



Council

A G E N D A

All Members of South Bucks District Council

Your attendance is requested at a meeting of the South Bucks District Council to be held at **6.00 pm** on **Wednesday, 14 November 2018, Council Chamber - Capswood, Oxford Road, Denham**, when the business below is proposed to be transacted.

Item

1. Evacuation Procedure
2. Presentation from the Programme Manager of the Willow Project

Members will receive a presentation from Nicola Bell Programme Manager of Victims' First – Willow Project regarding exploitation and modern slavery.

3. Apologies for Absence
4. Minutes (*Pages 7 - 18*)

To approve the minutes of the meeting of Full Council held on 17 July 2018

5. Declarations of Interest
6. Announcements

(a) Chairman's Announcements (Pages 19 - 20)

To receive announcements by the Chairman of the Council, if any, and any communication he/she may desire to lay before the Council.

(b) Announcements from the Leader of the Cabinet

To receive announcements from the Leader of the Cabinet, if any.

(c) Announcements from the Head of Paid Service

To receive announcements from the Head of Paid Service, if any.

7. Committee Recommendations

There are recommendations from the Licensing Committee on 26 September 2018 and Planning Committee on 10 October 2018 which were also considered by Cabinet and these reports are itemised under item 8 (item 8.1 relating to Planning Committee and item 8.2 relating to Licensing Committee.)

7.1 Licensing Act 2003 Policy Review 2018 (*Pages 21 - 24*)

Appendix 1 Draft Licensing Policy (Pages 25 - 64)

8. Cabinet Meeting

To receive and consider the recommendations of the Cabinet for the meeting held on 17 October 2018 and to receive questions and answers on any of those recommendations in accordance with Rule 9.1 of the Procedural Rules

8.1 Delegation arrangements in Planning Enforcement (*Pages 65 - 68*)

Appendix Scheme of Officer Delegations (Pages 69 - 72)

8.2 Review of the Council's Gambling Act 2005 - Statement of Principles Review 2018 (*Pages 73 - 74*)

Appendix 1 - Draft Statement of Principles (Pages 75 - 110)

8.3 Joint Housing Strategy (*Pages 111 - 114*)

Appendix Joint Housing Strategy (Pages 115 - 174)

8.4 Station Road Car Park Redevelopment Gerrards Cross Business Case (Pages 175 - 184)

Appendix A Site Plan Gerrards Cross Car Park (Pages 185 - 186)

Appendix B Business Case Gerrards Cross Car Park (Pages 187 - 188)

Appendix C Communications Plan Gerrards Cross Car Park (Pages 189 - 190)

9. Questions

To answer questions (if any) from

- (a) Members of the Council; and
- (b) Members of the public

which have been put under Procedure Rules 9 and 10.

(a) To answer the following questions from Councillor Harding:

1. *'Given last week's welcome announcement by the Secretary of State regarding local government reorganisation in Buckinghamshire and that a single Unitary Authority is the correct way forward for local government in Buckinghamshire and of course the future:-*

a) Can the Leader now confirm that he will now fully endorse the will and decision from the Secretary of State ?

b) That SBDC Council taxpayers will now not be expected to fund any aspirational wishes to judicially review the decision of the Secretary of State to merely satisfy the Leader's previous held view that Buckinghamshire would be best served by a dual unitary option ?

2. *In view of the recent welcome news regarding a Unitary for South Bucks can we please have a positioning statement regarding the ongoing projects that are in the planning or early progress stages that were to be undertaken by South Bucks District Council details to include responsibility for expenditure and funding.-*

namely Gerrard's Cross Car Park, and the former Thames Valley Police Station Gerrard's Cross.

3. *Can the Resources Portfolio Holder please update and confirm to council the situation regarding:-*

a) Payments made to Chiltern District Council for Office space/use

b) That South Bucks District Council is in receipt of rental income for office space no longer in use at Capswood. ?'

To answer the following question from Councillor Reed:-

'What has been the total cost to the South Bucks Council taxpayer of all expenditure related to SBDC Membership of the Local Government Association since May 2015?'

(b) To answer the following questions from a member of the public which have been received in accordance with Procedure Rule 10:

'Are members of the Armed Forces allowed access to the Council's Armed Forces Champion without their Commanding Officer being present?'

'What is the role of the Armed Forces Champion? Does it include addressing concerns of Armed Forces personnel and their families within Buckinghamshire?'

'What are the names of the military bases, and if possible the names of the military individuals, that Armed Forces families within South Bucks can raise their concerns with so that the Council's AFC represents those concerns to the wider council?'

10. Verbal Reports from the Leader, Cabinet Member or Chairman of a Committee (if any)

To receive and consider verbal update reports (if any) from the Members listed above, and to answer questions on any of those reports from any Member of the Council in accordance with Rule 9.1 of the Procedural Rules

11. Motions (if any)

Written notice of every motion, except those which may be moved under Council Procedure Rule 13, must be signed by at least 2 Members and delivered to the proper officer at least 7 clear days before the meeting.

12. Members' Reports

To receive reports from members:

Dr Matthews - Meeting of Health and Adult Social Care Select Committee held in July 2018 (Pages 191 - 192)

Dr Matthews - Meeting of Health and Adult Social Care Select Committee held in October 2018 (Pages 193 - 194)

Mr Pepler - Meeting of the Buckinghamshire Healthcare Trust held on 26 September 2018 (Pages 195 - 196)

13. Exclusion of Public (if required)

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

Note: All reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.



Bob Smith
Chief Executive
South Bucks District Council

Date of next meeting – Wednesday, 27 February 2019

Audio/Visual Recording of Meetings

This meeting might be filmed, photographed, audio-recorded or reported by a party other than the Council for subsequent broadcast or publication. If you intend to film, photograph or audio record the proceedings, or if you have any questions please contact Democratic Services. Members of the press please contact the Communications Team.

If you would like this document in large print or an alternative format, please contact 01895 837236; email democraticservices@southbucks.gov.uk

SOUTH BUCKS DISTRICT COUNCIL**Council - 17 July 2018**

Present: Councillors D Anthony, R Bagge, P Bastiman, S Chhokar, D Dhillon, T Egleton, B Gibbs, P Griffin, B Harding, P Hogan, G Hollis, J Jordan, M Lewis, J Lowen-Cooper, Dr W Matthews, N Naylor, J Read, R Reed, R Sangster, D Saunders and D Smith

Apologies: Councillors M Bezzant, M Bradford, L Hazell, P Kelly, D Pepler, G Sandy and L Sullivan

8. CHIEF CONSTABLE'S ANNUAL PRESENTATION

The Chairman welcomed Anthony Stansfeld, the Thames Valley Police and Crime Commissioner, Francis Habgood, Chief Constable of Thames Valley Police, and Superintendent Neil Kentish Local Policing Area Commander to the meeting. Neil Kentish had recently been appointed the Policing Area Commander for Chiltern and South Buckinghamshire.

The PCC and Chief Constable gave a presentation to Members covering a number of key themes and these have been included on the website with the agenda:

The PCC's presentation included information on:

- His responsibilities and information on the Thames Valley area
- Police and Crime Plan priorities
- Victims First – this was a new hub which was introduced in March 2018 and was working very well. The Service ensures that all victims of crime received the support they needed to cope and recover from the impact of crime.
- 2017/18 Crime Performance Headlines – Thames Valley saw recorded crime increase by 8.7% compared to the national increase of 15%. The latest published figures from the Office for National Statistics showed a wider increase to the relatively rare but 'high-harm' violent offences such as homicide, knife crime and gun crime, a trend that had been emerging over the previous two years. A further slide went into detail on the increase in types of crime.
- The PCC commented that over recent years his budget had been reduced by £100million which did have an impact on the number of police officers that could be employed.

The Chief Constable's presentation covered the following areas:

- Policing the Royal Wedding/visit by President Trump – largest deployment in the Thames Valley
- Call volumes/time to answer – last year was incredibly busy, particularly over the summer, with an increase in calls and number of incidents and the pattern was similar this year with an increase in calls over the last few weeks. In addition a number of police officers had left the Thames Valley to move to other areas because the cost of living was lower. 999 calls had increased and 101 calls had decreased and they were undertaking some work on this area to understand the cause of this displacement. Due to the recent increase in calls over the last few weeks the response times to 101 calls had become more challenging. They had improved their website to encourage residents to report incidents online.
- Performance/crime trends
- Crime Data Integrity – HMICFRS was graded as inadequate but found that the Force still provided a good service to victims, even when the crime was not recorded.
- Problem solving initiatives, for example Round Coppice Farm – multi agency support to help patients to live in supported but non-therapeutic accommodation
- Demand Reduction Success, for example domestic abuse engagement worker and the multi-agency approach to unauthorised encampments
- Hidden Harm Campaign which aims to raise awareness in reporting abuse related crimes across the Thames Valley.

The Chairman asked that the slides be circulated to Members of the Council.

During the question and answer session that ensued, a number of issues were clarified/explained by the PCC, Chief Constable and the Local Policing Area Commander as follows:-

Question 1

If Her Majesty's Inspector of Constabulary (HMICFRS) rated TVP outstanding in its efficiency in keeping people safe and reducing crime, could you explain how this tallies with the recent Sunday Times report that showed South Bucks in the lowest group for arrests and subsequent convictions at 4.4% comparing with County Durham at 18.4%, and does this indicate a weakness in TVP processes?

The Chief Constable reported that in 2017/18 HMICFRS conducted their 'police efficiency, effectiveness and legitimacy inspections and TVP was graded 'outstanding' in terms of efficiency, 'good' for effectiveness and 'good' for legitimacy. He commented that TVP need to do more work on the investigation of crime but they

have a plan to address this which included upskilling people. One of the issues with the South Bucks area was that many crime groups were not local and came from other areas such as London which made intelligence gathering more challenging. He also commented that he was unsure of what methodology the Sunday Times had used and that the figures were unclear. The PCC had set some real priorities around residential burglary. South Bucks District did have some crime types that were out of kilter with the rest of the Thames Valley and gave an example of theft of fuel. It was important to prioritise addressing those crimes which had a greater risk of threat. The PCC referred to the national formula grant and the lack of funding given to the Thames Valley. If they were given the same amount of funding as Durham they would be able to afford an extra 1,500 police officers and with a total number of police officers of 3,900 this would have an enormous impact.

Question 2

The A412 junction at Black Park has seen many accidents and fatalities. The Police and Bucks County Council have received many complaints and said the Junction and the speed on the highway would be addressed. This is the worst junction in Bucks. Can you confirm when the police will tackle the speed and introduce speed cameras as requested it's been ongoing for a number of years with no changes implemented. The accidents continue despite the history.

The Chief Constable reported that there had been two serious accidents and two slight accidents. This had triggered some enforcement activity but it was also important to look at engineering to design out any faults. In 2018 there was 100 hours of enforcement and 2,200 people received traffic offences. TVP had looked at average speed cameras but the cost of the system at approx. £100,000 was unaffordable. Transport for Buckinghamshire should investigate whether an engineering solution could be implemented but until then mobile speed enforcement would continue. Another Member commented that the speed enforcement was not effective because they were one mile away from the junction. The Chief Constable responded that he understood the Member's concerns but they had to look at the safety of their officers in parking their car and this was the closest area to park to the junction.

Question 3

As a Magistrate he was concerned about the number of courts being closed and asked the Chief Constable views on this.

The Chief Constable reported that he was concerned about the number of courts being closed and that once they had been closed it was difficult to get back those resources. He commented that it was also extremely stressful for witnesses to travel. The PCC also commented that if cases were delayed it was difficult to get witnesses to travel to courts for a second day at some considerable distance and it was not a satisfactory situation.

Question 4

I understand that County Lines drug distribution is impacting on all parts of the Thames Valley with the result that these metropolitan organised gangs are now making hard drugs more readily available. I appreciate that operationally the Chief Constable will be allocating greater resources to the large urban areas of the Thames Valley where a large part of the criminal activities originate and occur however this new approach by criminals results in a substantial increase in hard drug usage in the rural and semi rural areas of the Thames Valley which will result in a major problem in a few years hence as the number of addicts will increase.

Our District not only borders Greater London but also Slough so we are at great risk how will you be able to reassure our residents that you will have the resources available to combat this threat to our residents quality of life now and in the future.

Is it not time that the funding formula for the allocation of central government grant between individual police forces is revised to reflect a more structured approach to the challenges facing individual forces?

The PCC responded that county lines was a major issue for police forces; once one line was closed it was immediately replaced. This was serious organised crime run by some big organisations and the police needed to close down these at source and should be addressed nationally by the National Crime Agency. He referred to Zurich who had legalised drugs but had proven that this did not help cure the problem and had in fact exacerbated the situation. The Chief Constable reported that South Bucks was unusual in they had not identified a problem with county lines although there was some local gangs drug dealing. The Local Area Commander had regular monthly meetings with the Community Safety Partnerships to discuss local intelligence and where action needed to be taken. The Member emphasised the importance of not being complacent and the Local Area Commander responded that this would be closely monitored.

Question 1 for the Police and Crime Commissioner:

With the apparent low level of successful convictions in South Bucks compared with other parts of the country what progress are you making as PCC with key delivery partners to achieve a joined up criminal justice system that actually delivers in supporting policing?

The Police and Crime Commissioner reported that there were some cross border issues with serious organised criminals using South Bucks as an area to commit crime because of its proximity to London. The Chief Constable reported that they had developed good relationships with criminal justice partners who were working together to achieve a common aim and referred to a recent meeting with three resident judges who provided positive feedback. However, it was acknowledged that a lack of funding was an issue.

Question 2

Last year you requested extra funding which was a matter of days/weeks prior to a scathing report being published, damning Thames Valley Police for not reporting 35k very serious crimes. Were you aware of the content of this report prior to it being

Council (SBDC) - 17 July 2018

published and, if so, how does this reflect on both your integrity and ability to hold senior officers in the Thames Valley force accountable?

The PCC commented that this was not extra funding but a rise in council tax to ensure that the budget remained the same because of a reduction in government funding. £100 million had been removed from the budget in the past few years. In relation to the number of crimes not reported they were not serious crimes but the same incident could be recorded a number of different times depending on the victims involved. The Member referred to some of the non-recorded crimes relating to violent offences and the PCC commented that it could be difficult to obtain a prosecution without the required evidence. He reassured Members that procedures had been developed considerably in this area.

The Chairman thanked the PCC, the Chief Constable and the Local Area Commander for their excellent presentation.

9. **MINUTES**

Subject to a correction to record that Cllr Harding had given his apologies, the minutes of the meeting of Full and Annual Council held on 16 May 2018 were approved and signed by the Chairman as a correct record.

10. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

11. **ANNOUNCEMENTS**

The Chairman reported on recent functions and events she had attended on behalf of the Council. The Chairman referred to a charity event on 22 October 2018 which she hoped all Members would attend. The list of engagements were set out below.

Engagements May – June 2018

Charity Quiz Night – Chairman	01/06/18	Chairman attended
Evensong St Paul's Cathedral – Wheelpower	06/06/18	Chairman attended
Annual Reception – Directors SGI UK	07/06/18	Chairman attended
Summer Garden Party – Alfriston School	08/06/18	Chairman attended

Council (SBDC) - 17 July 2018

Annual Visit to Burnham Beeches followed by luncheon at Dorneywood	11/06/18	Chairman attended
Queen's Award for Voluntary Service to Meet and Mingle Group	17/06/18	Chairman attended
Annual Garden Party – Chairman, Universal Care	19/06/18	Chairman attended
Marlow Regatta Dorney Lake, Court Lane, Windsor SL4 6PQ	23/06/18	Vice Chairman attended
Opening of Playground & Summer Fair – Richings Park Residents' Association	24/06/18	Vice Chairman attended
AGM - Samaritans Slough, Windsor & Maidenhead	27/06/18	Chairman attended
Civic Service – Mayor of Beaconsfield	01/07/18	Chairman attended
Bucks & MK Schools Games Final – Bucks & MK Sports and Activity Partnership	05/07/18	Chairman attended
Awards Presentation & AGM – County Chairman Bucks Scouts	08/07/18	Chairman attended
Civic Service – Mayor of Milton Keynes	08/07/18	Vice Chairman attended
Grand Opening of New Town – Bekonscot Model Village & Railway Warwick Road, Beaconsfield HP9 2PZ	11/07/18	Chairman attended

The Leader informed Members that the training on social media would be re-arranged for September. There was an additional session on this on 25 July 2018 being held at the Amersham offices.

12. COMMITTEE RECOMMENDATIONS

The Chairman reminded Members that the agenda for this Council meeting reflected the changes made to the Council's constitution, as agreed by Council on 27 February on recommendation of the Governance & Electoral Arrangements Committee.

Minutes of Committee meetings would no longer be moved at Council meetings. The main agenda would show recommendations from Cabinet and/or Committee meetings as separate reports/agenda items. There would continue to be a list of Committee meetings held since the last meeting on the agenda for information.

A Member expressed concern about the openness and transparency of those Minutes and was informed that the Minutes of Committee meetings would be included for information only and made available via a public supplement pack separate from the main agenda.

13. **CABINET RECOMMENDATIONS**

Members noted that the Cabinet Minutes of 27 June 2018 were part of the supplement pack.

14. **REFRESHED JOINT BUSINESS PLAN 2018-19**

Full Council received a report on the refreshed Joint Business Plan 2018-19 which was part of the policy framework. The Joint Business Plan was reviewed every year to reflect the changing needs of the locality and the communities that live and work within Chiltern and South Bucks, as well as the service planning process.

It was moved by Cllr Naylor, seconded by Cllr Read and

RESOLVED that the refreshed Joint Business Plan 2018-2019 be approved.

15. **FARNHAM PARK PLAYING FIELDS STRATEGY**

Full Council received a report which set out the need for funding from reserves to explore the feasibility of an enabling development at Farnham Park Playing Fields. The Playing Fields were currently operating at a net cost of in excess of £100,000 per annum, and the buildings on the site were at the end of their useful lives. As the whole site was in the Green Belt the Council would need to argue very special circumstances and in order to consider the enabling development option, a specialist planning consultant would need to be appointed to build a case which the Council could then decide if it wished to proceed with.

Cllr Dhillon questioned the purpose of the £50,000 budget, which is being funded from the General Reserve and asked what it was being used for and what options were being looked at in respect of the Playing Fields?

Cllr Dhillon also questioned when a full report on the future of Farnham Park Playing Fields Strategy would be brought back to Members. He questioned whether there would be any residential development and whether any sports facilities would be taken away? The Playing Fields acted as an important open space buffer between Slough and South Bucks.

Cllr Gibbs agreed to arrange for a written response to be sent to Members following the meeting.

It was moved by Cllr Gibbs, seconded by Cllr Read and

RESOLVED that a budget of up to £50,000 funded from the General Reserve, be agreed in order to explore the feasibility of an enabling development.

16. **VERBAL REPORTS FROM THE LEADER, CABINET MEMBER OR CHAIRMAN OF A COMMITTEE**

The Portfolio Holder for Healthy Communities reported that an Air Quality Management Area had been declared and submitted to the Secretary of State, based on the Iver Parish boundary. This was a timely project bearing in mind the cumulative impact from infrastructure projects that were being undertaken in Iver. Over 90% of respondents agreed that the boundary should be aligned with the Parish boundary.

