a residential school for children with behavioural or other problems and a residential hostel for vulnerable adults and will therefore deal with each representation on its own merit.

Persons with business interests that could be affected

1.57. The Licensing Authority will firstly determine whether or not a person is an interested party and secondly whether or not their representation is relevant. Representations by such persons that do not relate to the Licensing Objectives but focus on demand and competition will not be considered as relevant.

1.58. The Licensing Authority would require to be satisfied that the relevant business is likely to be affected and shall not take into account representations put forward by a rival operator, anywhere in the country, simply because they are in competition within the same gambling sector. The following factors will therefore be relevant:

- Size of the premises.
- The 'catchment' area of the premises (i.e. how far people travel to visit).
- Whether the person making the representation has business interests in that catchment area that might be affected.
- Whether or not the representation is purely based on 'competition' as the Licensing Authority does not consider this to be a relevant representation.

1.59. The Licensing Authority will decide upon representations from those persons with business interests on an individual basis.

Persons representing persons living sufficiently close and/or having business interests that may be affected

1.60. With regard to persons representing persons living sufficiently close and persons having business interests that may be affected, the Licensing Authority will take into account trade associations, trade unions, residents and tenants' associations. The Licensing Authority will not, however, generally view these bodies as interested parties unless the organisation can demonstrate that they have a member who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

1.61. Where individuals wish to approach councillors to represent their views, care will be taken that the councillors are not part of the Licensing Committee dealing with the licence application. In the case where a councillor represents an interested party, in order to avoid conflict of interests, that councillor shall not be part of the Licensing Committee dealing with the licence application. If there are any doubts, councillors will be asked to contact the Council's Legal team to gain further advice.

Representations

1.62. Only Responsible Authorities and Interested Parties may make representations. Where there are representations, the Licensing Authority will encourage negotiation between the objector and the applicant as to the possible use of conditions on the licence.

1.63. Where there are representations the Licensing Authority will determine whether or not they will be admissible and will consider carefully whether the representations are relevant. Relevant representations must be relevant to the three Licensing Objectives, raise issues under the SOP, raise issues under the Gambling Commission Guidance or raise issues under the Gambling Commission's Codes of Practice.

1.64. Representations are not relevant where for example they can be addressed by other legislation, such as Planning or Building Control or noise nuisance; these are examples and the list is not exhaustive. Each case will be decided upon the facts.

1.65. Representations will not be considered as relevant where they relate to demand or competition and must only be based on the licensing objectives of the Gambling Act.

1.66. Representations are not relevant where they are vexatious or frivolous and before a decision is made as to whether it is relevant or not, the Licensing Authority will consider:

- Who is making the representation and whether there is a history of making representations that are not relevant
- Whether or not it raises a relevant issue, or
- Whether it raises issues specifically to do with premises that are the subject of the application

1.67. The Licensing Authority strongly recommends that representations are submitted at the earliest opportunity prior to the end of the prescribed consultation period to allow the maximum time to negotiate an appropriate solution.

Conditions

1.68. Any conditions attached to a Premises Licence will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

1.69. Decisions upon individual conditions will be made on a case-by-case basis. The Licensing Authority will expect the applicant to offer his/her own suggestions as to the way in which the Licensing Objectives can be achieved. The Licensing Authority may, however, exclude a condition and substitute it with one that is either more or less restrictive. In this instance the Licensing Authority will give clear and regulatory reasons for so doing.

1.70. Where there has been a breach of the licence conditions, the Licensing Authority shall have regard to the Council's Environmental Health Enforcement Policy before determining what action (if any) shall be taken. .

Door Supervisors

1.71. If there are concerns that premises are likely to attract disorder or be subject to unauthorised access by children and young persons, then the Licensing Authority may require that Door Supervisors control entrances to the premises. The Licensing Authority recognises that each premises application shall be treated on its own merit. In addition, the Licensing Authority shall take into account the previous trading history of the type of premises proposed and that any decision shall be necessary and proportionate.

1.72. Where door supervisors are imposed as a condition on a Premises Licence (except casino or bingo premises), Section 178 of the 2005 Act requires that any person employed in that capacity will hold a relevant licence issued by the Security Industry Authority or replacement body.

PART 2 - Premises Licences, Permits and Other Authorisations

2. Premises Licences

General

2.1. Premises Licences authorise the provision of gambling facilities for the following:

- Casino Premises
- Bingo Premises
- Betting Premises, including race tracks used by betting intermediaries
- Adult Gaming Centres (AGCs)
- Family Entertainment Centres (Licensed FECs)

2.2. Premises Licences will only be granted to those issued with an Operating Licence issued by the Gambling Commission except in the case of Tracks (where the occupier may not be the person offering gambling) .

2.3. Other forms of authorisations are as follows:

- Unlicensed Family Entertainment Centres (UFEC) Permits
- Prize Gaming Permits
- Licensed Premises Gaming Machine Permits
- Club Gaming Permits
- Club Gaming Machine Permits

2.4. For the purposes of this Act, premises are defined as including 'any place'. Section 152 prevents more than one premises licence applying to any place but there is no reason in principle why a single building could not 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 is taken to allow large multiple unit premises such as pleasure parks, tracks or shopping centres to obtain discreet premises licences where appropriate safeguards are in place. The Licensing Authority will pay particular attention to issues about sub-division of a single plot and will ensure that the mandatory conditions relating to access are observed".

Casino Premises

General Principles

2.5. The Licensing Authority recognises that applicants may either apply for a full Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Premises Licences however must:

- (a) hold or have applied for an Operating Licence; or
- (b) have the right to occupy the premises.

2.6. In making any decision in respect of an application, the Licensing Authority shall not take into account whether or not an applicant has planning permission or building regulation approval and any decision shall not constrain any later decision by the Authority under the law relating to planning or building. The Licensing Authority does, however, strongly recommend that planning permission is sought prior to submitting an application in order to avoid disappointment.

2.7. The Licensing Authority will not consider unmet demand when considering applications for casino premises licences and each application will be taken on its own merit.

2.8. In determining the principles the Licensing Authority intends to apply in making any determination for a Casino Premises Licence the Licensing Authority has paid specific regard to:

- Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community. The Licensing Authority does however recognise that persons who gamble beyond their means do not necessarily emanate from Casinos and could come from other gambling premises and therefore this matter is not entirely the responsibility of Casinos.
- Any provision that is made for preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Any provision that is made for ensuring that gambling is conducted in a fair and open way.
- Likely effects of an application on employment and regeneration;
- Design and location of the proposed development;
- Range and nature of non-gambling facilities to be offered as part of the proposed development; and
- Any financial and other contributions and these considerations shall be taken into account in evaluating competing applications

2.9. The Licensing Authority shall ensure that any pre-existing contract, arrangements or other relationship with a company or individual does not affect the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant. The Licensing Authority shall therefore disregard any such contract, arrangement or other relationship.

2.10. The Licensing Authority's decision will not be prejudged and where advice is sought this will be impartial advice.

Bingo Premises

2.11. In accordance with the Gambling Commission's Guidance, the Licensing Authority recognises that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling other than on Category D machines. The Licensing Authority shall carefully consider applications for Bingo licences within arcades or other venues frequented by families and children

2.12. The Gambling Commission has issued Codes of Practice relating to Bingo premises and the Licensing Authority expects all applicants to comply with these codes. The Licensing Authority shall determine Bingo Premises Licence applications in accordance with the Guidance issued by the Gambling Commission concerning primary activity.

2.13. Where bingo is permitted in alcohol-licensed premises, this must be low turnover bingo only and applicants are expected to comply with any Codes of Practice and advice issued by the Gambling Commission. High turnover bingo will require a Bingo Operating Licence. Definitions of low and high turnover bingo are stated in the Glossary at the back of this SOP.

2.14. With regard to turnover, where the Licensing Authority is suspicious that a licensee or club exceeds the turnover in the required 7-day period, the Licensing Authority will inform the Gambling Commission accordingly.

2.15. The Licensing Authority will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises, including segregation of Category C machines to prevent access to children.

Betting Premises

2.16. The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises and children will not be permitted entry to a premise with a Betting Premises Licence. They may, however, be permitted entry to tracks and special rules will apply. In addition, the Licensing Authority recommends that an applicant for gaming machines in such premises considers carefully the location of betting machines to ensure that they are not in sight of the entrance to the premises.

2.17. Whilst the Licensing Authority has discretion to attach a condition to the licence relating to the number, nature and circumstances of use of betting machines; it will only do this where there is clear evidence that such machines have been, or are likely to be, used in breach of the Licensing Objectives, or not in accordance with the relevant code of practice or guidance issued by the Gambling Commission.

When determining the application either for the grant or variation of the licence or upon review, the Licensing Authority will take into account the following:

- Size of the premises;
- Number of counter positions available for person to person transactions; and
- Ability of staff to monitor the use of the machines by children and young or vulnerable persons.

2.18. The Licensing Authority shall determine Betting Premises Licence applications in accordance with the Guidance issued by the Gambling Commission concerning primary activity.

Tracks

2.19. The Licensing Authority is aware that the Gambling Commission may provide further specific guidance as regards tracks and recognise that tracks are different from other premises in that there may be more than one Premises Licence in effect and that the track operator may not be required to hold an 'Operators' Licence as there may be several premises licence holders at the track who will need to hold their own operator licences. As children and young persons will be permitted to enter track areas where facilities for betting are provided e.g. dog racing and/or horse racing, the Licensing Authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities; it shall also expect applicants to offer their own measures to meet the Licensing Objectives, however, appropriate measures may cover issues such as:

- Proof of Age schemes
- CCTV
- Door supervisors
- Supervision of entrances/exits/machine areas
- Physical separation of areas
- Notices / signage
- Specific Opening Hours
- Location of entry and gaming machines

This list is neither mandatory nor exhaustive; it is merely indicative of example measures.

2.20. The Licensing Authority will consider on its own merit applications for venues such as athletics tracks or sports stadium for track betting licences to cover the whole track.

2.21. Where appropriate, in order for the Licensing Authority to gain a proper understanding of what it is being asked to licence, applicants will be required to:

- Provide a detailed plan of the grounds indicating where the betting is to take place and the location of the race track;
- In the case of dog tracks and horse racecourses, indicate the location of any fixed and mobile pool betting facilities operated by the Tote or track operator as well as any other proposed gambling facilities;
- Evidence measures taken to ensure the third Licensing Objective will be complied with;
- Indicate what arrangements are being proposed for the administration of the betting; the Gambling Commission and Licensing Authority recommend that betting takes place in areas reserved for, and identified as being for, that purpose.
- Areas of the track that will be used by on course operators visiting the track on race days shall be defined.
- Any temporary structures erected on the track for providing facilities for betting shall be defined.
- Location of any gaming machines (if any) shall be defined.

2.22. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

2.23. The Licensing Authority recommends an applicant consults with the Gambling Commission and the Licensing Authority prior to submission of their application.

Betting and Gaming Machines on Tracks

2.24. With regard to gaming machines on tracks, the Licensing Authority will consider carefully the location of any adult gaming machines at tracks to ensure that these machines are in areas which children are excluded, though it is recognised that children and young persons are not prohibited from playing Category D machines on a track.

2.25. The Licensing Authority recognises the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines. It is the responsibility of the track operator to ensure compliance with the law in preventing children from using these machines. It is for this reason the Licensing Authority may consider restricting the number and location of machines, however, each application will be considered on its own merit.

Self-contained betting offices on Tracks

2.26. In general, the rules that apply to betting premises away from tracks will apply to self-contained betting premises on tracks and the Licensing Authority will consider future guidance from the Gambling Commission about how such premises should be delineated, both to make it clear to the public that they are entering a 'betting office' and to prevent the entry of children and young persons. Applicants are recommended to consider the Gambling Commission's view that it would be preferable for all self-contained premises operated by off course betting operators on track to be the subjects of separate premises licences; this would thus ensure that there was clarity between the respective responsibilities of the track operator and the off course-betting operator running a self-contained unit on the premises.

2.27. On advice from the Gambling Commission, the Licensing Authority may attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office. The Licensing Authority would welcome other suitable methods.

Adult Gaming Centres

2.28. As no one under the age of 18 is permitted to enter an Adult Gaming Centre, the 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 offer their own measures to meet the Licensing Objectives and comply with all mandatory conditions and Gambling Commission Codes of Practice. However, appropriate measures may cover issues such as:

- Proof of Age schemes
- Appropriately managed CCTV
- Door Supervisors
- Supervision of entrances/machine areas
- Statutory requirement to display Gambling Helpline stickers
- Physical separation of areas
- Location of entrances
- Notices/Signage

The list, however, is not mandatory, nor is it exhaustive and applicants are recommended to consider this Licensing Objective very carefully when applying for an Adult Gaming Centre Premises Licence.

2.29. Where the Adult Gaming Centre is situated in a complex such as a shopping centre or service station, the Licensing Authority will pay particular attention to the location of entry so as to minimise opportunities for children gaining access. Criteria with regard to access to and separation between Adult Gaming Centres and Licensed Family Entertainment Centres/Unlicensed Family Entertainment Centres

2.30. The Licensing Authority has determined to include in this SOP the current South Somerset District Council criteria, which sets out the principles with regard to access to and separation between AGCs and LFECs/UFECs, as follows:

2.31. To ensure that advice given to applicants regarding the division between AGCs and LFECs or UFECs in amusement arcades is consistent, the following standard shall be adopted:

- (a) All partitions shall be permanently fixed;
- (b) Partitions shall be opaque;
- (c) No part of any partition shall be formed from any part of a gaming machine or any other type of machine;
- (d) Partitions shall be a minimum height of 1.75 metres (5 foot 9 inches);
- (e) Partitions shall be a maximum height of 0.15 metres (6 inches) from the floor;
- (f) Access for customers between licensed areas can be by way of an artificially formed unlicensed area, e.g. a lobby.

2.32. 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.

2.33. In determining each application regard will be given to this SOP and in particular the Licensing Objective: Protection of children and vulnerable persons from being harmed or exploited by gambling.

Family Entertainment Centres (FECs)

2.34. There are two classes of Family Entertainment Centres. Licensed FECs provide Category C and D machines and require a Premises Licence. Unlicensed FECs provide Category D machines only and are regulated through FEC Gaming Machine Permits (see p22).

Licensed Family Entertainment Centres

2.35. Children and young persons may enter Licensed FECs but are not permitted to play Category C machines. The Licensing Authority will expect the applicant to ensure that there will be sufficient measures to prevent under 18 year olds having access to the adult only gaming machine areas. The Licensing Authority will expect applicants to meet the Licensing Objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission. However, appropriate measures may cover issues such as:

- Proof of Age schemes
- CCTV, specifically sited where the adult machines are likely to be situated
- Door supervisors
- Controlled supervision of entrances and machines
- Statutory requirement to display Gambling Helpline stickers
- Physical segregation of machines and areas
- Appropriate Notices and signage
-

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

2.36. With regard to vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / help line numbers for organisations such as GamCare as appropriate measures.

2.37. With regard to segregation of Category C machines in licensed FECs, the Licensing Authority shall take the same approach with Bingo premises in that it will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of the premises, including segregation of Category C machines to prevent access to children.

2.38. Applicants are recommended to visit the Gambling Commission's website at www.gamblingcommission.gov.uk in order to familiarise themselves with the conditions applicable to these premises.

2.39. With regard to direct access between premises the Licensing Authority expects applicants to comply with the Guidance issued by the Gambling Commission and relevant legislation. However, applicants are recommended to discuss their proposals with the Licensing Authority and each case will be treated on its own merit.

Vessels and Vehicles

2.40. Licences may be granted for passenger vessels. However, not all forms of permits are available to vessels. The Licensing Authority will in particular consider the promotion of the Licensing Objectives on board a vessel. Vehicles may not be the subject of a Premises Licence and therefore all forms of commercial betting and gaming will be unlawful in a vehicle.

2.41. The Licensing Authority will have jurisdiction over gambling conducted on vessels on all inland waterways, at permanent moorings and on all aircraft on the ground or in domestic air space.

Travelling Fairs

2.42. Travelling fairs do not require any authorisation to provide gaming machines and may provide an unlimited number of Category D gaming machines. However the Licensing authority will carefully consider whether an operator falls within the statutory definition of travelling fair (provided by section 286 of the Act) and be “wholly or principally” providing amusement and that the facilities for gambling amount to no more than ancillary amusement at the fair.

2.43. The 27-day statutory maximum for the land being used as a fair is per calendar year, and that this 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. The Licensing Authority shall endeavour to work with neighbouring authorities to ensure that land that crosses district/borough boundaries is monitored so that the statutory limits are not exceeded.

Gaming Machines

2.44. The Licensing Authority will expect the holder of a Permit or Premises Licence to comply with the Codes of Practice issued by the Commission on the location of, and access to, such machines by children and young persons and their separation from Category C and B machines where those are also located in the same premises building.

2.45. The Licensing Authority supports the Gambling Commission’s view that an operator should provide the primary activity specifically authorised by its Premises Licence in order to limit the number of gaming machines available for use on the premises. As such, the Licensing Authority shall expect applicants to comply with the Gambling Commission’s Guidance on primary activity.

2.46. The Licensing Authority has particular concerns about illegally cited “gaming machines.” The provision of these machines may be illegal because they are:

- Provided in prohibited places such as takeaways and taxi offices;
- Provided without a relevant permit;
- The gaming machines are provided from an unregistered supplier and/or are uncategorised.

2.47. There are a variety of reasons why the provision of gaming machines may be illegal and operators are advised to seek the advice of the Licensing Authority or the Gambling Commission before making them available. Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.

2.48. Where the Licensing Authority has concerns about the manufacture, supply or repair of a gaming machine it will bring this to the attention of the Gambling Commission.

2.49. In circumstances where illegal machines are being provided, the following actions may be taken by the Authority:

- Initial enforcement, visit and verbal/written warning issued to remove the machines;
- Removal of the machines by the Licensing Authority or in partnership with the Gambling Commission and/or Avon and Somerset Constabulary
- Prosecution and/or destruction of machines

Permits

2.50. The Act introduces a range of permits for gambling. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises.

2.51. The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions. There are different considerations to be taken into account when considering the different types of permit applications.

2.52. Where a Permit is granted, the Licensing Authority will issue the Permit as soon as is reasonably practicable.

Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

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

2.54. The Licensing Authority must be satisfied that the premises will be used as an Unlicensed Family Entertainment Centre and the Chief Officer of Police for Avon and Somerset Constabulary must be consulted on all applications.

2.55. When determining a permit, the Licensing Authority will have regard to the Gambling Commission's Guidance to Licensing Authorities and although not required to, will have regard to the three Licensing Objectives.

2.56. As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues and the Licensing Authority will expect applicants to demonstrate:

- A 1:100 scaled plan of the premises (or if not 1:100 the plan must be clear and legible in all material respects) showing the boundary of the permitted area;
- Evidence that applicants have a full understanding of the maximum stakes and prizes that are permissible;
- Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible;
- Evidence of staff training by way of a Premises Log Book which should be signed and dated by staff to prove that training has been undertaken and understood;
- Policies and procedures in place to protect children from harm. Harm in this case 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 such as 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 or suspected truant school children on the premises; the suitability of staff, taking into account convictions for violence, dishonesty, sexual offences, certain motoring offences and DBS checks for staff.

- The amount of space around gaming machines to prevent jostling of players or intimidation;
- Evidence that the applicant has complied with Health and Safety and Fire Safety legislation;
- Numbers of staff employed;
- Current Public Liability Insurance documents
- Applicant's previous history and experience of running similar premises
- Any other such information the Licensing Authority will from time to time require.

In addition to the above, the Licensing Authority will also expect that:

- The applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).

2.57. Where the permit is refused, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made. The Licensing Authority shall also expect that the information as specified above at 2.56 shall be available to its officers when conducting an inspection of the premises

2.58. Where the Permit has been granted the Licensing Authority will issue the permit as soon as is reasonably practicable and in any event in line with the Regulations issued by the Secretary of State. The permit will then remain in effect for 10 years unless it has lapsed, surrendered or has been forfeited.

2.59. Applications for unlicensed FEC permits will be available on the Council's website or by contacting the Licensing Service.

2.60. The Licensing Authority expects applicants for unlicensed FEC Permits to adopt BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

Renewal of Unlicensed Family Entertainment Permit

2.61. The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives. In the case of an unlicensed family entertainment centre exceptional regard shall be given to the duty to protect children and other vulnerable persons from being harmed or exploited by gambling.

Alcohol-Licensed Premises Gaming Machine Permits

2.62. With regard to gaming machines on premises that sell alcohol, the applicant is entitled to up to 2 gaming machines of Category C or D machines, subject to the applicant notifying the Licensing Authority in writing and paying the prescribed fee.

2.63. Where an applicant wishes to operate more than 2 gaming machines, they must submit a licensed premises Gaming Machine Permit application. Where an applicant seeks more than 2 gaming machines, the Licensing Authority will determine the amount in each case and once a decision has been reached, such number will be specified on the gaming machine permit. It is important for applicants requiring more than 2 alcohol-licensed Gaming Machine Permits for the Licensing Authority to be assured that the location of the gaming machines in the alcohol-licensed premises are located in accordance with the mandatory conditions. The location of all machines shall comply with the Gambling Commission's Code of Practice on location and operation of such machines and it is expected that the applicant will provide a plan of the proposed location of these machines to assist the Licensing Authority in its determination.

2.64. The Licensing Authority may remove the automatic authorisation where:

- Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives and is not compliant with the mandatory conditions relating to location and operation of machines,
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act, (i.e. that the procedure has not been followed and/or that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been complied with);
- The premises are mainly used for gaming,
- An offence under the Gambling Act has been committed on the premises.

2.65. The applicant must comply with any Code of Practice issued by the Gambling Commission and consider such measures to ensure that under 18s do not have access to the adult only gaming machines. The Licensing Authority expects applicants to show:

- Category C Gaming machines are sited close to the bar;
- Category C Gaming machines are sited where staff can monitor them;
- Appropriate notices and signage;
- Provision of information leaflets/help line numbers for organisations such as GamCare.

Gaming in alcohol-licensed premises

2.66. The Licensing Authority recognises that low level gaming may take place in alcohol licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises. This gaming, however, is subject to statutory stakes and prize limits determined by the Secretary of State. Gaming in alcohol-licensed premises should therefore be supervised by a nominated gaming supervisor, i.e. the Designated Premises Supervisor and all gaming should comply with the Codes of Practice issued by the Gambling Commission. As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the applicant must be aware of and adopt these Codes of Practice and any subsequent guidance issued by the Gambling Commission and to ensure that all gaming in such premises is suitably managed.

Prize Gaming Permits

2.67. Prize Gaming Permits must be obtained when there is no premises licence in place to allow prize gaming. Where a premises licence is in force, e.g. a casino, bingo hall, AGC,

FEC a prize gaming permit cannot be obtained in addition. By virtue of the casino premises licence, casinos are able to offer prize gaming and betting. Large casinos, as determined by the Government are able to offer bingo in addition. As children and young persons may participate in equal chance prize gaming, and given that certain premises will particularly appeal to children and young persons, the Licensing Authority will consider the following matters when exercising its function to determine the suitability of an applicant for a Prize Gaming Permit:

- A 1:100 scaled plan of the premises (or if not 1:100 the plan must be clear and legible in all material respects) showing the boundary of the permitted area.
- Policies and procedures in place to protect children from harm. Harm in this case 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 such as 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 or suspected truant school children on the premises; such training should be documented signed and dated by staff to prove that training has been undertaken and understood;
- Suitability of staff, taking into account convictions for violence, dishonesty, sexual offences, certain motoring offences and DBS checks;
- Evidence that staff are aware of the limits to stakes and prizes as set out in the Regulations and that the gaming is offered within the law;
- Evidence that the applicant has complied with Health and Safety and Fire Safety legislation;
- Numbers of staff employed;
- Current Public Liability insurance documents and any other such information the Licensing Authority may from time to time require;
- Any other policies or procedures in place to protect children from harm.

2.68. Where the Licensing Authority intends to refuse the application for a permit, it will notify the applicant of its intention to refuse it stating the reasons and offering the applicant an opportunity to make representations orally or in writing or both.

2.69. Where an application is granted the Licensing Authority will issue it as soon as is reasonably practicable.

Club Gaming and Club Machine Permits

2.70. Members Clubs and Miners' Welfare Institutes (not Commercial Clubs) may apply for a Club Gaming Permit or a Club Machine Permit. Before granting a Permit, the Licensing Authority must be satisfied that the premises meets the requirements of a members' club and may grant the permit provided the majority of members are over 18. It is recognised that there may be further guidance on this matter and as such may require a minor change to the SOP with no requirement for consultation. The Licensing Authority expects the holder of a Club Machine Permit or a Club Gaming permit to comply with the Gambling Commission's Codes of Practice and the Secretary of State's statutory stakes and prizes limits.

2.71. The Licensing Authority recognises that there is a 'fast track' procedure where a Club Premises Certificate is held under the Licensing Act 2003 and that there is no opportunity for objections to be made by the Commission or the Police and the grounds upon which the Licensing Authority can refuse a permit are reduced. The Licensing Authority has the power to keep such Permits under review in particular where the bona fide use of the premises as a club is called into question.

Gaming in Commercial Clubs

2.72. A commercial club is a club that is established as a commercial enterprise and differs from a members' club which is conducted for the benefit of its members. Where the Club is a Commercial Club, the applicant may only apply for a Club Machine Permit, they may not apply for a Club Gaming Permit. The Licensing Authority expects the commercial holder of a Club machine permit to comply with the Gambling Commission's Codes of Practice and the Secretary of State's statutory stakes and prizes limits.

Temporary Use Notices (TUN)

2.73. A Temporary Use Notice may only be granted to a person or company holding a relevant Operating Licence and there are a number of statutory limits as regards TUNs. Section 218 of the Act refers to a 'set of premises' and provides that a set of premises is the subject of a temporary use notice if 'any part' of the premises is the subject of a notice. The reference to a 'set of premises' prevents one large premise from having a temporary use notice in effect for more than 21 days in a 12 month period by giving notification in relation to different parts of the premises and re-setting the clock. The Licensing Authority will decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site.

2.74. In considering whether a place falls within the definition of a 'set of premises' the Licensing Authority will look at the ownership/occupation and control of the premises and the Licensing Authority will consider whether different units are in fact different 'sets of premises'. An example would be a large exhibition centre with different exhibition halls. This would be considered properly as one premise and would not be granted a temporary use notice for each of its exhibition halls.

2.75. On receipt of a TUN the Licensing Authority will send a written acknowledgement as soon as is reasonably practicable and this may be by way of e-mail.

2.76. The Licensing Authority may 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. The Licensing Authority and other bodies to which the notice is copied may give notice of objection but they must have regard to the Licensing Objectives and where there are such objections, they must give a notice of objection to the person who gave the TUN, such notice will be copied to the Licensing Authority.

2.77. The Licensing Authority shall give a counter-notice where it appears that the effect of the TUN would be to permit gambling on a set of premises for more than 21 days.

Occasional Use Notices (OUN)

2.78 The OUN dispenses with the need for a Betting Premises Licence where betting takes place on a track for up to 8 days in a calendar year. The Licensing Authority will maintain a register of all such Notices.

2.79. Tracks are normally thought of as permanent race courses, but the meaning of track not only covers horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place. Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify. The Licensing Authority will, however, consider what constitutes a 'track' on a case-by-case basis and will ensure that the statutory limit of 8 days in a calendar year is not exceeded.

Part 3

3.0 Local Area Profiling

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

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

3.3. Gambling operators will be required to undertake a risk assessment for all of their existing premises by 06 April 2016; following that date, operators must also undertake a review of those assessments when certain triggers are met; these triggers, along with the Council's views on what would instigate either a new assessment or the review of an existing one are detailed within this part of the document.

3.4. The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The Council has tried to assist operators in this process by providing specific information within this SOP on its concerns surrounding gambling within the district and the impact that it considers that premises can have on the licensing objectives. Maps of the larger towns within South Somerset are contained within Appendix E and identify areas where the Licensing Authority require applicants and operators to take extra care when producing risk assessments and identify in detail all the measures they will put in place to mitigate any risk. The maps will be updated where data becomes available and placed on our website and as such are not part of the SOP, but have been included as information currently available.

3.5 Applicants and operators will need to consider factors such as:

- The types of premises and their operation in the local area surrounding these premises
- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors,
- Whether it is a family orientated area, popular with children and young people.
- Transport links and parking facilities.
- Educational facilities.
- Community centres.
- Hospitals, mental health or gambling care providers.
- Homeless or rough sleeper shelters, hostels and support services.
- The ethnicity, age, economic make-up of the local community.
- Significant presence of young children
- High crime/unemployment area
- Alcohol or drug support facility nearby
- Pawn broker/pay day loan businesses in the vicinity.
- Other gambling premises in the vicinity.
- Community centres.

- Hospitals, mental health or gambling care providers.
- Homeless or rough sleeper shelters, hostels and support services.
- The ethnicity, age, economic makeup of the local community.

Significant changes in local circumstances

3.6. Operators are required to review their local risk assessment if significant changes in local circumstances occur. Changes to local circumstances happen frequently and can be either temporary or permanent depending on the change, how long that change will remain in place and how it affects the local area. However, the requirement for review of the risk assessment is only applicable when that change is significant.

3.7. The following lists sets out some examples of what the Licensing Authority considers to be significant changes in local circumstances:

- The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Principles.
- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. For example, where premises are converted to a local supermarket or a new office building is constructed nearby.
- Any new pay day loan or pawn brokers open in the local area
- Changes are made to the provision, location and/or timings of public transport in the local area, such as a bus stop which is used by children to attend school is moved to a location in proximity to gambling premises
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- The local area is identified as a crime hotspot by the police and/or Licensing Authority.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).
- A new premises involving gambling activity opens in the local area.

3.8 The list above is not an exhaustive list of significant changes in local circumstances. The Licensing Authority will provide information to gambling operators when it feels a significant change has occurred in the local area. The Licensing Authority will set out what that change is and may provide information on any specific concerns it may have that should be considered by operators. However, operators must also consider what is happening in their local areas and it is their responsibility to identify significant changes which may require a review and possibly an amendment to their risk assessment. A significant change can be temporary and any temporary changes should be considered and adjustments made to the local risk assessment if necessary.

Significant changes to the premises

3.9 From time to time operators will undertake to refresh the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local

risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

3.10 The following list sets out some examples of what the Licensing Authority considers to be significant changes to the premises (some of which may also require a variation to the existing premises licence). As with the examples of significant changes in local circumstances set out above, the following list is not an exhaustive list of significant changes to premises - operators must consider whether any change that they are proposing to their premises is one that may be considered significant.

- Any building work or premises refit where gambling facilities are relocated within the premises.
- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
- Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
- The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa.
- New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self-Service Betting Terminals, or a different category of gaming machine is provided.
- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol or to provide sexual entertainment on the premises.

PART 4

4. LOTTERIES

4.1. Promoting or facilitating a lottery will fall within 2 categories:

- Licensed Lotteries (requiring an Operating Licence from the Gambling Commission);
or
- Exempt Lotteries – these are:
 - ❖ Incidental Non-Commercial Lotteries
 - ❖ Private Lotteries: - Private Society Lottery, Work Lottery, Residents' Lottery
 - ❖ Customer Lotteries
 - ❖ Small Society Lotteries

4.2. Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. Small society lotteries require registration with the Licensing Authority; although the other types of exempt lotteries do not require a licence or registration the society MUST follow the legislation contained within the Act to ensure that the arrangements for lottery are legal to avoid an offence being committed. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. Guidance notes relating to small society lotteries will be made available on the Council's website.

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

4.4. Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance issued by the Gambling Commission. In exercising its functions with regard to small society and other exempt lotteries, the Licensing Authority will have due regard to the Gambling Commission's Guidance.

4.5. The Licensing Authority will keep a Public Register of all applications to register a small society for lottery purposes. When the entry on the Register is completed, the Licensing Authority will notify the applicant of registration and is required to notify Gambling Commission. In addition, the Licensing Authority will make available for inspection by the public; the financial statements/returns submitted by Societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not exceeded. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned. The Licensing Authority will accept return information either manually but preferably by an electronically scanned return sent by e-mail to licensing@southsomerset.gov.uk.

4.6. The Licensing Authority will refuse applications for registration if in the previous five years, either an Operating Licence held by the applicant for registration has been revoked, or an application for an Operating Licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.

4.7. The Licensing Authority may refuse an application for registration if in their opinion:

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

4.8. The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the promoter to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may, however, seek further information from the Society.

4.9. Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion.

4.10. The Licensing Authority may revoke the registered status of a society if it thinks that they would have been obliged or permitted to refuse an application for registration if it were being made anew; however, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

4.11. Where a Society employs an external lottery manager, it will need to satisfy itself that that person holds an Operator's Licence issued by the Gambling Commission; the Licensing Authority will expect this to be verified in writing by the Society.

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

4.13. 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 centres) 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.

4.14. The Licensing Authority requires all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

4.15. The Licensing Authority is permitted to inspect the records of the lottery for any purpose related to the lottery; it is likely to do so where:

- The society has failed to complete the statement of return correctly on two or more occasions,
- The society fails to submit a statement of return for a lottery the society has held within 3 months of the draw taking place

PART 5

5. Delegated Powers

5.1. Decisions on all licensing matters will be taken in accordance with an approved scheme of delegation, as attached at Appendix D. This is aimed at underlining the principles of timely, efficient and effective decision-making.

PART 6

6. Inspection and Enforcement

6.1. In respect of compliance the Licensing Authority will take the lead in ensuring compliance with the licence conditions and any relevant Codes of Practice. The Gambling Commission will be the enforcement body for the Operator and Personal Licences and illegal gambling. Concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

6.2. In order to ensure compliance with the law, the Licensing Authority has prepared a risk based Inspection Programme and will carry out regular 'routine' programmed inspections, based on risk assessment and will also carry out 'non routine' ad hoc inspections. Where 'one off' events take place under a Temporary Use Notice or Occasional Use Notice, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted.

6.3. High-risk premises are those premises that have a history of complaints and require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

6.4. In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:

- Article 1, Protocol 1 – peaceful enjoyment of possessions.
- Article 6 – right to a fair hearing
- Article 8 – respect for private and family life
- Article 10 – right to freedom of expression

6.5. Any decision to instigate legal proceedings will take into account the Somerset Authorities Environmental Health Enforcement Policy, which incorporates the Department for Business Enterprise and Regulatory Reform Regulators Compliance Code. In addition, the Licensing Authority shall adopt a positive and proactive approach towards ensuring compliance by:

- Helping and encouraging licence/permit holders understand and meet their regulatory requirements more easily; and
- Responding proportionately to regulatory breaches.

6.6. The Licensing Authority shall aim to protect and enhance the safety of people who live in, work in, or visit the District of South Somerset through the application and enforcement of licensing legislation and the promotion of the Licensing Objectives.

6.7. Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising its 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 in carrying out its regulation functions will follow the Statutory Code of Practice for Regulators.

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

6.8. The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

Enforcement in relation to Bookmakers

6.9. The Licensing Authority recognises that certain bookmakers have a number of premises within the area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Licensing Authority a single named point of contact, who should be a senior individual, and whom the Licensing Authority will contact first should any compliance queries or issues arise.

6.10. The Licensing Authority's Enforcement Policy is available on the Council's website at <http://www.southsomerset.gov.uk/environment/environmental-health/environmental-enforcement/> and from the Council's offices.

PART 7

7. Licensing Committee

7.1. The Licensing Committee shall consist of a maximum of 15 Members and the Licensing Sub-committees shall consist of 3 Members; they will hear any relevant representations from Responsible Authorities and Interested Parties. Any of these individuals or groups may specifically request a representative to make representations on the applicant's behalf; this could be a legal representative, a friend, an MP or a Ward Councillor. Legal representatives and friends will be expected to provide confirmation from the Interested Party that they have been instructed to act on their behalf.

7.2. Committee members shall not place themselves in situations where their honesty or integrity may be questioned, will make decisions on their merit and will reach their own conclusions on the issues laid before them and will act in accordance with those conclusions taking into account as necessary and proper, the views of others.

7.3. The decision determined by the Licensing Committee or the Sub-Committee will be accompanied with clear, cogent reasons for that decision, having had due regard to the Human Rights Act 1998 and all other legislation.

7.4. Where a hearing is convened, the Licensing Authority strongly recommends all applicants and objectors attend the hearing as it will allow the Committee or Sub-Committee to ask any relevant questions pertinent to the application.

Reviews

7.5. A Premises Licence may be reviewed by the Licensing Authority itself on its own volition. Requests for a review can also be made by Responsible Authorities or Interested Parties; however, it is for the Licensing Authority to decide whether or not the review is to be progressed. This will be on the basis of whether the request for the review is relevant to the following:

- 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 Statement of Principles.

7.6. The Licensing Authority will also consider whether the request for review is frivolous, vexatious or repetitious.

Appeals

7.7. There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to the South Somerset Magistrates' Court. Any application for an appeal should be accompanied by a fee payable to the court.

7.8. The Licensing Authority will give clear and comprehensive reasons for any rejection of an application and in accordance with good practice will give reasons in relation to all decisions it reaches. These reasons will address the extent to which the decision has been

made with regard to the Statement of Principles and the Gambling Commission's Guidance and the reasons will be submitted to all parties concerned.

7.9. Once an appeal decision has been made the Licensing Authority will implement this without delay unless ordered by the Court to suspend such action.

Complaints

7.10. All complaints in the first instance should be addressed in writing to the Licensing Manager, Licensing Service, South Somerset District Council, The Council Offices, Brympton Way, Yeovil BA20 2HT or my email to nigel.marston@southsomerset.gov.uk

7.11. The Licensing Authority will investigate all relevant complaints. Complainants will initially be encouraged to raise the complaint directly with the permit/licence holder (where appropriate). Where the complaint is valid, the Licensing Authority will endeavour to seek a resolution through informal means.

Amendments

7.12. Where there are any amendments to the Statements of Principles; the amended version shall be placed on the Council's website

APPENDIX A

RESPONSIBLE AUTHORITIES DETAILS

RESPONSIBLE AUTHORITY	ADDRESS	TELEPHONE NUMBER
Avon and Somerset Constabulary	Liquor Licensing Bureau PO Box 3259 Bristol BS12 2EJ	0117 945 5195
Devon & Somerset Fire and Rescue Service	The Station Officer The Fire Station Yeovil Somerset BA20 1JF	01935 382000
Gambling Commission	Victoria Square House Victoria Square Birmingham B2 4BP info@gamblingcommission.gov.uk	Tel: 0121 230 6666 Fax:0121 230 6720
HM Revenue and Customs	NRU – Betting and Gaming Portcullis House 21 India Street Glasgow G2 4PZ	N/A
Somerset County Council Social Services	Ms Janice Langford The Council Offices Brympton Way Yeovil Somerset BA20 2HT	N/A
South Somerset District Council (Environmental Protection)	Environmental Protection Team The Council Offices Brympton Way Yeovil Somerset BA20 2HT	01935 462462
South Somerset District Council (Planning Department)	Planning Team Leader The Council Offices Brympton Way Yeovil Somerset BA20 2HT	01935 462462

APPENDIX B

GLOSSARY OF TERMS

Within this Statement of Principles, the following words and terms are defined as stated:

Act:	The Gambling Act 2005.
Adult Gaming Centre	An amusement arcade which U18's are not permitted to enter.
BACTA	British Amusement Catering Trade Association.
Betting Machine	A machine which has been designed or adapted for use to bet on future real events, such as horse racing, and used as a substitute for placing a bet over the counter.
Bingo High and Low Turnover Bingo	A game of equal chance. Occurs when aggregate stakes or prizes in any 7-day period exceed £2,000. If this occurs then play at that level in the ensuing year would require an Operating Licence. Anything below this level is deemed to be low turnover bingo normally held in pubs, clubs and community centres, etc.
Code of Practice:	Any relevant code of practice under section 24 of the Gambling Act 2005.
Council:	South Somerset District Council.
Council area:	The area of South Somerset administered by South Somerset District Council.
Customer Lottery	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.
Default Condition:	A specified condition provided by regulations to be attached to a licence, unless excluded by South Somerset District Council.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Gaming Machine	As defined by the Gambling Act 2005, a machine that is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes). Stakes and prizes are available on Gambling Commission's website.
Guidance	Guidance issued to Licensing Authorities by the Gambling Commission (September 2012 as amended 2013) as required by section 25 of the Gambling Act 2005. Draft Guidance issued by the Gambling Commission March 2015.
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private gain, and which are incidental to non-commercial events (commonly charity fund raising events, lottery held at a school fete or at a social event such as a dinner dance.
Licensing Authority	South Somerset District Council.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Mandatory Condition:	A specified condition provided by regulations to be attached to a licence.

Members Club	<p>A club that must:</p> <ul style="list-style-type: none"> • have at least 25 members • be established and conducted 'wholly or mainly' for purposes other than gaming • be permanent in nature • not established to make commercial profit • controlled by its members equally.
Non Commercial Society	<p>A society established and conducted:</p> <ul style="list-style-type: none"> • for charitable purposes • for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or • for any other non-commercial purpose other than that of private gain
Notifications:	<p>Notification by the holder of the premises licence issued under the Licensing Act 2003 that they will be exercising their right under the Gambling Act 2005 to have 2 or less gaming machines of category C or D at the premises.</p>
Permit	<p>Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.</p>
Premises:	<p>Any place, including a vehicle, vessel or moveable structure.</p>
Premises Licence	<p>Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.</p>
Private Lottery	<p>3 Types of Private Lotteries:</p> <ul style="list-style-type: none"> • Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society • Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises • Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises
Regulations:	<p>Regulations made under the Gambling Act 2005.</p>
Small Society	<p>A society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, is a non-commercial organisation. it is established and conducted:</p> <ul style="list-style-type: none"> • for charitable purposes, as defined in s.2 of the Charities Act 2006 • for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity • for any other non-commercial purpose other than that of private gain. <p>The proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.</p>

APPENDIX C

LIST OF CONSULTEES

The Gambling Act requires that the following parties be consulted on the Licensing Policy:

- 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 Act

For the purposes of the above requirement, the Licensing authority has consulted the following persons and bodies:

Avon and Somerset Police
Devon and Somerset Fire and Rescue Service
Gambling Commission
HM Revenue and Customs
Somerset County Council – Children's Social Services
South Somerset District Council Environmental Protection
South Somerset District Council Planning Department
Trading Standards
Yeovil Community Church
Town & Parish Councils within the South Somerset area
Secondary Schools within the South Somerset area

1st Bowl Ltd
Andrew Merricks
Ashill & Ilton Cricket Club
Beacon Bingo Ltd
Bourne Holidays Ltd
Bowdens Crest Ltd
Coral Racing Ltd
Crewkerne Conservative Club
Done Brothers (Cash Betting) Ltd t/a Betfred
Fernedge Bookmakers Ltd
Great Western Railway Staff Association
Greene King Retailing Ltd
Ilminster Bowling & Tennis Club
JD Wetherspoon Plc
Ladbrokes Betting & Gaming Ltd
Marston's PLC
Mill Street Social Club
Old Barn Club
Perry Street Social Club Ltd
Queensway Social Club
Riverdeck Ltd
Tesco Staff Social Club (Chard)
Tesco Staff Club (Ilminster)

**William Hill Organisation Ltd
Racecourse Investments Ltd
RAOB GLE Club and Institute
Stoke Sub Hamdon Working Men's Club
Templecombe Recreation and Sports Club
WKD Properties Ltd
Yeovil Conservative Club Ltd
Yeovil Ex Service Men's Club
Yeovil Liberal Club (94 Club)
Yeovil Labour Club
Yeovil Pot Black Snooker Club
Yeovil Sports and Social Club**

**Association of British Bookmakers Ltd
BACTA
British Association of Leisure Parks, Piers and Attractions Ltd
British Beer & Pub Association
British Holiday & Home Parks Association (BH&HPA)
Gamcare
Greyhound Board of Great Britain
National Casino Industry Forum
Popleston Allen Solicitors
Racecourse Association
South Somerset Citizens Advice Bureau
The Bingo Association**

APPENDIX D

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

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

Power to make any minor amendments to the policy is delegated to the Licensing Manager in consultation with the Assistant Director (Environment) and the Assistant Director (Legal & Corporate Services).

APPENDIX E

Main Towns - Maps showing index of multiple deprivation and other information:

Bruton	Map 1
Castle Cary	Map 2
Chard	Map 3
Crewkerne	Map 4
Iminster	Map 5
Langport	Map 6
Martock	Map 7
Milborne Port	Map 8
Somerton	Map 9
Yeovil	Map 10
Wincanton	Map 11

DRAFT

Agenda Item 9

Delegated Licensing Arrangements with Yeovil and Wincanton Town Councils

Service Manager: Nigel Marston, Licensing Manager
Lead Officers: Nigel Marston, Licensing Manager
Emily McGuinness, Scrutiny Manager
Contact Details: Nigel.marston@southsomerset.gov.uk or (01935) 462150
Emily.mcguinness@southsomerset.gov.uk or 01935 462566

1. Purpose of the Report

To present to Council the findings of the Scrutiny Task and Finish Group established to investigate various aspects of South Somerset District Council's Licensing Service.

2. Public Interest

Scrutiny Task and Finish Groups are a way of allowing elected members of South Somerset District Council to consider policy matters in depth, gathering information and evidence, before making recommendations to District Executive. This report sets out the work carried out by such a group of members who looked at two aspects of the Council's Licensing function. Firstly, adopting a principle of total cost recovery where possible within the service and secondly, reviewing the current delegation arrangements with Town Councils.

3. Recommendation

That Council be recommended to give 6 months' notice to both Yeovil and Wincanton Town Councils, in accordance with the Delegation Agreement, to terminate all delegated Licensing function. Upon the expiry of the 6 month period, the relevant Licensing functions will be carried out by the Licensing Team of SSDC.

4. Background

On 3rd December South Somerset District Council's District Executive Committee met to consider a report of the Scrutiny Task and Finish Group established to review various elements of the authority's Licensing function. The Scrutiny report contained a number of recommendations, one of which was that District Executive recommend to Council that the current delegation of some Licensing functions to Yeovil and Wincanton Town Councils be terminated.

Members of District Executive endorsed that recommendation, hence the inclusion of this report in this agenda.

A Scrutiny Task and Finish Group was established by South Somerset Council's Scrutiny Committee and consisted of the following elect Members:

Councillors Martin Wale (Chair),

Jason Baker

Val Keitch

Mike Beech

Tony Lock

Gye Dibben

David Norris

The Task and Finish Group was commissioned to look into 2 specific elements of the authority's Licensing Service, namely:

- the potential of introducing a principle of total cost recovery where possible and to propose amendments to the current fee structure to reflect this ; and
- reviewing the current delegation arrangements that exist between South Somerset District Council (SSDC), Wincanton Town Council (WTC) and Yeovil Town Council (YTC).

As with all Scrutiny Task and Finish work, members first agreed their Terms of Reference, in this case, that they would:

- conduct the review as commissioned by the Scrutiny Committee;
- submit regular update reports to the Scrutiny Committee
- Conduct detailed research and analysis in order to make well-evidenced recommendations to the Executive, Licensing Committee and Council as appropriate;
- To engage members, officers, members of the community and external witnesses in the review as appropriate.

In addition to these more general Terms of Reference, members agreed the following specific review Aims and Objectives:

- To fully understand the proposals of the Licensing Service operating on a total cost recovery basis, to include the legislative framework and ethical implications.
- If the principle of total cost recovery is accepted, then this Task and Finish Group will aim to make evidence based recommendations to the relevant decision making bodies, outlining a schedule of fees for the Licensing Service that allows for total cost recovery, where possible. Members must ensure that the authority has robust evidence to show the exact cost and the correlation between service costs and the fees charged.
- To better understand the national picture in relation to setting fees for Licensing Services, such as government guidance and legislation, and to address any issues that may improve the experience of local authorities through bodies such as the LGA.
- To look at other areas of potential income generation such as introducing charges for pre-application advice and providing a 'check and send' service.
- The review will also look to address the recommendations of an Internal Audit report of the Licensing Service which indicated that the practice of delegating some licensing functions to Yeovil and Wincanton Town Councils should be reviewed. The review of this particular element should look to assess if this practice meets the needs and expectations of South Somerset District Council as well as those of our customers

Members were clear that this review did NOT include looking at the setting of Taxi Fares – this is an entirely separate issue.