The Portfolio Holder for Planning and Economic Development commented that the Council had submitted a number of consultation responses recently and particularly referred to the consultation relating to Heathrow's Noise Action Plan and the Western Rail link.

<http://www.southbucks.gov.uk/heathrow>

<http://www.southbucks.gov.uk/Western-Rail-Access-to-Heathrow>

17. **QUESTIONS**

Notice having been given under Council Procedure Rule 10, the following questions were put by Cllr Harding and responses given by Cllr Gibbs as Cabinet Member for Resources:

Question 1, Can we please have an update on the cost thus far and subsequent costs including the planning application process for the New Gerrards Cross Car Park Project before any construction commences.

Response: The total pre-construction spend up to and including the submission of the current planning application is £824k.

Ex Thames Valley Police Station Site.

Question 2, There is a figure of 7.83 Million which is mentioned in the report, What will the total cost of purchase and construction be? Can you confirm that the amount paid for the Ex Thames Valley Police Station at Gerrards Cross is in accordance with the District Valuers Valuation?

Response: The total project cost estimate is £7.83m. The cost of purchase was £4m. There was no District Valuers valuation carried out. The purchase price was agreed on the basis of an externally commissioned valuation and negotiation.

Question 3, Can we please have an explanation and definition in the terminology used in Para 1.1 in particular 'Draft Business Case' 'Latest Cost Estimate' & 'Surety Route'

Council (SBDC) - 17 July 2018

Response: The draft Business Case; is the financial return on investment from resulting rental income based upon project cost and borrowing from the Public Works Loan Board, on an annuity basis, over 40 years. The final business case is due to be presented to Cabinet in October 2018 when fixed cost and planning conditions will be available.

The latest cost estimate; is the cost estimate based on cost figures received from the contractor to date

Surety Route; is the procurement route the Council has used that provides a fixed price for build after design work complete excluding certain risks that remain with the Council such as if archaeology was discovered during excavations and this needed further work

Question 4, Is the assurance given by the Contractor regarding 'target cost envelope' a guarantee And can we have confirmation of who agreed targets with the chosen contractor.

Response: Yes once the delivery agreement is signed further to the final business case being accepted by the Council. Cabinet 17 April 18 accepted to proceed with obtaining cost certainty through the Surety route but not to exceed the cost estimate of £7.83m.

Question 5, Given that the report concludes and relies upon construction starting in March 2019, reasons include that there are Bats on site. Can you confirm that a detailed analysis has taken place with regard to any contamination on the old Thames Valley Police Station Site and that any claim will be in line with the Terms & Conditions of Sale which for the Benefit of any doubt is March 2019- Only 9 Months Away.

Response: A contamination report has been completed and once a delivery agreement is concluded it will become the contractor's responsibility to decontaminate the site within the target date set for decontamination.

The Cabinet report 27 June 2018 clause 5.6 stated 2 years for reclaiming £200,000 for decontamination cost as part of the sales agreement.

Cllr Harding asked the following supplementary questions and Cllr Gibbs agreed to respond to these in writing and circulate the responses to all Members. The questions were set out below:

On para 6.3 of the redevelopment of former Gerrards Cross Police Station Site report there was reference to a loan interest rate of 2.77% with an internal rate of return of 3.67% - were these for the life of the Public Works Loan Board loan or variable figures?

With reference to Note 1 the difference between the management fee for managing affordable housing was questioned, being in the region of 30% rather than 10% as previously estimated? The Member asked for reassurance that the rest of the figures in the report were accurate.

In the report it stated that the contamination costs were not included in the estimated cost as the Council could reclaim up to £200,000 for any contamination costs incurred as part of a condition of sale on purchasing the police site and these costs need to be claimed within 2 years. The Member asked for more detail on the contamination referred to in the report and whether it was the responsibility of the contractor or the landowner to decontaminate the site?

18. MOTIONS

No motions were received.

19. MEMBERS' REPORTS ON JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

The meeting received the following Members' reports:

- Bucks Health and Social Care Select Committee Update
- Report of the Buckinghamshire Healthcare Trust – 28 March 2018

20. MEMBERS ALLOWANCES SCHEME 2018-19

Cllr Chhokar had left the meeting and Cllr Bastiman had arrived when this item was being discussed.

Full Council received the report which presented the recommendations of the Independent Remuneration Panel following its review of the Council's Scheme of Allowances to agree a Scheme for Members for the financial year 2018/19. The Panel met on two occasions in March 2018 to review the current scheme and make recommendations on each allowance as required by the Regulations. The Panel's starting point was to consider the Council's current Scheme of Allowance and compare it with the Scheme of Chiltern District Council whom South Bucks share joint working arrangements. The Panel also looked at neighbouring authorities and those deemed by the Audit Commission to be most similar to South Bucks.

Having reflected on the Panel's recommendation and the allowances scheme in place at Chiltern District Council, an alternative proposal had been received from the Conservative Group. Appendix 2 showed a Scheme based on the IRP's proposal and Appendix 3 showed a Scheme based on the Conservative Group proposal. The table on page 66/67 of the agenda highlighted the four differences between both Schemes. These were the Special Responsibility Allowances for Cabinet Members, the Chairman of Overview and Scrutiny Committee, the Chairman of Governance and Electoral Arrangements Committee and Ordinary Members of the Planning Committee, which sought to reflect the level of additional responsibility attaching to these positions and had regard to similar allowances in place at Chiltern District Council.

It was moved by Cllr Naylor, seconded by Cllr Read that:

1. The report of the Independent Remuneration Panel at Appendix 1 be noted and that the Panel be thanked formally for the work they have done in producing the report.

Council (SBDC) - 17 July 2018

2. The Members Allowance Scheme for 2018/19 as attached at Appendix 3 of the report be approved
3. The budget for 2018/19 for Members Allowances be amended, as required, to put into effect recommendation 2.

A Member expressed concern about the 25% increase in Cabinet Member allowances compared to an increase of basic allowance of 10% and also compared this to the pay rise for officers of 2%. He also commented on the number of Special Responsibility Allowances. Another Member referred to the 27% increase for the Leader, 45% increase for the Deputy Leader and 25% for Cabinet Members. A request was made by Cllr Harding for a recorded vote on recommendations 2 and 3 due to the concerns raised above. Council procedural rules require that for a recorded vote to take place a quarter of those Members present must demand it. 7 Members out of 20 present requested a recorded vote and therefore the names for and against the motion or abstaining from voting were entered into the minute below.

The Leader responded that the views put by Conservative Group were similar to the recommendations put by the IRP. The Scheme had not been substantially reviewed since 2009, and the roles of Cabinet Members had changed significantly in that time and the allowances were reflecting this point. Last year the Council had also chosen to continue with the existing Scheme of Allowances. A Member also commented that the Panel had recognised the high level of responsibility of Cabinet Members and the additional workload arising from the joint working arrangements with Chiltern District Council.

A recorded vote was taken on motions 2 and 3 which were taken together, with 12 Members voting for the motions, 5 abstaining and 3 voting against the motion as follows:

For

Cllrs Anthony, Bagge, Bastiman, Egleton, Gibbs, Hogan, Jordan, Lewis, Dr Matthews, Naylor, Read, Smith

Against

Cllrs Harding, Reed, Griffin

Abstain

Cllrs Dhillon, Hollis, Lowen-Cooper, Sangster, Saunders

RESOLVED that:

4. The report of the Independent Remuneration Panel at Appendix 1 be noted and that the Panel be thanked formally for the work they have done in producing the report.

5. The Members Allowance Scheme for 2018/19 as attached at Appendix 3 of the report be approved
6. The budget for 2018/19 for Members Allowances be amended, as required, to put into effect recommendation 2.

21. **EXCLUSION OF PUBLIC**

RESOLVED that under section 100 (A) (4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item(s) of business on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

22. **WASTE CONTRACT OPTIONS APPRAISAL**

Full Council received the report which requested approval for a budget of up to £300,000 to fund sufficient professional and technical resources to enter into initial discussions and prepare for the procurement project for the delivery of the waste collection, recycling and street cleansing services. Cabinet at its meeting on 27 June 2018 agreed the longer term strategy to procure a three way single joint contract for Wycombe, Chiltern and South Bucks District Councils.

It was moved by Cllr Gibbs, seconded by Cllr Read and

RESOLVED that the Council approve an initial budget of up to £300,000 to fund sufficient professional and technical resources to enter into initial discussions and to prepare for and support the procurement project, to be funded by the three Authorities in proportion to the number of households in each district (SBDC - 20.46%; CDC - 28.12%; WDC - 51.42%), with the release of funds to be delegated to the Head of Environment and Head of Finance in consultation with the relevant Portfolio Holder.

The meeting terminated at 7.40 pm

Engagements July - November 2018

Engagement	Date	Chairman/Vice Chairman Attendance
Queen's Award Presentation Ceremony – Lord Lieutenant of Buckinghamshire	26/07/18	Chairman attended
Maidenhead Regatta – Mayor of Royal Borough of Windsor & Maidenhead	11/08/18	Chairman attended
Punting Championships – Thames Punting	12/08/18	Chairman attended
Dragon Boat Charity Race – Ricoh & Princes Trust	31/08/18	Chairman attended
Lord Dannatt's Round Britain Challenge – The Jubilee Sailing Trust	01/09/18	Chairman attended
Graduation Ceremony – Vice Chancellor, Bucks New University	04/09/18	Chairman attended
Big Night Out – Action4Youth	12/09/18	Chairman attended
Chairman's Charity Golf Day	14/09/18	Chairman attended
Reading Challenge – Iver Heath Infant School	20/09/18	Chairman attended
Official Opening of The Barn – Wexham Court Primary School	27/09/18	Chairman attended
Heathrow Primary School Challenge - Heathrow Airport Limited	03/10/18	Chairman attended
Tour of the Battle of Britain Operations Room (The Bunker) at the former RAF Uxbridge – Mayor of Hillingdon	04/10/18	Chairman attended
Celebrating the Work of the Berkeley Foundation	11/10/18	Chairman attended
Justice Service – High Sheriff of Buckinghamshire	14/10/18	Chairman attended
Reading Challenge Prize Giving – Iver Village Infants School	16/10/18	Chairman attended

SERFCA Awards Ceremony – Lord Lieutenant of Buckinghamshire	18/10/18	Chairman attended
Charity Quiz Night – Chairman of Aylesbury Vale District Council	19/10/18	Vice Chairman attended
Charity Afternoon Tea – Mayor of Royal Borough of Windsor & Maidenhead	25/10/18	Chairman attended
Afternoon in Champagne – Chairman’s Charity Event	27/10/18	Chairman attended
Civic Service – Chairman of Buckinghamshire County Council	28/10/18	Chairman attended
Official Opening of Taplow Riverside Bridge – Berkeley Homes	02/11/18	Chairman attended
Private Reception – Thames Valley Hospice	08/11/18	Vice Chairman attended
WWI Speaking Competition – Beaconsfield Town Council	09/11/18	Vice Chairman attended
WWI Commemorations – Lord Lieutenant	11/11/18	Chairman attended
Battle’s Over – WWI Beacons of Light – Iver Parish Council and Royal British Legion (Iver Heath) Branch	11/11/18	Chairman attended
British Empire Medal Investiture Ceremony- Lord Lieutenant of Buckinghamshire	14/11/18	Chairman attended

SUBJECT:	<i>Licensing Act 2003 Policy Review 2018</i>
REPORT OF:	<i>Director of Services – Steve Bambrick</i>
RESPONSIBLE OFFICER	<i>Head of Healthy Communities – Martin Holt</i>
REPORT AUTHOR	<i>Charlie Robinson, 01494 732056, crobinson@southbucks.gov.uk</i>
WARD/S AFFECTED	<i>All Wards</i>

1. Purpose of Report

- 1.1 This report is to recommend to Council the adoption of the revised draft Licensing Act 2003 Policy Statement (“the draft Policy”) attached as Appendix 1.

RECOMMENDATIONS

- 1. That the Council adopts the draft Policy attached as Appendix 1 to come into effect on 10th December 2018.**

2. Reasons for Recommendations

- 2.1 The Council has a statutory responsibility under the Licensing Act 2003, as amended (“the 2003 Act”) to ensure that the Licensing Act Policy is reviewed at least every 5 years, the existing policy having been in place for 5 years as of 9th December 2018.

3. Content of Report

- 3.1 The draft Policy was reviewed by the Licensing Committee on 24th January 2018 and approved for a six week consultation.
- 3.2 The Guidance issued under section 182 of the 2003 Act states that before determining its policy for any five year period, the Licensing Authority must consult the persons listed in section 5(3) of the 2003 Act. These are:
- the Chief Officer of Police for the area;
 - the Fire and Rescue authority for the area;
 - each Primary Care Trust or Local Health Board for an area any part of which is in the licensing authority’s area;
 - persons/bodies representative of local holders of premises licences;
 - persons/bodies representative of local holders of club premises certificates;
 - persons/bodies representative of local holders of personal licences; and
 - persons/bodies representative of businesses and residents in its area.

- 3.3 The Council has consulted with all of the above named consultees and the Town and Parish Councils have also been consulted. The draft Policy was also publicised on the Council's website, and via the Council's social media accounts.
- 3.4 There were 4 responses received to the consultation, two of the responses stated that they had no comments to make, one from the Thames Valley Police Licensing Department and the other from a local premises licence holder. One response was from the Buckinghamshire Safeguarding Children Board providing up to date contact information. The other response was from a firm of solicitors that specialise in licensing (Poppleston Allen) who made a number of points in relation to sections of the draft Policy that they felt could be made clearer for the reader.
- 3.5 The Licensing Committee considered the responses received at their meeting on 21st June 2018 and as a result, some minor amendments to the draft Policy as proposed by Officers were agreed by members, as were the recommendations stated in the report. A copy of the final draft Policy recommended to Council for adoption by the Licensing Committee is attached to this report as Appendix 1.

4. Options

- 4.1 Members can adopt the draft Policy with or without modification having duly considered the information provided in this report and the matters already considered by the Licensing Committee.

5. Corporate Implications

5.1 Legal

The 5 year review of the Licensing Policy is a statutory requirement under the 2003 Act.

5.2 Equality Act 2010

An Equalities Impact Assessment (EIA), in accordance with the requirements of the Equality Act 2010, has been undertaken in connection with the review of the Licensing Policy Statement. The EIA undertaken, a copy of which can be viewed by contacting the Licensing Team, did not identify any adverse equality issues and as a result no further action or mitigation is considered appropriate.

6. Links to Council Policy Objectives

- 6.1 The licensing of premises and the adoption of a Licensing Policy in respect of this activity contributes towards the Council's Corporate Plan Key Theme 2 of working towards safe and healthier local communities. Properly controlling and regulating these

activities will assist in ensuring that levels of crime and disorder remain low and appropriate well run premises can contribute towards the local economy.

Key Objectives available here:

<http://www.southbucks.gov.uk/prioritiesandperformance>

7. Next Steps

7.1 If the draft Policy is adopted it will come into effect on 10th December 2018 and will be made available to the public via the Council's website.

Background Papers:	None other than those referred to in the report.
---------------------------	--

This page is intentionally left blank



SOUTH BUCKS

District Council

LICENSING POLICY

Pursuant to Section 5 of the Licensing Act 2003, as amended.

Adoption and review dates

Adopted 7th DECEMBER 2004.

1st Review – 11th December 2007.

2nd Review - 14th December 2010.

3rd Review – 10th December 2013.

4th Review – XX December 2018

Contents

Foreword – The Purpose and Scope of the Licensing Policy

District Profile

Buckinghamshire District(s) Map

Ward Locations South Bucks District Map

- 1. Introduction**
- 2. Determinations**
- 3. Conditions**
- 4. Licensing Hours**
- 5. Cumulative effect of licensing on the amenity of particular areas**
- 6. Children**
- 7. Films**
- 8. Personal Licences**
- 9. Temporary Events**
- 10. Licensing Of Circuses**
- 11. Sexual Entertainment Venues**
- 12. Garages**
- 13. Consultation**
- 14. Mediation & Communication**
- 15. Complaints against licensed premises**
- 16. Enforcement Policy**
- 17. Administration, Exercise and Delegation**
- 18. Appeals**
- 19. Early Morning Restriction Orders (EMROs)**
- 20. Late Night Levy (LNL)**

Contacts for further information

Appendix 1 – List of Consultees

Appendix 2 – Glossary of Terms

Appendix 3 - List of Responsible Authorities

The purpose and scope of the Licensing Policy

This Statement of Licensing Policy sets out the approach that South Bucks District Council intends to take in carrying out its licensing duties under the Licensing Act 2003, as amended. The Policy covers the sale of alcohol to the public, the supply of alcohol to members of a club, the provision of regulated entertainment, and the provision of late night refreshment within this District. It also identifies how the Council when carrying out its licensing duties will seek to promote the four 'licensing objectives' referred to in the Act, namely:-

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

We hope that this Policy Statement provides practical guidance to local residents, visitors and businesses - large and small - on licensing matters in the South Bucks District. The Council will continue to work in close partnership with individuals and organisations having a responsibility under the Licensing Act 2003. This includes organisations such as the Thames Valley Police and Buckinghamshire Fire Service, licensees and certificate holders, businesses, residents and their representatives so that the whole community is involved in the future of licensing in the District.

At the time that this policy has been reviewed there are 301 businesses which have either a premises licence or a club premises certificate and about 891 individuals who hold a personal licence issued by the Council. The licensed premises in the district include pubs, off-licences, night-clubs; sporting and social clubs; cinemas, theatres; restaurants, late night cafes and takeaways. All of these provide a wide range of leisure and cultural services providing employment and enjoyment for thousands of people. The Council will continue to assist the retail, hospitality and leisure industry to flourish and continue to be a major asset to the local economy. At the same time, the Council is aware of the crime and disorder and noise nuisance problems that can sometimes affect residents living close to licensed premises. As such it will always try to balance the legitimate business aspirations of applicants and licensees, the leisure and cultural interests of customers and the reasonable expectation of local residents to a peaceful existence in their own homes and neighbourhoods.

It is sometimes difficult to achieve this balance and satisfy all those competing interests. However, we will continue to encourage all of those involved in the licensing process to work together in a spirit of co-operation, partnership and mutual understanding. In spite of these potential problems, the Council warmly welcomed this new licensing regime when it was introduced in 2005 and said that it would do all it could to act in a fair and equitable way. To date we consider that we have achieved that aim and will continue to strive to do so. When we took over responsibility for this area of licensing we said that we would endeavour to co-ordinate and manage an efficient and effective licensing system, which achieves and maintains the objectives of the Licensing Act 2003 for the benefit of the whole community.

To date we think that overall we have been successful in our approach. Where our attention has been drawn to problems involving any licensed premises we have reacted quickly and, sometimes in conjunction with other agencies, have generally been able to resolve issues of concern informally. In that respect we would like to thank the residents and businesses and responsible authorities for giving us the opportunity to try to resolve their problems in that manner and also the licence holders for their positive

response when problems have been drawn to their attention. We hope that we will continue to see such co-operation in the future.

District Profile

South Bucks District lies in the western sector of the South East region, situated between Greater London to the east and Reading and Oxford to the west. The District is bordered by a number of urban areas, in particular, Greater London, Slough, Maidenhead, and High Wycombe.