Members of the Task and Finish Group decided to conduct the review in two phases – the first of which would consider the issue of Licensing fees and charges, the second would investigate the issue of licensing functions delegated to Town Councils.

5. Delegated Arrangements

The existing delegation arrangements with Wincanton and Yeovil Town Councils were last reviewed in 2005. Currently Wincanton and Yeovil Town Councils have delegated Licensing Arrangements – Wincanton have a delegated Taxi Licensing function whilst Yeovil Town Council have delegated authority for Taxis, Street Collections, house to house collections and Street Trading.

In April 2014 an Internal Audit report was produced by the South West Audit Partnership into Town Council Licensing – that review recommended that the agreement of delegation be reviewed to ensure that it is fit for purpose and cost effective to still delegate licensing functions. The Task and Finish Group used this as the basis for their work.

South Somerset District Council is the only authority in the country to delegate Licensing functions to Town Councils. When these arrangements were introduced, the Local Government landscape was very different to today and whilst members remain committed to the principles of empowered local communities, they are ever mindful of the need to deliver the best value for money to all residents.

Members of the Task and Finish Group wanted to hear the views of the two Town Councils before making any recommendations and so meetings were arranged with the Clerks of both authorities. Each Clerk was asked to provide the same information and full notes of the meetings can be found at Appendix 1 to this report. Members of the Task and Finish Group were very grateful to the Clerks for sparing the time to support this review.

Based on the information gathered members of the Task and Finish Group made the following conclusions:

6. Yeovil Town Council

Last financial year, their income figure for Taxi Licensing was £5,902.50 with a stated expenditure of £1,251. Street Trading income was £14,500. The interim Town Clerk was unable to provide further detail on expenditure for Street Trading.

Staff time administering the Licensing function at was estimated to be 500 hours p.a. – 50-60% of time. SSDC's Licensing Manager's view is that a figure of 10 hours a week for the number of licenses processed seemed a little high.

The Yeovil Town Council Clerk expressed no concerns about ceasing the delegated Taxi Licensing arrangements but expressed a preference to retain the Street Trading function citing potential impact on the budget. Members of the Task and Finish Group noted this, but were mindful of the fact that there should be no budgetary impact in ceasing the delegation arrangements as there can be no surplus generated through Licensing or cross subsidising.

7. Wincanton Town Council

Currently there are 34 drivers licensed by Wincanton Town Council (2 of which will not be renewing in 2016), there are 20 Hackney Carriage vehicles and 10 Private Hire vehicles. For the period April 2014 – March 2015 income was stated as being £10,167.50 with an

expenditure of £1,977. The Deputy Town Clerk, who has responsibility for Licensing, spends on average 4.38 hours per week on Licensing matters – 23% of her time.

8. Issues

Members were informed that there would be no staffing implications to either of the Town Councils should the delegated Licensing arrangements cease – this was confirmed by both Clerks when asked.

Wincanton Town Council expressed a strong preference for retaining the current delegation arrangements, citing high levels of customer satisfaction and the significant distance taxi drivers would be expected to travel from Wincanton to Yeovil should the arrangements end.

The Task and Finish group noted that SSDC's Area East office at Churchfields in Wincanton is open on weekdays from 9.00 a.m. to 1.00 p.m. Informal discussions with the largest private hire firm based in Wincanton indicated no serious concerns about dealing directly with SSDC via the Churchfields office or in Yeovil – all Taxi inspections are carried out in Yeovil anyway.

Members of the Task and Finish Group felt very strongly that any concerns about potential loss of income could not be taken into consideration as Licensing income can only be spent on administering the licensing function.

Members of the Task and Finish Group also considered the implications for any amendments to the delegation arrangements on South Somerset District Council's own Licensing Function, such considerations focused mainly on enforcement.

Fees taken by both Yeovil Town Council and Wincanton Town Council include an element for enforcement and compliance. YTC undertake some enforcement, however they no longer have a delegated enforcement officer, so SSDC pick up enforcement work on their behalf. There is currently no recharge made for this provision. WTC undertake no enforcement, all WTC enforcement is picked up by SSDC. No recharge is made for this provision.

If delegation arrangements ceased, the additional income returned to SSDC would be estimated to be approx. £27,000 which could be used to part fund a much needed additional Enforcement Officer post at a cost of approx. £35,000 (to include on-costs)

9. Conclusions regarding delegated arrangements

Members appreciated the points raised by both Town Councils relating to retaining some or all elements of the current delegation arrangements, especially around providing services within local communities. However, based on the financial evidence considered and the indication given by customers that there would be limited, if any, change to customer satisfaction, members of the Task and Finish Group agreed to recommend **that ALL delegated licensing functions should cease, with both Town Councils being given the required notice period of 6 months as soon as a final decision has been taken by full Council.**

Members of the Task and Finish Group felt that this was the most appropriate decision for the future provision of a consistent and compliant licensing service for all residents of South Somerset.

Members of the Task and Finish Group wish to thank Nigel Marston for the support, advice and guidance he has provided members with during this review.

10. Financial Implications

In relation to the matter of ceasing the current delegation arrangements with Wincanton and Yeovil Town Councils, it is estimated this will generate approximately £27,000 of additional income for SSDC, if realised, this will be contribute to additional enforcement capacity within the team. Any proposals for additional staff will be considered through the appropriate channels, with due regard to the principles of avoiding cross subsidisation or achieving a surplus.

11. Background Papers

Notes of meetings with Yeovil and Wincanton Town Council – Appendix A.

Notes of Meeting with John Furze, Locum Town Clerk, Yeovil Town Council re: Delegation of Taxi Licensing to Town Councils

Wednesday 23rd September 2015 – 12.00 p.m.

Present: John Furze – Town Clerk
Nigel Marston – Licensing Manager, SSDC
Emily McGuinness – Scrutiny Manager SSDC

- Emily McGuinness explained the purpose of the meeting – in 2014 South West Audit Partnership conducted an audit of Town Council Licensing – one of the recommendations from this report was that the current delegation arrangements with Yeovil and Wincanton Town Councils be reviewed by SSDC to ensure the arrangements remain fit for purpose for all parties involved. Consequently, Officers of Wincanton Town Council had been asked for an informal meeting to provide factual information to support such a review.
- A Scrutiny Task and Finish Group looking at the wider issue of Licensing Fees would be looking at this matter and would make recommendations to the appropriate member level decision making body in due course. It was stressed that at this stage, SSDC were on a 'fact finding' exercise – looking to ensure that members are in possession of all relevant facts before taking any decisions about future service delivery options.
- It was stressed that no complaints had been received about current service provision but that the arrangements were last reviewed in 2005 and we had to be sure that arrangements represent the best value for taxpayers' money.
- In advance of the meeting, Yeovil Town Council had been asked to provide some additional information relating to income and expenditure figures – this information was tabled at the meeting as is as follows:
 - o In the last financial year Yeovil Town Council Renewed 13 Taxi Driver Licences, 18 Taxi Vehicle Licenses, 1 Private Hire Vehicle Licence, 95 Street Trading Licenses, 53 Charitable Collections (Street Collections) and 8 Charitable Collections (door to door)
 - o Income from Driver licensing was £1,300
 - o Income from vehicle licensing was £400
 - o Staff time administering the Licensing function at YTC is estimated to be 500 hours p.a. which equates to about 50-60% of an officer's time.
- The office opening hours at Yeovil Town Council are Monday – Thursday 8.30 a.m. – 4.30 p.m. and Friday 8.40 a.m. – 4.00 p.m.
- Taxi Drivers are able to apply on-line for all Licenses.

- The Clerk was of the opinion that if Taxi Licensing was centralised and the current delegation arrangements ended there would be little or no impact – the staff currently working on Licensing duties could easily be redeployed – due to physical office spaces, it's difficult to expand team numbers but there were plenty of other tasks to do. He went on to say that it seemed sensible to him to centralise Taxi Licensing as it was a generic service that was applied in the same way across the whole district with no scope for local flavour – he could see no logical reason for the Town Council retaining the function.
- However, he did feel there was a strong case for the Town Council to retain responsibility for Licensing of Street Trading as this was a service particular to Yeovil and could have a very visible impact on the Town Centre (as well as generating income) delegating this function to the Town Council could be seen as 'localism in action'.

At the end of the meeting, an undertaking was given to keep the Clerk updated on the progress of the review and that as the Delegation agreement stated that 6 months notice was required by either party to end the agreement, every effort would be made to have concluded this work in time for the 2016/17 budget setting process.

It was explained that any final decision on future arrangements would be made by SSSC elected members in line with the Constitution (clarification was sought on whether any final decision would be taken by Council or District Executive).

Notes of Meeting with Wincanton Town Council re: Delegation of Taxi Licensing to Town Councils

Wednesday 23rd September 2015 – 9.30 a.m. to 10.00 a.m.

Present: Sam Atherton – Town Clerk
Muriel Cairns - Deputy Town Clerk
Councillor Colin Winder – Town Councillor
Councillor Howard Ellard – Town Councillor
Nigel Marston – Licensing Manager, SSDC
Emily McGuinness – Scrutiny Manager SSDC

- Emily McGuinness explained the purpose of the meeting – in 2014 South West Audit Partnership conducted an audit of Town Council Licensing – one of the recommendations from this report was that the current delegation arrangements with Yeovil and Wincanton Town Councils be reviewed by SSDC to ensure the arrangements remain fit for purpose for all parties involved. Consequently, Officers of Wincanton Town Council had been asked for an informal meeting to provide factual information to support such a review.
- A Scrutiny Task and Finish Group looking at the wider issue of Licensing Fees would be looking at this matter and would make recommendations to the appropriate member level decision making body in due course. It was stressed that at this stage, SSDC were on a 'fact finding' exercise – looking to ensure that members are in possession of all relevant facts before taking any decisions about future service delivery options.
- It was stressed that no complaints had been received about current service provision but that the arrangements were last reviewed in 2005 and we had to be sure that arrangements represent the best value for taxpayers' money.
- In advance of the meeting, Wincanton Town Council had been asked to provide some additional information relating to income and expenditure figures – this information was tabled at the meeting as is attached to these notes.
- Clarification was sought as to how Wincanton Town Council could demonstrate that the Licensing Income they report was used to fund Licensing activities. It was noted that the legislation was very clear that Licensing income cannot be used to cross-subsidise other services or activities. Muriel and Sam stated that no additional staff had been appointed to carry out Licensing work but that Muriel worked additional hours. The amount of her time spent on Licensing work varied from week to week and at present, her time is not accurately recorded. It was agreed that in order to show how Licensing Income was used and to demonstrate the impact should the current delegation arrangements cease, it would be beneficial for this information to be available.

- The officers and members of Wincanton Town Council felt that they offer a good face to face service for local taxi drivers who would otherwise have to face a 35 mile trip to Yeovil. Muriel offered an 'above and beyond' personal service that was appreciated by service users – to the extent that apparently drivers visit Muriel at home to collect plates outside of office hours.
- Wincanton Town Council do not have a dedicated Licensing back office system for handling Licensing administration, but they do have separate spreadsheets and databases with all information securely stored.
- When asked what the impact on Wincanton Town Council would be if the delegation arrangements were ended, Colin Winder said it would represent a loss of £8,000 pa in income for the Town Council. Due to the issues of recording the Deputy Clerk's licensing duties, it was not clear what the impact on staffing would be.
- There was currently no facility for the on-line completion of the Licensing applications at Wincanton Town Council – but this was not a service which has been requested by Taxi Drivers. There was a link to the SSDC website and on-line forms on the Wincanton Town Council Website. The Clerk did say this was something they could look into if there was a demand.
- Cllr Ellard asked what the view of SSDC would be if proposals to delegate additional licensing functions to the Town Council came forward. It was explained that SSDC were operating in a very different financial climate to 10 years ago when the current delegation arrangements were introduced, and that whilst SSDC remained committed to empowering local communities where possible, the onus is now very much more on sound business cases and the best use of public money. Reassurance was given though that any full costed proposal would be given due consideration.

At the end of the meeting, an undertaken was given to keep the Clerk updated on the progress of the review. It was explained that any final decision on future arrangements would be made by SSDC elected members in line with the Constitution (clarification was sought on whether any final decision would be taken by Council or District Executive).

Representatives of Wincanton Town Council were thanked for their time.

Agenda Item 10

Treasury Management Strategy Statement and Investment Strategy 2015/16 – Mid year review

*Assistant Director
Lead Officer:
Contact Details:*

*Donna Parham, Finance and Corporate Services
Karen Gubbins, Principal Accountant – Exchequer
donna.parham@southsomerset.gov.uk or (01935) 462225*

Purpose of the Report

This report has been prepared for Council to approve the Treasury Management Policy Statement, mid-year Treasury Management Strategy Statement and Investment Strategy for 2015/16. These have already been approved by the Audit Committee on 26th November 2015.

Recommendation(s)

The Audit Committee recommends that Council:-

1. approve the attached Treasury Management Policy (Appendix A)
2. approve the revised Treasury Management Strategy Statement and Investment Strategy for 2015/16 (Strategy attached with the amendments highlighted – Appendix B).

Introduction

In March 2011 the Authority adopted the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2011 Edition (the CIPFA Code) which requires the Authority to approve a treasury management strategy before the start of each financial year.

In addition, the Department for Communities and Local Government (CLG) issued revised Guidance on Local Authority Investments in March 2010 that requires the Authority to approve an investment strategy before the start of each financial year. This report fulfils the Authority's legal obligation under the Local Government Act 2003 to have regard to both the CIPFA Code and the CLG Guidance.

The Authority has invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk are therefore central to the Authority's treasury management strategy.

Background

The Treasury Management code of Practice requires three reports each year, one prior to the start of the financial year setting out the strategy, a mid year review of the strategy to ensure it is fit for purpose and considered outside of the annual budget setting timetable, and one after the close of the financial year reporting on the year's activities compared to the strategy.

The Treasury Management Strategy Statement and Investment Strategy for 2015/16 was reviewed by the Audit Committee on 26th November 2015, which agreed the recommendation to go forward to full Council.

Treasury Management Strategy Statement and Investment Strategy 2015/16

The Chartered Institute of Public Finance and Accountancy's Code of Practice for Treasury Management in Public Services (the "CIPFA TM Code") and the Prudential Code require local authorities to determine the Treasury Management Strategy Statement (TMSS) and Prudential Indicators (PIs) on an annual basis. The TMSS also includes the Annual Investment Strategy (AIS) that is a requirement of the CLG's Investment Guidance.

CIPFA has defined Treasury Management as:

"the management of the organisation's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to Audit Committee and for the execution and administration of treasury management decisions to the Assistant Director (Finance and Corporate Services) who will act in accordance with the organisation's policy statement and TMPs and CIPFA's standard of Professional Practice on Treasury Management.

The Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Specific treasury management risks are identified in the Council's approved Treasury Management Practices. The risks include:

- Liquidity Risk (Adequate cash resources)
- Market or Interest Rate Risk (Fluctuations in the value of investments).
- Inflation Risks (Exposure to inflation)
- Credit and Counterparty Risk (Security of Investments)
- Refinancing Risks (Impact of debt maturing in future years).
- Legal & Regulatory Risk (Compliance with statutory and regulatory requirements).

The Local Government Act 2003 requires the Council to 'have regard to' the Prudential Code and to set Prudential Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable. The Act therefore requires the Council to set out its treasury strategy for borrowing and to prepare an Annual Investment Strategy; this sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments.

When the strategy for 2015/16 was written it took into account the Council's current treasury position and the approved Prudential Indicators and drew upon the forecasts for interest rates provided by the Council's treasury advisers. This has been amended with the most recent forecast provided by the Council's treasury advisers.

The Strategy is attached at Appendix B and is split into the following main areas:

- Background
- Credit Outlook and Interest Rate Forecast
- Balance Sheet and Treasury Position
- Borrowing Requirement and Strategy

- Investment Strategy
- Policy on use of financial Derivatives
- Balanced Budget Requirement
- 2015/16 MRP Statement
- Monitoring and Reporting on Treasury Management
- Other Items

Financial Implications

There are no additional financial implications in reviewing the attached treasury management policy and treasury management strategy.

Background Papers

Cipfa Treasury Management Code of Practice
Treasury Management Practices

TREASURY MANAGEMENT POLICY STATEMENT

1. Introduction and background

- 1.1 The Council adopts the key recommendations of CIPFA's Treasury Management in the Public Services: Code of Practice (the Code), as described in Section 5 of the Code.
- 1.2 Accordingly, the Council will create and maintain, as the cornerstones for effective treasury management:-
 - A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities
 - Suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 1.3 Full Council will receive reports on its treasury management policies, practices and activities including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.
- 1.4 The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to Audit Committee and for the execution and administration of treasury management decisions to Assistant Director, Finance and Corporate Services, who will act in accordance with the organisation's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.
- 1.5 The Council nominates Audit Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

2. Policies and objectives of treasury management activities

- 2.1 The Council defines its treasury management activities as:

"The management of the Council's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

- 2.2 This Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on their risk implications for the organisation, and any financial instruments entered into to manage these risks.
- 2.3 This Council acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the principles of achieving value for money in treasury management, and to employing suitable performance measurement techniques, within the context of effective risk management."
- 2.4 The Council's borrowing will be affordable, sustainable and prudent and consideration will be given to the management of interest rate risk and refinancing risk. The source from which the borrowing is taken and the type of borrowing should allow the Council transparency and control over its debt.
- 2.5 The Council's primary objective in relation to investments remains the security of capital. The liquidity or accessibility of the Authority's investments followed by the yield earned on investments remain important but are secondary considerations.

Appendix B

South Somerset District Council Treasury Management Strategy Statement and Investment Strategy 2015/16

Contents

1. **Background**
2. **Credit Outlook and Interest Rate Forecast**
3. **Balance Sheet and Treasury Position**
4. **Borrowing Requirement and Strategy**
5. **Investment **Policy and** Strategy**
6. **Policy on use of financial Derivatives**
7. **Balanced Budget Requirement**
8. **2015/16 MRP Statement**
9. **Monitoring and Reporting on Treasury Management**
10. **Other Items**

Appendices

- A. Existing and Projected Portfolio Position
- B. Prudential Indicators
- C. Arlingclose's Economic and Interest Rate Forecast
- D. Glossary of Terms

1. **Background**

- 1.1 In March 2012 the Authority adopted the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2011 Edition (the CIPFA Code) which requires the Authority to approve a treasury management strategy before the start of each financial year.
- 1.2 In addition, the Department for Communities and Local Government (CLG) issued revised Guidance on Local Authority Investments in March 2010 that requires the Authority to approve an investment strategy before the start of each financial year.
- 1.3 This report fulfils the Authority's legal obligation under the Local Government Act 2003 to have regard to both the CIPFA Code and the CLG Guidance
- 1.4 CIPFA has defined Treasury Management as:

"the management of the organisation's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."
- 1.5 The Council adopts the key recommendations of CIPFA's Treasury Management in the Public Services: Code of Practice (the Code), as described in Section 5 of the Code.
- 1.6 Accordingly, the Council will create and maintain, as the cornerstones for effective treasury management:-
 - A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities
 - Suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 1.7 Full Council will receive reports on its treasury management policies, practices and activities including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close.
- 1.8 The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to Audit Committee and for the execution and administration of treasury management decisions to the Assistant Director (Finance and Corporate Services) who will act in accordance with the organisation's policy statement and TMPs and CIPFA's standard of Professional Practice on Treasury Management.
- 1.9 The Council nominates Audit Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.
- 1.10 This Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on their risk implications for the organisation, and any financial instruments entered into to manage these risks.

- 1.11 This Council acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the principles of achieving value for money in treasury management, and to employing suitable performance measurement techniques, within the context of effective risk management.
- 1.12 The Council's primary objective in relation to investments remains the security of capital. The liquidity or accessibility of the Authority's investments followed by the yield earned on investments remain important but are secondary considerations.
- 1.13 The Council's borrowing will be affordable, sustainable and prudent and consideration will be given to the management of interest rate risk and refinancing risk. The source from which the borrowing is taken and the type of borrowing should allow the Council transparency and control over its debt.
- 1.14 The Council is responsible for its treasury decisions and activity. No treasury management activity is without risk. The successful identification, monitoring and control of risk is an important and integral element of its treasury management activities. The main risks to the Council's treasury activities are:
- Liquidity Risk (Adequate cash resources)
 - Market or Interest Rate Risk (Fluctuations in the value of investments)
 - Inflation Risk (Exposure to inflation)
 - Credit and Counterparty Risk (Security of Investments)
 - Refinancing Risk (Impact of debt maturing in future years)
 - Legal & Regulatory Risk (Compliance with statutory and regulatory requirements)

2. Credit Outlook and interest rate forecast

- 2.1 Credit outlook: The transposition of two European Union directives into UK legislation in the coming months will place the burden of rescuing failing EU banks disproportionately onto unsecured local authority investors. The Bank Recovery and Resolution Directive promotes the interests of individual and small businesses covered by the Financial Services Compensation Scheme and similar European schemes, while the recast Deposit Guarantee Schemes Directive includes large companies into these schemes. The combined effect of these two changes is to leave public authorities and financial organisations (including pension funds) as the only senior creditors likely to incur losses in a failing bank after July 2015.
- 2.2 The continued global economic recovery has led to a general improvement in credit conditions since last year. This is evidenced by a fall in the credit default swap spreads of banks and companies around the world. However, due to the above legislative changes, the credit risk associated with making unsecured bank deposits will increase relative to the risk of other investment options available to the Authority.

~~2.3 Interest rate forecast: The Authority's treasury management advisor Arlingclose forecasts the first rise in official interest rates in August 2015 and a gradual pace of increases thereafter, with the average for 2015/16 being around 0.75%. Arlingclose believes the normalised level of the Bank Rate post-crisis to range between 2.5% and 3.5%. The risk to the upside (i.e. interest rates being higher) is weighted more~~

towards the end of the forecast horizon. On the downside, Eurozone weakness and the threat of deflation have increased the risks to the durability of UK growth. If the negative indicators from the Eurozone become more entrenched, the Bank of England will likely defer rate rises to later in the year. Arlingclose projects gilt yields on an upward path in the medium term, taking the forecast average 10 year PWLB loan rate for 2015/16 to 3.40%.

- 2.4 A more detailed economic and interest rate forecast provided by Arlingclose is attached at Appendix C.

3. Balance Sheet and Treasury Position

- 3.1 The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR). The estimates, based on the current Revenue Budget and Capital Programmes, are set out below:

	31/03/14 Actual £'000	31/03/15 Actual £'000	31/03/16 Estimate £'000	31/03/17 Estimate £'000	31/03/18 Estimate £'000
CFR	9,624	9,447	9,361	9,316	9,293
Usable Capital Receipts	(36,396)	(35,659)	(30,601)	(30,276)	(30,276)
Balances & Reserves	(14,143)	(16,795)	(17,866)	(17,866)	(17,866)
Net Balance Sheet Position **	(40,915)	(43,007)	(39,106)	(38,826)	(38,849)

**excluding working capital.

Note: The reduction in usable capital receipts is due to Loans being approved to the Waste Partnership £1.9m, Kingsdon PC £28k and Hinton St George £1.9m

- 3.2 The Council's level of physical debt and investments is linked to these components of the Balance Sheet. The current portfolio position is set out at Appendix A. Market conditions, interest rate expectations and credit risk considerations will influence the Council's strategy in determining the borrowing and investment activity against the underlying Balance Sheet position.
- 3.3 As the CFR represents the underlying need to borrow and revenue expenditure cannot be financed from borrowing, net physical external borrowing should not exceed the CFR other than for short term cash flow requirements.
- 3.4 CIPFA's Prudential Code for Capital Finance in Local Authorities recommends that the Authority's total debt should be lower than its highest forecast CFR over the next three years.
- 3.5 The Authority is currently debt free and its capital expenditure plans do not currently imply any need to borrow over the forecast period. Investments are forecast to fall as capital receipts are used to finance capital expenditure and reserves are used to finance the revenue budget. The estimate for interest payments in 2015/16 is nil and for interest receipts is £461,320

4. Borrowing Requirement and Strategy

- 4.1 Treasury management and borrowing strategies in particular continue to be influenced not only by the absolute level of borrowing rates but also the relationship between short and long term interest rates. The Authority's chief objective when borrowing money is to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are

required. The flexibility to renegotiate loans should the Authority's long-term plans change is a secondary objective.

- 4.2 Given the significant cuts to public expenditure and in particular to local government funding, the Authority's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio. With short-term interest rates currently much lower than long-term rates, it is likely to be more cost effective in the short-term to either use internal resources, or to borrow short-term loans instead.
- 4.3 By doing so, the Authority is able to reduce net borrowing costs (despite foregone investment income) and reduce overall treasury risk. The benefits of internal borrowing will be monitored regularly against the potential for incurring additional costs by deferring borrowing into future years when long-term borrowing rates are forecast to rise. Arlingclose will assist the Authority with this 'cost of carry' and breakeven analysis. Its output may determine whether the Authority borrows additional sums at long-term fixed rates in 2015/16 with a view to keeping future interest costs low, even if this causes additional cost in the short-term.
- 4.4 In addition, the Authority may borrow short-term loans (normally for up to one month) to cover unexpected cash flow shortages.

Sources: The approved sources of long-term and short-term borrowing are:

- Public Works Loan Board (PWLB) or its replacement body
- any institution approved for investments (see below)
- any other bank or building society authorised to operate in the UK
- UK public and private sector pension funds (except [your local] Pension Fund)
- capital market bond investors
- Local Capital Finance Company and other special purpose companies created to enable local authority bond issues
- include any other counterparty you intend to borrow from

In addition, capital finance may be raised by the following methods that are not borrowing, but may be classed as other debt liabilities:

- operating and finance leases
- hire purchase
- Private Finance Initiative
- sale and leaseback

- 4.5 The Council will undertake a financial options appraisal before any borrowing is made.
- 4.6 For any borrowing that may be undertaken in advance of need the Council will adopt the same rigorous policies and approach to the protection of capital as it does for the investment of its surplus balances.

5. Investment Strategy

- 5.1 The Authority holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. In the past 12 months, the Authority's investment balance has ranged between £42.9 and £64.7 million, and similar levels are expected to be maintained in the forthcoming year.
- 5.2 Both the CIPFA Code and the CLG Guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Authority's objective when investing

money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk receiving unsuitably low investment income.

- 5.3 Given the increasing risk and continued low returns from short-term unsecured bank investments, the Authority aims to further diversify into more secure and higher yielding asset classes during 2015/16.

The Authority may invest its surplus funds with any of the counterparties in the following table, subject to the cash limits (per counterparty) and time limits shown.

Credit Rating	Banks Unsecured	Banks Secured	Government	Corporates	Registered Providers
UK Govt	n/a	n/a	£ Unlimited 50 years	n/a	n/a
AAA	£2 m 5 years	£4 m 20 years	£4 m 50 years	£3 m 20 years	£2 m 20 years
AA+	£2 m 5 years	£4 m 10 years	£4 m 25 years	£3 m 10 years	£2 m 10 years
AA	£2 m 4 years	£4 m 5 years	£4 m 15 years	£3 m 5 years	£2 m 10 years
AA-	£2 m 3 years	£4 m 4 years	£4 m 10 years	£3 m 4 years	£2 m 10 years
A+	£2 m 2 years	£4 m 3 years	£2 m 5 years	£3 m 3 years	£2 m 5 years
A	£2 m 13 months	£4 m 2 years	£2 m 5 years	£3m 2 years	£2 m 5 years
A-	£2 m 6 months	£4 m 13 months	£2 m 5 years	£3 m 13 months	£2 m 5 years
BBB+	£1 m 100 days	£2 m 6 months	£2 m 2 years	n/a	£2 m 2 years
BBB or BBB-	n/a	£2 m 100 days	n/a	n/a	n/a
None	n/a	n/a	£4 m 25 years*	n/a	£2 m 5 years
Pooled funds	£4m (nominal value) per fund				

*includes unrated UK Local Authorities

- 5.4 **Credit Rating:** Investment decisions are made by reference to the lowest published long-term credit rating from Fitch, Moody's or Standard & Poor's. Where available, the credit rating relevant to the specific investment or class of investment is used, otherwise the counterparty credit rating is used.
- 5.5 **Banks Unsecured:** Accounts, deposits, certificates of deposit and senior unsecured bonds with banks and building societies, other than multilateral development banks. These investments are subject to the risk of credit loss via a bail-in should the regulator determine that the bank is failing or likely to fail. Unsecured investment with banks rated BBB or BBB- are restricted to overnight deposits at the Authority's current account bank National Westminster Bank Plc.
- 5.6 **Banks Secured:** Covered bonds, reverse repurchase agreements and other collateralised arrangements with banks and building societies. These investments are secured on the bank's assets, which limits the potential losses in the unlikely event of insolvency, and means that they are exempt from bail-in. Where there is no investment specific credit rating, but the collateral upon which the investment is secured has a credit rating, the highest of the collateral credit rating and the

counterparty credit rating will be used to determine cash and time limits. The combined secured and unsecured investments in any one bank will not exceed the cash limit for secured investments.

- 5.7 **Government:** Loans, bonds and bills issued or guaranteed by national governments, regional and local authorities and multilateral development banks. These investments are not subject to bail-in, and there is an insignificant risk of insolvency. Investments with the UK Central Government may be made in unlimited amounts for up to 50 years.
- 5.8 **Corporates:** Loans, bonds and commercial paper issued by companies other than banks and registered providers. These investments are not subject to bail-in, but are exposed to the risk of the company going insolvent.
- 5.9 **Registered Providers:** Loans and bonds issued by, guaranteed by or secured on the assets of Registered Providers of Social housing, formerly known as Housing Associations. These bodies are tightly regulated by the Homes and Communities Agency and, as providers of public services, they retain a high likelihood of receiving government support if needed.
- 5.10 **Pooled Funds:** Shares in diversified investment vehicles consisting of **the** any of the above investment types, plus equity shares and property. These funds have the advantage of providing wide diversification of investment risks, coupled with the services of a professional fund manager in return for a fee. Money Market Funds that offer same-day liquidity and aim for a constant net asset value will be used as an alternative to instant access bank accounts, while pooled funds whose value changes with market prices and/or have a notice period will be used for longer investment periods. The limit on pooled funds is on the nominal value not the valuation.

Bond, equity and property funds offer enhanced returns over the longer term, but are more volatile in the short term. These allow the Authority to diversify into asset classes other than cash without the need to own and manage the underlying investments. Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Authority's investment objectives will be monitored regularly.

- 5.11 **Risk Assessment and Credit Ratings:** The Authority uses long-term credit ratings from the three main rating agencies Fitch Ratings, Moody's Investors Service and Standard & Poor's Financial Services to assess the risk of investment default. The lowest available counterparty credit rating will be used to determine credit quality, unless an investment-specific rating is available. Credit ratings are obtained and monitored by the Authority's treasury advisers, who will notify changes in ratings as they occur. Where an entity has its credit rating downgraded so that it fails to meet the approved investment criteria then:
- no new investments will be made,
 - on the advice of Arlingclose, any existing investments that can be recalled or sold at no cost will be, following consultation with the chair of Audit Committee, and
 - full consideration will be given to the recall or sale of all other existing investments with the affected counterparty.
- 5.12 Where a credit rating agency announces that a credit rating is on review for possible downgrade (also known as "rating watch negative" or "credit watch negative") so that it may fall below the approved rating criteria, then only investments that can be withdrawn on the next working day will be made with that organisation until the

outcome of the review is announced. This policy will not apply to negative outlooks, which indicate a long-term direction of travel rather than an imminent change of rating.

5.13 Other Information on the Security of Investments: The Authority understands that credit ratings are good, but not perfect, predictors of investment default. Full regard will therefore be given to other available information on the credit quality of the organisations in which it invests, including credit default swap prices, financial statements, information on potential government support and reports in the quality financial press. No investments will be made with an organisation if there are substantive doubts about its credit quality, even though it may meet the credit rating criteria.

5.14 When deteriorating financial market conditions affect the creditworthiness of all organisations, as happened in 2008 and 2011, this is not generally reflected in credit ratings, but can be seen in other market measures. In these circumstances, the Authority will restrict its investments to those organisations of higher credit quality and reduce the maximum duration of its investments to maintain the required level of security. The extent of these restrictions will be in line with prevailing financial market conditions. If these restrictions mean that insufficient commercial organisations of high credit quality are available to invest the Authority's cash balances, then the surplus will be deposited with the UK Government, via the Debt Management Office for example, or with other local authorities. This will cause a reduction in the level of investment income earned, but will protect the principal sum invested.

5.15 Specified Investments: The CLG Guidance defines specified investments as those:

- denominated in pound sterling,
- due to be repaid within 12 months of arrangement,
- not defined as capital expenditure by legislation, and
- invested with one of:
 - the UK Government,
 - a UK local authority, parish council or community council, or
 - a body or investment scheme of "high credit quality".

The Authority defines "high credit quality" organisations as those having a credit rating of A- or higher that are domiciled in the UK or a foreign country with a sovereign rating of AA+ or higher. For money market funds and other pooled funds "high credit quality" is defined as those having a credit rating of A- or higher.

5.16 Non-specified Investments: Any investment not meeting the definition of a specified investment is classed as non-specified. The Authority does not intend to make any investments denominated in foreign currencies, nor any that are defined as capital expenditure by legislation, such as company shares. Non-specified investments will therefore be limited to long-term investments, i.e. those that are due to mature 12 months or longer from the date of arrangement, and investments with bodies and schemes not meeting the definition on high credit quality. Limits on non-specified investments are shown in the following table:

Non-Specified Investment Limits

	Cash limit
Total long-term investments (over 364 days)	£30m
Total investments without credit ratings or rated below A- (does not include other UK Local Authorities)	£5m *

Total investments in foreign countries rated below AA+	£4m
Total non-specified investments	£32m

*This limit will be reviewed in the event a change in EU legislation results in MMFs no longer being credit rated.

5.17 Investment Limits: The Authority's revenue reserves available to cover investment losses are forecast to be £4 million on 31st March 2014. South Somerset District Council has allocated a weighting of 25% to this risk, meaning that no more than 25% of available reserves (£1 million) will be put at risk in the case of a single default. The maximum that will be lent to any one organisation (other than the UK Government) will be £4 million. A group of banks under the same ownership or a group of funds under the same management will be treated as a single organisation for limit purposes. Limits will also be placed on investments in brokers' nominee accounts (e.g. King & Shaxson), foreign countries and industry sectors as below:

Investment Limits

	Cash limit
Any single organisation, except the UK Central Government	£4m each
UK Central Government	unlimited
Any group of organisations under the same ownership	£4m per group
Any group of pooled funds under the same management	£4m per manager
Negotiable instruments held in a broker's nominee account	£30m per broker
Foreign countries	£12m per country
Registered Providers	£8m in total
Unsecured investments with Building Societies	£8m in total
Loans to unrated corporates	£4m in total
Money Market Funds	£20m in total

5.18 Investments may be made at either a fixed rate of interest, or at a variable rate linked to a market interest rate, such as LIBOR, subject to the limits on interest rate exposures below.

5.19 **Liquidity Management:** The Authority uses cash flow forecasting spreadsheets to determine the maximum period for which funds may prudently be committed. The forecast is compiled on a pessimistic basis, with receipts under-estimated and payments over-estimated to minimise the risk of the Authority being forced to borrow on unfavourable terms to meet its financial commitments. Limits on long-term investments are set by reference to the Authority's medium term financial plan and cash flow forecast.

6. Policy on use of financial Derivatives

6.1 Local authorities have previously made use of financial derivatives embedded into loans and investments both to reduce interest rate risk (e.g. interest rate collars and forward deals) and to reduce costs or increase income at the expense of greater risk (e.g. LOBO loans and callable deposits). The general power of competence in Section 1 of the Localism Act 2011 removes much of the uncertainty over local authorities' use of standalone financial derivatives (i.e. those that are not embedded into a loan or investment).

- 6.2 The Authority will only use standalone financial derivatives (such as swaps, forwards, futures and options) where they can be clearly demonstrated to reduce the overall level of the financial risks that the Authority is exposed to. Additional risks presented, such as credit exposure to derivative counterparties, will be taken into account when determining the overall level of risk. Embedded derivatives including those present in pooled funds, will not be subject to this policy, although the risks they present will be managed in line with the overall treasury risk management strategy.
- 6.3 Financial derivative transactions may be arranged with any organisation that meets the approved investment criteria. The current value of any amount due from a derivative counterparty will count against the counterparty credit limit and the relevant foreign country limit.
- 6.4 The local authority will only use derivatives after seeking expertise, a legal opinion and ensuring officers have the appropriate training for their use.

7. Balanced Budget Requirement

- 7.1 The Council complies with the provisions of S32 of the Local Government Finance Act 1992 to set a balanced budget.

8. 2014/15 MRP Statement

Background:

- 8.1 CLG's Guidance on Minimum Revenue Provision (issued in 2010) places a duty on local authorities to make a prudent provision for debt redemption. Guidance on Minimum Revenue Provision has been issued by the Secretary of State and local authorities are required to "have regard" to such Guidance under section 21(1A) of the Local Government Act 2003.
- 8.2 The broad aim of the CLG Guidance is to ensure that debt is repaid over a period that is either reasonably commensurate with the period over which the capital expenditure which gave rise to the debt provides benefits, or, in the case of borrowing supported by Government Revenue Support Grant, reasonably commensurate with the period implicit in the determination of that grant.
- 8.3 The CLG Guidance requires the Authority to approve an Annual MRP Statement each year, and recommends a number of options for calculating a prudent amount of MRP. Four options for prudent MRP provision are set out in the CLG Guidance. Details of each are set out below:

Option 1 – Regulatory Method:

- 8.4 This method replicates the position that would have existed under the previous Regulatory environment. MRP is charged at 4% of the Authority's underlying need to borrow for capital purposes, however this option allows a historical adjustment to take place that is beneficial to some authorities. This method can only be used for supported expenditure.

Option 2 – CFR Method:

- 8.5 This method simplifies the calculation of MRP by basing the charge solely on the authority's CFR but excludes the technical adjustments included in Option 1. The annual MRP charge is set at 4% of the CFR at the end of the preceding financial year. This method can only be used for supported expenditure.

Option 3 – Asset Life Method:

- 8.6 Under this method MRP is determined by the life of the asset for which the borrowing is undertaken. This can be calculated by either of the following methods:
- (a) Equal Installments: where the principal repayment made is the same in each year, or
 - (b) Annuity: where the principal repayments increase over the life of the asset. The annuity method has the advantage of linking MRP to the benefits arising from capital expenditure, where these benefits are expected to increase over the life of the asset.
- 8.7 MRP commences in the financial year following that in which the expenditure is incurred or, in the year following that in which the relevant asset becomes operational. This enables an MRP “holiday” to be taken in relation to assets which take more than one year to be completed before they become operational.
- 8.8 The estimated life of the asset will be determined in the year that MRP commences and cannot be revised. However, additional repayments can be made in any year which will reduce the level of payments in subsequent years.
- 8.9 If no life can be reasonably attributed to an asset, such as freehold land, the life is taken to be a maximum of 50 years. In the case of freehold land on which a building or other structure is constructed, the life of the land will be treated as equal to that of the structure, where this would exceed 50 years.
- 8.10 In instances where central government permits revenue expenditure to be capitalised, the Statutory Guidance sets out the number of years over which the charge to revenue must be made.

Option 4 - Depreciation Method:

- 8.11 The depreciation method is similar to that under Option 3 but MRP is equal to the depreciation provision required in accordance with proper accounting practices to be charged to the Income and Expenditure account

MRP Policy for 2015/16:

- 8.12 It is proposed that for 2015/16 the Council adopts Option 3 – Asset Life Method. Option 3 enables the calculation of MRP to be aligned with the life of the asset. If it is ever proposed to vary the terms of this MRP Statement during the year, a revised statement will be made to Council at that time.
- 8.13 MRP in respect of leases brought on Balance Sheet under the International Financial Reporting Standards (IFRS) based Accounting Code of Practice will match the annual principal repayment for the associated deferred liability.

9. Monitoring and Reporting on Treasury Management

The scrutiny of the treasury management function is carried out by the Audit Committee who then make recommendations to Full Council. The Assistant Director (Finance and Corporate Services) will report to Council/Audit Committee on treasury management activity / performance as follows:

- (a) Audit Committee will be responsible for the scrutiny of treasury management activity and practices.
- (b) Audit Committee will review the Treasury Management Strategy Statement, Investment Strategy, MRP Statement, and Prudential Indicators twice per year and recommend them to Council for Approval
- (c) Audit Committee will monitor Treasury Management activity quarterly and **annually and** will approve the Treasury Management Practices on an annual basis
- (d) Full Council will receive the Treasury Management Strategy Statement, Investment Strategy, MRP Statement, and Prudential Indicators prior to the start of the financial year and a mid year review against the strategy approved for the year.
- (e) The Council will produce an outturn report on its treasury activity no later than 30th September after the financial year end.

10. Other Items

Training

CIPFA's revised Code requires the Assistant Director (Finance and Corporate Services) ensures that all members tasked with treasury management responsibilities, including scrutiny of the treasury management function, receive appropriate training relevant to their needs and understand fully their roles and responsibilities.

Officers tasked with treasury management responsibilities are engaged in regular financial and treasury training through attendance at selective seminars/workshops and treasury courses.

Treasury Management Advisors

The Council appointed Arlingclose as its Treasury Advisers in 2005. The provision of treasury advisory services was formally re-tendered in autumn 2014 and Arlingclose was reappointed. Among the various services received is **advice** on investment, debt and capital finance issues appropriate to the Council's individual circumstances and objectives.

The Council monitors the service through measuring:

- The timeliness of advice
- The returns from investments
- The accuracy of technical advice
- Regular market testing
- Regular internal meetings to discuss performance
- Direct access to a nominated advisor
- The quality and content of training courses

However, this doesn't divest the Council from its responsibility of its treasury decisions.

Financial Implications

The budget for investment income in 2015/16 is £461k, based on an average investment portfolio of £51.3 million at an interest rate of 0.9%. If actual levels of investments and borrowing, and actual interest rates differ from those forecast, performance against budget will be correspondingly different.

EXISTING PORTFOLIO PROJECTED FORWARD

	31/03/14 Actual £'000	31/03/15 Actual £'000	31/03/16 Estimate £'000	31/03/17 Estimate £'000
External Borrowing:				
<i>Long-term liabilities</i>				
• <i>Finance Leases</i>	511	334	248	203
Total External Debt	511	334	248	203
Investments:				
• Short term Deposits	18,500	20,000	27,000	27,000
• Monies on call and Money Market Funds	7,690	3,720	8,000	8,000
• Long term Deposits	2,000	0	4,000	4,000
• Bonds	10,750	20,651	5,000	5,000
• Property Fund & Other pooled funds	4,000	4,000	4,000	4,000
Total Investments	42,940	48,371	48,000	48,000
(Net Borrowing Position)/ Net Investment position	42,429	48,037	47,752	47,797

PRUDENTIAL INDICATORS 2014/15 TO 2016/17**Background:**

The Local Government Act 2003 requires the Authority to have regard to the Chartered Institute of Public Finance and Accountancy's Prudential Code for Capital Finance in Local Authorities (the Prudential Code) when determining how much money it can afford to borrow. The objectives of the Prudential Code are to ensure, within a clear framework, that the capital investment plans of local authorities are affordable, prudent and sustainable, and that treasury management decisions are taken in accordance with good professional practice. To demonstrate that the Authority has fulfilled these objectives, the Prudential Code sets out the following indicators that must be set and monitored each year.

Prudential Indicator 1 - Capital Expenditure:

This indicator is set to ensure that the level of proposed capital expenditure remains within sustainable limits and, in particular, to consider the impact on Council Tax. The approved expenditure for 2014/15 and the estimates of capital expenditure to be incurred for 2015/16 and future years are:

	2014/15 Approved £'000	2015/16 Approved £'000	2016/17 Estimate £'000	2017/18 Estimate £'000
Approved capital schemes	4,561	5,637	304	0
Reserve schemes	1,847	3,463	600	0
Total Expenditure	6,408	9,100	904	0

The figures in the reserve scheme for 2015/16 is showing lower than in 2016/17. This is due to income already budgeted from previously approved schemes. The expenditure for 2017/18 is currently nil. This will change as anticipated capital projects are approved. Additional capital expenditure will also occur if new capital receipts are received and used to finance projects currently on the reserve list, as per the capital strategy.

Prudential Indicator 2 - Ratio of Financing Costs to Net Revenue Stream:

This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure. This shows how much of the revenue budget is committed to the servicing of finance.

Estimates of the ratio of financing costs to net revenue stream for the 2015/16 and future years, and the approved figures for 2014/15 are:

Portfolio	2014/15 Approved £'000	2015/16 Approved £'000	2016/17 Estimate £'000	2017/18 Estimate £'000
Financing Costs*	(226)	(461)	(416)	(438)
Net Revenue Stream	17,541	17,390	16,933	16,718
%*	(1.3)	(2.7)	(2.5)	(2.6)

*Figures in brackets denote income through receipts or reserves.

The financing costs include interest payable, notional amounts set aside to repay debt, less, interest on investment income. The figures are in brackets due to investment income

outweighing financing costs significantly for SSDC. This shows the extent that the Council is dependent on investment income.

Prudential Indicator 3 - Capital Financing Requirement:

The Capital Financing Requirement (CFR) measures the Council's underlying need to borrow for a capital purpose. Estimates of the year-end capital financing requirement for the authority are:

	2014/15 Approved £'000	2015/16 Approved £'000	2016/17 Estimate £'000	2017/18 Estimate £'000
Opening CFR (Actual 14/15)	9,624	9,484	9,361	9,316
Capital Expenditure	5,410	6,795	335	0
Capital Receipts*	(4,561)	(5,637)	(304)	0
Grants/Contributions*	(849)	(1,158)	(31)	0
MRP	(140)	(123)	(45)	(23)
Closing CFR	9,484	9,361	9,316	9,293

*Figures in brackets denote financing through receipts or reserves.

Prudential Indicator 4 – Gross Debt and the Capital Financing Requirement:

The Council is also required to ensure that any medium term borrowing is only used to finance capital and therefore it has to demonstrate that the gross external borrowing does not, except in the short term exceed the total of capital financing requirements over a three year period. This is a key indicator of prudence.

	2014/15 Revised £'000	2015/16 Revised £'000	2016/17 Estimate £'000	2017/18 Estimate £'000
Borrowing	0	0	0	0
Finance leases	334	186	203	180
Total Debt	334	186	203	180

Total debt is expected to remain below the CFR during the forecast period

Prudential Indicator 5 - Upper Limits for Fixed Interest Rate Exposure and Variable Interest Rate Exposure:

The Council must set three years of upper limits to its exposure to the effects of changes in interest rates. As a safeguard, it must ensure that its limit would allow it to have up to 100% invested in variable rate investments to cover against market fluctuations. Overall the authority is aiming to keep within the following exposure to fixed rates as and when market conditions improve.

	2014/15 % Limit	2015/16 % Limit	2016/17 % Limit	2017/18 % Limit
Fixed	80	80	80	80
Variable	100	100	100	100

The Council must also set limits to reflect any borrowing we may undertake.

	2014/15	2015/16	2016/17	2017/18

	% Limit	% Limit	% Limit	% Limit
Fixed	100	100	100	100
Variable	100	100	100	100

The indicator has been set at 100% to maximise opportunities for future debt as they arise.

Prudential Indicator 6 - Upper Limit for total principal sums invested over 364 days:

The purpose of this limit is to contain exposure to the possibility of loss that may arise as a result of the Council having to seek early repayment of the sums invested.