The District was established on 1 April 1974, when, as a result of the Local Government Act 1972, the former Beaconsfield Urban and Eton Rural Districts were abolished. From 1974 until 1 April 1981 the District was known as Beaconsfield District. The District has an area of 14,157 hectares and a current population of 66,900 (2011 Census).

The District is principally rural, being located wholly within the Metropolitan Green Belt around London. Some 87% of the land in the District is designated as Green Belt. The only areas not designated as Green Belt are the urban areas within the larger settlements of Beaconsfield, Burnham, Denham Green, Farnham Common, Farnham Royal, Gerrards Cross, Iver, Iver Heath, New Denham, Richings Park and Stoke Poges. The settlements are primarily residential in nature and of a very pleasant character. The District also has a number of smaller and more rural settlements situated within the Green Belt. A number of the settlements include Conservation Areas.

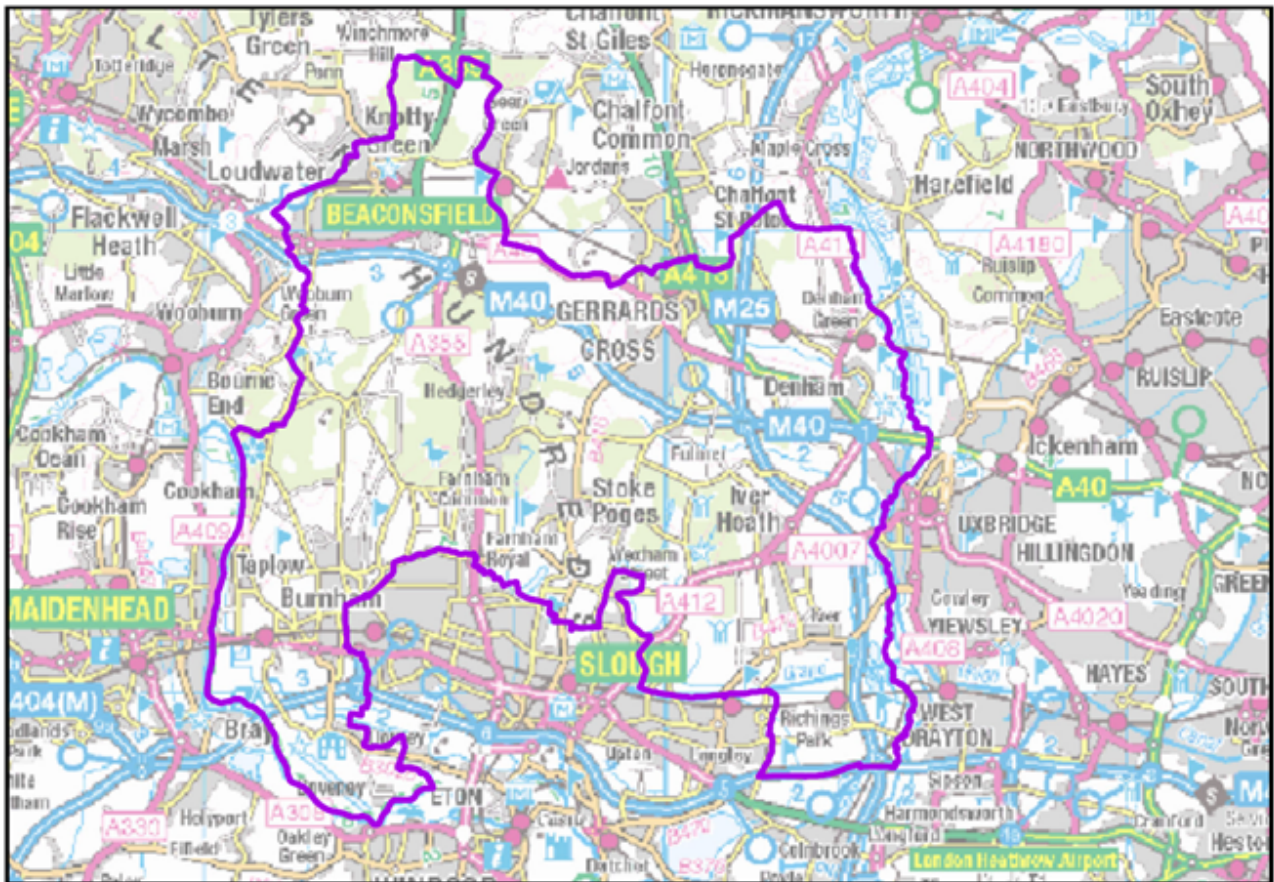
Large parts of the District's countryside are very attractive, crossed by rural lanes, and include extensive woodlands (including Burnham Beeches), heathland, agricultural land, private parks and estates. A small part of the District lies within the Chilterns Area of Outstanding Natural Beauty. Some 25% of the District is designated as Areas of Attractive Landscape. However, some localities in South Bucks have been subjected to gravel extraction, particularly parts of the Colne Valley Park in the east of the District.

Transport links with adjoining areas are very good, with the M4, M25 and M40 motorways all crossing the District. There are also good rail links to London and Birmingham via the Chiltern line and to London and the West via the Thames line. The District's population is highly mobile, with about one out of every two households having the use of at least two cars. Heathrow Airport is situated just to the south east of the District.

South Bucks is within an area which consistently has one of the lowest unemployment rates in England. Of the resident population, 32,000 (50%) are economically active. Around 60% of those in work commute out of the District for their employment, principally to Slough and Greater London. Conversely about 60% of the jobs in the District are taken by people commuting into South Bucks.



© Crown copyright. All rights reserved.
South Bucks District Council 100025874 (2008)



1. Introduction

1.1 South Bucks District Council (hereinafter referred to as “the Council”) is responsible for the licensing of licensable activities under the Licensing Act 2003, as amended (hereinafter referred to as “the Act”) in accordance with Part 1 s.1. This document sets out the policies that the Council as Licensing Authority for the purposes of the Act will apply when making decisions upon applications for the following licensable activities:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- a performance of a play
- a boxing or wrestling entertainment (indoors and outdoors)
- a performance of live music (not incidental music, i.e. a piano in a restaurant)

- any playing of recorded music an exhibition of a film
- an indoor sporting event
- a performance of dance

Live unamplified music taking place between 08:00 hours and 23:00 hours and live amplified music taking place between 08:00 hours and 23:00 hours before audiences of no more than 200 people on premises authorised to supply alcohol on the premises or in workplaces is not licensable entertainment by virtue of amendments made to the Licensing Act 2003 by the Live Music Act 2012.

Some other previously licensable activities, requirements and restrictions have also been removed following the enactment of The Deregulation Act 2013. Some exhibition of film (in limited circumstances) and the sale of liquor chocolates have been deregulated. In addition, the requirements on personal licence holders have also been reduced.

The provision of late night refreshments means the supply of hot food and/or drink from a premise from 23.00 hours to 05.00 hours for consumption on or off the premises.

1.2 This policy shall apply to the following

- Premises Licence
- Club Premises Certificates
- Personal Licences
- Temporary Event Notices

in respect of new consents, renewals, transfers, variations, complaints and reviews.

1.3 There is a statutory presumption that all applications will be granted unless a relevant representation is raised and Special Conditions that are consistent with the Operating Schedule and the four licensing objectives will be imposed. See further details in paragraph 2.4 below.

1.4 The Act makes provision for this policy to be the subject of consultation and the list of consultees is attached as Appendix 1. In drawing up and reviewing this Policy, regard was had to responses to the consultation and National Guidance issued under Section 182 of the Act. The Council will review this policy at least every five years and consult on any proposed revisions (except in respect of the Model Conditions – see Appendix 3). The Policy may also be subject to minor amendments from time to time, for example, when there are changes to relevant legislation; when this is necessary, changes will be authorised by the Head of Healthy Communities, in consultation with the Chairman of the Licensing and Regulation Committee.

1.5 The Act sets out four licensing objectives which the Council has a duty to promote in determining applications:

- Prevention of Crime and Disorder;
- Public Safety;

- Prevention of Public Nuisance; and
- Protection of children from harm.

Each of the objectives is considered to be of equal importance. Only matters relating to these objectives are to be taken into account in determining applications and conditions will only be attached where considered appropriate to achieve these objectives.

- 1.6 This Policy and the Council's functions as Licensing Authority seek to achieve control of premises, qualifying clubs and temporary events within the terms of the Act. Terms and conditions will focus on achieving the licensing objectives with reference to
- matters within the control of individual licensees
 - the specific premises and the places used
 - the direct impact of the activity taking place at the licensed premises, in particular on public who live, work and carry out normal activity in the area concerned.
- 1.7 There are a number of mechanisms available for addressing issues arising directly as a result of an individual licensed premises not being managed effectively including, but not limited to:
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
 - the power of the police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question
 - the powers of trading standards to take enforcement action re underage sale of alcohol
- 1.8 Licensing is not the primary mechanism for the general control of anti-social behavior by individuals beyond the direct control the licensee of the premises concerned. In this respect, the Council recognises that there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises including:
- planning controls
 - measures to create a safe and clean environment in partnership with local businesses and other departments of the Council
 - powers of the Council to designate parts of the Council area as places where alcohol may not be consumed publicly
 - police enforcement of the general law concerning disorder and anti-social behavior including issuing fixed penalty notices
 - the confiscation of alcohol from adults and children in designated areas
- 1.8 The objective of the licensing process is to allow the carrying on of retail sales of alcohol and the provision of regulated entertainment in a way which ensures compliance with the Act, public safety

and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Council's wish to facilitate well-run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

- 1.9 The Council recognises that the licensed entertainment business sector and community licensed facilities in the District contribute to the local economy and social infrastructure. The Council wishes to encourage licensees to provide a wide range of entertainment activities throughout their opening hours and to promote live music, dance, theatre etc. for the wider cultural benefit. These activities are a factor in maintaining thriving and sustainable towns and villages which is one of the Council's aims.
- 1.10 The District is primarily a residential area whose amenity the Council has a duty to protect. One of the Council's aims is to Work towards safer and healthier local communities. Factors relating to safety will be taken into account where applications will increase the concentration of entertainment uses and/or lengthen hours of operation in a way that would materially impact on the local area. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses.
- 1.11 This policy sets out the general approach the Council will take when it considers applications for licences. It will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence where provision has been made for them to do so in the Act. Irrelevant, frivolous and/or vexatious representations however will be disregarded by the Council.
- 1.12 The purpose of this policy document is to assist the Council in reaching a decision on a particular application, setting out those matters that will normally be taken into account. This policy also seeks to provide clarity for applicants, objectors, residents and other occupiers of property.
- 1.13 Other statutory requirements may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. For example if the activity involves the preparation and sale of food then it is the responsibility of the applicant to ensure necessary Food Safety requirements are met and it is not a requirement of any licence decision to address these matters.
- 1.14 The Council recognises that planning permission, building control approval and licensing are separate regimes and will ensure that these functions are properly separated to avoid duplication and inefficiency. Planning and licensing regimes involve consideration of different (albeit related) matters and the Council recognises that Licensing Committees are not bound by decisions made by a Planning Committee and vice versa.
- 1.15 All applicants for premises licences and club premises certificates and those intending to hold temporary events are reminded that planning permission will normally be required for such uses and such planning permissions may carry conditions with which they are expected to comply or action may be taken under the relevant planning legislation. In general, planning permissions

authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover a number of activities that can have a wide range of different impacts in the locality. The precise nature of the impact of the specified activities proposed by a prospective licence holder needs to be considered when an application is made for a premises licence. Licensing applications should not be seen as a re-run of the planning application process and there is a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

- 1.16 The Council will seek to achieve integration with relevant strategies and their aims in determining applications and will do so through relevant pre-consultation of this policy and individual applications.
- 1.17 In formulating this policy, the Council has and will continue to take into account its obligations and powers under other legislation including, but not limited to, the Human Rights Act 1998, Crime and Disorder Act 1998, the Disability Discrimination Act 1996, the Equality Act 2010, the Anti-Social Behaviour Act 2003, the Violent Crime Reduction Act 2006, and the Immigration Act 2016. It has also taken into account the following Government and national strategies and guidance:-
- Government's Alcohol Strategy 2012
 - Local Better Regulation Officer Regulators' Compliance Code and Enforcement Concordat
 - Code of Practice on Environmental Noise Control at Concerts 1995
 - The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks
- 1.18 The Council has also taken into account relevant local strategies relating to crime prevention, planning, transport, tourism, race equality and culture including the following:-
- South Bucks Corporate Plan 2010 - 2020
 - South Bucks Sustainable Community Strategy 2009 - 2026
 - Chiltern and South Bucks Community Safety Partnership Plan 2017 - 2020
 - South Bucks Local Plan
 - South Bucks Cultural Strategy
 - Substance Misuse Action Plan 2017-2019 Enforcement Policies of South Bucks District Council, Buckinghamshire County Council and the Thames Valley Police
- 1.19 In making a determination on any application or notice that comes before it, the Council will have due regard to the Human Rights Act 1998 and will endeavour to reach decisions which are both justified and proportionate and secure a fair hearing for all parties.
- 1.20 When determining applications the Council will also have regard to National guidance issued under section 182 of the Licensing Act.

2. Determinations

- 2.1 These provisions will be applied to the determination of applications for new licences and to applications to vary existing licences. The provisions for determination of club premises certificates will be the same as those for premises licences.
- 2.2 Responsible authorities (see appendix 4) are notified of all new applications. Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so. Licensing authorities are also responsible authorities for the purpose of the legislation and authority to make representations in respect of applications has been delegated to the Director of Services, who in turn, delegates this responsibility to the Licensing team. The Licensing Authority will take steps to ensure that where officers are acting in the capacity of a responsible authority, separation of responsibilities occurs to ensure procedural fairness and eliminate conflicts of interest.
- 2.3 The Immigration Act 2016 requires that Premises Licences may only be granted to individuals if they have provided evidence of their lawful immigration status and proven their eligibility to undertake work relating to the carrying on of a licensable activity in line with the requirements of the legislation and guidance. Existing licences automatically lapse if and when the licence holder's lawful leave or permission to work ends.
- 2.4 Premises must be constructed or adapted in such a way that it is deemed safe and appropriate to the nature of the activities to be licensed. Premises in the course of construction, alteration, extension, etc. can be granted a provisional statement pending completion to the required standard and compliance with all other requirements. Alternatively, a full licence can be applied for and granted whilst premises are still to be constructed, extended or altered where full details as required are available in advance of completion. Such a licence – if granted – would not have immediate effect but include a date upon which it would have effect on completion.
- 2.5 Applicants are encouraged to consult with the Police Licensing Officer before submitting an application, which may serve to resolve and/or prevent issues/objections arising. The Police may also wish to interview prospective DPS. Applicants are also encouraged to consult with other responsible authorities where the proposed activities may impact on licensing objectives which other responsible authorities may have an interest in.

2.6 Neighbour Notification Policy

- 2.6.1 Neighbour notification seeks to ensure that those persons within the district who live immediately next to, opposite or behind
- a licensed premises, or
 - the proposed site for a licensed premises are notified when there is
- 2.6.2 a licence application made relating to that premises or site. Neighbour notification will allow immediate neighbours an opportunity to consider the application and respond if appropriate.

- 2.6.3 This process applies to any of the following:
- Application for new premises licence
 - Application to full variation of a premises licence
 - Application for new club premises certificate
 - Application to full variation of a club premises certificate
 - Application for new gambling premises licence
 - Application to vary gambling premises licence
 - Application for a review of a licence
- 2.6.4 The use of notification letters is in addition to the statutory requirements that are already in place for applicants to advertise applications in a local newspaper and on a blue notice outside the premises. The letter is distributed by the licensing section and will contain the name of the premises, brief details of the application and how to get further information or make representations, as detailed on the public notices posted at the premises.

Properties to be notified

- 2.6.5 Properties to be notified are as follows:
- Properties sharing a common boundary with the premises, including outside areas
 - Properties immediately in front of premises (opposite side of road)
- 2.6.6 The Licensing Officer will use judgement in circumstances where:
- Other parties, not identified as above, may reasonably be considered to be affected.
 - Distances between buildings, or other circumstances, are such that notification in precise accordance with the above guidance is considered unnecessary. The Council acknowledges the advice previously received from Department of Culture, Media and Sport (DCMS) that the views of vocal minorities should not be allowed to predominate over the general interests of the community. However, each case will be considered on its own merits.
- 2.6.7 In addition, the Licensing section will, in the case of new applications or full variation applications, write to District Councillors and Parish Councils advising them of the receipt of an application.
- 2.7 If no objections are received in respect of an application, the Council must grant the application as set out in the operating schedule, subject only to Mandatory Conditions under the Licensing Act 2003 and Special Conditions consistent with the detail of the operating schedule submitted by the applicant. The Council has no discretion to refuse the application or to alter or add to the special conditions arising from the operating schedule except in so far as wording the conditions so as to ensure they are enforceable and bringing them in line with the Council's pool of model conditions. Where, however, there are relevant representations, then this Policy is engaged and a Hearing before the Council's Licensing Sub-Committee will normally follow. At the Hearing, the Licensing

Sub-Committee will have discretion to take steps, as it considers necessary to promote the four licensing objectives.

2.8 In considering licence applications where representations have been received, the Licensing Sub-Committee will consider the adequacy of measures proposed to deal with the potential for nuisance and/or crime and public disorder, prevention of harm to children and public safety having regard to all the circumstances of the case. The Council will expect operating schedules to satisfactorily address these issues from the design through to the daily operation of the business. Particular consideration will be given to:

- The steps the applicant has taken or proposes to take to prevent public nuisance. Such steps may include the installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, parking provision, notices at exits and in the car park.
- Whether other measures to prevent nuisance and secure public safety have been taken, such as the use of CCTV, the employment of registered door supervisors, participation in a Pub Watch Scheme, the operation of a Safe Transport Home Scheme, staff training, means of access/exit, and types of drinking utensils used i.e. glass, plastic, no bottles.
- The measures proposed to prevent the consumption or supply of illegal drugs including any search procedures and entry policies.
- The likelihood of any violence, public disorder or policing problems arising if a licence were to be granted.
- Previous history of compliance and any enforcement action arising from non-compliance.

2.9 In considering representations received in respect of applications reference will be made to this Policy (amongst other things) and in particular paragraphs 1.(6),13.2 and 17.4 hereof.

The weight to be attached to individual representations will be determined by the Members at any hearing and will vary on a case by case basis taking the matters referred to in the Policy and in particular paragraphs 1.6,13.2 and 17.4 into account - representations are encouraged to be specific to the subject premises and if possible supported by written records of previous complaints/problems where these are alleged (including dates, times and to whom the complaint was made and when and what the outcome of any such complaint was if any) – equally applicants are encouraged in completing their operating schedules to detail steps proposed to address potential concerns.

2.10 The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 amended the Licensing Act 2003 to include a new Minor Variation procedure. This procedure has been created by the Government to speed up uncontested variation applications and to reduce costs to applicants and Councils, where the variations proposed would not have an adverse effect upon the promotion of the four licensing objectives set out in the 2003 Act (the prevention of crime and disorder, public safety, the prevention of public nuisance and the

protection of children from harm).