Upper Limit for total principal sums invested over 364 days	2014/15 Estimate £'000	2015/16 Estimate £'000	2016/17 Estimate £'000	2017/18 Estimate £'000
Between 1-2 years	25,000	25,000	25,000	25,000
Between 2-3 years	20,000	20,000	20,000	20,000
Between 3-4 years	10,000	10,000	10,000	10,000
Between 4-5 years	10,000	10,000	10,000	10,000
Over 5 years	5,000	5,000	5,000	5,000

The estimates are considerably higher than the actual balances held in previous years to ensure the Council has sufficient flexibility to deal with any unexpected events. **The overall limit for maturities of greater than 364 days will not exceed 70% of the portfolio.**

Prudential Indicator 7 – Credit Risk:

The Council considers security, liquidity and yield, in that order, when making investment decisions.

Credit ratings remain an important element of assessing credit risk, but they are not a sole feature in the Council's assessment of counterparty credit risk.

The Council also considers alternative assessments of credit strength, and information on corporate developments of and market sentiment towards counterparties. The following key tools are used to assess credit risk:

- Published credit ratings of the financial institution and its sovereign
- Sovereign support mechanisms
- Credit default swaps (where quoted)
- Share prices (where available)
- Economic Fundamentals, such as a country's net debt as a percentage of its GDP
- Corporate developments, news articles, markets sentiment and momentum
- Subjective overlay

The only indicators with prescriptive values remain to be credit ratings. The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average long-term credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment.

The Council targets a portfolio average long-term credit rating of 'A' or higher. (This target rating is one notch above the Council's minimum rating criteria of A-.)

Other indicators of creditworthiness are considered in relative rather than absolute terms.

Prudential Indicator 8 - Actual External Debt:

This indicator is obtained directly from the Council’s balance sheet. It is the closing balance for actual gross borrowing plus other long-term liabilities. This Indicator is measured in a manner consistent for comparison with the Operational Boundary and Authorised Limit.

Actual External Debt as at 31/03/2015	£’000
Borrowing	0
Other Long-term Liabilities	334
Total	334

Prudential Indicator 9 - Authorised Limit for External Debt:

The Council has an integrated treasury management strategy and manages its treasury position in accordance with its approved strategy and practice. Overall borrowing will therefore arise as a consequence of all the financial transactions of the Council and not just those arising from capital spending reflected in the CFR.

This limit represents the maximum amount that SSDC may borrow at any point in time during the year. If this limit is exceeded the Council has acted ultra vires. It also gives the Council the responsibility for limiting spend over and above the agreed capital programme. A £9.1m borrowing requirement has been identified to finance the capital programme and further borrowing may be undertaken to increase our borrowing to this level if and when it is the most cost effective way of funding SSDC’s requirements. A ceiling of £12 million for each of the next three years is recommended, to allow flexibility to support new capital projects over and above the identified borrowing requirement.

	2014/15 Approved £’000	2015/16 Estimate £’000	2016/17 Estimate £’000	2017/18 Estimate £’000
Borrowing	11,000	11,000	11,000	11,000
Other Long-term Liabilities	1,000	1,000	1,000	1,000
Total	12,000	12,000	12,000	12,000

Prudential Indicator 10 – Operational Boundary for External Debt:

The Operational Boundary sets the limit for short term borrowing requirements for cash flow and has to be lower than the previous indicator, the authorised limit for external debt. A ceiling of £10 million is recommended for each of the next three years. The table overleaf shows that SSDC’s current borrowing is well within this limit. This indicator more than covers the capital financing requirement.

The Assistant Director (Finance and Corporate Services) has delegated authority, within the total limit for any individual year, to effect movement between the separately agreed limits for borrowing and other long-term liabilities. Decisions will be based on the outcome of financial option appraisals and best value considerations. Any movement between these separate limits will be reported to the next Council meeting.

	2014/15 Approved £'000	2015/16 Estimate £'000	2016/17 Estimate £'000	2017/18 Estimate £'000
Borrowing	9,200	9,200	9,200	9,200
Other Long-term Liabilities	800	800	800	800
Total	10,000	10,000	10,000	10,000

Prudential Indicator 11 - Maturity Structure of Fixed Rate borrowing:

This indicator highlights the existence of any large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates and is designed to protect against excessive exposures to interest rate changes in any one period, in particular in the course of the next ten years.

It is calculated as the amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate. The maturity of borrowing is determined by reference to the earliest date on which the lender can require payment.

Maturity structure of fixed rate borrowing	2014/15 % Actual	2015/16 % Estimate	Lower Limit %	Upper Limit %
Under 12 months	0	0	0	100
12 months and within 24 months	0	0	0	100
24 months and within 5 years	0	0	0	100
5 years and within 10 years	0	0	0	100
10 years and within 20 years	0	0	0	100
20 years and within 30 years	0	0	0	100
30 years and within 40 years	0	0	0	100
40 years and within 50 years	0	0	0	100
50 years and above	0	0	0	100

As the council doesn't have any fixed rated external borrowing at present the above upper and lower limits have been set to allow flexibility to borrow within any of the maturity bands.

Prudential Indicator 12 - Incremental Impact of Capital Investment Decisions:

This is an indicator of affordability that shows the impact of capital investment decisions on Council Tax levels. The incremental impact is the difference between the total revenue budget requirement of the current approved capital programme and the revenue budget requirement arising from the proposed capital programme.

Incremental Impact of Capital Investment Decisions	2015/16 Estimate £	2016/17 Estimate £	2017/18 Estimate £
Increase in Band D Council Tax	0.07	0.17	0.17

Prudential Indicator 13 - Adoption of the CIPFA Treasury Management Code:

This indicator demonstrates that the Council has adopted the principles of best practice.

Adoption of the CIPFA Code of Practice in Treasury Management

The Council approved the adoption of the CIPFA Treasury Management Code at its Council meeting on 18th April 2002.

Arlingclose's Economic and Interest Rate Forecast

	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17	Jun-17	Sep-17	Dec-17	Mar-18	Jun-18	Sep-18	Dec-18	Average
Official Bank Rate														
Upside risk		0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.33
Arlingclose Central Case	0.50	0.50	0.75	0.75	1.00	1.00	1.25	1.25	1.50	1.50	1.75	1.75	1.75	1.17
Downside risk				-0.25	-0.50	-0.50	-0.75	-0.75	-1.00	-1.00	-1.00	-1.00	-1.00	-0.73
3-month LIBID rate														
Upside risk	0.20	0.30	0.30	0.30	0.35	0.35	0.35	0.35	0.40	0.40	0.40	0.40	0.40	0.35
Arlingclose Central Case	0.60	0.70	0.80	0.95	1.05	1.15	1.30	1.40	1.55	1.65	1.80	1.90	1.90	1.29
Downside risk		-0.20	-0.30	-0.45	-0.55	-0.65	-0.80	-0.90	-1.05	-1.10	-1.20	-1.20	-1.20	-0.75
1-yr LIBID rate														
Upside risk	0.25	0.35	0.35	0.35	0.40	0.40	0.40	0.40	0.45	0.45	0.45	0.45	0.45	0.40
Arlingclose Central Case	1.10	1.20	1.35	1.45	1.55	1.70	1.80	1.95	2.00	2.10	2.15	2.15	2.15	1.74
Downside risk	-0.15	-0.25	-0.35	-0.50	-0.60	-0.70	-0.85	-0.95	-1.10	-1.15	-1.25	-1.25	-1.25	-0.80
5-yr gilt yield														
Upside risk	0.40	0.50	0.50	0.50	0.55	0.55	0.55	0.55	0.60	0.60	0.60	0.60	0.60	0.55
Arlingclose Central Case	1.50	1.55	1.60	1.70	1.80	1.90	2.00	2.10	2.20	2.25	2.30	2.35	2.35	1.97
Downside risk	-0.35	-0.45	-0.55	-0.60	-0.70	-0.80	-0.90	-1.00	-1.10	-1.15	-1.20	-1.25	-1.25	-0.87
10-yr gilt yield														
Upside risk	0.40	0.50	0.50	0.50	0.55	0.55	0.55	0.55	0.60	0.60	0.60	0.60	0.60	0.55
Arlingclose Central Case	2.00	2.05	2.10	2.20	2.30	2.40	2.50	2.60	2.65	2.70	2.75	2.80	2.80	2.45
Downside risk	-0.35	-0.45	-0.55	-0.60	-0.70	-0.80	-0.90	-1.00	-1.10	-1.15	-1.20	-1.25	-1.25	-0.87
20-yr gilt yield														
Upside risk	0.40	0.50	0.50	0.50	0.55	0.55	0.55	0.55	0.60	0.60	0.60	0.60	0.60	0.55
Arlingclose Central Case	2.45	2.50	2.55	2.55	2.60	2.65	2.70	2.75	2.80	2.85	2.90	2.95	2.95	2.71
Downside risk	-0.30	-0.40	-0.50	-0.55	-0.65	-0.75	-0.85	-0.95	-1.05	-1.10	-1.15	-1.20	-1.20	-0.82
50-yr gilt yield														
Upside risk	0.40	0.50	0.50	0.50	0.55	0.55	0.55	0.55	0.60	0.60	0.60	0.60	0.60	0.55
Arlingclose Central Case	2.45	2.50	2.55	2.60	2.65	2.70	2.75	2.80	2.85	2.90	2.95	3.00	3.00	2.75
Downside risk	-0.25	-0.35	-0.45	-0.50	-0.60	-0.70	-0.80	-0.90	-1.00	-1.05	-1.10	-1.15	-1.15	-0.77

Underlying assumptions:

- The UK economic recovery has continued. Household consumption remains a significant driver, but there are signs that growth is becoming more balanced. The greater contribution from business investment should support continued, albeit slower, expansion of GDP throughout this year.
- UK economic growth picked up as expected in Q2 following softer activity in Q1; the third estimate confirmed Q2 GDP growth was 0.7%, although the annual growth rate slowed to 2.4%, broadly in line with our expectation of 2.5% GDP growth for 2015.
- Household spending has been the main driver of GDP growth through 2014 and 2015 and remains key to growth. Consumption will be supported by real wage and disposable income growth.
- The outlook for business investment is tempered by the looming EU referendum, increasing uncertainties surrounding global growth and recent financial market shocks.
- Inflation is currently very low and, with the further fall in commodity prices, will remain so in the near-term. The CPI rate is likely to rise towards the end of 2015 due to baseline effects. The MPC is likely to look through temporary periods of very low inflation, as it has done when inflation has been well above the 2% target.

- The annual average earnings growth rate picked up to 2.9% in the three months to July. Real earnings and income growth are running at relatively strong levels and could feed directly into unit labour costs and households' disposable income. The development of wage growth is one of the factors being most closely monitored by the MPC.
- China's growth has slowed and its economy is performing below expectations, which in turn will dampen activity in countries with which it has close economic ties; its slowdown and emerging market weakness will reduce demand for commodities. Other possible currency interventions following China's recent devaluation will keep sterling strong against many global currencies and depress imported inflation.
- The recent China-led stock market turbulence and rout in commodities have led to sharp falls in global equity indices, but they are unlikely to blow economic recovery in the UK and US off course. The more cautious members of the Bank of England's MPC and the US Federal Reserve may however delay voting to raise interest rates. A rate rise by the Fed in 2015 remains on the cards after a strong upward revision to Q2 GDP, but the weak external environment was a factor in the decision to hold the policy rate this month.
- Longer term rates will be tempered by international uncertainties and weaker global inflation pressures.

Arlingclose Forecast:

- Arlingclose forecast the first rise in official interest rates in Q2 2016. They project a slow rise in Bank Rate. The appropriate level for Bank Rate will be lower than the previous norm and will be between 2 and 3%.
- We project medium term gilt yields on a shallow upward path in the medium term, with continuing concerns about the Eurozone, and other geo-political events, weighing on risk appetite, while inflation expectations remain subdued.
- The uncertainties surrounding the timing of UK and US monetary policy tightening, and the Chinese stock market-led turmoil, are likely to prompt short term volatility in gilt yields.

Glossary of Terms

Balances and Reserves	Accumulated sums that are maintained either earmarked for specific future costs or commitments or generally held to meet unforeseen or emergency expenditure.
Bank Rate	The official interest rate set by the Bank of England's Monetary Policy Committee and what is generally termed at the "base rate". This rate is also referred to as the 'repo rate'.
Bond	A certificate of debt issued by a company, government, or other institution. The bond holder receives interest at a rate stated at the time of issue of the bond. The price of a bond may vary during its life.
Capital Expenditure	Expenditure on the acquisition, creation or enhancement of capital assets
Capital Financing Requirement (CFR)	The Council's underlying need to borrow for capital purposes representing the cumulative capital expenditure of the local authority that has not been financed.
Capital growth	Increase in the value of the asset (in the context of a collective investment scheme, it will be the increase in the unit price of the fund)
Capital receipts	Money obtained on the sale of a capital asset.
Credit Rating	Formal opinion by a registered rating agency of a counterparty's future ability to meet its financial liabilities; these are opinions only and not guarantees.
Collective Investment Schemes	Funds in which several investors collectively hold units or shares. The assets in the fund are not held directly by each investor, but as part of a pool (hence these funds are also referred to as 'Pooled Funds'). Unit Trusts and Open-Ended Investment Companies are types of collective investment schemes / pooled funds.
Corporate Bonds	Corporate bonds are bonds issued by companies. The term is often used to cover all bonds other than those issued by governments in their own currencies and includes issues by companies, supranational organisations and government agencies.
Corporate Bond Funds	Collective Investment Schemes investing predominantly in bonds issued by companies and supranational organisations.
CPI	Consumer Price Index. (This measure is used as the Bank of England's inflation target.)
Credit default swaps	Financial instrument for swapping the risk of debt default; the buyer effectively pays a premium against the risk of default.
Diversification / diversified exposure	The spreading of investments among different types of assets or between markets in order to reduce risk.

ECB	European Central Bank
Federal Reserve	The US central bank. (Often referred to as “the Fed”)
Floating Rate Notes	A bond issued by a company where the interest rate paid on the bond changes at set intervals (generally every 3 months). The rate of interest is linked to LIBOR and may therefore increase or decrease at each rate setting
Gilt	Is a fixed rate security issued as debt and repaid at a future date.
IFRS	International Financial Reporting Standards
Income Distribution	The payment made to investors from the income generated by a fund; such a payment can also be referred to as a ‘dividend’
Maturity	The date when an investment or borrowing is repaid
Money Market Funds (MMF)	Pooled funds which invest in a range of short term assets providing high credit quality and high liquidity.
Minimum Revenue Provision	An annual provision that the Authority is statutorily required to set aside and charge to the Revenue Account for the repayment of debt associated with expenditure incurred on capital assets
Non-Specified Investments	Term used in the Communities and Local Government Guidance and Welsh Assembly Guidance for Local Authority Investments. It includes any investment for periods greater than one year or those with bodies that do not have a high credit rating, use of which must be justified.
Pooled funds	See Collective Investment Schemes (above)
Prudential Code	Developed by CIPFA as a professional code of practice to support local authority capital investment planning within a clear, affordable, prudent and sustainable framework and in accordance with good professional practice
Prudential Indicators	Indicators determined by the local authority to define the its capital expenditure and asset management framework. They are designed to support and record local decision making in a manner that is publicly accountable; they are not intended to be comparative performance indicators
PWLB	Public Works Loans Board. It is a statutory body operating within the United Kingdom Debt Management Office, an Executive Agency of HM Treasury. The PWLB's function is to lend money from the National Loans Fund to local authorities and other prescribed bodies, and to collect the repayments.
Revenue Expenditure	Expenditure to meet the continuing cost of delivery of services including salaries and wages, the purchase of materials and capital financing charges
SI (Statutory Instrumeny)	Is the principal form in which delegated or secondary legislation is made in Great Britain.
SORP	Statement of Recommended Practice for Accounting (Code of Practice on Local Authority Accounting in the United

	Kingdom).
Specified Investments	Term used in the CLG Guidance and Welsh Assembly Guidance for Local Authority Investments. Investments that offer high security and high liquidity, in sterling and for no more than 1 year. UK government, local authorities and bodies that have a high credit rating.
Supranational Bonds	Instruments issued by supranational organisations created by governments through international treaties (often called multilateral development banks). The bonds carry a AAA rating in their own right. Examples of supranational organisations are the European Investment Bank, the International Bank for Reconstruction and Development.
Supported Capital Expenditure	The financing element of Capital expenditure that is grant funded by Central Government
Treasury Management Code	CIPFA's Code of Practice for Treasury Management in the Public Services
Temporary Borrowing	Borrowing to cover peaks and troughs of cash flow, not to fund spending.
Term Deposits	Deposits of cash with terms attached relating to maturity and rate of return (interest)
Unsupported Capital Expenditure	The financing of Capital expenditure is financed internally through the revenue budget
Yield	The measure of the return on an investment instrument

Agenda Item 11

Adoption of the Private Sector Housing Strategy 2015-19

Lead Officer:

Alasdair Bell, Environmental Health Manager

Contact Details:

Alasdair.bell@southsomerset.gov.uk or 01935 462056

Purpose of the Report

For Members to consider and adopt the Private Sector Housing Strategy 2015-19 in Appendix 1 of this report. The last Private Sector Housing Strategy of the Council was adopted in 2012. In November 2014 the Council adopted a Housing Strategy Implementation Plan and one of the agreed actions in that plan was to produce a new updated Private Sector Housing Strategy. The Private Sector Housing Strategy in Appendix 1 is that new strategy.

Public Interest

With increased housing pressures the Government sees working with the private sector as being increasingly important in order for local authorities to meet their statutory responsibilities to deal with empty properties, disrepair, homelessness, overcrowding and other related housing matters. The Private Sector Housing Strategy sets out the council's future direction in this area.

Recommendation

That the Private Sector Housing Strategy 2015-19 in Appendix 1 concerning private sector housing matters be adopted as future strategy of the Council.

Background

In 2013 SSDC adopted the county-wide Housing Strategy Framework, which sets out the direction for all five local housing authorities in Somerset to do with all aspects of housing including social housing, new build and homelessness. This Housing Strategy framework included an Implementation Plan that was updated in November 2014. As part of that updated Housing strategy and Implementation plan, the continuing importance of the private housing sector was recognised as was the need to have a more detailed document specifically covering this area of work.

The purpose of the new Private Sector Housing Strategy in Appendix 1 therefore is to act as an addendum to that Implementation Plan and provide more detailed information about the work we do that affects private housing sector and what we hope to achieve. It takes account of numerous legislative and other changes since the publication of the last Private Sector Housing strategy in 2012 and seeks to address present and emerging local needs and priorities.

Report

See the Private Sector Housing Strategy 2015-19 in Appendix 1

Financial Implications

All capital spending associated with this strategy are subject to the usual capital/revenue bidding process. No new money is being requested this time.

Council Plan Implications

This revised policy falls clearly within the Corporate Plan priority on Homes; Homes - We want decent housing for our residents that matches their income.

Carbon Emissions and Climate Change Implications

The adoption of this policy will have implications for the climate change agenda. We will ensure that all building works associated with this strategy will meet the latest Building Regulation requirements to reduce carbon emissions.

Equality and Diversity Implications

In drawing up this strategy document consideration has been given to all of the Protected Characteristics. Consideration has particularly been given to the impact on migrants to the district.

Privacy Impact Assessment

There is no adverse impact on personal data matters associated with this report.

Background Papers

- Private Sector Housing Strategy 2010-12
 - Empty Homes Strategy(SSDC 2012)
 - Housing Strategy Implementation Plan (November 2014)
 - APPENDIX 1- Private Sector Housing Strategy
-

Private Sector Housing Strategy



2015-2019



FOREWORD



There are two priorities in life after our Health – a job with a basic income and a decent roof over our heads. As we live in a state where we are protected from the very worst aspects of poverty the roof becomes the most important. In South Somerset achieving that priority is daily becoming more of a challenge. Rising house prices, scarcity of accommodation and high rents make it increasingly difficult for people, particularly the young and those on low income, to access suitable accommodation. The number of people looking for housing is increasing year by year and current projections suggest that this trend is likely to continue for the foreseeable future. With house prices in our area running at up to nine times gross income, affordability is at a critical level. In the past we relied on the Council and other social housing providers to build houses to meet housing need but changing policies from successive Governments has reduced levels of investment in affordable housing and not enough social housing is being built to meet demand. The Government has promised more money for new affordable housing but even this will leave a significant deficit. It is not an overstatement to say that Housing in the South West is in crisis and we must increasingly look towards the private sector to play its part, particularly in Homeless prevention. This strategy has been drawn up to show how we intend to work with the private sector to increase the availability of affordable housing and to improve the existing housing stock to ensure that everyone has a decent home in which to live. The strategy is also aimed at dealing with other issues that are relevant to the private sector such as global warming and social cohesion. The future success of our community and society depends to a large part on the provision of adequate housing. This document lays out how we intend to achieve success through a clear commitment and focus on action from the Council and its partners.

A handwritten signature in black ink, appearing to read 'Ric Pallister', written in a cursive style.

Councillor Ric Pallister, Leader of the Council

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INTRODUCTION

In 2013 SSDC adopted the county-wide Housing Strategy framework, which sets out the direction for all five local housing authorities (the district and borough councils) in Somerset to do with all aspects of housing including social housing, new build and homelessness. This Housing Strategy framework included an Implementation Plan that has recently been updated (2014). As part of that updated Housing strategy and Implementation plan, the continuing importance of the private sector was recognised as was the need to have a more detailed document specifically covering this area of work.



The purpose of this strategy document therefore is to act as an addendum to the Implementation Plan and provide more detailed information about the work we do that affects the private sector and what we hope to achieve. It takes account of numerous legislative and other changes since the publication of the last Private Sector Housing strategy in 2012 and seeks to address present and emerging local needs and priorities. Most of the work associated with this strategy is undertaken by the Housing Standards Team which is part of the Council's Environmental Health Service. However, whilst this strategy outlines the work of that team it should be stressed that the team works in partnership with a range of other council departments to deliver the agreed outcomes including Housing Options, Strategic Housing, Building Control, Housing Benefits and Planning as well as external services such as Social Services to name but a few.

As local housing authority, with responsibility for homelessness, the prevailing housing conditions in the private sector will always be an important issue for the Council. With increased pressure due to high demand for affordable social housing, high property prices and a shortage of available accommodation, the need for a well thought out private sector housing strategy is all the more important. This strategy links to our key corporate policy which is our wish to provide decent housing for all our residents that match their incomes.

In addition to our own concerns, the Government also accepts that poor housing can have a direct impact on the health of the occupants and on the quality of life in an area and states that it is committed to improving the housing quality in all tenures, including the owner-occupied and private rented sector. The Government's aims include the wish to provide better opportunities for home owners to repair and maintain their homes using their own resources whilst targeting help through grants or other financial assistance at poorer home owners, particularly the elderly and disabled. In addition the Government wishes to improve the private rented sector by increased regulation and by encouraging Local Authorities to work in partnership with private landlords to provide good quality affordable accommodation. This is becoming increasingly important, as sufficient new housing is not being built to meet demand.



1. OUR AIMS

- To work with the private rented sector to secure access to affordable housing by the homeless and low-income households, particularly the young. To support the landlord and tenant relationship.
- To improve the condition of older property occupied by vulnerable people, ensuring that the decent homes standard is met in most properties.
- To seek to create sustainable homes and communities by addressing fuel poverty, reducing CO2 emissions and promoting independent living.
- To reduce the number of long-term empty homes
- To maintain and improve the quality of our intelligence in order to ensure that our interventions are effective.
- To ensure standards in houses in multiple occupation and other private rented accommodation are met and maintained by amongst other things tackling 'rogue landlords'.

The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 (RRO 2002) introduced a general power enabling local housing authorities or third parties to provide financial assistance for housing renewal. The Order enables the local authority to provide assistance to any person including owner-occupiers, landlords or tenants in either the private or social sectors. The power must be used in accordance with an approved strategy that has been adopted and publicised. This private sector housing strategy is therefore essential in helping determining the nature and extent of financial and other assistance that will be provided by the council and for ensuring that such assistance will be appropriate and effective. The council's grants and loans and policy has been based on the information in this and previous similar documents and can be found on the councils website using this link: <http://modgov.southsomerset.gov.uk/documents/s3570/Private%20sector%20grants%20policy%2021015-17%20V6%20130115.pdf>

In the following sections are listed the various areas of policy and activity undertaken by SSDC to support and regulate the private housing sector in South Somerset.

2. The Context –what is the legal basis for the strategy?



The work of the Local authority in the private sector is driven by both Government legislation and guidance as well as local and national priorities. Listed below are some of the key legislative and guidance documents concerning private sector housing that have influenced the development of this strategy:

The Housing Act 2004

- 1) *The Housing Health and Safety Rating System (HHSRS)*
- 2) *Houses in Multiple Occupation (HMO) Licensing*
- 3) *Empty Properties*

Improving the Private Rental Sector and Tackling Poor Practice- A guide for Local authorities DCLG 2015

Local Authority Private Housing Services, Delivering Housing Health & Social Care Priorities-CIEH. 2015

Public Health and Other Sustainable Community Outcomes (ODPM 2007)

Department for Energy and Climate Change's new strategy - Cutting the cost of keeping warm: A fuel poverty strategy for England 2015

The Private Rented Sector-It's Contribution and Potential the 'Rugg Review' into private sector housing (June 08)

South West Regional Housing Strategy 2005-2016.

Empty Homes Network Online

Shaping South Somerset: A Strategy for Sustainable Communities (2008-2026)

SSDC Housing Strategy and Implementation Plan 2014

Health & Wellbeing Strategy for Somerset 2013-18-Housing priority, Public Health, Somerset CC .

Effective Strategies and Interventions; Environmental Health and the Private Housing Sector- University of Greenwich, 2013

Health & Social Care Act 2012

The Marmot Review, Strategic review of health inequalities in England post 2010

Lifetime Homes, Lifetime neighbourhoods: A National Strategy for Housing in an Aging Society (DCLG 2008)

Dealing with Rogue landlords, A guide for Local authorities, DCLG 2012

Changes to Planning Regulations for Dwelling Houses and HMOs-DCLG 2010

Beyond Decent Homes, Forth Report of House of Commons Session 2009-10, DCLG 2010

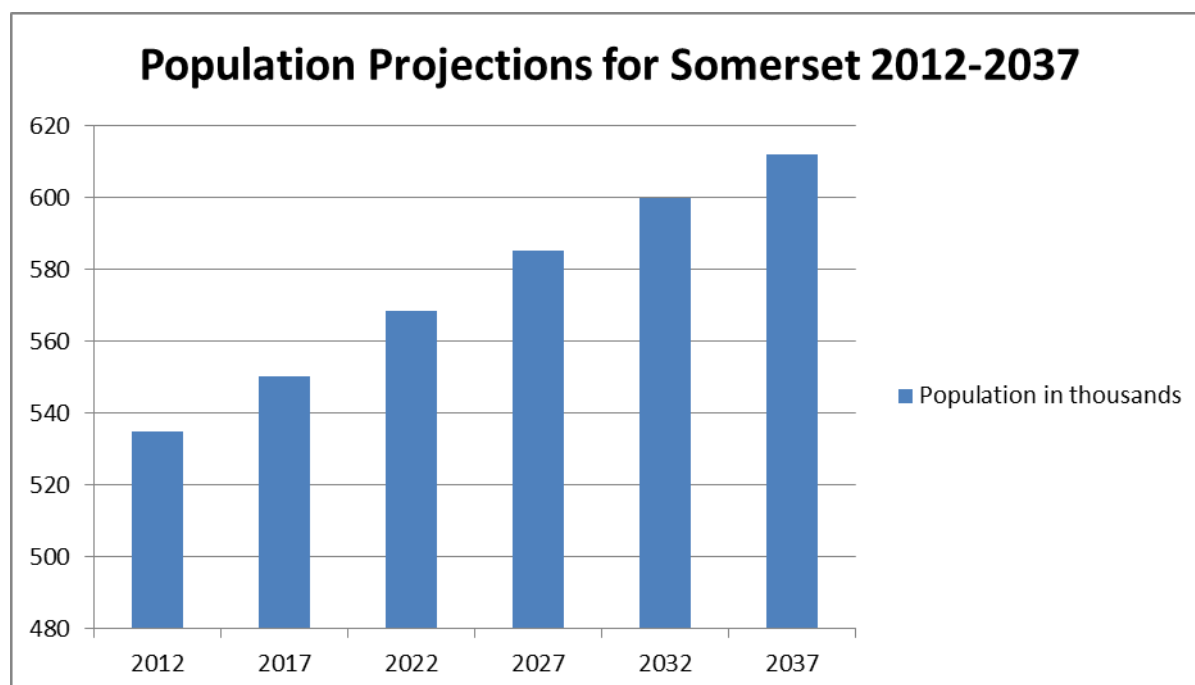
3. Key Factors influencing the development of our Private Sector Housing Strategy

There are over 72,000 homes in the district, of which 74% are owner occupied, 15% are owned by Registered Providers and the remainder privately. The total is expected to rise to 83,154 by 2035

- South Somerset has a relatively old population partly as a result of people retiring to the South West. Many elderly residents are on low fixed incomes and a significant number have homes in disrepair. Many are said to be 'asset rich but income poor'.
- Nearly 25% of the population are aged between 60 and 85 and this proportion is expected to increase to over 28% by 2016. This will result in continued demand for DFG's as well as home improvement agency services.
- There are an estimated 10,000 adults with mobility difficulties in South Somerset, and increasing numbers of people with health related issues such as diabetes.
- There are 600 -700 empty properties registered with the Council (June 2015) but the figure does vary considerably from year to year.
- The high demand for and the lack of affordable rented accommodation in the private sector leads to sharing and overcrowding and places increased pressure on the regulatory framework. A new report from accountancy firm PWC UK predicts that more than half of people under 40 will be in the private rented sector by 2025. House price rises of 5% a year and a lack of affordable homes are just two of the reasons why levels of home ownership continues to decline.
- There are estimated to be 600 Houses in Multiple Occupation in the District.
- Over 4,500 of privately owned homes in the District fail to meet the decent homes standard.
- The population of South Somerset has grown, with continued significant levels of internal migration, by 1% a year for the past 10 years and is expected to reach at least 178,000 by 2030. Overall the UK population is expected to increase from 64.6 million in 2015 to 73 million by 2037. This has major implications for housing and already one has seen the return to 'Dickensian' conditions of overcrowding and multi-occupancy in some of our larger cities, a trend that could emerge here if the sector is left unchecked.
- In recent years there has been a significant influx of migrant workers from the EU into the District many from Portugal and Poland. This has put extra demands on the rented sector.

- The Housing Act 2004 introduced new powers and responsibilities for the Council concerning the licensing of certain HMOs and the introduction of the Housing Health and Safety Rating system.
- Homelessness continues to be a major cause for concern in the District and there are currently over 2000 people on our Housing Register with over 10000 across the rest of Somerset.

On 29th May 2014, the ONS released new population estimates projected to the year 2037 based on the 2012 mid-year estimates. The Somerset population is projected to rise by around 77,000 (14%) to 612,000 by 2037 (see chart below)



Projected growth amongst the 65+ age group is even greater, at around 69%, and the number of people aged 75 or more is projected to double in the same period to 112,000.

The under-16 population is projected to plateau in the 2020s before dipping slightly in the following decade. The next 25 years is projected to witness a decrease in the working age population. In particular, the 35-49 age group is projected to fall by 7% by 2037, although the total is expected to be even lower in 2022 before recovering during the following decade or so. By contrast, the number of 50-64 year-olds is projected to increase by 2022, then shrink sharply by 2037 to a level 6% lower than in 2012

4. Evidence base –sources of evidence used for this strategy

In our previous strategy we relied heavily on the BRE house condition survey carried out in 2007 for housing data. Since then, due to financial constraints, we have not carried out a further survey and much of that data is now out of date. Instead we have been relying on the county wide housing data that can be found within the Joint Strategic Needs Assessment (JSNA).



The JSNA produced by the Somerset Intelligence Network is continuously updated, in the sense that different data sets are changed as and when the new data becomes available rather than, say, the entire website being changed annually. Information on the website is, then, likely to be more up to date than any data we reproduce here (which will, inevitably, date). Readers are recommended to refer to this website. In addition to this a large amount of statistical evidence is found at the back of the Housing Implementation plan 2014 and readers are also referred to that document. Please refer to the following websites for the most relevant/up to date information;

Somerset Intelligence housing information:

<http://www.somersetintelligence.org.uk/housing.html>

Heating and Housing 2011 census data

<http://www.cse.org.uk/resources/open-data/output-area-level-census-data>

JSNA Housing Summary:

<http://www.somersetintelligence.org.uk/housing-issues-for-2013-14-jsna-summary.pdf>

HECA Further Report for South Somerset:

http://www.southsomerset.gov.uk/media/471147/heca_further_report_south_somersetpdf.pdf

5. Public Health and Housing

Changes to the health system in 2012 placed the Director of Public Health (DPH) within Somerset County Council with a new assurance role in relation to health protection within Somerset. Health protection seeks to prevent or reduce harm caused by communicable diseases and minimise the health impact of issues such as poor housing.

Within Somerset there is an integrated model of health protection. The Somerset Health Protection Forum comprises of a number of professional partners who hold health protection responsibilities and has a collective purpose to provide assurance on behalf of the DPH and the Health and Wellbeing Board. The work of the Health Protection Forum is informed by the priorities set out in the Health and Wellbeing Strategy for Somerset 2013-2018 which is approved by the Health and Wellbeing Board. As part of that Strategy there has been developed a Health Protection Strategic Action Plan. That plan has four priorities, one of which concerns housing and is reproduced here below;

Priority 4 Improving Housing Conditions

- *Housing conditions play a major role in determining the health and quality of the resident. Improving housing conditions is identified as a priority of the Health Protection Forum as inadequate housing can have a detrimental effect on health protection matters. Poor housing conditions can have a significant negative effect on many health problems such as respiratory illnesses, hypothermia, and circulatory conditions. The most vulnerable members of the community are predominantly affected by poor conditions as they are directly linked with low incomes, fuel poverty and isolation. Poor conditions include mould, damp, overcrowding, inadequate heating and ventilation, poor energy efficiency, unsafe appliances and many more factors that are a threat to the health of the resident.*

Already in Somerset, there is the Somerset Strategic Housing Partnership which brings together key stakeholders from all housing and related fields to develop and improve housing services and standards in Somerset. The priorities of the SSHP for 2013-2016 are as followed:

- *To increase the supply of affordable housing to support economic growth and development.*
- *To make best use of the sub-region's existing housing stock.*

Public Health Action 4-The Health Protection Forum has committed to working more closely with the Somerset Strategic Housing Partnership and Environmental Health to ensure that the health protection concerns related to poor housing conditions, particularly in the private sector are considered by the Health & Wellbeing Board.

Environmental Health officers working in the Housing Standards Team have the necessary professional expertise to address public health concerns as well as a broad perspective on how the activities of the local authority and other professionals and agencies can improve health and wellbeing.

Working with social landlords, social care providers, and the private sector, they can pursue their responsibility for the regulation and improvement of housing standards, e.g. in relation to fitness for human habitation and standards for multiple occupation. They can also collaborate with housing and planning professionals to ensure that environmental and health impact assessments are undertaken as part of the appraisal of any new housing or renovation projects. This can include rating for energy efficiency, drinking water supplies, sound insulation, internal layout, safety and security and the use of environmentally and people-friendly materials.

Members of the Housing Standards Team are able to work with other public health professionals, including local GP surgeries, to identify and apply ways to improve situations where inadequate housing facilities or environmental conditions may have a negative impact on health and wellbeing (eg overcrowding). This will include practical steps such as making links to benefits and grants agencies to support vulnerable groups in need of assistance.

Action1. We will develop a GP referral scheme by January 2016 that allows GPs to refer those patients living in poor housing affecting their health to the council.

6. Working with Landlords in the private sector

Working closely with landlords is crucial in our strategy to improve and develop the private housing sector. We recognise that landlords have considerable skill and experience in developing and letting out property. From our previous experience in working with the Landlords Forum we see the need to focus on the factors that make it commercially attractive for landlords to work with us. Loss of privately rented accommodation is the main cause of homelessness in South Somerset and our Housing Options team works hard with private landlords and tenants to resolve problems and maintain tenancies in the private sector. By providing rent deposits and ensuring that landlords are paid their rent on time we are working to avoid evictions and reduce homelessness. It is essential that our Housing Options team deals with all homelessness applications as quickly as possible and moves people into rented accommodation rather than putting them in B & B. To do this we need to maintain good relations with private sector landlords.

In 2013 we re-launched the Private Sector Landlords Forum and have had well attended meetings twice a year since then. Whilst the Housing Options Team have organised the meetings, they are chaired by the National landlords Association (NLA) and have been very successful. Our local NLA branch is well run and organised and contributes a lot towards good relations between landlords and the Local authority. Meetings have been held to discuss matters of interest to Landlords such as housing benefits, energy efficiency and grants for landlords as well as tax issues and updates on upcoming legislation. A landlord's accreditation scheme has also be developed and rolled-out with to help maintain and improve standards in the private rented sector.



Action 2. We will continue working with the Housing Options Team and the NLA to organise two Landlords forums each year.

7. Home Loan Scheme - Wessex Resolutions

With ever reducing resources for grant aid and with ongoing increasing demand it has become increasingly important to maximise the use of our capital resources. Over the past 12 years we have worked in partnership with the Wessex Reinvestment Trust and a consortium of 14 other local authorities in the South West to deliver a subsidised home loan scheme. The loans are provided by a subsidiary of WRT called Wessex Resolutions

By working with Wessex Resolutions we can recycle funds as loans rather than giving money away as grants. In addition we can lever in private finance to fund home loans. This coupled with on-going financial support from the local authorities enables a far greater number of unsatisfactory properties to be made decent than would otherwise have been the case.



The loan scheme was originally set up with Government funding of £2.65 million. The scheme has been slowly developing and the number of referrals is increasing all the time.

It is not intended to completely replace the grant regime with loans but rather to use loans as an extra and significant additional tool to tackle disrepair unfitness etc. Loans are primarily intended for people who are above benefit levels and on regular but low incomes who would not ordinarily be able to access High Street loans although a new loan product has recently been developed for those people with little if any financial resources. Loans are currently offered at a 4% fixed rate.

Action 3. We will continue to promote the WRT Home Loan scheme to fund the improvement of substandard housing. We will aim to facilitate 25 loans a year.

8. The Decent Homes Standard

The Decent Homes standard is a Government concept that all houses people live in should be decent and suitable for occupation both in the private and public sector. In July 2002 the Government extended the decent homes standard that had previously applied to the social sector to the private sector (under PSA7). This set targets for increasing the proportion of vulnerable households who live in decent housing. By 2008 it became clear that the cost involved in meeting this target could not be met, the target was quietly dropped by the Government. Nonetheless SSDC will still try to achieve this target wherever possible. “Vulnerable households” are those in receipt of means tested benefits and decent housing is defined as one that meets all of the following criteria:

- It meets the current statutory minimum standard for housing (HHSRS standards)
- It is in a reasonable state of repair
- It has reasonably modern facilities
- It provides a reasonable degree of thermal comfort



Our most recent private sector house condition survey suggested that there are approx 4,500 non-decent homes in South Somerset. We can work to reduce the level of non-decent homes by the provision of grants and loans to homeowners (see section 7 & 9) by dealing with fuel poverty (see section 17) and by dealing with complaints (see section 14)

Action 4. We will work to reduce the number on non-decent homes standard in the district using all the resources available.

9. Financial Resources-grants and loans



Government funding for private sector renewal used to be delivered through Private Sector Renewal Grant (PSRG) but this was ended in 2008 and any money we now spend has to come from the councils own capital resources. All funding spent has to be bid for as part of the council's annual capital bidding round and becomes part of the council's capital programme.

Whilst PSRG funding was ended, Specific Capital grant funding for Disabled Facilities Grants (DFGs) was continued. We currently receive over £500K per year from the Government to spend on DFGs which is the largest part of our spend on the private sector, although this may move to the Better Care Fund of SSC next year which would have significant implications for the council. Spending on DFGs is mandatory whilst all other capital spending on private sector housing is discretionary.

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 allows Local Authorities discretion to provide both grant assistance and loans/equity release packages and to procure such packages from third party providers. Local Authorities are not given discretion to disregard these options. Our current grant and loan policy can be found on the council website at:

<http://modgov.southsomerset.gov.uk/documents/s3570/Private%20sector%20grants%20policy%2021015-17%20V6%20130115.pdf>

Private Sector Housing Capital Programme			
Grant/loan spend (in thousands)	Budget 2014/15 Out turn	Budget 2015/16	Proposed Budget 2016/17
Disabled Facilities grants	680K	598K	£600
Empty Property grants	140K	60K	60K
Home Repair grants	50K	50K	50K
HMO/landlords grants	30K	25K	25K
Home Loan Scheme	50K	50K	
Total	950K	783K	£745K

The main thrust of this strategy is to assist those people in most need wherever they live across the district. Whilst resources are tight, funding for Home Repairs Assistance has been retained as a final safety net for those people in severe need. Such grant aid is directed

towards people in receipt of income related benefit whose properties need essential repairs for wind and weatherproofing. We have also worked hard with Wessex Resolutions to develop loans tailored to meet the needs of such people. To encourage take up, we have carried out direct mail shots to people in receipt of benefits advising them of the availability of grants/loans as well as publicising the help available through DSS and Community Offices, Parish and Town Councils and our website.

Apart from all the social and other reasons for assisting vulnerable people in poor housing one important economic reason is that by providing financial assistance to vulnerable people it enables them to continue living independently in their own homes. If their homes become unfit and they have to be re-housed it becomes much more costly to the public purse. As part of the process we provide comprehensive and tailored support to homeowners and landlords via our Home Aid service to assist them through the property improvement process.



Action 5. We will seek to maximise the use of all available funds in the form of grants and loans to support our private sector housing strategy.

10. The Empty Homes Strategy

The council's Empty Homes Strategy was developed in partnership with Mendip District Council to help deal with the problem of empty properties and was launched in 2011 and has achieved many social, environmental and economic benefits.

Empty properties are often a focal point for anti-social behaviour, crime, vandalism and drug abuse. Whilst there are estimated to be 300 long-term empty properties in the district, many of these are subject to probate or other legal constraints that mean it can be very difficult to return them to occupation.



By improving empty properties we help reduce the need for building on green field sites, produce good quality affordable homes and help breath life back into town centre locations. When deciding to provide empty property grants we link into other council regeneration initiatives. For instance we have given several empty property grants in the east end of Yeovil as part of the Yeovil East Regeneration Project as well as in town centre locations

in Chard, Wincanton and Langport.

Many new homes have been created from empty and derelict properties using a combination of empty property grants and enforcement action. Where empty property grants are provided, the properties created must be let to council nominated tenants at an agreed fair rent for five years. With changes in the Housing Benefit regulations and the so called 'bedroom tax' there is increased need for smaller one bed and two bed accommodation so we try and create this type of accommodation. We always work with the Housing Options Team to provide the type of accommodation needed. This is a relatively quick and cost effective way of providing homes for homeless people. To provide tenants our Housing Options Team works with landlords to help select suitable tenants. They then work with the landlord and tenant to support the tenancy long term.

It is recognised that in some cases long term empty 'eyesore' properties present particular problems. Whilst extra enforcement powers were introduced in the Housing Act 2004 to deal with long term empty properties, including Empty Dwelling Management Orders (EDMOs) bringing back empties into occupation can often be very slow. We are currently using the 'enforced sale' technique rather than compulsory purchase orders as they are generally deemed to be much more effective and cost effective in bringing properties back into use. In addition we have been working with the planning department and are trialling the use of Section 215 notices to try and bring back empty properties into use. This method has been used successfully elsewhere in the country.

One of the major important issues of our empty property strategy has been the aim to increase new Homes Bonus. Over the past five years we have generated over £2m in New Homes bonus for the council by bring back over 500 properties into occupation. To do this has involved close working with the Housing Benefits team.

Full details of our strategy can be found on the SSSDC website:

[\(http://www.southsomerset.gov.uk/housing/your-home/empty-homes-strategy-and-empty-property-loans/\)](http://www.southsomerset.gov.uk/housing/your-home/empty-homes-strategy-and-empty-property-loans/).



Action 6. We will work to bring as many empty properties back into occupation as possible with a target of 25 per year.

11. The Houses of Multiple Occupation (HMO) Policy

There are about 600 Houses in Multiple Occupation (HMO) in South Somerset providing much-needed accommodation (to for example young single people) but often suffering from under-investment. We have a recently revised (2015) our separate HMO policy document that sets out standards, targets for inspection and enforcement as well as advice on meeting management standards. We work closely with landlords and use our HMO Grant funding to help upgrade substandard HMOs particularly to improve the means of escape in case of fire.

With increasing housing pressure, the lack of affordable housing and recent welfare benefit changes particularly affecting young people, shared accommodation will probably become more prevalent. People under 35 in receipt of housing benefit now only get a single room allowance and are forced to live in HOM/shared accommodation. Continued efforts will be required to ensure this housing sector is properly regulated and that standards are maintained.



Further details of our HMO Policy can be found on the SSDC website (<http://www.southsomerset.gov.uk/housing/housing-solutions/houses-of-multiple-occupation/>).

One particular area of concern is to do with HMOs concerns their insulation. Although HMOs are required to have suitable heating systems and an EPC for the whole building, they are not required to have an EPC (Energy Performance Certificate) certificate for each bedsit/let. To date, the Government has not taken any opportunity to address a loophole. Recent changes to eviction procedures however now mean that landlords require an EPC to evict under Section 21 procedures where an AST is in place. As well as inspecting existing HMOs the Housing Standards Team also works with landlords to convert underused property to provide good quality HMOs. Grant and loan funding can be provided in appropriate circumstances to assist in this process.

Action 7. We will prioritise high risk premises and inspect 60 HMOs a year. We will increase the supply of shared rented accommodation such as HMO's to respond to Welfare Benefit cuts.

12. Houses of Multiple Occupation (HMO) Licensing

In June 2006 the mandatory licensing of HMO's of three storeys or more and with five or more tenants was introduced. It has involved a considerable amount of work to issue licences, collect fees and inspect HMOs etc. This process is now complete and all known licensable HMOs are licensed. Whilst all the good landlords have co-operated fully in this process we are aware that some landlords prefer not to be licensed and avoid paying the fees. This requires staff having to pro-actively track down unlicensed but licensable Homes. This can involve swapping intelligence with other departments and surveying social media and housing websites. The reason for licensing HMOs is to ensure that the larger HMOs meet standards for repair, amenities, overcrowding and especially means of escape in case of fire. In some cases we come across HMOs that do not have planning permission and need to work with the planning officers to resolve the situation.

The Council does have the ability to introduce across the board schemes to compulsory register all HMOs and landlords but we have decided not to proceed with this. These schemes are more applicable to larger cities and not considered appropriate here. We are keeping a watching brief on the situation and will recommend changes to members if the situation changes.



Action 8. We will licence all HMOs that require licensing in the district. We will actively seek out and ensure all such properties are found.

13. Dealing with complaints- Ensuring private homes are safe and decent

The council has a policy to tackle the small but dangerous minority of rogue landlords in the private rented sector who make people's lives a misery. These landlords condemn their tenants to living in rundown, unsafe, or overcrowded properties. They often neglect their properties, avoiding making the necessary, legal improvements and/or intimidating those who speak out, threatening them with eviction. It is estimated that up to a third of private rented homes fail to meet the Government's decent homes standards. Serious, category I hazards are present in more than a fifth of rented homes in England that includes serious electrical hazards and damp. This is a significant concern, especially at a time when the private rented sector is housing more vulnerable households and families with children.

The Housing health and safety rating system (HHSRS) is enshrined in Part 1 of the Housing Act 2004. It provides a regulatory framework within which the Housing standards Team work to protect the health of vulnerable occupants. It is the only reliable and proven means of assessing the health and safety standards of housing, including housing in the private rented sector. To deal with unsatisfactory conditions the Housing Standards Team will take enforcement action that will be based on a three-stage consideration:

1. The hazard rating determined under HHSRS
2. Whether the Council has a duty on power to act, determined by the presence of a hazard above or below a threshold prescribed by the regulations (category 1 and category 2 hazards) and
3. The authority's judgement as to the most appropriate course of action to deal with the hazard.