The Minor Variation procedure requires that:

- Applications are to be made to the Council on a prescribed Minor Variations form either on paper or electronically with payment of the current fee
- A white A4 sized notice must be prominently displayed at or on the premises for 10 working days beginning on the day after the day of receipt of the application but the application does not need to be advertised in a local newspaper;
- The application is only served on the Council;
- Responsible authorities are only involved as considered appropriate by the Licensing team.
- Interested Parties i.e. local residents/businesses can make representations based on the licensing objectives.

2.11 Representations from interested parties to minor variations do not trigger the Council to hold a hearing, but instead mean that the Licensing Officer must take any representations into account when arriving at their decision. The Council must consult the Responsible Authorities it considers appropriate, and must take into account any relevant representations made by responsible authorities, or interested parties, received within ten working days beginning on the day after the day of receipt of the application. The deadline for determination of these applications is 15 working days.

An application may not be made and must be rejected, which:

- extends the existence of a Premises Licence,
- substantially varies the premises,
- changes the designated premises supervisor,
- adds the supply of alcohol as an activity authorised by the licence,
- authorises the supply of alcohol at any time between 11pm and 7am
- authorises increases to the amount of time on any day during which alcohol may be sold by retail or supplied, or
- allows every supply of alcohol to be made or authorised by a management committee for supply of alcohol from community premises instead of a designated premises supervisor.

2.12 A determination cannot be made during the 10 working day notice period, leaving the Council with the remaining 5 working days to determine the application. If the application is not determined within the 15 working days it is deemed refused and the application fee must be returned unless the applicant agrees that the application be treated as returned and re-submitted as a new application.

2.13 There is no power to impose conditions; only conditions volunteered by the applicant can be added to the licence under the minor variations procedure. Effectively, the Government has passed the ability to vary premises licences in limited circumstances to Licensing Officers, provided the variation will not adversely effect the promotion of any of the licensing objectives. If the

variation will have an adverse effect on the promotion of any of the licensing objectives, the officer must refuse the application.

3. Conditions.

- 3.1 Upon grant of a licence, the Act sets out mandatory conditions which will be attached in certain circumstances and in addition to these, special conditions may be attached. Special conditions which are consistent with the applicants operating schedule will be attached to the licence and, in addition, if relevant representations are submitted, the Licensing Sub Committee may attach further special conditions intended to address concerns detailed in representations. Special conditions can be imposed only where appropriate and proportionate to promote the Licensing Objectives. Any special condition will normally be drawn from a pool of conditions compiled to meet the circumstances of the proposed activities or obtained from the Licensing team. However to avoid duplication with other statutory regimes as far as possible the Council will not attach conditions on a licence unless they are considered appropriate for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.
- 3.2 A key concept underscoring the Act is for conditions to be attached to licences and certificates which are tailored to the individual style and characteristics of the premises and events concerned, which relate to matters within the control of the premises licence holder or designated premises supervisor and which are appropriate to meet the licensing objectives. For example conditions may be imposed to prevent unnecessary noise and disturbance to local residents by way of limited hours and/or restrictions on sound levels. Conditions may also be imposed requiring licensees to display signs at all exits of premises reminding customers to leave the premises quietly and to respect the rights of nearby residents.
- 3.3 The Council may set maximum capacity limits for premises where members of a Licensing Sub Committee determine this is appropriate for the promotion of the licensing objectives following the receipt of a relevant representation.
- 3.4 Where alcohol is to be supplied, the Act generally requires a Designated Premises Supervisor however in relation to other licensable activities there is no such requirement therefore the Council may impose licence conditions to require that a suitable individual is designated as a manager responsible for the day to day management of the premises at any time when it is open for the carrying out of other licensable activities.
- 3.5 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls) Order 2009 allows a committee or board of individuals with responsibility for the management of community premises to apply to have an "Alternative Licence Condition" included in a premises licence in place of the normal mandatory conditions relating to alcohol detailed above. The alternative licence condition is that every supply of alcohol under the licence must be made or authorised by the management committee. Under this alternative licence condition there is no requirement for a Designated Premises Supervisor at the venue. The Government introduced the Order to ease the administrative burden on community premises that make such an important contribution to life in

our communities. The order allows community premises, such as church halls with properly constituted management committees or management structures, to apply to replace the normal Mandatory Conditions relating to alcohol with a simpler and cheaper arrangement. In such circumstances the Council will expect to be provided with a name or names and contact number(s) for those individuals who can be contacted in case of emergency or general queries relating to the licence. The determination of these applications and whether a premises is a "community premises" has been delegated to the Director of Services.

3.6 Where proposed, requested or agreed with the Fire and Rescue Authority, conditions may be attached in relation to Fire Safety. However, conditions will not be imposed on licences where such a condition would duplicate the requirements of alternative legislation. Where appropriate, such conditions may require premises to be fitted with/to have:

- fire-fighting equipment
- an appropriate means of raising the alarm in the event of a fire
- emergency lighting
- CCTV
- Flame retardancy certificates
- BS or otherwise approved electrical installations
- Regular electrical installation inspections
- BS or otherwise approved lighting trusses, ceilings and suspended equipment
- Appropriate risk assessments/management schemes

- any condition/requirement will be agreed in consultation with the Fire Authority.

Certificates must be either in the form set out in the appropriate British Standard or in a format set out by a recognised trade body such as the Electrical Contractors' Association (ECA), the National Inspection Council for Electrical Installation Contracting (NICEIC), or NACOSS. A certificate will not be considered acceptable unless it has been signed by a competent person certifying that the system to which it relates is in a satisfactory condition.

3.7 CCTV cameras may also be required by way of condition - for example following consultation with the Police to meet the licensing objectives. Where a licensed premises is required to have CCTV as a condition of the licence then unless there are good reasons, provided to the satisfaction of the Council, then the premises must be equipped to a standard and in a manner in accordance with established Thames Valley Police guidance on installing CCTV – as amended from time to time.

3.8 Whenever any persons are employed at licensed premises to carry out any security activity (as defined by the Private Security Industry Act 2001 – as amended from time to time) all such persons must be licensed with the Security Industry Authority and this requirement will be imposed as a Mandatory Condition (Section 21 of the Act). The Council may also consider that certain premises require strict supervision for the purpose of promoting the reduction of crime and disorder. In such cases, the Council may impose a condition requiring licensed door supervisors to be present at the premises either at all times or at such times as certain licensable

activities are being carried out. In some circumstances the number of door supervisors required may also be specified.

- 3.9 The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 sets out five mandatory conditions relating to alcohol that will apply to all licensed premises and those with a club premises certificate permitting the supply of alcohol.

As of the 6th April 2010, these conditions:

- Ban irresponsible promotions;
- Ban the dispensing of alcohol directly into the mouth; and
- Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.

From 1st October 2010, these conditions also:

- Require an age verification policy to be in place to prevent underage sales;

and

- Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine.

- 3.10 The legislation makes clear that an irresponsible promotion is one that is “carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children”. If there is any doubt as to whether a promotion falls foul of this mandatory condition, the premises licence holder or designated premises supervisor should discuss the proposals with the Licensing team and Police before running the promotion.

4. Licensing hours

- 4.1 In making decisions that relate to the hours for which a premises is licensed or any conditions as to delivery times etc. consideration will be given to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Each case where relevant representations are received will be decided on its individual merits.
- 4.2 It is recognised that varied licensing hours are important to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.
- 4.3 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of

the need to prevent crime, disorder and public nuisance.

- 4.4 In making decisions in respect of hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, the local Town/Parish Council and the police as well as the applicant.
- 4.5 Fixed trading hours will not be set for particular geographical areas. However account will be taken of any guidelines that are adopted in respect of licensing hours. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met. Stricter conditions however are likely to apply where the premises are situated in mainly residential areas to minimise disturbance to local residents.
- 4.6 The Health Act 2006 (smoke-free premises, places and vehicles) introduced legislation to prohibit smoking in enclosed public places and work places. As a result of this legislation many licensed premises have created specific smoking areas for customers to use. Where necessary controls may be required to limit the hours that such areas are used to prevent nuisance to neighbouring residents.
- 4.7 With some venues the creation of specific smoking areas for customer has not been possible and has resulted in people smoking in the streets. The Council is committed to working closely with Licence Holders of such premises in conjunction with the Thames Valley Police to ensure that nuisance and/or disorder by customers congregating in outside areas is kept to a minimum.

5. Cumulative effect of licensing on the amenity of particular areas

5.1 The Council recognises that the cumulative effect of licensed premises may result in an increase in numbers of people either walking through or congregating in streets or cause adverse effects on amenity and this in turn may have a number of undesirable consequences, for example:

- An increase in crime against both property and persons;
- An increase in noise causing disturbance to residents;
- Traffic congestion and/or parking difficulties;
- Littering and fouling.

The cumulative effect of a significant number of licensed premises concentrated in one area on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider.

5.2 The Council will take into account:

- The character of the surrounding area;
- The potential and real impact of the licence on the surrounding area, both individually and cumulatively with existing licences;
- The nature and character of the proposed operation
- Concentrations of valid complaints relating to noise disturbance; and
- Any other relevant considerations.

The Council however will not take "need" into account when considering an application as this is a commercial decision and a matter for planning control and the market.

- 5.3 Where there is evidence that a particular area of the District is already suffering adverse effects arising from a concentration of licensed premises, or that residential areas are under stress, this will be taken into account in determining any further applications or variations to existing licences for premises within the area identified. The onus will be on the objectors to provide evidence to support any assertion that the addition of the premises in question would produce the cumulative impact claimed.
- 5.4 The Council may consider a specific saturation policy (a "special policy") if this proves necessary. Such a special policy will be considered where the impact of the concentration of licensed premises compromises the promotion of the licensing objectives. The policy will thereafter be considered in relation to future applications on the basis of how each individual premises add to that impact.

The Council in considering whether to adopt a special policy will take the following steps:

- identify serious and chronic concern from a responsible authority or representatives or residents about nuisance and disorder;
- assess the causes;
- where it can be demonstrated that disorder and nuisance is arising or such risk is imminent as a result of customers of licensed premises, identify the area from which problems are arising and the boundaries of that area; and
- subject to consultation adopt and publish a special policy about future licence applications from that area.

6. Children

- 6.1 The Council will carry out its responsibilities so as to promote the licensing objective of protection of children from harm.
- 6.2 Licence applications can be made for a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-aways, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The Council will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case. The Council does however commend the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks operated by the Portman Group (as amended from time to time).
- 6.3 The Council will not seek to limit the access of children to licensed premises beyond the limits set out in the Act unless it is necessary to protect children from physical, moral or psychological harm. The Council will judge the merits of each separate application where relevant representations are received before deciding whether to impose conditions limiting access to children. The following

are examples of premises that will raise concern;

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
- with a known association with drug taking or dealing
- where there is a strong element of gambling on the premises – but not for example the simple presence of a small number of cash prize gaming machines
- where entertainment of an adult or sexual nature is commonly provided
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

6.4 Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licensee.

6.5 The range of options available to limit the access of children to licensed premises that may be imposed by the Council include:

- Limitations on the hours where children may be present;
- Where alcohol is sold, requirements for proof of age cards or other age identification before a sale is made;
- Age limitations (below 18);
- Limitations or exclusions when certain activities are taking place;
- Requirements for an accompanying adult;
- In exceptional cases, exclusion of people under 18 from the premises or parts thereof when any licensable activities are taking place.

6.6 The responsible authority for the purposes of representing those who are responsible for or interested in matters relating to the protection of children from harm and is recognised as being competent to advise on such matters for the South Bucks District is the Buckinghamshire Children's Safeguarding Board, Bucks County Council. Where regulations require notice to be given to the responsible authority, the contact details can be obtained from the Council's website.

6.6.1 A mandatory condition will be imposed on all premises licenses and club premises certificates which authorise the exhibition of films, to restrict the admission of children to films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the Licensing Authority and arrangements for securing compliance with this condition should be included in submitted Operating Schedules. Children will not be permitted to view un-certificated films. The Council has a specific policy on the classification of films for exhibition which have not been classified by the BBFC, this is available on the Council's website at <http://www.southbucks.gov.uk/LA03>

6.8 The Council will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult members of staff/supervisors/ attendants are present to control the access, egress and safety in and around the premises. The number of staff/supervisors/attendants required should be

assessed by the licensee, taking into account the number of children to be present, the age of the children, the type of entertainment, the characteristics of the premises and any other relevant factor, subject to there being a minimum of one adult per 25 children or part thereof – but with a minimum of 2 adults at any one time.

- 6.9 The Council will expect the operating schedule of an application to detail that anyone intending to provide supervision of activities to under 18s will carry out Enhanced Criminal Record checks before appointing staff/supervisors to service such activities and staff shall only be appointed who have been subject to a check and are found suitable. Staff/supervisors will however at all times remain the responsibility of the Licensees.
- 6.10 The Council will specifically require the Operating Schedule to address the above issues and where appropriate and possible licences will be conditioned to this effect.

7. Films

- 7.1 The Council has a specific policy on the classification of films for exhibition which have not been classified by the BBFC; available on the Council's website at <http://www.southbucks.gov.uk/LA03>. No film shall be exhibited at licensed premises which is likely to lead to disorder and/or stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

If a licence holder is notified by the Council that a particular film in the opinion of the Council falls into that category and may not be shown, its decision shall be final in that respect.

- 7.2 In connection with the film exhibition, conditions will specify that immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification, there shall be exhibited on screen for at least ten seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of a certificate of the Board, or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film. Conditions may also require notices to be displayed both inside and outside the premises so that persons entering can readily read them and be aware of a category attached to any film or trailer.

8. Personal Licences

- 8.1 The Immigration Act 2016 requires that Personal Licences may only be granted to individuals if they have provided evidence of their lawful immigration status and proven their eligibility to undertake work relating to the carrying on of a licensable activity in line with the requirements of the legislation and guidance. Existing licences automatically lapse if and when the licence holder's lawful leave or permission to work ends.
- 8.2 The Council will grant a personal licence to individuals who are eligible to work in the UK, if it appears that:

- a) The applicant is over 18
 - b) The applicant possesses a relevant licensing qualification
 - c) The applicant has not forfeited a personal licence in the previous five-year beginning with the day the application was made
 - d) The applicant has not been convicted of any relevant offence as defined in the Act.
- 8.3 In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, applicants will be required to produce a basic criminal record disclosure certificate with the application.
- 8.4 The Council will notify the Police in accordance with the requirements of the Licensing Act when an applicant discloses that they have a relevant unspent conviction.
- 8.5 If the police object to the application on crime prevention grounds, the applicant is entitled to a hearing before a Licensing Sub-Committee. The refusal of the application will be the normal course unless there are, in the opinion of the Council, exceptional and compelling circumstances that justify granting the application.

9. Temporary Events

- 9.1 The Act provides a mechanism for regulated entertainment and/or the sale of alcohol at small scale events (for no more than 499 people at a time (including event staff) and lasting for no more than 168 hours) to take place without needing a licence. In these circumstances advance notice must be given to the police, environmental health and licensing team. The police and/or environmental health can object to a Temporary Event Notice if the event is likely to undermine the licensing objectives.
- 9.2 The law states that for a standard temporary event notice at least ten working days notice must be given and for a late temporary event notice at least five working days notice must be given (excluding the date on which the notice is given and excluding the date of the event) to the police, environmental health and licensing but the less time that is given will increase the likelihood of the objections being submitted. The Council recommends that at least four weeks' notice be given to allow it to help organisers plan their events safely. There are limitations as to the number of TENS that can be applied for/relied on in any 12 month period. Any notice applying to events in excess of this number will be served with a Counter Notice.
- 9.3 Premises users are advised to serve notice of Temporary Events to the following addresses:

Licensing Authority, South Bucks District Council, Council Offices, Capswood, Oxford Road, Denham, Buckinghamshire UB9 4LH

Chief Officer of Police, Licensing, Thames Valley Police, Headquarters (South), Kidlington, Oxfordshire, OX5 2NX

Environment Manager, South Bucks District Council, Council Offices, Capswood, Oxford Road, Denham, Buckinghamshire UB9 4LH

Premises users should note that the Council have no authority under the legislation to accept a notice served out of time. Should this happen then the notice will be returned to the premises user marked invalid.

- 9.4 The Council has established a South Bucks Safety Advisory Group (SAG). Members of the South Bucks District Safety Advisory Group include the Thames Valley Police, South Central Ambulance Service, Bucks Fire & Rescue Service, South Bucks District Council and Buckinghamshire County Council. As necessary representatives of adjacent local authorities or emergency services are invited to attend or comment on events planned in South Bucks. The objective of the group is to coordinate the risk assessment and preplanning to ensure public events are safe for exhibitors, performers and visitors and that access to and egress from the event including highways and public transport issues are included in the planning process.
- 9.5 Organisers of temporary events are strongly advised to contact the Council's Environmental Health Team for advice at the earliest opportunity when planning events and to submit the relevant documentation to the South Bucks Safety Advisory Group for assessment.

10. Licensing of Circuses

10.1 Circuses may fall under this provision depending upon the activities taking place and may require a licence. Circuses have three options when seeking to gain authorisation for licensable activities:

1. Renting Land from a Local authority that has licensed its own public land.
2. Temporary Event Notice - This option may be suitable for a Circus but will be restrictive for a Circus as they will be limited to 5 notices per year but if the applicant has a Personal licence they may apply for 50 notices per year. There is also a limit of 499 people in attendance for each event including the staff.
3. Premises Licence

10.2 Circuses may intend to include the following activities which are included within the Licensing Act 2003 Schedule 1 (2) (1) as Regulated Entertainment :

- (a) a performance of a play,
- (b) an exhibition of a film,
- (c) an indoor sporting event,
- (d) a boxing or wrestling entertainment,
- (e) a performance of live music,
- (f) any playing of recorded music,

- (g) a performance of dance,
- (h) entertainment of a similar description to that falling within paragraph (e), (f) or (g).

Live unamplified music taking place between 08:00 hours and 23:00 hours and live amplified music taking place between 08:00 hours and 23:00 hours before audiences of no more than 200 people on premises authorised to supply alcohol on the premises or in workplaces is not licensable entertainment by virtue of amendments made to the Licensing Act 2003 by the Live Music Act 2012.

- 10.2 The Council will expect applicants to provide a detailed plan for the field and separate detailed plan(s) of each Circus tent that is proposed to operate on that site. The plans for each Circus should show seating, fire exits etc but there could be flexibility built in to the operating schedule to allow alteration to these details subject to agreement from the Responsible Authorities prior to the event taking place (As stated above this should be submitted at least 3 months in advance). If the Circus wishes to change significantly the way it is set up they will need to submit a new plan to the Council.

11. Sexual Entertainment Venues

- 11.1 Section 27 of the Policing & Crime Act 2009 amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 to introduce a new category of sex establishment called "Sexual Entertainment Venue" which, if adopted by a local authority, requires premises in that area who provide "relevant entertainment", such as lap dancing to obtain a Sex Establishment Licence. There is an exemption for premises that provide relevant entertainment on an infrequent basis. The legislation is not mandatory for local authorities and therefore they will have the flexibility to decide whether and, if so, when the new provisions should come into force in their area. South Bucks District Council adopted these provisions at their meeting of Full Council on 14th December 2010.

12. Garages (including, but not limited to Petrol Filling Stations)

- 12.1 Section 176 of the Licensing Act 2003 states: No premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises.
- 12.2 In this section "excluded premises" means; premises situated on land acquired or appropriated by a special road authority¹, and for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class I (with or without other classes); or premises used primarily as a garage or which form part of premises which are primarily so used.

¹ Special road authority refers to either the Minister for Transport or a local highway authority acting - the context relates to motorway service centres

12.3 The Act states that premises are used as a garage if they are used for one or more of the following:

- the retailing of petrol;
- the retailing of derv;
- the sale of motor vehicles;
- the maintenance of motor vehicles

12.4 The Council acknowledges that the retail-trading environment for both local shops and garages/petrol filling stations has changed dramatically over the last fifteen years and this will be taken into account in the way in which the Council will approach the task of interpreting the legislation.

12.5 Applicants are asked to provide supporting information, in relation to "primary use" of the garage, at the time of application. The purpose of this requirement is to assist the Council in determining the application properly, regardless of whether a sub committee is required to consider any representations.

12.6 Applicants will be expected to include within their operating schedule proposals to submit the following information to the licensing section when requested:

- Number of fuel sales only transactions
- Number of non-fuel only transactions
- Number of combined fuel and non-fuel transactions

Where the premises are new and have not previously operated the applicant will be expected to indicate in his/her operating schedule that this information will be submitted after six months of trading and then at such other intervals as may be requested.

(see the Council's website for pool of model conditions)

13. Consultation

13.1 Policy

This section of this Policy outlines the licensing consultation process. The aim of consultation process on the formulation and review of this Policy was to provide the opportunity for all parts of the community to be involved in framing and reviewing the licensing process.

13.2 Individual Applications

Application procedures under the Act specify the nature and extent of the legal minimum advertisement requirements for each type of licence.

Types of consultation/advertisements required under the Act:-

- Requiring the display of a notice
- Advertising in local newspapers
- Notification on the Councils website
- Availability of Applications in reception for public viewing

In addition to the legal requirements for advertising applications the licensing section will, in the case of new applications or full variation applications, write to District Councillors and Parish Councils advising them of the receipt of an application. In addition, where appropriate, the licensing section will also undertake a process of neighbourhood notification, which will involve writing to residents and businesses considered to be immediate neighbours of premises which are the subject of the application. The extent of the neighbourhood notification being a matter of fact and degree in each case to be determined by the Council's Licensing Team based upon whether an individual's residence or business are likely to be directly affected by the premises.

- 13.3 The consultation provisions contained in paragraph 13.2 above will not apply to any applications for Minor Variations nor for applications for the Alternative Licence Condition when the only variation sought is for the Alternative Licence Condition in place of the Mandatory Conditions.

14. Mediation and Communication

- 14.1 The Council may encourage communication and discussion between applicants, relevant statutory agencies and occupiers of nearby premises, local residents groups, community or interested groups where significant issues have arisen relating to a licence application. The Council, if it considers it expedient in view of the issues raised, will facilitate mediation through:

- identification of potential issues for other relevant statutory agencies particularly regarding the safety and amenity of local residents.
- negotiation of, if possible, potential conditions to reflect resolutions of mediation forums.

- 14.2 Mediation will not override the right of any party to decline to participate in a mediation meeting.

15. Complaints against licensed premises

- 15.1 The Council will investigate complaints against licensed premises - provided these are not irrelevant, vexatious, frivolous or repetitious. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned – although it is suggested complaints re underage sale of alcohol/cigarettes are first referred to the relevant trading standards office who will advise on the appropriateness of approaching the alleged offender.

- 15.2 Where a Responsible Authority and/or another person (such as a local resident, or a resident's association) has made:

- (a) Valid representations about licensed premises or
- (b) a valid application for a licence to be reviewed

then the Council will encourage the parties to communicate and discuss and try to resolve the issues of concern. To be valid the representations must be in writing and be relevant to the promotion of the Licensing Objectives – and not vexatious, frivolous or repetitious.

- 15.3 The mediation process will not override the right of any interested party to ask that the Council consider their valid objections or for any licence holder to decline to participate in mediation.
- 15.4 The Council recognises that a premises licence or club premises certificate can be subject to the formal review process and also that the police have powers to close premises where they consider it necessary to do so in the interests of public safety or to prevent a public nuisance. In addition, the police may apply to the Council for an expedited review of a premises licence where a senior police officer is of the opinion that the premises are associated with serious crime or serious disorder, or both. However, we believe that by working in partnership with all the groups involved in the licensing process the formal review procedures and exercise of the police powers to close premises should be instituted in general after voluntary measures have been attempted.

16. Enforcement policy

- 16.1 The Council has a long-established licensing enforcement policy based around the principles of consistency, openness, helpfulness and proportionality in accordance with enforcement objectives set by the Local Better Regulation Officer Regulators' Compliance Code and Enforcement Concordat.
- 16.2 The enforcement policy (available on request) proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been contravened. An isolated administrative offence – such as failing to maintain certain records – may be dealt with purely by way of a written warning or formal/simple caution whilst more serious offences which have either been committed over a period of time or which jeopardise public safety – such as failing to maintain fire extinguishers properly – may result in a referral for prosecution.
- 16.3 The Council will seek to work actively with the Police, Trading Standards and other agencies in enforcing licensing legislation. It expects the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998 and its common law powers and to consult closely with the Council when any enforcement action may be required. The Council has established protocols with the Police, Fire and Rescue Service and Trading Standards on the enforcement of licensing law, which provide for the efficient deployment of officers engaged in inspection of licensed premises and enforcement action, in order to ensure that resources are targeted at problem and high-risk premises.
- 16.4 The Council will continue to employ licensing enforcement officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with. Enforcement action

undertaken will be based on a risk assessed approach, targeting problem and high risk premises, providing a lighter touch for low risk premises and those that are well run.

- 16.5 The Council will carry out its responsibilities for enforcement so as to promote the 4 licensing objectives – see 1.5 - and will aim to ensure consistency, openness, helpfulness and proportionality regarding enforcement.

17. Administration, Exercise and Delegation

17.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.

17.3 The Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the National Guidance, the Council's Constitution and procedures laid down for good governance. All such matters dealt with by officers will be reported for information to the Licensing Committee.

17.4 Applications where there are relevant representations will be dealt with by the Licensing Sub-Committee – unless such representations are considered irrelevant, frivolous or vexatious or unless the Council, the applicant and everyone who has made representations agrees that a hearing is not necessary.

17.5 The scheme of delegation can be found in the Council's constitution, which is available on the website .

17.6 This scheme of delegations is without prejudice to the right of officers to refer an application to a Licensing sub-committee if considered appropriate in the circumstances of any particular case.

17.7 Unless there are compelling reasons to the contrary, the Council will require the Licensing Committee or any of its sub-committees to meet in public – although Members can retire into private session to consider their decision.

18. Appeals

18.1 Premises Licences

Part 1 of Schedule 5 of the Licensing Act 2003 sets out the appeals process with regards to premises licences.

- Applicants may appeal to the Magistrates' Court if the Council has rejected their application for a premises licence, for a variation of a premises licence, for a variation of a designated premises supervisor or for a transfer of a licence.

- If a licence is granted, the licence holder may appeal against the imposition of conditions on that licence, the exclusion of a licensable activity or refusal to specify an individual as the designated premises supervisor.
- Those who made relevant representations during the course of an application may appeal against the decision to grant a licence, or the licensable activities permitted, conditions imposed (or not imposed) or the identity of the designated premises supervisor.
- Applicants or any person who made a relevant representation may appeal against the decision to issue a provisional statement.
- Where the Council takes the step of modifying the conditions of the licence before granting a variation, the applicant may appeal.
- Any person who made relevant representations can appeal against the decision to vary the licence.
- The Chief Officer of Police who gave a notice may appeal against the grant of an application to specify an individual as a premises supervisor or against the decision to transfer a licence.
- Where the Council decides to cancel an interim authority notice following a notice from the Chief Officer of Police, the person who gave the interim authority notice may appeal against the decision.
- Where the Council does not cancel the interim authority notice following a notice from the police, the Chief Officer of Police may appeal.
- The decision in relation to a review of the premises licence may be brought to appeal by the applicant for the review, the premises licence holder or anyone who made relevant representations

18.2 Club Premises Certificates

Part 2 of Schedule 5 of the Licensing Act 2003 sets out the appeals procedures in relation to club premises certificates.

- Clubs applying for a premises certificate or applying to vary a certificate may appeal against the decision by the Council to reject the application.
- If a certificate is granted the holding club may appeal against the imposition of conditions or the exclusion of a licensable activity.
- Those who made relevant representations during the course of an application may appeal against the decision to grant a certificate, or the qualifying club activities permitted or conditions imposed (or not imposed).

- Where the Council takes the step of modifying the certificate before granting a variation, the club may appeal. Any person who made relevant representations can appeal against the decision to vary the certificate.
- The decision in relation to a review of a club premises certificate may be brought to appeal by the applicant for the review, the certificate – holding club or anyone who made relevant representations.

18.3 Standard Temporary Event Notices, Personal Licences and Closure Orders Part 3 of Schedule 5 of the Licensing Act 2003 covers appeals in relation to temporary event notices, personal licences and closure orders.

- In relation to temporary event notices, premises users may appeal against the decision by a Council to give a counter notice.
- Applicants for personal licences may appeal against the decision to reject an application for or application to renew a licence.
- Where the Police lodged an objection notice to the grant or renewal of a personal licence and the Council grants or renews the licence, the Police may appeal.
- Personal licence holders may appeal against revocation of that licence by the Council.
- Where the Police have given notice about relevant offences which come to light after the granting or renewal of a licence, and the Council decide not to revoke the licence, the Police may appeal against the decision.
- The licence holder or any person who made representations on a review of a premises licence following a closure order may appeal against the outcome of the review.

18.4 An appeal has to be commenced by the giving of a notice of appeal by the appellant to the Magistrates Court within a period of 21 days beginning with the day on which the appellant was notified by the Council of the decision appealed against but no later than 5 days before the event period begins.

18.5 For purposes of the Councils notification of determinations this is the date the decision is received in ordinary course of the post after it has been sent.

18.6 On determining an appeal, the court may

- a) Dismiss the appeal;
- b) Substitute for the decision appealed against any other decision which could have been made by the Council; or
- c) Remit the case to the Council to dispose of it in accordance with the direction of the court

The court may make such order as to costs as it thinks fit.

For further information relating to the appeal process please seek your own independent legal advice.

19. Early Morning Restriction Orders (EMROs)

19.1 The Licensing Act sets out powers conferred on licensing authorities to make early morning alcohol restriction orders. These powers are designed to help licensing authorities address specific problems caused by late night supply of alcohol in their areas allowing licensing authorities to restrict the sale of alcohol in the whole or a part of their areas between 12 midnight and 6am. Licensing Authorities may make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives. At the time of writing this policy the Licensing Authority has no plans to make an EMRO in any part of the South Bucks District Council area, however, the situation will be kept under review and should evidence emerge that suggests that the sale of alcohol between 12 midnight and 6am is creating specific problems the Council will consider whether the introduction of an EMRO is appropriate. In considering the appropriateness of an EMRO the Licensing Authority will consider evidence from partners, including responsible authorities and local Community Safety Partnerships or other sources. If a proposal to implement an EMRO arises in the future the Licensing Authority will advertise and consult about its proposal in accordance with legislation and national guidance.

20. The Late Night Levy (LNL)

20.1 Late night levy powers will allow licensing authorities to raise a contribution from late opening alcohol retailers (12 midnight to 6am) towards policing the late night economy. This is a power that licensing authorities can choose whether to adopt for their areas. If adopted, the powers must apply to the whole of the Licensing Authority's area. Income from the net levy is to be split between the Police and the Licensing Authority on the basis of a minimum 70% allocated to the Police and a maximum 30% allocated to the Licensing Authority. At the time of writing this policy the Licensing Authority has no plans to collect an LNL, however the situation will be kept under review and prior to making a decision to implement an LNL, the Licensing Authority would have discussions with the Police and Crime Commissioner (PCC) and local police to decide whether it is appropriate to introduce an LNL. If a proposal to implement an LNL arises in the future, the Licensing Authority will consult the PCC, the police, licence holders and others about its proposal.

Further information

Further information about the Licensing Act 2003 and the Council's licensing policy can be obtained from:

Licensing Section

South Bucks District Council, Council Offices, King George V Road, Amersham, Buckinghamshire, HP6 5AQ

T: 01494 732063

E: licensing@southbucks.gov.uk

Website – www.southbucks.gov.uk

Information is also available from www.gov.uk/alcohol-licensing

APPENDIX 1**LIST OF CONSULTEES****SECTION 5 LICENSING ACT 2003**

Responsible Authorities as listed at Appendix 4

Persons/Bodies representing local holders of premises licences

Persons/Bodies representing local holders of club premises certificates

Persons/Bodies representing local holders of personal licences

Persons/Bodies representing businesses and residents in the area

Local pubs, cafes, restaurants, hotels, leisure centres, clubs, off-licences, stores,
Takeaways, village/church halls in the district.

All Parish Councils in the District

Other Councils, including Chiltern DC, Bucks CC and Wycombe DC

The draft Policy for review was also made available for inspection/comment on the Councils web-site. A hard copy of the draft Policy was also made available at the Council Offices for inspection/comment.

APPENDIX 2**GLOSSARY OF TERMS**

Alcohol - spirits, wine, beer, cider or other fermented distilled or spirituous liquor of or exceeding 0.5% strength.

Alternative Licence Condition - The alternative licence condition removes the requirement for there to be a Designated Premises Supervisor (DPS) with a Personal Licence named on a Premises Licence issued in respect of a community premises. The "Alternative Licence Condition" specifies that every supply of alcohol under the premises licence must be made or authorised by the management committee.

Authorised Person - an officer of the Licensing Authority authorised for the purposes of the Licensing 2003;

- an Inspector appointed under Section 18 of the Fire Precautions Act 1971;
- an Inspector appointed under Section 19 of the Health and Safety at Work etc. Act 1974;
- an officer of the Council in whose area the premises are situated who is authorised for the purposes of exercising one or more of its statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health;

- in relation to a vessel, an Inspector or a Surveyor of ships appointed under Section 256 of the Merchant Shipping Act 1995;
- a prescribed person.

Designation as an 'authorised person' confers a role in the inspection of premises in connection with their use for licensable activities.

Circuses - means a travelling company of performers that may include acrobats, clowns, trained animals, trapeze acts, musicians, hoopers, tightrope walkers, jugglers, unicyclists and other stunt-oriented artists Defined by the DCMS as Regulated Entertainment.

Club Premises Certificate – Certificate granted by the Council for premises occupied by, and habitually used for the purpose of, a club – Section 60 of the Act.

Community Premises - A community premises is defined by the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 as a church hall, chapel hall or other similar building, or a village hall, parish hall, community hall or other similar building.

Conditions – Restrictions on the Premises Licence designed to ensure safety and prevent nuisance e.g. by limiting hours and prohibiting noise nuisance.

Designated Premises Supervisor – The person named in the Premises Licence who could also be the Licence Holder being a suitable individual designated as a manager responsible for the day-to-day management of the premises at any time when it is open.

Expedited Review - Provisions inserted to the Licensing Act 2003 (section 53A) by the Violent Crime Reduction Act 2006 to permit a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).

Four Licensing Objectives – (1) Prevention of Crime and Disorder; (2) Public Safety; (3) Prevention of Public Nuisance; and (4) Protection of children from harm – Section 1 of the Act.

Irresponsible promotion - An 'irresponsible promotion' is an activity which encourages the sale and consumption of alcohol in a manner which carries a 'significant risk of contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children' (the licensing objectives).

Licence Holder – The person to whom the Council has granted the Licence and in whose name it appears and who is responsible for the proper operation of the premises. The Licensee is also liable to criminal proceedings for breaches of the terms and conditions of that Licence.

Licensable activities – Are (a) the sale by retail of alcohol; (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club; (c) the provision of regulated entertainment; and (d) the provision of late night refreshment.

Licensing Authority for the South Bucks District – South Bucks District Council, Council Offices, Capswood, Oxford Road, Denham, UB9 4LH.

Licensing Committee and Licensing Sub-Committees – Set up by the Council to administer and discharge the functions of the Licensing Authority consisting of at least ten and not more than fifteen members (Licensing Committee) and consisting of three members (sub-committees).

Licensing Hours – the hours stated in the Licence for which the premise's is allowed to operate/open.

Mandatory Conditions – Conditions imposed by the Government intended to support and actively promote the licensing objectives.

Neighbourhood – a matter of fact in each case to be determined by the Council's Licensing Team based upon whether an individual's residence or business are likely to be directly affected by the premises.

Operating Schedule – A schedule, which sets out how the Licence Holder will deal with the potential for nuisance and/or public disorder and public safety from the design through to the daily operation of the business.

Planning Permission – Formal approval (with or without Conditions) of the Council acting in its capacity as District Planning Authority permitting a proposed development (use or operation) to commence.

Personal Licence – A Licence issued by the Council to an individual authorising that individual to supply or authorise the supply of alcohol in accordance with a Premises Licence.

Premises – means any place and includes a vehicle, vessel or moveable structure.

Premises Licence – Is a Licence granted by the Council, which authorises the premises to be used for one or more Licensable Activities. The Licence is only valid in respect of the premises named on the Licence.

Provision of Late Night Refreshment – the supply of hot food and/or drink to members of the public from a premises from 23.00 hours to 05.00 hours for consumption on or off the premises.

Provisional Statement – an application for premises to be or which are in the course of construction for the purpose of being used for one or more licensable activities or extended/altere'd for that purpose – Section 29 of the Act.

Qualifying Club – Is a Club, which (a) has at least 25 members, (b) is established and conducted in good faith as a club, (c) only admits members of the club, or membership candidates (following at least 2 days between nomination or application for membership and their admission), and (d) alcohol is not supplied or intended to be supplied to members on the premises otherwise than by or on behalf of the club.

Regulated Entertainment – entertainment such as a performance of a play, an exhibition of a film, an indoor sporting event, a boxing or wrestling entertainment, a performance of live music, any playing of recorded music, a performance of dance, or other similar activities. However, it should be noted that

there are a large number of exemptions and criteria that affect whether an activity is licensable and it is best to contact the Licensing section at the Council if unsure.

Relevant Representations – are representations as defined by Section 18 of the Act made about the likely effect of the Premise Licence on the promotion of the licensing objectives and made by a Responsible Authority or other person, which have not been withdrawn and, in the case of representations made by someone who is not a responsible authority are not in the Council's opinion irrelevant, frivolous or vexatious.

Responsible Authority – includes – as defined by Section 13 of the Act - the Chief Officer of Police, the Fire Authority, Health and Safety Enforcing Authority, Planning Authority, Pollution Control Authority, Child Protection Authority, Public Health Authority, Trading Standards Authority and the Licensing Authority.

Safety Advisory Group (SAG) - Members of the South Bucks District Safety Advisory Group include the Thames Valley Police, South Central Ambulance Service, Bucks Fire & Rescue Service, South Bucks District Council and Buckinghamshire County Council. As necessary representatives of adjacent local authorities or emergency services are invited to attend or comment on events planned in South Bucks. The objective of the group is to coordinate the risk assessment and preplanning to ensure public events are safe for exhibitors, performers and visitors and that access to and egress from the event including highways and public transport issues are included in the planning process.