The choice of the most appropriate course of action will be decided having regard to statutory enforcement guidance and to our Enforcement Policy. It is important that we take strict enforcement action where problems arise. If notices aren't complied with within the given time frames then the council will opt for prosecution for failure to comply and undertake work in default in appropriate cases. In cases where there is severe overcrowding we will need to work with the housing options team to rehouse the tenants.

In order to demonstrate our commitment we will publicise all successful prosecutions. Successful prosecutions are publicised by the council's communications team in local newspapers and on the council's website. Having said this however, when considering prosecutions the council's legal team are usually involved and it can be a very time consuming and expensive exercise to get a prosecution to court. Whilst the legal team provide us with excellent advice the court procedure can be long and drawn out.

For further information see <https://www.gov.uk/government/publications/hhsrs-operating-guidance-housing-act-2004-guidance-about-inspections-and-assessment-of-hazards-given-under-section-9>



Action 9. We will respond to all complaints from the public within five working days and take appropriate action to deal with all unsatisfactory housing found.

14. Discharging our Homelessness duty in the private sector

The law allows SSDC to discharge its duty to eligible homeless persons (in priority need and not intentionally homeless) by allocating people housing in the private rented sector. In so doing, the Housing Options Team must be satisfied that the premises they propose to use meet the necessary standards of health and safety and are suitable for the homeless people concerned. To assist with this process the Housing Standards Team can carry out inspections to ensure such property is up to standard and that the health and safety of homeless persons is not put at risk and to ensure that there is an absence of any Category 1 hazards.

In addition the Housing Standards Team often deal with complaints from people who try to increase their homelessness banding by arguing that their accommodation is unfit for occupation. We therefore need to ensure that any defects found are put right so as to reduce the need to unnecessarily rehouse people.

Action 10. We will inspect all properties where occupants have complained of poor housing and ensure that all property used to rehouse homeless people is up to standard. We will inspect all properties of people who apply for Gold Band status on the grounds of poor housing and ensure they are brought up to standard to reduce demand for alternative housing.

15. Helping Disabled People

Disabled Facilities Grants (DFGs) fund adaptations and alterations, ranging from small scale works such as replacing baths with showers through to large scale alterations to meet complex needs. DFGs are mandatory and the council has to pay them. Any duly made application must be determined within six months. This grant can prevent unnecessary moves for individuals, enabling the maintenance of family and community support links. It is also very important in preventing “bed blocking” by allowing patients to be rapidly discharged from hospital. We work closely with the Somerset County Council Occupational Therapy team to assess individual need and prioritise cases with joint decision making. Grants typically range from £1,500 to £30,000. When dealing with DFGs we ensure that all clients are kept fully informed of all aspects of the process and we track the end to end time for grants. We have set targets for dealing with different categories of DFGs and have put steps in place to deal rapidly with any delays.

Changes in the means testing regulations concerning disabled children in 2006 helped to push up the expenditure rate. We currently receive a subsidy of £560K a year from DCLG to offset our expenditure but the overall cost of DFGs exceeds this. It is difficult to predict demand as we are dependent on disabled people coming forward and asking for grant aid but it is possible that expenditure will increase as the elderly population increases. Expenditure is currently running at about £600K per year, representing the largest portion of our total grant expenditure and making us the third highest spending authority in the region.

Many disabled people are dealt with by our Home Aid service (see section 16 below).

Action 11. We will ensure that all applications for disabled facilities grants are determined within six months. We will ensure that all initial visits to disabled clients are made within five working days of referral from Occupational Therapists dept.



16. Home Aid – our Home Improvement Agency



Home Improvement agencies (HIAs) are recognised as valuable organisations in assisting vulnerable people to improve their living conditions. Over the years our in-house agency, Home Aid, has been instrumental in organising schemes to improve the homes of hundreds of local residents. The main aim of Home Aid is to enable older and disabled people to live independently at home for longer.

Seventy five percent of people over retirement age are owner occupiers and around half of them are living on low incomes. At retirement older people on low incomes face a likely struggle for twenty years or more to repair and maintain their homes. The Government has said that it will “help elderly people live at home for longer through solutions such as home adaptations and community support programmes”.

There is a real need for low cost, high benefit practical housing help in the owner occupied sector. One in three low income home owners live in homes that do not meet their needs in terms of accessibility or adaptations. Small repairs and minor adaptations, or ‘handyperson’ schemes offer a highly cost effective means of enabling older people to continue to live independently. Low cost work can make homes safe, secure and convenient to use and help reduce the strain on NHS and social care budgets. Just £35,000 can provide help with minor adaptations for 200 older people – it costs approximately the same amount for one older person to live in a care home for a year. Disabled Facilities Grants provide adaptations and facilities to enable disabled people to continue to live at home. Social Services also have a responsibility to fund low cost minor adaptations and equipment for eligible people under the Chronically Sick and Disabled persons Act 1970.

Action 12. We will make maximum use of the Home Aid service and refer all eligible clients to the service within five working days.

17. Fuel poverty and carbon reduction

A fuel poor household is one that cannot afford to adequately heat its home at reasonable cost. In brief, a fuel poor household is one that cannot afford to adequately heat their home at reasonable cost. The original definition of a fuel poor household was one that needed to spend over 10% of its income on fuel but this has recently been reviewed and refined. The new definition of a fuel poor household is one where they have fuel costs above the national average and, where they spend that amount, are left with a residual income below the official poverty line.

The private rented sector has significantly lower levels of energy efficiency than other housing sectors (see reference to HMOs in section 11). It has the lowest levels of cavity wall insulation, loft insulation and double glazing and its overall average energy efficiency rating is considerably lower than the social housing sector. DECC estimates that 42% of private rented households in F or G rated homes are in fuel poverty. If the private rented sector is to bear the burden of meeting homelessness allocations, we need to address the issue of cold homes. Excess cold is the second most frequently identified Category 1 hazard. Moving vulnerable people into poorly insulated homes with high energy bills will have a big impact on their residual disposable income and their health and wellbeing.

The council works with the Centre for Sustainable development (CSE) in Bristol to improve the energy efficiency of homes across the district. CSE run an energy advice line for us and deal with any queries we have from the public on energy grants/fuel efficiency etc. They have also run the Warm Homes In Somerset (WISH) project to insulate homes in south Somerset. Their website has a host of information on energy efficiency related information-see www.cse.org.uk. In addition we will support the work with other local groups such as the Ilminster Home Energy Centre to improve energy efficiency.

Tackling the problem in South Somerset will require a broad approach but the main emphasis is seen as the improvement of energy efficiency in the home. To achieve this aim we:

- Work with CSE on home insulation schemes for traditional and 'hard to treat' properties.
- Utilise Home Repairs Assistance Grants for energy efficient measures where appropriate.

- Promote the free phone energy advice line 0800 0800 2234
- Encourage the uptake of loans for energy efficiency.
- Seek to work with other community/volunteer groups to improve energy efficiency/home insulation across the district.

Separate to fuel poverty is the issues of carbon reduction. The UK has to achieve legally binding carbon emission reduction targets, the first of which is to reduce its carbon footprint by 34 percent by 2020 from the 1995 level. Twenty seven percent of carbon emissions come from the housing sector, and older private sector housing accounts for a substantial part of this. The collapse of the Government's Green Deal scheme and recent retraction by the Government on other energy savings initiatives (changes to Building Reg requirements etc) leaves work in this area rather in limbo. Nonetheless the council will continue to do what it can to reduce fuel poverty and improve energy efficiency in the private sector.

Research has shown that householders have a much higher level of trust in schemes led and co-ordinated by local authorities in preference to utilities and other commercial interests so we still have a significant role to play here.



Action 13. We will work with partners to improve the energy efficiency of as many properties as possible with a commitment to improve at least 100 properties a year

18. Anti-Social Behaviour

Anti-social behaviour (ASB) can be defined as actions that cause harm or a lack of consideration for the well-being of others which has caused or is likely to cause harassment, alarm or distress to one or more persons not of the same household.

It has become a high profile issue in recent years. Where it takes hold, it can pose a serious threat to community life, undermining people's sense of safety, their well-being and, ultimately, their health. Evidence suggests that if swift action is taken to deal with it, it is less likely to recur. Conversely, incidents that may be relatively minor in themselves can have a serious cumulative impact if left unchecked. Small problems can escalate into bigger ones.

Tackling anti-social behaviour is a high priority for national and local government with legislation such as The Crime and Disorder Act 1998 and the more recent the Anti-Social Behaviour, Crime and Policing Act 2014 being brought into to help address problems.



In South Somerset the Yeovil One Team was conceived in September 2014 to deal with issues the central area of Yeovil and involved officers of Avon & Somerset Constabulary, SSSDC and Yeovil Town Council as key partners working with officers of various other partner agencies such as housing associations and social support services. The collaborative working and sharing of information between agencies has led to several successes lessening the burden of anti-social behaviour on communities in this area and it is hoped to expand this type of initiative to other parts of the District.

The Housing Standards, Environmental Protection and Street Scene Enforcement Teams deal with many of the lower-level manifestations of ASB such as noise nuisance, housing neglect and disrepair, tenant and landlord issues, problems with licensed premises, abandoned cars, graffiti, fly tipping and fly-posting etc. These issues are dealt with by Environmental Health staff who play a key role with the Police in the front line of efforts to protect communities from the impact of ASB. General noise nuisance caused by poorly converted flats (in the previous decades) that allow noise transmission between floors and walls is an on-going problem. We work with Building Control to try and deal with such issues.

Action 14. We will support the work of the Yeovil One Team by being an active member of the Team and will help to develop work plans and policy.

19. Hoarding

In recent years the problem of hoarding has cropped up more frequently. This can be a difficult issue to deal with and takes up a lot of staff time. Officers from the Housing Standards Team, the Environmental Protection Team and the Housing Options Team can be involved. Often it is necessary to bring in Social Services and the Mental Health team to hold special case conferences to deal with troubled individuals.

Hoarding, described as the collecting of excessive quantities of goods and objects, arguably including animals, coupled with an inability to discard them is surprisingly common in varying degrees. It becomes problematic for the subject when it is extensive enough to inhibit the use of the home or personal function. Even before that point, however, depending on its presentation, it may be causing, or being likely to cause, a hazard to health or a nuisance to others.

The council often has to take enforcement action to clear properties of hoarded material but unless proper support can be put in place for the individual concerned the matter can often revert to it's previous state pretty quickly.



Action 15. We will continue to deal with all serious cases of hoarding that arise. We will respond to any referrals within five working days

20. Migrant Workers/Equality and Diversity

In recent years we have seen an influx of migrant workers into the District – many from Portugal and Eastern Europe. Concern has in the past been raised about the housing of these and other migrant workers. To address such concerns we have in place a pro-active programme to inspect multi-occupied accommodation often used by such workers to see that it is up to standard and ensure that it is not overcrowded. Migrant workers often do not understand their rights and due to language difficulties could be exploited. It is our policy to ensure their rights are fully protected.

In addition we will work with is the Gangmaster Licensing Authority in appropriate circumstances. The Gangmaster Licensing Authority (GLA) was set up to curb the exploitation of workers in agriculture, horticulture and associated processing and packaging industries. This is a relatively new agency and we will ensure that we foster close working relations with the GLA to ensure such workers are not only working in safe environments but are also provided with safe and secure housing.

Action 16. We will ensure that the rights of all ethnic groups associated with housing are protected by us as far as it is practicable to do so.

21. Mobile Homes/caravan sites

There are over forty mobile home parks in the district that provide permanent housing for hundreds of families. All such mobile home parks are licensed by the council and are periodically inspected to ensure they meet their licensing conditions. By and large most sites are well managed and maintained although problems do occasionally crop up. Until recently there were a number of issues to do with security of tenure and other matters surrounding the sale of mobile homes that had caused problems for residents. The Mobile Homes Act 2013 which was the biggest shake up in the law on park homes in 30 years introduced a number of changes. It reduced the potential for sale blocking by removing the site owner from the process. A new criminal offence was introduced in connection with sale blocking. Local authorities are now able to prosecute and on conviction site owners can face an unlimited fine or even prison. Pitch fee reviews will need to be more transparent so residents know what they are being asked to pay for and why. Site rules need to be fairer, agreed with residents and certain rules are banned altogether. New site rules will need to be deposited with the local authority. From April 2014 a new licensing regime has applied to park home sites. Local authorities are able to charge site owners an annual fee for administering and monitoring licences. They are able to serve notices requiring works to be carried out to comply with conditions and carry out works in default or in an emergency. Local authorities are able to recover their costs in enforcement action. Site owners who do not comply will face unlimited fines if prosecuted for breach of compliance. This is an on-going area of work for the Housing Standards team. Where gypsies or travellers receive planning permission for permanent sites they are required to have and comply with site licenses.

Action 17. We will undertake periodic inspections of all mobile home parks to ensure they comply with licensing conditions and will deal with any tenancy issues that arise.



22. Action Plan

Action Plan and Performance Targets		
Action	Target/Measures	Time scale
Action1. We shall develop a GP referral scheme by January 2016 that allows GPs to refer to us patients living in poor housing affecting their health.	To set up a GP referral scheme	By January 2016
Action 2. We shall work with the Housing Options Team and the NLA to organise two Landlords forums each year.	In partnership with the Housing Options Team	By April 2016
Action 3 We will continue to promote the WRT Home Loan scheme to fund the improvement of substandard housing.	We will aim to facilitate 25 loans a year	On-going
Action 4 We will strive to reduce the number on non-decent homes standard in the district using all resources available to us.	Reduce the number of vulnerable households living in accommodation with Category 1 hazards by 50. This would be achieved in a number of ways including enforcement and the provision of grants and loans	By April 2016-on going to 2019
Action 5. We will seek to maximise the use of all funding to provide grants and loans to support our private sector housing strategy.	Use all funds available as effectively as possible.	On-going
Action 6. We will work to bring as many empty properties back into occupation as possible with a target of 25 a year.	Provide financial incentive through loan/grant assistance to encourage long-term empty homes to be made available for letting. Use the enforcement powers available, including where appropriate, enforced sale procedures.	By April 2016-on going until at least 2018
Action 7 We shall prioritise high risk premises and inspect 60 HMOs a year We will seek to increase the supply of shared rented accommodation such as HMO's to respond to Welfare Benefit cuts	Use IT based intelligence sources to identify potential HMOs. Pursue a rigorous policy of enforcement activity in the private rented sector following reactive complaints and as part of programmed risk-based inspections of HMOs.	By April 2016-on going to 2019
Action 8 We shall licence all HMOs that require licensing in the district.	We will actively seek out and ensure all such properties are found.	On-going
Action 9. We will respond to all complaints from the public within 5 working days.	within five working days and take appropriate action to deal with all unsatisfactory housing found	On-going
Action 10 We will ensure that all property used to rehouse homeless people is up to standard.	Inspect all properties who apply for Gold Band status on the grounds of poor housing and ensure they are brought up to standard to reduce demand for alternative housing	On-going

Action	Target/Measures	Time scale
Action 11. We will ensure that all applications for disabled facilities grants are dealt with within 6 months.	All new referrals to be contacted within 5 working days	On-going
Action12 We will make maximum use of the Home Aid service and refer all eligible clients to the service with 5 working days of referral to us.	Due to the current financial constraints however we will not make any commitments to dealing with specific number of clients	On-going
Action 13. Improve the energy efficiency of at least 100 private sector homes improve per annum	Offer enhanced energy efficiency measures, including, where appropriate the use of renewable energy sources, as part of schemes of financial assistance delivered with our partner organisations.	By April 2016-on going to 2019
Action 14. We will support the work of the Yeovil One Team by being an active participant of the Team and will contribute to the development of work plans and policy.	We will work with our partners in Yeovil One and take appropriate action to tackle community based issues of ASB etc.	On-going
Action 15 We will deal with all serious cases of hoarding that arise and will respond to all referrals within 5 working days.	We will work with social services to deal with difficult clients on a case by case basis.	On-going
Action 16 We will ensure that the rights of all ethnic groups associated with housing are protected by us as far as it is practicable to do so.	We will react promptly to any complaints of discrimination or exploitation that re referred to us.	On-going
Action 17 We will undertake periodic inspections of all mobile homes to ensure they comply with licensing conditions and will deal with any tenancy issues that arise.	We will monitor conditions on all our mobile home sites.	On going

Staff resources; The Action Plan above will be delivered by the Housing Standards Team of the Environmental Health service. This is comprised of the Principal EHO, two area EHOs and a technical officer. In addition the Home Aid Team is comprised one full time and one part time technical officer. The achievement of the targets above will depend on the complexity of individual jobs that arise. In addition to the staff above we draw on the services of other staff from CSE, Housing Options etc as and when the need arises. We are not however able to commit their staff resources as part of this strategy.

23. Risk Register

In developing this strategy we are mindful that there are many factors that could affect its delivery. To mitigate for these risks it is important that we work with our partners across Somerset in both professional and NGO groups and seek to ensure that our intelligence on emerging trends and developments is up to date. The following factors should be considered;

1 Staff resources. With reductions in funding to Local Government it may become necessary to reduce staff resources in the next five years and this would affect the delivery of the action plan. Several staff in the Housing Team are also reaching retirement age and this could result in the loss of expertise.

2 Financial resources. Reductions in funding through the capital programme as a result of the Government's economic policy could affect the council's ability to deliver grants and loans. In particular the move of DFG funding from SSDC to the Better Care Fund held by Somerset County Council could have a significant impact. Cutbacks in the funding by Registered Providers in their aids and adaptations budgets in response to their recent reduction in income announced by the Government could also have significant impacts.

3 Changes in legislation. Further changes by the Government to benefit/welfare payments and the tax regime could increase the need for more shared /low cost accommodation. Recent tax changes in the buy to let sector may mean that fewer such properties may become available for rehousing our tenants. Many landlords may exit the rental market. We constantly monitor all changes in housing and associated legislation

4 Increased migration. Increased migration into the district from all sources beyond what is expected could adversely affect the local housing market.

5 External economic factors. Increasing house prices and low wages/unemployment will put more pressure on people and the housing market. Changes in Government economic policy /the autumn statement etc will also have an effect. There could be many unforeseen outcomes in the years to come.

6 Empty properties. Difficulties in dealing with legally complex situations could make the drive to bring more empty properties back into use more difficult.

24. Background Papers/reports

- 1 Houses in Multiple Occupation Policy*
 - 2 Strategic Housing Framework Implementation Plan 2014*
 - 3 Gypsy & Traveller Accommodation Strategy (2006 -2009)*
 - 4 Private Sector Housing Strategy (2007 – 2012)*
 - 5 Empty Property Strategy (Jointly with Mendip) (2010)*
 - 6 Temporary Accommodation Strategy (2011)*
 - 7 Council Plan (2012-2015)*
 - 8 Somerset Tenancy Strategy (2012)*
 - 9 Health & Wellbeing Strategy (2012-2015)*
 - 10 Youth Housing Strategy (2012-2015)*
 - 11 Rural Housing Action Plan (2013)*
 - 12 Somerset Homelessness Strategy (2013 – 2016)*
 - 13 The Regional Housing Strategy – available on the Internet at: www.gosw.gov.uk,
www.housingcorp.gov.uk and www.southwest-ra.gov.uk
 - 14 The South Somerset Local Plan –www.southsomerset.gov.uk
 - 15 Community Safety Strategy (Crime and Drugs Strategy)
www.southsomerset.gov.uk/media/pdf/g/0/Somerset_Strategy.pdf
 - 16 The Decent Homes standard:
<https://www.gov.uk/government/publications/a-decent-home-definition-and-guidance>
 - 17 Housing statistics- Home Truths Southwest –National Housing Federation –:
www.housing.org.uk
 - 18 ‘Quality and Choice: A Decent Home for All’ –:www.odpm.gov.uk
 - 19 SSDC Enforcement policy*
- * available on SSDC website

25. Contact Points at South Somerset District Council

Private Sector Housing Strategy	Alasdair Bell
Disabilities – grants for aids and adaptations;	Martin Chapman
Empty homes strategy	Chris Malcolmson/Emma Baker
Funding – advice on housing grants	Paul Rees
Gypsies and other travellers/ethnic minorities	Kirsty Jones/Jon Batty Barry Cullimore/Dereck Hurst Ian Potter
Home Aid scheme Housing Benefits Home Energy Conservation	Alasdair Bell
Home Loans	Paul Rees
Homelessness and Housing Advice	Kirsty Jones/Barbie Markie
Housing – conditions in private sector;	Martin Chapman
Houses in multiple occupation (HMOs)	Martin Chapman
Housing Implementation Strategy	Sally McCarthy/Colin McDonald
Mobile Homes	Chris Malcolmson
Social Housing Development/Strategic Housing	Colin McDonald
Supporting People; Supported Housing	Sally McCarthy
Tenancy Sustainment	Carolyn Wilkinson
Welfare benefit information and advice	Alice Knight/Catherine Hansford
<p>E-mail addresses: to e-mail any of the above people please use the following format forename.surname@southsomerset.gov.uk for example colin.mcdonald@southsomerset.gov.uk Please telephone 01935 462462 for all staff listed.</p>	

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This publication is also available electronically at www.southsomerset.gov.uk

All enquiries regarding this publication to: Alasdair Bell
South Somerset District Council
Brympton Way
Yeovil
Somerset BA20 2HT
Alasdair.bell@southsomerset.gov.uk
(01935) 462056

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Agenda Item 12

Report of Executive Decisions

Lead Officer: Angela Cox, Democratic Services Manager

Contact Details: angela.cox@southsomerset.gov.uk or (01935) 462148

This report is submitted for information and summarises decisions taken by the District Executive and Portfolio Holders since the last meeting of Council. The decisions are set out in the attached Appendix.

A meeting of the District Executive was held on 5th November and 3rd December 2015.

Members are invited to ask any questions of the Portfolio Holders.