Sexual Entertainment Venue - A sexual entertainment venue is defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer".

Temporary Events – Regulated entertainment for no more than 499 people at a time and lasting for no more than 168 hours.

Temporary Event Notice - A notice given to the Council (Licensing Section and Environmental Health) and the Police of a temporary event which must be given at least 10 days in the case of a standard notice and five days in the case of a late notice prior to the event, although the Council recommends at least 4 weeks' notice be given.

The Act – The Licensing Act 2003 which received Royal Assent on 10 July 2003 and which had full effect on 24 November 2005.

Variation – If the Licence Holder wishes to vary any terms, conditions or restrictions of the licence, he/she will need to apply to the Council to vary the Licence.

APPENDIX 3

List of Responsible Authorities

Applications must be sent to the Licensing Authority at the following address:

Licensing Section
The Licensing Authority
South Bucks District Council
Council Offices
King George V Road
Amersham
Buckinghamshire
HP6 5AW
Email: licensing@southbucks.gov.uk
Telephone: 01494 732063

Duplicate copies of each application must be served upon the responsible authorities and must be sent to each of the following addresses:

The Chief Officer of Police
Licensing
Thames Valley Police
Headquarters (South)
KIDLINGTON
Oxfordshire
OX5 2NX
Email: licensing@thamesvalley.pnn.police.uk
Telephone: 01865 542059

The Fire Authority
Protection Manager
Buckinghamshire Fire and Rescue Service
Marlow Fire Station
Parkway
Marlow
Buckinghamshire
SL7 1RA
Email: marlowclerksfiresafety@bucksfire.gov.uk
Telephone: 01628 470644

The Health and Safety Enforcing Authority
Environment Manager
South Bucks District Council
Council Offices
King George V Road
Amersham

Buckinghamshire
HP6 5AW
Email: envhealth@chiltern.gov.uk
Telephone: 01494 732058

The Environmental Health Authority
Environment Manager
South Bucks District Council
Council Offices
King George V Road
Amersham
Buckinghamshire
HP6 5AW
Email: envhealth@chiltern.gov.uk
Telephone: 01494 732058

The Local Planning Authority
Development Management
South Bucks District Council
Council Offices
Capswood
Oxford Road
Denham
UB9 4LH
Email: planning@southbucks.gov.uk
Telephone: 01895 837342/01895 837210

The Area Child Protection Committee
Business Manager
BSCB
4th Floor, County Hall
Aylesbury
Buckinghamshire
HP20 1UZ
Email: bscbtrainingteam@buckscc.gov.uk Telephone: 01296 387915

The Weights and Measures Authority
Trading Standards
County Hall
Walton Street
Aylesbury
Bucks
HP19 1UP
Email: tsd@buckscc.gov.uk

Buckinghamshire County Council
Public Health Team
Tracey Ironmonger
Assistant Director of Public Health
County Hall, Walton Street
Aylesbury
Buckinghamshire HP20 1UA
Email: publichealth@buckscc.gov.uk
Telephone: 0845 3708090

Home Office – Immigration Enforcement
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
E-mail alcohol@homeoffice.gsi.gov.uk

This page is intentionally left blank

Council
 Cabinet
 Planning & Economic Development PAG

14 November 2018
 17 October 2018
 13 September 2018

SUBJECT	Delegation Arrangements on Planning Enforcement
REPORT OF	Cllr John Read
RESPONSIBLE OFFICER	Steve Bambrick
REPORT AUTHOR	Joanna Swift
WARD/S AFFECTED	All wards

1. Purpose of Report

To recommend changes to the delegation arrangements on Planning Enforcement matters to take account of the recent approval of the Local Enforcement Plan. Full Council are asked to agree the revised delegations following consideration by the Planning Committee meeting on 10 October 2018 and Cabinet on 17 October 2018.

RECOMMENDATION

That the revised delegations as set out in the Appendix to the report be approved.

2. Reasons for Recommendations

The recommended revised arrangements will provide the mechanism for the effective delivery of the Local Enforcement Plan.

3. Content of Report

- 3.1. The Local Enforcement Plan was approved at Cabinet on 17 April 2018.
- 3.2. The Plan brings about significant changes to the processes that will be followed in receiving and assessing information about alleged breaches of planning control.
- 3.3. The current delegated arrangements give officers authority to serve requisitions for information about ownership of land and Planning Contravention Notices. In cases of urgency the Head of Legal and Democratic Services has power in consultation with the Head of Planning and Economic Development and Chairman of the Planning Committee to serve a range of enforcement notices and apply for injunctions. The Head of Planning and Economic Development also has power to take direct action to remove offending development with the action taken being reported to the next meeting of the Planning Committee. Apart from these delegations the current arrangements require all enforcement action to be authorised by Planning Committee.
- 3.4. In order to ensure the efficient operation of the recently approved Local Enforcement Plan it is considered the current arrangements require review. In particular, the requirement for the planning committee to authorise the service of enforcement notices adds time and operational costs to the wider process. Current work on assessing the backlog of enforcement activity indicates that there will be a

significant increase in the service of notices in the coming months. Plainly, this pipeline of work will stretch the current arrangements even further.

- 3.5. The new arrangements proposed would give delegated authority to the Head of Planning and Economic Development on all enforcement matters with a requirement for consultation with the Head of Legal and Democratic Services on the service of notices and instigation of legal proceedings. The decision to serve a Stop Notice, Temporary Stop Notice or to apply for an injunction would be made in consultation with the Chairman of Planning Committee (or in his absence the Vice – Chairman). Any direct action taken would continue to be reported to the next Planning Committee as required under the current delegations. A service level agreement would be prepared between the Planning service and the Legal service. This agreement would identify the timescales for undertaking consultation and providing legal advice. This is intended to ensure legal issues are properly considered when issuing notices and instituting proceedings but allow more streamlined decision - making particularly on the serving of enforcement notices. This revised process would also address many of the current issues and complaints about the enforcement service which focus on the time taken for notices to be served where necessary.
- 3.6 Whilst the proposed revised delegations are directly to officers, it is acknowledged that members of the Planning Committee and local members will continue to expect a degree of engagement in the wider process. It is on this basis that senior officers will ensure that they raise issues with ward members as would be appropriate to the proposed notice or action concerned.
- 3.7 A similar report is being submitted to the Cabinet and Planning Committee at South Bucks seeking views on the proposed new arrangements.

4. Consultation

The contents of this report have been discussed with the Portfolio Holder and Chairman of the Planning Committee.

5. Options (if any)

There are a variety of options for delegating decision-making for enforcement matters based on a combination of factors including the ability of officers to serve an extensive or a more restrictive range of notices. The proposed delegations are based on national best practice and seek to ensure the Council can deliver the recently introduced Local Enforcement Plan in an effective and timely manner.

6. Corporate Implications

- 6.1 Financial – There are no direct financial implications from this report.
- 6.2 Legal – Enforcing breaches of planning and advertisement control is a statutory power which requires investigation of factual and legal issues to determine whether a breach has taken place, as well as a decision as to whether it is expedient to take action having regard to relevant planning policy considerations.

Council

14 November 2018

Cabinet

17 October 2018

Planning & Economic Development PAG

13 September 2018

- 6.3 Whilst the report does not have any direct implications on any other corporate matters, it has the potential to send out very strong signals about the Council's willingness to take positive and proportionate enforcement action where necessary.

7. Links to Council Policy Objectives

The proposal supports the objectives of conserving the environment and promoting sustainability as well as delivering cost-effective, customer-focused services.

8. Next Steps

Following consideration by Planning Committee and Cabinet the proposed revisions to the Scheme of Delegations will be reported to Full Council for approval and the Constitution updated accordingly.

Background Papers:	None other than referred to in this report
---------------------------	--

This page is intentionally left blank

SDBC Constitution Section F – Scheme of Delegations to Officers

Planning Committee

Delegations to Officers

~~(11) Planning and Compensation Act 1991~~

- | | |
|---|---|
| <p>(a) Authority to issue planning contravention notices.</p> | <p>Head of Planning and Economic Development (in consultation with the Head of Legal & Democratic Services where appropriate) and the Head of Legal & Democratic Services</p> |
| <p>(b) Power to issue Breach of Condition Notice under Section 187A.</p> | <p>Head of Planning and Economic Development in consultation with the Head of Legal & Democratic Services, (notices to be issued in the name of the Head of Legal & Democratic Services)</p> |

(13) Enforcement

- | | |
|--|---|
| <p>(a) Authority to decide whether it is expedient to take enforcement action and to prepare, issue, serve, amend or withdraw, or, in case of injunctions, apply for:</p> <p>(i) Enforcement Notices, including Listed Building Enforcement Notices;</p> <p>(ii) Stop Notices including Temporary Stop Notices;</p> <p>(iii) Injunctions restraining breaches of Planning Control;</p> <p>(iv) Notices under Section 215 of the Town and Country Planning Act 1990 Act relating to untidy land;</p> <p>(v) Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990; and</p> <p>(vi) Planning Contravention Notices under Section 171 C of the Town and Country Planning Act 1990.</p> <p>Power to issue an enforcement notice under the Town & Country Planning Acts In cases where the contravention has been the subject of a previous refusal of planning consent, and further that if necessary, legal proceedings be instituted to secure compliance.</p> | <p>Head of Planning and Economic Development in consultation with the Head of Legal & Democratic Services and in respect of Stop Notices, Temporary Stop Notices and Injunctions after consultation with the Chairman of Planning Committee (or in his/her absence the Vice-Chairman).</p> <p>,(notices to be issued in the name of the Head of Legal & Democratic Services)</p> |
| <p>(b) Authority to take any necessary follow up action including the administration of a simple caution and instituting prosecution proceedings for non-compliance with any enforcement action. decide when it is not considered expedient to take enforcement action.</p> | <p>Head of Planning and Economic Development with any prosecution proceedings to be instituted in consultation with the Head of Legal & Democratic Services</p> |
| <p>(c) Authority to serve a notice requiring contravening work to be pulled down, removed or altered or taking other direct</p> | <p>Head of Planning and Economic Development with any action taken</p> |

~~action in respect of a breach of planning control. consider the evidential and public interest tests as to whether or not a prosecution should be commenced for breach of a planning control related offence under prior authority from the Committee.~~ being reported to the next meeting of the Planning Committee

- (d) Authority to defer enforcement action pending an appeal against a refusal of planning permission Head of Planning and Economic Development

~~Authority to determine that a Simple Caution be offered and administered as opposed to a prosecution for relevant planning control related offences (whether already delegated or authorised by Committee or pending a report for specific authority for a prosecution) where the circumstances support this way forward (the administering of a Simple Caution to be reported to the next available Planning Committee).~~

- (e) Authority to administer the Simple Caution, where a Simple Caution is considered to be the appropriate course of action. Head of Legal & Democratic Services

(16) Town and Country Planning Act 1990

- (a) Powers under Section 330 to require information about ownership, use and occupation of land. Head of Planning and Economic Development and Head of Legal & Democratic Services concurrently
- (b) Exercising powers to control the display of advertisements in breach of the Town and Country Planning (Control of Advertisements) Regulations 1992 and fly-posting under Sections 224 and 225 of the Town & Country Planning Act 1990, including power to arrange for removal of offending advertisements and/or prosecution. Head of Planning and Economic Development with any prosecution proceedings to be instituted in consultation with the Head of Legal & Democratic Services

B. Delegations to Officers – Subject to Consultation with Consultative Body

Matter Delegated

- ~~(1) Authority to serve Enforcement Notices and Stop Notices in cases of urgency.~~
- ~~(12) Authority to take proceedings for breach of any notice or order within the work of the Committee not referred to in Part A above.~~
- ~~(23) Matters of routine business and those requiring urgent decisions between meetings.~~
- ~~(6) Temporary Stop Notices~~
 Authority to issue a Temporary Stop Notice, such Notice to be issued in the name of the Head of Legal Services.

Officer

- ~~Head of Planning and Economic Development in consultation with the Head of Legal & Democratic Services~~
- Head of Planning and Economic Development in consultation with the Head of Legal & Democratic Services
- ~~Director of Services Appropriate Chief Officer~~
- Head of Planning and Economic Development in consultation with the Head of Legal & Democratic Services

C. Delegations from Buckinghamshire County Council**Matter Delegated**

Authority to remove flyposting on the highway / verge /affixed to Bucks County Council street furniture (S. 132 of Highways Act 1980).

Officer

Director of Services

This page is intentionally left blank

SUBJECT:	<i>Gambling Act 2005 Licensing Statement of Principles – 2018 Revision</i>
REPORT OF:	<i>Director of Services – Steve Bambrick</i>
RESPONSIBLE OFFICER	<i>Head of Healthy Communities – Martin Holt</i>
REPORT AUTHOR	<i>Charlie Robinson, crobinson@southbucks.gov.uk, 01494 732056</i>
WARD/S AFFECTED	<i>All Wards</i>

1. Purpose of Report

- 1.1 The purpose of this report is to inform Council of the final revised draft Gambling Act 2005 Statement of Principles a copy of which is attached to this report as Appendix 1 and to recommend its adoption to come into effect on 31 January 2019.

RECOMMENDATION

- 1. That Council adopts the draft Statement of Principles for publication at least 4 weeks prior to coming into effect for the period 31 January 2019 to 30 January 2022.**

2. Reason for Recommendation

- 2.1 The recommendation is in line with the legal requirements for the correct process for the required review and adoption of the Statement of Principles.

3. Content of Report

- 3.1 The Council has a statutory requirement to review its adopted Statement of Principles every 3 years. The Licensing Committee agreed the draft reviewed document prior to a consultation being completed, and the result of the consultation was reported to the Licensing Committee on 26 September 2018. The Committee considered the responses received and some minor amendments proposed by Officers. These together with further minor amendments were agreed by members, as were the recommendations stated in the report to recommend the draft Statement of Principles to Cabinet and Council for adoption. A copy of the final draft Statement of Principles recommended to Cabinet and Council for adoption by the Licensing Committee is attached to this report in Appendix 1.
- 3.2 Following the Licensing Committee's approval of the final draft Statement of Principles a further report was presented to Cabinet on 17 October 2018 to request that it also

consider the draft Statement of Principles, as this is a shared function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) . Cabinet having considered the draft Statement of Principles supported the recommendation to Council to adopt the draft Statement of Principles.

4. Options

- 4.1 Members can adopt the draft Statement of Principles with or without modification having duly considered the information provided in this report and the matters already considered by the Licensing Committee and Cabinet.

5. Corporate Implications

5.1 Legal and Financial

The revision of the Statement of Principles is a statutory function and must be undertaken every 3 years. The costs in carrying out the revision, including the consultation process, will be covered by the Gambling Act 2005 fees. There will be no income generated by the revision of the existing Statement of Principles.

6. Links to Council Policy Objectives

- 6.1 The licensing of gambling premises and the adoption of a Statement of Principles in respect of this activity contributes towards the Council's Corporate Plan Key Theme 2 of working towards safe and healthier local communities. Properly controlling and regulating gambling activities will assist in ensuring that levels of crime and disorder remain low and appropriate well run gambling premises can contribute towards the local economy.

7. Next Steps

The next steps will be as stated in the recommendation.

Background Papers:	None other than those referred to in this report.
---------------------------	---

SOUTH BUCKS DISTRICT COUNCIL
ADOPTED BY FULL COUNCIL ON 12TH DECEMBER 2006
STATEMENT OF GAMBLING PRINCIPLES

GAMBLING ACT 2005

1ST REVIEW - 15TH DECEMBER 2009.

2ND REVIEW - 30TH OCTOBER 2012

3RD REVIEW - 10TH November 2015

4TH REVIEW - 14TH November 2018

TO HAVE EFFECT 31 JANUARY 2019 TO 30 JANUARY 2022.

Part A

1. Introduction
2. Summary and Declaration
3. Licensing Objectives
4. Licensing Authority Functions
5. Responsible Authorities
6. Interested Parties
7. Exchange of Information
8. Enforcement

Part B - Premises Licences: consideration of applications

1. General Principles
2. Premises Licences
3. Adult Gaming Centres
4. (Licensed) Family Entertainment Centres
5. Casinos
6. Bingo
7. Betting Premises including tracks
8. Lotteries
9. Travelling Fairs
10. Provisional Statements
11. Reviews

Part C - Permits/Temporary and Occasional Use Notices

1. Unlicensed Family Entertainment Centre gaming machine permits
2. (Alcohol) Licensed Premises gaming machine permits
3. Prize Gaming Permits
4. Club Gaming and Club Machine Permits
5. Temporary Use Notices
6. Occasional Use Notices

Appendices

- A. List of Consultees
- B. Glossary of Terms
- C. Category of machines

Part A

1. Introduction

Licensing authorities are required by Section 349 the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

South Bucks District Council consulted widely upon this Statement before it was finalised and published. **A full list of those persons/bodies consulted is provided at Appendix A.**

The consultation took place for 6 weeks.

The full list of comments made and the consideration by the Council of those comments is available on request to: The Licensing Team, Council Offices, King George V Road, Amersham HP6 5AW - 01494 732063.

The Statement was approved at a meeting of the Full Council on 14th November 2018 and was published via the Councils website on 3rd January 2019 and shall take effect on 31 January 2019. Copies were made available at the Council Offices.

Should you have any comments as regards this Statement please send them via e-mail or letter to the following contact:

Name: The Licensing Team

Address: Council Offices, King George V Road, Amersham HP6 5AW -

E-mail: licensing@southbucks.gov.uk Tel: 01494 732063

The Policy may also be subject to minor amendments from time to time, for example, when there are changes to relevant legislation; when this is necessary, changes will be authorised by the Head of Healthy Communities, in consultation with the Chairman of the Licensing Committee. The Council reserves the right to amend this Statement should it be necessary to do so following regulations issued by the Secretary of State or further guidance from the Gambling Commission.

2. Summary and Declaration

This Statement of Principles sets out the Councils general approach as Licensing Authority to the exercise of its functions under the Gambling Act 2005. The Council will seek to regulate Gambling in the public interest. In carrying out its licensing functions the Council will have regard to any guidance issued by the Gambling Commission from time to time and the 3 licensing objectives. The Council in undertaking its licensing functions will have due regard to the need to eliminate unlawful discrimination and will seek to promote equality and good relations between all persons having particular regard to their human rights.

The Council will not seek to use the Act to resolve matters more readily dealt with under other legislation.

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

Demand and need are not considerations the Local Authority will take into account in relation to applications submitted to it for determination however the location of the premises, its size and layout can be relevant considerations to be taken into account on a case by case basis.

Declaration

In producing this Statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement

3. The Licensing Objectives

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

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

Section 153 requires that the Licensing Authority, in making decisions about premises licences and temporary use notices, should aim to permit the use of premises for gambling in so far as it thinks it:

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

The Licensing Authority recognises that the best means of promoting the licensing objectives is through the co-operation and partnership of the Local Authority, the Police, local business, local people and those involved in child protection.

4. Licensing Authority Functions

‘Gambling’ is defined in the Act as either gaming, betting, or taking part in a lottery.

- gaming means playing a game of chance for a prize
- betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

A “gaming machine” can cover all types of gambling activity which can take place on a machine, including betting on ‘virtual’ events.