Background Papers

All Published

Ric Pallister, Leader of the Council
Angela Cox, Democratic Services Manager
angela.cox@southsomerset.gov.uk or (01935) 462148

Appendix 1

Portfolio	Subject	Decision	Taken By	Date														
Strategy and Policy	Consent for disposal of a property in Limington by Yarlington Housing Group	The Portfolio Holder for Strategy and Policy has agreed to the proposed disposal of number 8, Fairview Terrace, Limington by Yarlington Housing Group on the proviso that the usable funds raised are redeployed in the local area.	Portfolio Holder Executive Bulletin No. 673	23/10/15														
Environment and Economic Development	Waste Fees and Charges 2016/17	<p>The Portfolio Holder for Environment & Economic Development has agreed to approve the proposed waste fees and charges as recommended by SSDC and set out in the table below:</p> <table border="1"> <thead> <tr> <th></th> <th>2015/16</th> <th>2016/17</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Garden waste bin collection</td> <td>£48 for one year subscription</td> <td>£50 for one year subscription</td> </tr> <tr> <td>£91 for two year subscription</td> <td>£95 for two year subscription</td> </tr> <tr> <td>Garden waste sacks posted (per 10)</td> <td>£25 for 10 sacks</td> <td>£26 for 10 sacks</td> </tr> <tr> <td>Bulky waste</td> <td>£40 up to 3 items. Additional items £10 each up to 5 items</td> <td>£41 up to 3 items. Additional items £11 each up to a maximum of 5 items</td> </tr> </tbody> </table>		2015/16	2016/17	Garden waste bin collection	£48 for one year subscription	£50 for one year subscription	£91 for two year subscription	£95 for two year subscription	Garden waste sacks posted (per 10)	£25 for 10 sacks	£26 for 10 sacks	Bulky waste	£40 up to 3 items. Additional items £10 each up to 5 items	£41 up to 3 items. Additional items £11 each up to a maximum of 5 items	Portfolio Holder Executive Bulletin No. 673	23/10/15
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Strategic Planning (Place Making)	Adoption of the South Somerset District Council Statement of Community Involvement	<p>District Executive recommended that Council:</p> <ol style="list-style-type: none"> 1. endorse and adopt the South Somerset Statement of Community Involvement (November 2015) (Appendix A); 2. delegate responsibility to the Assistant Director for Economy in consultation with the Portfolio Holder for Strategic Planning (Place Making) to make any final minor text amendments that may be necessary to enable the South Somerset Statement of Community Involvement, (November 2015) to be adopted. 	District Executive	05/11/15														
Leader (Strategy and Policy)	Adoption of the Private Sector Housing Strategy 2015-19	District Executive recommended that Council adopt the Private Sector Housing Strategy 2015-19 in Appendix 1 concerning private sector housing matters as future strategy of the Council.	District Executive	05/11/15														

Portfolio	Subject	Decision	Taken By	Date
Strategy and Policy	Disposal of the former Carrington Way Public Conveniences in Wincanton	District Executive agreed: <ol style="list-style-type: none"> 1. to the disposal of the freehold of the former Carrington Way Public Conveniences in Wincanton at a price of £29,000. The disposal is subject to the purchaser obtaining A3 change of use planning; 2. that a restrictive usage covenant and overage clause be placed on the Title protecting against any future residential development or change of use; 3. that each party bears their own legal and professional costs. 	District Executive	05/11/15
Finance and Legal Services	2015/16 Revenue Budget Monitoring Report for the Period Ending 30th September 2015	District Executive agreed to: <ol style="list-style-type: none"> 1. note the current 2015/16 financial position of the Council; 2. note the reasons for variations to the previously approved Directorate Budgets as detailed in paragraphs 3.2; 3. note the transfers made to and from reserves outlined in paragraph 11.1 and the position of the Area Reserves as detailed in Appendix C and the Corporate Reserves as detailed in Appendix D; 4. note the virements made under delegated authority as detailed in Appendix B. 	District Executive	05/11/15
Finance and Legal Services	2015/16 Capital Budget Monitoring Report for the quarter ending 30th September 2015	District Executive agreed to: <ol style="list-style-type: none"> 1. approve the revised capital programme spend as detailed in paragraph 6; 2. note the slippage over £50,000 in the capital programme as detailed in paragraph 8; 3. approve the virements of £5,000 outline in paragraph 9; 4. approve the allocation of any additional funding to be used within the capital programme as detailed in paragraph 11; 5. note the current position with regard to funds held by the Wessex Home Improvement Loans as detailed in paragraph 15; 6. note the progress of individual capital schemes as detailed in Appendix A; 7. note the total land disposals to registered social landlords as detailed in Appendix B; 8. note the balance of S106 deposits by developers held in paragraph 13; 9. note the schemes that were approved prior to 2010, as detailed in Appendix C, and confirmed that all the projects remain in the Capital programme. 	District Executive	05/11/15

Portfolio	Subject	Decision	Taken By	Date
Yeovil Crematorium Property and Climate Change	Update report on Yeovil Crematorium	District Executive noted the report.	District Executive	05/11/15
Property and Climate Change	Notification of an Urgent Executive Decision (Confidential)	<p>District Executive agreed to note that, according to the provision of Part 3 Section 6(4) of the Constitution, the Acting Chief Executive, in consultation with the Leader of the Council and the Portfolio Holder for Property and Climate Change:</p> <p>Agreed to make an urgent decision to authorise the go ahead of a project to install an additional photovoltaic array at Brympton Way offices, to be installed on the extension and council chamber roofs, and including allocation of the funding for the project as outlined in the report.</p>	District Executive	05/11/15
Strategy and Policy	Consent for disposal of a property at Shepton Montague by Yarlington Housing Group	<p>The Portfolio Holder for Strategy and Policy approved consent to the disposal of number 2 Townsend, Shepton Montague by Yarlington Housing Group, on the proviso that Yarlington give an undertaking to reinvest the net sums raised in new housing in the local area.</p> <p>The Portfolio Holder is reminded to note for future reference the remaining potential for further such requests with respect to the remaining properties of the same construction type.</p>	Portfolio Holder	Executive Bulletin No. 675 13/11/15
Strategy and Policy	Consent for disposal of a property at Barwick by Yarlington Housing Group	<p>The Portfolio Holder for Strategy and Policy has agreed to the proposed disposal of number 19 Higher Bullen, Barwick by Yarlington Housing Group, on the proviso that Yarlington give an undertaking to reinvest the net sums raised in new housing in the local area.</p> <p>The Portfolio Holder also noted for future reference the remaining potential for further such requests with respect to the remaining properties of the same construction type.</p>	Portfolio Holder	Executive Bulletin No. 675 13/11/15
Leisure and Culture	Funding for Citizens Advice South Somerset 2016/17	<p>District Executive:</p> <ol style="list-style-type: none"> 1. agreed to an allocation of £121,730 for Citizens Advice South Somerset (formerly known as South Somerset Citizens Advice Bureau) in the 2016/17 budget. 2. noted that funding would be reviewed annually and be subject to the implementation of a new service specification that would require a series of service improvements to deliver improved outcomes for South Somerset residents. 	District Executive	03/12/15

Portfolio	Subject	Decision	Taken By	Date
Strategy & Policy	Quarterly Performance and Complaints Monitoring Report – 2 nd Quarter 2015/16	District Executive noted the corporate performance monitoring report.	District Executive	03/12/15
	Heart of the South West Formal Devolution Bid	This item was withdrawn from the agenda.	District Executive	03/12/15
Chairman of the Scrutiny Committee	Report of the Licensing Task and Finish Group	District Executive: (1) Recommended to Council that 6 months' notice be given to both Yeovil and Wincanton Town Councils, in accordance with the Delegation Agreement, to terminate all delegated Licensing functions. Upon the expiry of the 6 month period, the relevant Licensing functions will be carried out by the Licensing team of SSDC. (2) Noted the findings of the Task and Finish Group in relation to the over or under recovery of fees and charges within the Licensing Service and in particular endorse the principle of total cost recovery where possible. (3) Recommended that SSDC lobby via the LGA for Government to reassess all Statutory fees in relation to Licensing Act 2003 and Gambling Act 2005. (4) Noted that further work would be carried out by the Licensing Manager and the Financial Services Team to present an amended set of fees and charges to be recommended via the budget setting process, prior to inclusion in the budget proposals for 2016/17.	District Executive	03/12/15
Environment and Economic Development	Yeovil Innovation Centre – Business Plan and Update Report	District Executive: 1. Noted the detail provided on the performance of Yeovil Innovation Centre 2. Approved the Yeovil Innovation Centre (YIC) Business Plan for 2015-20 (attached as Appendix A) 3. Agreed a continued period of operation of YIC by SSDC (as described in paragraph 5.2)	District Executive	03/12/15
Strategy and Policy	Notification of an Urgent Executive Decision: The Transfer of two sections of SSDC land needed to conclude the Horsey	District Executive noted that, according to the provision of Part 3 Section 6(4) and Part 4, paragraph 34.1 of the Constitution, the Acting Chief Executive, in consultation with the Leader of the Council and the Portfolio Holder for Asset Management agreed to make an urgent decision to authorise the freehold transfer of the areas identified on the plan, coloured red, to Somerset County Council for the consideration payment of £15,000. Somerset County Council will pay the District Councils legal and professional costs incurred as a result of	District Executive	03/12/15

	Roundabout improvements, Yeovil by 30 November 2015	this transaction and that the land to be transferred to Somerset County Council will include the newly constructed boundary wall.		
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Agenda Item 13

Audit Committee

This report summarises the items considered by the Audit Committee on 26 November 2015.

2015/16 SWAP Internal Audit Quarter 2 Update Report

An Assistant Director of the South West Audit Partnership presented a report and asked members to note the Internal Audit Work Plan 2015/16 including the three Operational Audits in progress – Yeovil Innovation Centre, Council Tax Collection and Housing & Council Tax Benefit.

She also reported that the Choice Based Lettings Audit had now been finalised and the work undertaken regarding the members Expenses Audit which included looking at the top twenty members' claims and comparing these with the AA route finder results. She also referred to the key action regarding Mobile and Remote Working as detailed from the IT Audit.

During discussion it was noted that Internal Audit would continue as usual until such time a decision on the future of Joint working was known. Members were content to note the progress made.

RESOLVED: that members of Audit Committee note the progress made.

Annual Audit Letter

The Director, Grant Thornton, presented a report regarding the Annual Audit letter and summarised the key findings arising from the work carried out for year 2014/15. She explained this was an unqualified opinion on the Councils Statement of Accounts and overall recognised the good working practices within SSDC, however identified two key actions and recommendations:

- The process of the revaluations of the Council's Assets and the existing five year rolling programme.
- To increase the Council's target council tax collection rate for improved collection in the next few years which is a reduction from previous years and still below other districts both regionally and nationally.

The Assistant Director (Finance and Corporate Services) informed members that following these recommendations four additional staff have now been appointed to assist in recovery work to improve the Council Tax collection rate. She explained that a higher collection rate target would therefore be fixed for the 2016/17 financial year.

During a short discussion, members agreed to increase the Council Tax collection rate target for the 3rd quarter of the 15/16 financial year.

The Assistant Director (Finance and Corporate Services) gave further clarification to members on the process of looking at a four year budget rather than each year individually due to impending funding cuts and the possible future joint working arrangements. The Director, Grant Thornton expressed her support of this practice and offered further support and advice.

- The Director, Grant Thornton wished to inform members that David Johnson had recently replaced Ashley Allen as Audit Manager and noted the proposal for an earlier closure date by the end of July to prepare for the changes to accounting regulations.

Members were content to note the contents of the Annual Audit Letter.

RESOLVED: that the contents of the Annual Audit Letter be noted.

Treasury Management Performance to September 2015

The Principal Accountant presented the report which provided an update on treasury management activity and the performance against the Prudential Indicators for the six months ended 30th September 2015.

She informed members that recommendation 3 should be amended to read 'that we are increasing our investment with the CCLA Property fund to a maximum of £4 million' and not by £1million as detailed in the agenda report.

With regard to the Returns for 2015/16, she highlighted that the current estimate at the end of the financial year would be an overall surplus of £88,000.

During discussion the Principal Accountant gave clarification to members regarding the overall investments as at 30th September 2015 including the position of investments advised by Arlingclose. She agreed to add an additional explanatory note to this in future.

Members were content to agree the recommendations outlined in the report subject to recommendation 3 being amended to read 'that we are increasing our investment with the CCLA Property fund by a maximum of £4 million'. On being put to the vote this was carried unanimously.

- RESOLVED:**
- (1) That the Treasury Management Activity for the six month period ended 30th September 2015 be noted;
 - (2) That the position of the individual prudential indicators for the six-month period ended 30th September 2015 be noted
 - (3) That we are Increasing our investment with the CCLA Property fund to a maximum of £4million be noted.
 - (4) Reviewed the Treasury Management Policy (Appendix B) and recommend to Council.
 - (5) Carried out the mid-year review of the Treasury Management Strategy and recommend to Council (Appendix C – Strategy with the amendments highlighted)

(voting: unanimous)

Treasury Management Practices

The Principal Accountant summarised the agenda report and asked the Committee to approve the Treasury Management Practices, copies of which were attached to the agenda.

Having considered the documents, the Committee indicated that Page 96 – Anti money laundering policy, first bullet point, should take out the words ‘wherever possible’. Members were content to approve the Treasury Management Policy and Practices.

RESOLVED: that the Treasury Management Practices (Appendix 1) be agreed.

Update on the Fraud and Data Service (Agenda Item 10)

The Fraud and Data Manager presented the report as detailed in the agenda. She introduced the new Intern and informed members that it had been agreed to recruit an additional member of staff to assist in fraud matters and data protection and acknowledged the work undertaken by the SWAP team

Members welcomed the additional staff post to the team and thanked the Fraud and Data Manager for her report.

NOTED

Councillor Derek Yeomans
Chairman of Audit Committee

Agenda Item 14

Scrutiny Committee

This report summarises the work of the Scrutiny Committee since 23rd October 2015.

The committee have met twice, 3rd November and 1st December 2015.

3rd November 2015

The Chairman updated Members on the visit to the Tri Authority area of West Dorset, North Dorset and Weymouth and Portland authorities. Councillors John Clark, Val Keitch, Jason Baker and Sue Osborne attended accompanied by the Scrutiny Managers and Jo Roundell Greene, Ric Pallister and Dave Bulmer in their capacity as members of the Joint Leaders Advisory Group. All members who attended commented how valuable and informative they found the visit – and supported the suggestion that a similar opportunity should be offered to all members as part of the ongoing ‘Journey of Exploration’.

Scheme of Delegation

Following a motion to Full Council, Council agreed that a review of the Scheme of Delegation in relation to planning applications would commence in 2015 and a report detailing the work and outcomes be considered by Scrutiny Committee.

Martin Woods, Assistant Director (Economy) and Dave Norris, Development Manager, introduced the report which outlined a number of issues which had been discussed collectively with the Area Chairs (in their roles as Chair of the Council’s Development Control Committees).

After considerable discussion and questioning the Scrutiny Committee endorsed the recommendation contained in the report that there are no significant changes to the Scheme of Delegation required. It was noted that further guidance will be produced and additional training will be provided for members in relation to their role and responsibilities in the determination of planning applications.

It was also agreed that the Development Manager would provide the committee with data which shows the number (and nature) of decisions agreed under delegated powers and those referred to Committee on an area by area basis.

Reports to be considered by District Executive on 5th November 2015

Adoption of the South Somerset District Council Statement of Community Involvement

Members were content to note the report and noted that the 6 week consultation period is a standard period and allows adequate time for respondents.

Adoption of the Private Sector Housing Strategy

Members sought clarification of the statement made on page 71 (bullet point 2) "Homelessness continues to be a major cause for concern in the district..." Members of the Scrutiny Committee felt that levels of homelessness are currently improving and are not a cause for concern?

On page 75 it mentions that we see the need to focus on the factors that make it commercially attractive for landlords to work with us yet we cannot see this in an aim? The aim at the bottom of the page is to continue working with Housing Options Team and the NLA to organise 2 landlord forums each year?

Members noted the complexity of the report and commented that based on the successful involvement of Scrutiny in developing such policies in the past, Scrutiny involvement in this case may have been beneficial as the document seemed to be a bit muddled between a strategy and a policy.

What are the monitoring arrangements with regard to the Action Plan? Scrutiny would like to have a further report on progress against the action plan if this is not being reported elsewhere.

Disposal of the Former Carrington Way Public Conveniences

Members were content to note the report and were pleased to note that the asset had been disposed of for more than the valuation figure.

Revenue Budget Monitoring Report

Members asked about the savings for staff costs at the Innovation Centre? Donna Parham - Assistant Director (Finance and Corporate Services) explained that SSDC are now recouping costs.

Members were content to note the report.

Capital Budget Monitoring Report

Members noted the report and had no comments to make on the Capital projects approved prior to 2010 but not yet completed.

Update on Yeovil Crematorium

Members of the Committee thanked the Portfolio Holder for attending and answering their questions. Members were pleased to note the improvements that have been made at the Crematorium over the past 12 months and noted the ongoing work.

District Executive Forward Plan

Members again sought clarification that the Motion agreed at Council to investigate 2 hours free parking would be reported to members via the Budget setting process, and that there would be explicit reference made to this.

Confidential Item – Notification of an Urgent Executive Decision: The installation of an additional Photovoltaic Array

Members noted the report.

Area Grants Application Process

This report had been requested by a member of the Scrutiny Committee to allow members to consider the extent to which the Area Grant application process is applied consistently across the district.

The Assistant Director reiterated that members are the decision makers when grant applications are made to Area Committees and if they feel they do have adequate information, they should ask for the necessary additional information and defer the decision.

Members requested that guidance is produced for all members relating to grant applications received from Academies as they represent a unique funding position. The Assistant Director agreed to provide this guidance and confirmed that Schools and Churches can apply under the grant scheme where the outcome would be for the benefit of the wider community.

Anti-social Behaviour, Crime and Policing Act 2014

A report was presented to the Scrutiny Committee in October 2014 which outlined the new provisions of the Anti-Social Behaviour, Crime and Policing Act 2014. A number of new tools were made available to lead agencies through this legislation and at that time, members were concerned there would be resource implications for SSDC officers and requested a follow up report.

This follow up report stated that all the requirements of the new legislation were being met from within existing resources and that discussion will continue with other agencies, in particular the police about the ongoing implementation of the legislation.

1st December 2015

Severe Weather – Preparation and planning

Scrutiny Committee requested a report on the annual planning and preparation for severe weather, the Civil Contingencies Manager introduced the report and gave an overview of the events covered by SSDC teams, she detailed:

- Day to day operations
- Priorities
- Responsibilities
- Training
- Risks and mitigation measures including driving in flooded areas at night.

In response to member questions the Civil Contingencies Manager explained:

- There is no dedicated budget to deal with heavy snowfall; however this does not prevent the necessary action being taken. As in previous years if an overspend is created and if it exceeds £32,000 SSDC can apply, under certain circumstances, to the Government's Bellwin Scheme to have excess costs reimbursed. Somerset County Council have a responsibility to keep the highway free from hazards and to do that in severe weather (Ice & Snow) they prioritise the Highways into Primary & Secondary routes, the routes are available on the County Council website. SSDC has agreed to support Highways by salting agreed high risk pavements and other areas where it is considered dangerous or poses a risk when it is predicted that the incident may last for 3 days or longer.

Reports to be considered by District Executive on 3 December 2015

Members considered the reports outlined in the District Executive Agenda for 3 December 2015. It was agreed that the following comments would be taken forward to District Executive for Consideration:

Funding for Citizens Advice South Somerset

- Members asked what % of the overall operating budget of the CAB the SSDC contribution represents?
- Does SSDC charge the CAB rent for office space at Petter's Way?
- Members queried if there was potential duplication between the role of SSDC Welfare Benefits Advisors and the advice given by CAB – were we in effect paying twice for the same service?
- Members noted that the report refers to a new service specification being drawn up and asked that Scrutiny be involved in this process prior to their implementation?

Quarterly Performance Report

- Members noted that PI029 shows a significant increase in the numbers of anti-social behaviour reports – whilst noting the impact the reduced value of scrap metal is having on the number of abandoned cars, members sought clarification as to what steps are being taken to address this increase?
- Regarding PI031 – the Committee received a detailed report on this issue in August and noted that performance data is still not available. It was noted that a detailed update report will be presented to Scrutiny in January but the ongoing reputational risk to the council was emphasised.
- The Interim CEO indicated that a business case would be coming to District Executive in the New Year, outlining proposals for transforming customer handling within SSDC – this business transformation process would address some of the issues concerning call handling, members were informed that this transformation would require capital investment. Scrutiny Members sought clarification that

resources were not being committed to the current fix in Customer services, only to be replaced by the business transformation programme?

Yeovil Innovation Centre

- Is the satisfaction target not set a little low – should we not be aspiring for greater tenant satisfaction?
- Members sought clarification as to the role and function of the Innovation Centre – when the project was initiated, it was stated that at some point, it would become self-financing – is this still the aim and when is this projected to happen?
- How long are businesses expected to be based at the Innovation Centre before moving on to more permanent bases? Members were aware that in some areas of the district there is a waiting list for such ‘incubation’ units and the Innovation centre needs to meet this specific brief.
- When are the rent reviews intended to be carried out?

District Executive Forward Plan

- Members queried what progress had been made with the review of the Car Park Strategy/fees since the motion was passed at Full Council, there is no mention of this on the forward plan.
- The corporate plan is out of date, what is the process for revising this, again there is no mention of this on the forward plan.

Task and Finish work

Final Report from the Monitoring SSDC Council Tax Support Scheme Task and Finish Group.

Cllr Sue Steele – the review chair highlighted the recommendations of the Task and Finish group, and detailed the proposed amendments to the current scheme. She thanked the members of the Task and Finish group for their dedication and the officer group for their support.

In response to questions the Scrutiny Manager explained the variance in Local Authority schemes across the country and the challenge going forward for SSDC - balancing a fair scheme, administration costs and the cost of collection and enforcement.

The committee endorsed the report and recommendations to District Executive

Review of Licensing Fees and Charges – Report of the Scrutiny Task and Finish Group

Councillor Martin Wale the review chair – gave an overview of the work the task and finish group had undertaken and explained the recommendations within the report.

Nigel Marston – Licensing Manager, explained the process of total cost recovery and gave some examples.

Members sought clarification over the increase in the private hire charges, officers confirmed the new charge is for a five year period.

Councillor Peter Gubbins – Portfolio Holder for Licensing thanked the Members of the Task and Finish group for their detailed work.

The Task and Finish report is presented in full in this agenda.

On-going Task and Finish work

Scrutiny Committee have formed a Journey of Exploration Task and Finish group to consider the process to inform the business cases for sharing a Management team with Sedgemoor and Staying Alone. The group is made up of 14 members in political balance – the group includes District Executive members as they will be working in a ‘critical friend’ capacity for the Project Board not District Executive. The group have agreed their ambition for the review as:

Through our work, members of this Task and Finish Group will aim to ensure that:

- All elected members of SSDC have a sound and evidence based understanding of all the issues and options for future management arrangements prior to taking a final decision
- Members’ thoughts, suggestions and concerns are sought, collated and communicated to the Project Group in a timely manner and can therefore inform the preparation of the two business cases;
- Members’ views on the risks and mitigation measures are sought and represented in the process;
- This group will act as a ‘sounding board’ for the ideas and proposals emerging from the JLAG;
- Equal merit will be given to the business cases for staying alone and sharing a management team with Sedgemoor;
- Any ‘deal breakers’ identified by members will be addressed at the earliest possible opportunity;
- Good working relationships are developed with members at Sedgemoor District Council so that the trust element that has been identified as so crucial is established.

Councillor Sue Steele
Chairman of Scrutiny Committee

Agenda Item 15

Motions

The following Motion has been submitted by Councillor Nick Colbert:

Local Homes for Local People

As we observe our housing policy in South Somerset District Council, one issue, important to our constituents, has come to light in my ward on 4 occasions since I was first elected 4 ½ years ago. Local people are not being properly recognised for their local connection which is inadvertently causing families to be split up causing stress to those families and an additional burden to social services.

As an example, despite well over 125 affordable houses being built in my ward fewer than 10% went to local people. Subsequently local people have been out pointed on our current system by people from far and wide across Somerset and beyond. That was because there is no proper recognition being awarded for being local, the net result is I have seen many local families, some being local to the town for generations, having to leave the area their family and friends network is based. The simple fact is that despite plenty of affordable homes being built in the town local people are not being given any real priority in being allocated this housing.

This is having a very detrimental effect on the people concerned as they are forced to move away from family and friends. One family I am dealing with at the moment, who have lived in the town for generations, have a child at the local school, all their friends in the town and both have aged parents who they care for in the town (one grandmother has recently broken a rib). The grandparents help in the care and upbringing of their grandchildren, and the middle generation care for both their parents and their children. This family has repeatedly been told that as they score lowly, because no recognition is made for being local under the current system, they should bid for housing in other towns. Consequently we in South Somerset District Council are inadvertently causing the middle generation of this family to move away from the town with all 3 generations of this family suffering and the aged grandparents having to resort to Social Services care if their family is forced to move away.

To resolve this problem we need to reassess people, taking account of where they already live, if they have family living in that town, if they have children in school in that town and where they are employed allocating “points” accordingly. This will result in many positive things happening. It will help keep families together and independent with all generations benefiting, keep people close to their place of work and near their network of friends creating both a better quality of life for our constituents and cut down on unnecessary travel as they will still be able to live close to family, friends, school and work.

The Motion I recommend to Council to resolve this matter is:

South Somerset District Council should adopt as soon as practically possible a system of scoring that reflects locality, family, school and work commitments to enhance the quality of life of South Somerset residents by keeping their family and friends network together, reducing the burden on social services and reducing carbon emissions by removing the need for unnecessary travel to and from visiting family, friends and work. If this can't be achieved through the Somerset Homefinder system then South Somerset should adopt its own system for the benefit of our residents or adopt the “doughnut” system of allocation via s106 agreements as used in Barton St

David or a proportion, say 50% of affordable housing in market towns should be held aside for local families using the doughnut principal.

This is not a political motion, no politics are involved it, it is merely tweaking our current system of housing allocation to benefit the people we are representing.

Agenda Item 17

Date of Next Meeting

Members are asked to note that the next scheduled meeting of the Full Council will take place on **Thursday, 21st January 2016** in the Council Chamber, Council Offices, Brympton Way, Yeovil **commencing at 7.30 p.m.**