The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:

- casinos
- bingo premises
- betting premises, (including tracks)
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

A machine is not a gaming machine if the winning of a prize is determined purely by the player’s skill. However, any element of ‘chance’ imparted by the action of the machine would cause it to be a gaming machine.

Licensing Authorities are required under the Gambling Act 2005 to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises

licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines

- Register small society lotteries below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section below on ‘information exchange’)
- Maintain registers of the permits and licences that are issued under these functions

There are a range of statutory application forms and notices that licensing authorities are required to use. The forms can be downloaded from the central government services website (www.gov.uk).

Certain activities are however exempt and these require no licence or permit i.e. incidental non-commercial lotteries - those run as an additional amusement at non commercial events with tickets sold on the premises and only during the event - such as a raffle at a dance or a church fete and promoted for a purposes other than private gain.

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences - the Gambling Commission will also be responsible for Personal Licences. The National Lottery is regulated by the National Lottery Commission which is part of the Gambling Commission.

The Council’s licensing functions under the Act will be carried out by the Licensing Committee, the Licensing sub-committee and/or by officers acting under the delegated authority of the Licensing Committee - see Appendix D.

Where there are no areas of contention it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness these will, for the most part, be carried out by officers.

Where there are relevant representations in respect of an application the matter will be determined by the Licensing Sub-Committee, as will any application for the review of a licence.

The Council will, where appropriate, seek to encourage permit and premises licence holders to adopt any codes of practice which may be introduced by the amusement industry from time to time.

5. Responsible Authorities

Section 157 of the Act defines those authorities as:

- The Gambling Commission

- The Police
- The Fire Service
- The local planning authority
- Environmental Health
- Local Safeguarding Children Board (LSCB)
- HM revenue and Customs
- A licensing authority in whose area the premises is situated

This Authority designates the Local Safeguarding Children Board as the body which it considers competent to advise about the protection of children from harm.

The principles applied in this designation were

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

The contact details of all the Responsible Authorities under the Gambling Act 2005 is provided at Appendix B. Contact details of Responsible Authorities are also provided on the Council's website at: www.southbucks.gov.uk

6. Interested Parties

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

“For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

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

In deciding whether or not a person is an interested party, each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities, the size of the premises, the nature of the premises and the activities taking place i.e. larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities, the distance of the premises from the person making the representation - amongst other matters on a case by case basis - therefore this list is not exhaustive.

Business Interests will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

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

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Sub-Committee dealing with the licence application.

South Bucks District Council will not consider representations that are frivolous or vexatious, or which relate to demand or need for gambling facilities. Decisions on whether representations are frivolous or vexatious will be made objectively on a case by case basis and not on the basis of any political judgement. Where representations are rejected, the person making that representation will be informed in writing and provided with sufficient reasoning behind the decision.

A vexatious representation is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to be one that is lacking in seriousness, or is unrelated to the licensing objectives, guidance issued by the Gambling Commission or this statement of principles.

7. Exchange of Information

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

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a Premises Licence will be informed that their details will be disclosed in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

The Licensing Authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter as updated from time to time, as well as any relevant regulations issued by the Secretary of State under the

powers provided in the Gambling Act 2005 and guidance from LACORS.

Should any protocols be established as regards information exchange with other bodies then they will be considered and if applied, copies will be made available.

8. Enforcement

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

This Licensing Authority is a signatory to the Enforcement Concordat and the Regulators' Compliance Code and will follow the principles set out in these documents with a view to adopting a consistent, transparent and proportional approach.

The Enforcement Concordat proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain records, may be dealt with by way of written warning. More serious offences or repeated offences may result in a referral to the Licensing Committee, the issue of a Formal Caution or a referral for prosecution.

The Regulators' Compliance Code supports the Government's better regulation agenda and intends to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business.

The Licensing Authority intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the district for unlicensed premises and activities.

The Licensing Authority will seek to work actively with the Police in enforcing licensing legislation and intends to establish protocols with the Thames Valley Police, Buckinghamshire Trading Standards and Buckinghamshire Fire and Rescue on enforcement issues to ensure an efficient deployment of police and council officers.

Licence/Permit holders will be encouraged to give the Licensing Authority the name of the person responsible for the premises to be contacted in the first instance in relation to compliance issues/queries.

Any enforcement action will endeavour to be:

- **Accountable:** regulators must be able to justify decisions, and be

- subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

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

The Licensing Authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission
- The principles set out in this statement of licensing policy

This Licensing Authority also keeps itself informed of developments as regards best practice in its consideration of the regulatory functions of local authorities.

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing department (Council Offices, King George V House, King George V Road, Amersham, Buckinghamshire, HP6 5AW, telephone 01494 732063, e-mail licensing@southbucks.gov.uk). Our risk methodology will also be available upon request when adopted/completed.

Part B - Premises Licences: consideration of applications

1. General Principles

In carrying out its licensing functions the Council will have regard to any guidance issued by the Gambling Commission from time to time and the 3 licensing objectives.

The Council will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met the Council will maintain a close working relationship with the police, the Gambling Commission and other responsible authorities.

Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the Council may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm, especially where it receives representations to that effect. Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

However, the overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits.

2. Premises Licence

A premises licence can authorise the provision of facilities at the following:

- casino premises
- bingo premises
- betting premises, including betting tracks and premises used by betting intermediaries
- adult gaming centre premises (for category B3, B4, C and D machines)
- family entertainment centre premises (for Category C and/or D machines)

The type of licence will dictate the type of gambling and the category of gaming machine that is allowed therein.

Other than an application for a betting premises licence in respect of a track (where the occupier of the track who gets the premises licence may not be the person who actually offers the gambling), the Council is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

The Act provides that licensing authorities may attached conditions to premises licences and Gambling Commission guidance suggest what conditions might be considered appropriate in relation to each type of licence.

The Council will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times.

Local Risk Assessment

From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling

facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- To take account of significant changes in local circumstance, including those identified in this policy;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- When applying for a variation of a premises licence; and
- In any case, undertake a local risk assessment when applying for a new premises licence.

The Council will expect the local risk assessment to consider as a minimum:

- The demographics of the area in relation to all groups that could be deemed as vulnerable or more susceptible to problem gambling;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The demographics of the area in relation to vulnerable groups;
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- Significant presence of young children, both residents and visitors;
- Nearby homeless hostels;
- Nearby gambling, alcohol, drug or mental health support facility;

Local Area Profile

Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council has published a local area profile. This profile, compiled in conjunction with the Public Health Intelligence Team, can be obtained from the Council's website www.southbucks.gov.uk.

The local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.

The Council recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

Decision-making

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

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

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

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

The Gambling Commission states in the fifth edition (para 7.6) of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

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

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them

from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

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

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

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

The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

7.23:

Casinos

- The principal access entrance to the premises must be from a street
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café - the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

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

Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this Authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

Location - This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

Planning:

The Gambling Commission Guidance to Licensing Authorities states:

7.59 - In determining applications the Licensing Authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This Authority will not take into account irrelevant matters as per the above guidance. In addition this Authority notes the following excerpt from the Guidance:

7.65 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Duplication with other regulatory regimes - This Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

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

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

Preventing gambling from being a source of crime and disorder

The Gambling Commission will play a leading role in preventing gambling from being a source of crime and disorder and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

Anyone applying to the Council for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. Therefore, the Council will not generally be concerned with the suitability of an applicant but where concerns about a person's suitability arise the Council will bring those concerns to the attention of the Commission.

If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Council will, in consultation with the police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors.

As far as disorder is concerned, there are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Council does not therefore intend to use the Act to deal with general nuisance issues, for example, parking problems, which can be dealt with using alternative powers.

Issues of disorder should only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance, and it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.

When making decisions in this regard the Council will give due weight to any comments made by the police.

Ensuring gambling is conducted in a fair and open way

The Gambling Commission does not generally expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime.

Because betting track operators do not need an operating licence from the Commission the Council may, in certain circumstances impose conditions on the licence relating to the suitability of the environment in which betting takes place.

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

The Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling or being in close proximity to gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This Licensing Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This statement will be applied to vulnerable persons on this basis or by way of any statutory definition in the future - as may then be amended from time to time. The Council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

Conditions

Mandatory conditions will be imposed - otherwise the local authority has a discretion regarding default conditions and imposing other specific conditions. The local authority will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives and will be considered unnecessary if they are already adequately covered by other legislation.

Any conditions attached to licences by the local authority will be proportionate to the circumstances they are intended to address. The Council will endeavour to ensure they are

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

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

Conditions imposed by the Council may be general in nature by applying to all licences, or those of a particular type, or they may be specific to a particular licence. Duplication with other statutory or regulatory regimes will be avoided so far as possible.

The Council will not generally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission's guidance, any codes of practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.

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

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

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

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

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

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

Door Supervisors

The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. The Local Authority will however only make a door supervision requirement if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

It is noted though that the door supervisors at casinos or bingo premises are not licensed by the Security Industry Authority (SIA). This Licensing Authority however reserves the right to attach a condition(s) to a licence when requesting door supervisors to be employed requiring that they are licensed by the SIA and are adequately vetted. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

3. Adult Gaming Centres

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

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas

- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

4. (Licensed) Family Entertainment Centres

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

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

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

5. Casinos

No Casinos resolution - This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 as it is not currently anticipated there will be any casinos in this area hence a no casino resolution is

not considered necessary at this time - the Local Authority is however aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this statement with details of that resolution. Any such decision will be made by the Full Council.

In determining any application for a Casino regard will be had to relevant regulations and guidance issued from time to time under the Act.

6. Bingo premises

The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.

Commercial bingo halls will require a bingo premises licence from the Council.

Amusement arcades providing prize bingo will require a prize gaming permit from the Council

In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game other than category D machines. When considering applications of this type the Council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

A limited number of gaming machines may also be made available at bingo licensed premises.

Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.

This Licensing Authority notes that the Gambling Commission's Guidance states:

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

This Authority will consider any further guidance issued by the Gambling Commission from time to time in relation to Bingo in particular but not limited to matters relating to the suitability and layout of premises.

7. Betting premises - including tracks

Anyone wishing to operate a betting office will require a betting premises licence

from the Council - although betting is permitted under a Casino Premises Licence without a separate betting premises licence - and special rules apply in relation to tracks. Children and young persons under 18 will not be able to enter premises with a betting premises licence.

Betting premises will be able to provide a limited number of gaming machines and some betting machines.

The Council has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available. It will not generally exercise this power though unless there are good reasons to do so taking into account, among other things, the size of the premises and the level of management and supervision especially where vulnerable people are concerned.

Each application will be considered on its own individual merits.

Applicants will however be encouraged to locate/relocate machines to enhance the quality of the facility provided.

Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'.

Tracks

A track is a site where races or other sporting events take place.

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

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

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

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas

- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

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

Betting machines - This Licensing Authority will, as per of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.43).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.44).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.46).

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

8. Lotteries

All “lotteries” are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission or it is an ‘exempt’ lottery as defined by the Act.

One of those exemptions is in respect of what are termed “small societies lotteries” and the Council is responsible for registering these ‘small’ lotteries.

A society will be allowed to register with the Council if it is a ‘non-commercial’ lottery, in other words, it is established and conducted:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity; or
- for any other non-commercial purpose other than for private gain.

The Council will maintain a public register of small societies lotteries which it has registered.

9. Travelling Fairs

It will fall to this Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit are to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met - see Sections 286 and 287 of the Act although “Ancillary Amusement” is not defined in the Act.

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

The 27-day statutory maximum for the land being used as a fair, is per calendar year, and it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

10. Provisional Statements

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

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or

she:

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

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

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

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

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

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

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

11. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous and/or vexatious, or whether

it is substantially the same as previous representations or requests for review.

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

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

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

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

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

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

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

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

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

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and

- Her Majesty's Commissioners for Revenue and Customs
-

Part C - Permits / Temporary and Occasional Use Notices

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence - or an Alcohol Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238). No operating licence is required.

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and **shall** have regard to any relevant guidance issued by the Commission under section 25.

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

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

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

Statement of Principles

South Bucks District Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff i.e. how to deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); that relevant insurance is in place and that staff are trained to have a full

understanding of the maximum stakes and prizes.

Matters raised by the Police will also be a determining factor in the Councils decision as will the suitability of the premises re location, history of disorder, etc.

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

Automatic Entitlement: 2 Machines

There is provision in the Act for alcohol licence holders to automatically make available for use in alcohol licensed premises 2 gaming machines, of categories C and/or D. This entitlement relates only to premises that are licensed for consumption of alcohol on the premises, there is no entitlement in premises licensed only for consumption off the premises. This entitlement does not require an authorisation as licensing authorities have no discretion regarding this matter. The premises merely need to notify the Licensing Authority, pay the prescribed fee and comply with any Gambling Commission Code of Practice. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. such that written notice has not been provided to the Licensing Authority, that a fee has not been paid and 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; or
- an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

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

This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access to for under 18's may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare and Gamblers Anonymous.

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

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. This Authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

A Prize Gaming Permit is a permit issued by the Local Authority to authorize the provision of facilities for gaming with prizes on specific premises. Certain premises can offer prize gaming without a Prize Gaming Permit i.e. Bingo Premises.

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

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

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming being offered is within the law.

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance - and the police must be consulted. Relevant considerations for the Local Authority include the suitability of the applicant i.e. relevant convictions; location of the premises and issues of disorder.

It should be noted that there are conditions in the Gambling Act 2005 to which the permit holder must comply, but that the Licensing Authority cannot attach its own further conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the

premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;

- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide up to three gaming machines (from specified categories), equal chance gaming and games of chance as set-out in regulations. A Club Gaming machine permit will enable the premises to provide up to three gaming machines (from specified categories), but not equal chance gaming or games of chance. Commercial Clubs are not permitted to provide non-machine gaming, but can apply for a club machines permit permitting up to three machines. The machines permitted in Commercial Clubs differ from those permitted in Members Clubs and Miners' welfare institutes.

When considering whether to grant a club gaming permit or club machine permit (and monitoring those that have been issued) the Council will have regard to guidance issued by the Gambling Commission regarding the factors that ought to be considered in making such determinations.

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

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

If c), d) or e) apply, then the local authority can refuse but will first have regard to relevant guidance and the licensing objectives.

Fast Track Procedure - There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The Gambling Commission's Guidance for local

authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." "The grounds on which an application under the process may be refused are:

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

There are mandatory conditions on club gaming/machine permits including that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines - no other conditions can be imposed.

5. Temporary Use Notices

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

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

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

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

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

6. Occasional Use Notices

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. These are only available for betting at tracks - see section 39 of the Act. This Licensing Authority will however consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Appendix A - List of consultees.

LIST OF CONSULTEES

The Chief Officer of Police for the Council's area
Bodies representing the interests of persons carrying on gambling businesses within the South Bucks District
Bodies representing the interests of persons who are likely to be affected by the exercise of the authority's function under this Act
The local Planning Authority
The local Health and Safety Authority
The Authority responsible for Control of Pollution
Bucks Fire and Rescue
Buckinghamshire Safeguarding Children Board
Local Primary Care Trusts
Bodies dealing with mental health issues
Citizens Advice Bureau
GamCare
Gamblers Anonymous
Bodies representing businesses and residents in the area
Parish Councils within the District
Other Councils, including Wycombe DC, Chiltern DC, Aylesbury Vale DC, Milton Keynes Council, Dacorum Borough Council, Three Rivers District Council and Buckinghamshire County Council
Wycombe and Beaconsfield Magistrates Court
Central Buckinghamshire Magistrates' Court (Aylesbury)

Note: - This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by the policy.

Copies of the draft Gambling Statement of Principles were also available at the Council Offices and on the Council's website.

Appendix B. Glossary of Terms

Within this draft Statement of Policy, the following words and terms are defined as stated: Licensing Objectives: As set out in Section 1 of the Gambling Act 2005:

- 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 Council: South Bucks District Council District: The area of Buckinghamshire administered by South Bucks District Council (Map at Appendix A) Licenses: As defined under section 4 of this statement

Applications: Applications for licenses and permits as defined under Parts B and C of this statement.

Notifications: A notification of Temporary and Occasional use Notices

Act: The Gambling Act 2005, a new regulatory system to govern the provision of all gambling in Great Britain other than the National Lottery and Spread Betting.

Regulations: Regulations made under the Gambling Act 2005 to ensure smooth transition from the old regime for gambling regulation to the new regime established by the Act.

Premises: Any place including a vehicle, vessel or moveable structure.

Code of Practice: Any Code of Practice issued under section 24 of the Gambling Act 2005.

Mandatory Condition: Conditions which are specified in regulations by the Secretary of State and **must** be applied to all premises licences for England and Wales and Scotland respectively.

Default Condition: Conditions which are specified in regulations by the Secretary of State for England and Wales and Scotland respectively. Local Authorities have powers to exclude default conditions.

Responsible Authority:	Bodies who have rights to be involved/consulted in relation to applications for Premises Licenses and other procedures under the Act (List of Responsible Authorities attached at Appendix C)
Interested Party:	defined as <ul style="list-style-type: none">• People who live sufficiently close to premises in respect of which a premises licence has been granted or applied for, that they are likely to be affected by activities authorised by the licence; and • those with business interests who might be affected by the authorised activities; or representatives of either of these groups

Appendix C. Category of Machines

Category of Machine	Maximum Stake from July 2011	Maximum Prize
A	No category A Gaming machines are currently permitted	
B1	£5	£10,000 or £20,000 if linked to other B1 machines
B2	£100 (in multiples of £10)	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D	Various 10p to £1	£5 to £50 (max relates to non-money prizes only)

NB Stakes and prizes for different categories of gaming machine are updated from time to time. For the most recent information please refer to the Gambling Commission website at www.gamblingcommission.gov.uk

The number of different categories of machines in different types of premises are often subject to limits on numbers or percentages of machines available for use. For the most recent information please refer to the Gambling Commission website at www.gamblingcommission.gov.uk

SUBJECT:	<i>Chiltern District Council and South Bucks District Council Joint Housing Strategy 2018 - 2021</i>
REPORT OF:	<i>Cabinet Portfolio: Healthy Communities</i>
RESPONSIBLE OFFICER	<i>Head of Healthy Communities – Martin Holt</i>
REPORT AUTHOR	<i>Housing Manager – Michael Veryard – 01494 732200 (mveryard@chiltern.gov.uk)</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

This report seeks authority to publish and implement the finalised version of the Chiltern District Council and South Bucks District Council Joint Housing Strategy (Affordable Housing and Homelessness) 2018-2021 following consideration by the Overview and Scrutiny Committee and Cabinet.

RECOMMENDATIONS to Council

- 1. That Full Council approve the final Joint Housing Strategy (Affordable Housing and Homelessness) 2018-2021 document.**
- 2. That the Head of Healthy Communities be authorised to make any final amendments to the document agreed by members and to publish it in consultation with the Healthy Communities Portfolio Holder.**

2. Reasons for Recommendations

The current Housing and Homelessness Strategies for Chiltern District Council and South Bucks District Council need to be reviewed and updated in view of the current housing situation across the two districts and new statutory requirements that have come into force.

3. Content of Report

3.1 The Chiltern District Council and South Bucks District Council Joint Housing Strategy (Affordable Housing and Homelessness) 2018-2021 provides an overview of the work and duties of both authorities in:

- responding to affordable housing need and
- meeting statutory homelessness duties.

The strategy will sit alongside the Joint Private Sector Housing Strategy that was formally adopted in 2017.

3.2 The draft Joint Housing Strategy was first reported to Members last year. The Councils did not proceed to full consultation at that time because the Homelessness Reduction Bill was

published soon after and local authorities were advised that they may be subject to new requirements relating to Homelessness Strategies. A new Code of Guidance on Homelessness was subsequently issued in February 2018 and the Homelessness Reduction Act came into force from April 2018.

3.3 The draft Joint Housing Strategy was revised and updated to reflect the new Homelessness Code of Guidance and Act and other updated information. The revised version was approved for consultation by the Healthy Communities Portfolio Holders and further amendments have been made following consultation (see Section 4 below). The draft strategy has also been updated to reflect the recent developments at national Policy level including the newly revised National Planning Policy Framework, Rough Sleeper Strategy and Housing Green Paper (A new deal for social housing).

3.4 The final version of the draft Joint Housing Strategy is in Appendix A. Following the consultation and final amendments, it is now proposed that the Joint Housing Strategy is published and implemented.

4. Consultation

4.1 A 6 week consultation period on the draft strategy ran from 26th June 2018 to 6th August 2018 via the Council websites. All Members were directly notified of the consultation by e-mail (dated 26th June 2018). Direct notifications were also sent to all Town and Parish Councils and key external partner agencies inviting them to submit comments.

4.2 There were 8 responses to the consultation. The draft strategy has been amended to reflect the consultation feedback. The main amendments are:

- Update of the position regarding the emerging Joint Local Plan
- Inclusion of references to Neighbourhood Plans in connection with working with Town and Parish Council
- Increased emphasis on working jointly with Registered Providers on matters such as homelessness prevention, supporting downsizing etc.
- Reference to making representations to Government as and when appropriate on the resources that are required to meet national expectations and regulatory requirements.
- Update and expansion of the statistics in Appendix A.

5. Options (*if any*)

5.1 The Council has a specific statutory duty to publish a Homelessness Strategy. Therefore, if the Council does not proceed with preparing and authorising this Joint Housing Strategy document then it will still have to draft a Homelessness Strategy.

5.2 The Council could choose instead to continue to operate its own separate Housing strategy and policies. However, operationally, Chiltern District Council and South Bucks District Council are facing many of the same housing issues and there are efficiencies in the authorities taking a joint approach to addressing these issues. If the Council was to continue to operate a separate strategy, this would be out of step with the single shared

housing service and other strategy documents which have been published including the Joint Private Sector Housing Strategy

6. Corporate Implications

6.1 **Financial** – The Strategy highlights the potential resources available to support service delivery, but it does not propose any formal funding allocations or additional spending. Individual schemes or funding proposals to meet strategic objectives will be brought forward for consideration on a scheme by scheme basis.

6.2 **Legal** – The Council has a range of statutory housing responsibilities and legal duties and this strategy provides a clear framework for the activities required to meet these duties and responsibilities.

7. Links to Council Policy Objectives

This report relates to the following Aims and Objectives:

- Working towards safe and healthier local communities
- Striving to conserve the environment and promote sustainability

8. Next Step

Following approval by Full Council the finalised Joint Housing Strategy will be published and implemented.

Background Papers:	None other than the legislation, policies and guidance referred to in the report
---------------------------	--

This page is intentionally left blank

CHILTERN DISTRICT COUNCIL
AND
SOUTH BUCKS DISTRICT COUNCIL

JOINT HOUSING STRATEGY
(AFFORDABLE HOUSING AND
HOMELESSNESS)

2018-2021

CHILTERN DISTRICT COUNCIL AND SOUTH BUCKS DISTRICT COUNCIL**JOINT HOUSING STRATEGY 2018-2021****(AFFORDABLE HOUSING AND HOMELESSNESS)**

This Strategy should be read in conjunction with the Chiltern District Council and South Bucks District Council Joint Private Sector Housing Strategy

Table of Contents	
Page	Section
3	1. Introduction
5	2. Background to Joint Housing Strategy
9	3. Housing Service – The Five Main Challenges for 2018-2021
14	4. Funding
16	5. Housing Service Action Plans 2017-2021
17	- Chiltern DC– Affordable Housing Delivery – Action Plan
22	- South Bucks DC –Affordable Housing Delivery– Action Plan
27	- Chiltern DC – Homelessness – Action Plan
33	- South Bucks DC – Homelessness – Action Plan
40	APPENDIX A - Background Statistics
40	A1- Social Housing Lettings
42	A2 - Homelessness
45	A3 – Delivery of Additional Affordable Housing
47	APPENDIX B - Temporary Accommodation Framework

1. INTRODUCTION

- 1.1 Chiltern District Council and South Bucks District Council have a range of statutory and legal housing duties including:
- Assessing current and future need for affordable housing and supporting the delivery of affordable housing to meet local needs
 - Securing that advice and information is available to prevent and reduce homelessness
 - Assessing applications for homelessness assistance and providing advice and support (including the provision of emergency and long term accommodation where appropriate)
 - Operating an allocations scheme to allocate social housing vacancies
 - Tackling poor housing conditions
 - Licensing HMOs (Houses in Multiple Occupation)
 - Supporting households to improve and maintain their homes and install adaptations when necessary
- 1.2 Since April 2014, the Councils have operated a single shared housing service to deliver many of these duties across the two districts. This service is facing significant challenges as it moves forward. The Chiltern and South Bucks districts have some of the highest housing costs in the country (outside London) for buying and renting. This is placing increasing pressure on the Shared Housing Service as more people seek help from the Councils because they cannot afford to secure housing in the private sector. In particular, there is a high demand for homelessness assistance in both districts with a large number of households in temporary accommodation (including bed and breakfast). There is also the increased risk of more landlords letting poor quality accommodation to exploit a market where low income households have no other housing options available to them.
- 1.3 Alongside this, opportunities to secure additional new affordable housing across both districts are being restricted by limited site availability, high land values and some private developers challenging the viability of delivering any affordable housing on site. Government subsidy for affordable rented housing is very limited and many

Registered Providers (the traditional providers of affordable housing for rent and sale) have reviewed their business plans and are re-assessing what type of housing they develop and who they house. Many Registered Providers will no longer develop affordable homes for rent without significant support and incentives from local authorities and some are now refusing to re-house clients perceived to be "high risk". Meanwhile, welfare reforms continue to progress with increasing restrictions on the level of benefits available to support low income and workless households to meet their housing costs.

- 1.4 This Joint Strategy Document sets down how Chiltern District Council and South Bucks District Council are addressing these challenges as both authorities move forward. It should be read in conjunction with the Chiltern District Council and South Bucks District Council Joint Private Sector Housing Strategy which addresses the Council's work around monitoring and enforcing standards in the private sector (including HMO licensing) and in delivering financial assistance including Disabled Facilities Grants.

DRAFT

2. BACKGROUND TO JOINT HOUSING STRATEGY

2.1 Chiltern District Council and South Bucks District Council share three headline aims:

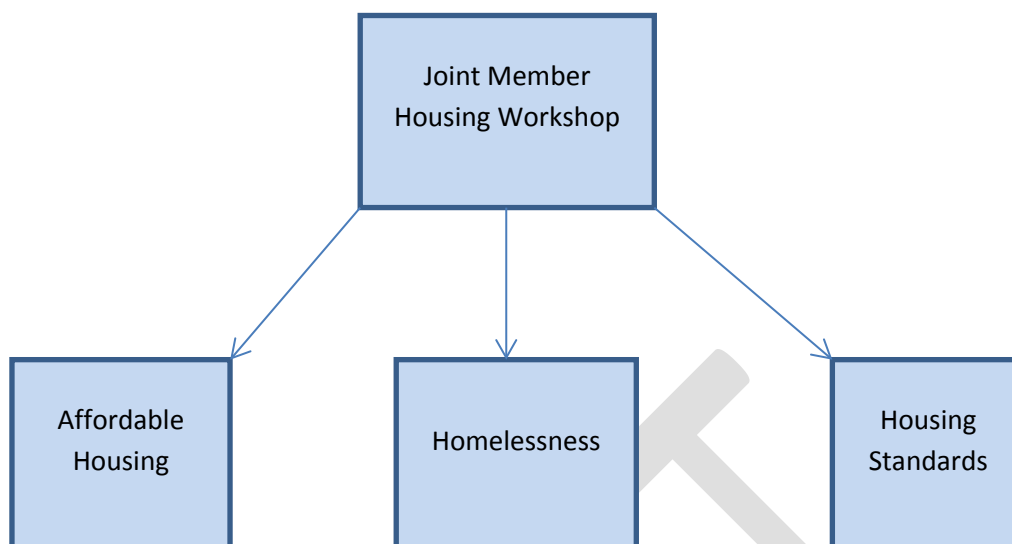
1. Delivering cost-effective, customer-focused services
2. Working towards safe and healthier local communities
3. Striving to conserve the environment and promote sustainability

2.2 The Joint Business Plan 2017-2020 (Stronger in Partnership) sets a number of actions for the Housing service to deliver in order to deliver the shared Aims 2 and 3 of the two Councils:

Aim 2 – We will work towards safe and healthier local communities	
<p>Objective: Promote Healthier Communities</p>	<p>Actions (Housing):</p> <ul style="list-style-type: none"> -Monitor effectiveness of Bucks Home Choice policy -Design and implement a robust Housing Strategy -Develop a joint housing and homelessness strategy to best meet statutory responsibilities and maximise affordable housing provision.
<p>Objective: Promote local communities</p>	<p>Actions (Housing):</p> <ul style="list-style-type: none"> -Work with partners to deliver Disabled Facilities Grants through the Better Care Fund
Aim 3 – We will strive to conserve the environment and promote sustainability	
<p>Objective: Conserve the Environment</p>	<p>Actions (Housing)</p> <ul style="list-style-type: none"> - Develop a joint Local Plan and manage development through the terms set out in it (<i>Housing service will support the development of the Plan in respect of the policies relating to affordable housing</i>) - Improve energy efficiency in dwellings – address fuel poverty and affordable warmth through partnership actions

<p>Objective: Promote sustainability</p>	<p>Actions (Housing):</p> <ul style="list-style-type: none"> - Work with landowners/prospective developers to secure high quality proposals for development opportunity sites -Maintain focused monitoring of homelessness trends and provide feedback to Members and Management Team -Support those residents affected by Housing Benefit reforms in order to limit the impact on homelessness -Facilitate the provision of new affordable housing commensurate with Development Plan projections -Replenish the stock of social and affordable rented property through a targeted programme of acquisition to enable re-letting -Use the Council's property assets for affordable housing where consistent with the Development Plan and supported by local communities - Encourage towns and parishes to come forward with proposals for affordable housing and facilitate their implementation -Use maximum leverage on S106 monies to provide for the needs of local families
---	---

- 2.3 This Joint Housing (Affordable Housing and Homelessness) Strategy Document and the joint Private Sector Housing Strategy set down the activities being undertaken across both Councils to deliver the housing requirements of the shared Joint Business Plan.
- 2.4 The development of this Strategy has its origins in the joint Housing Member Workshop held at South Bucks District Council on Wednesday 3rd February 2016 and attended by over 30 Members from both authorities. The workshop comprised briefings and discussions looking at three key areas of the Housing service:



- 2.5 The workshop produced a wide range of issues and ideas to be taken forward in developing a Chiltern District Council and South Bucks District Council Joint Housing Strategy. Some specific points were directly incorporated into the Joint Business Plan (see above).
- 2.6 Following on from the workshop, the issues and ideas raised for the Housing Standards service area have informed the development of the **Joint Private Sector Housing Strategy 2017-2021** which was formally adopted by both Councils in 2017.
- 2.7 For the other two areas of the service covered at the workshop, Affordable Housing and Homelessness, the development of a formal Joint Strategy was held back while officers considered the implications for the Councils of the Housing and Planning Act 2016 and subsequently the Homelessness Reduction Bill. However, a number of tasks and initiatives have moved forward in the meantime in response to the issues and tasks highlighted in the Workshop and Business Plan. These include:
- Affordable Housing Members Working Group established in Chiltern District Council
 - Joint Temporary Accommodation Framework agreed and put in place
 - Reviews of Council-owned sites undertaken by both Councils
 - Acquisition of Gerrard's Cross Police Station site by South Buck DC and leasing of former police house to Bucks HA as for use as temporary homelessness accommodation
 - Development of modular temporary housing scheme at Bath Road Depot site to provide temporary homelessness accommodation
 - Development of Emerging Joint Local Plan
 - Joint working between Housing and Revenues Teams and key partner agencies to manage impact of welfare reforms on local residents

- Funding support for specific affordable housing developments
- Implementation of a Private rented sector housing leasing scheme with Paradigm Housing
- Agreement to acquire properties in South Bucks subject to business case for the delivery of affordable housing

2.8 After the Homelessness Reduction Bill received Royal Assent on 27th April 2017, a draft Joint Housing Strategy was reported to the Cabinets at Chiltern District Council (27th June 2017) and South Bucks District Council (28th June 2017) with the intention of being issued for wider consultation. However, the Councils did not proceed to full consultation at that time because the advice accompanying the new Homelessness Reduction Act 2017 highlighted that local authorities may be subject to new requirements relating to their Homelessness Strategies. Consequently, the draft strategy has been revised and updated to reflect the homelessness strategy requirements set down in the new Code of Guidance on Homelessness (MHCLG February 2018) and other developments since the original draft.

2.9 This new draft now also incorporates the revised and updated version of the Joint Temporary Housing Framework.

DRAFT

3. HOUSING SERVICE – THE FIVE MAIN CHALLENGES FOR 2018-2021

At the time of drafting this strategy document, the key affordable housing and homelessness issues facing the Council Housing Service as it moves into the 2018-2021 period can be grouped into five main challenges.

- 3A. Homelessness Reduction Act
- 3B. Housing White Paper and National Strategy and Policy
- 3C. Temporary Accommodation for Homeless Households
- 3D. Affordable Housing Supply
- 3E. Other issues impacting on affordability

A brief summary of the each challenge is given below in order to provide some broader context for the Action Plans that follow:

3A. Homelessness Reduction Act

3A.1 The Homelessness Reduction Act was implemented from 3rd April 2018. The Act made significant changes to the Council's statutory homelessness duties within Part 7 of the Housing Act as follows:

- Councils has a duty to provide advice and assistance within 56 days of a household being threatened with homelessness (this was previously 28 days)
- Councils has formal legal duties to prevent and relieve homelessness for all eligible households (regardless of questions of priority need and intentionality)
- Advice services must in particular meet the needs of people released from prison, care leavers, former Armed Forces members, domestic abuse victims, people leaving hospital, those suffering from a mental illness and anyone else identified as particularly at risk of homelessness
- Other public agencies have a statutory duty to refer homeless clients to the Council (from October 2018)

3A.2 It is anticipated that the new Act will see a 26% increase in the homelessness caseload for local authorities (DCLG – New Burdens Funding Assessment – October 2017). Chiltern DC and South Bucks DC need to ensure that the shared housing service has sufficient capacity to meet the new statutory requirements set down in the Act and that its policies and procedures are revised to meet the Act's requirements. Alongside this, they will need to be pro-active in developing more affordable housing options and more support for households in order to prevent or relieve homelessness as much as possible.

3B. Housing White Paper and Nation Strategy and Policy

- 3B.1 The Government's Housing White Paper "Fixing Our Broken Housing Market" was published in February 2017 and has been followed up in 2018 by the publication of the revised National Planning Policy Framework (July 2018). The revised NPPF and the move to a standardised methodology approach to housing needs assessment both impact specifically on the Emerging Chiltern and South Bucks District Council Local Plan (2014-2036). They also impact on the Council's strategic role in supporting new affordable housing delivery with the new NPPF Affordable Housing definition encompassing a wider range of potential affordable housing models including both affordable and social rent, build to rent, discounted market sale and other home ownership. Together with the NPPF requirement that 10% of major residential developments should be affordable home ownership, this presents a challenge for Chiltern and South Bucks where high local market costs mean that any form of discounted home ownership or shared ownership will normally be too expensive for households who are homeless or seeking rehousing via the Bucks Home Choice scheme.
- 3B.2 Alongside this, the Government has also putting forward major housing policy announcements in the national Rough Sleeping Strategy (August 2018) and the Housing Green Paper "A New Deal For Social Housing" (August 2018) which both have implications for the Council and its key partners. The Councils needs to consider the impact these and other policy announcements on service delivery and respond accordingly. This includes making representations to Government as and when appropriate on the resources that are required to meet national expectations and regulatory requirements.

3C. Temporary Accommodation

- 3C.1 Part 7 (Homelessness) of the Housing Act 1996 places a statutory duty on the Council to secure that temporary accommodation is available to homeless households in a range of circumstances. Chiltern District Council and South Bucks District Councils are both facing significant pressures on temporary accommodation provision caused by the demand for homelessness assistance and the lack of alternative affordable housing options in both the social and private housing sectors (see statistics in Appendix 1). This has impacts on the welfare of clients and is a major financial cost to both Councils. Alongside this, Statutory Instrument 2003/3326 places a duty on Councils that a household with (or expecting) children should not be placed in bed and breakfast accommodation unless no other accommodation is available and, in any event, the period in B&B should not exceed 6 weeks. The Council is at risk of legal challenge if it breaches this requirement.

3C.2 Against this backdrop, the new Homelessness Reduction Act could potentially see an increase in the number of households that the Councils have to place in temporary accommodation. Going forward, the Councils need to develop more temporary accommodation options in order to reduce the need to utilise bed and breakfast accommodation and minimise the cost. It also needs to ensure wherever possible that it can prevent or relieve homelessness in order to prevent the need for clients to be placed in temporary accommodation. The revised and updated Temporary Accommodation Framework is in Appendix B.

3D. Affordable Housing Supply

3D.1 To date, additional affordable housing properties in Chiltern and South Bucks have been delivered by:

- Planning system (Section 106 agreements requiring that a new development includes a proportion of affordable housing)
- Registered Provider new development programmes
- Street property purchases and equity loans partially funded by commuted sums

3D.2 For the Council's housing service, the key demand is for affordable rented housing. Most households who approach the Council for homelessness assistance or for re-housing via Bucks Home Choice will be unable to afford the cost of shared ownership (i.e. part-buy/part-rent) or other discounted home ownership products.

3D.3 The delivery of additional housing properties in Chiltern and South Bucks has been limited in recent years (see Appendix A) by a range of factors including:

- high land and property values,
- limited development opportunities due to green belt/AONB restrictions,
- viability challenges (whereby developers challenge Section 106 affordable housing requirements by citing that the scheme will be unviable as a result) and
- changes in the Registered Provider sector.

3D.4 On the last point, the combination of limited Government grant funding for rented housing, rent reductions (affecting income streams) and continued welfare reforms means that all Registered Providers are continually reviewing their Business plans and making significant decisions on their future direction and development strategies. In recent years, some Providers shifted their focus onto developing discounted home ownership properties rather than rented housing. There are indications that they are moving back towards delivering more rented housing again following Government

funding announcements which sought to deliver a higher level of affordable rented and social rented housing. However, Registered Providers continue to be heavily reliant on private finance rather than public subsidy and they need to ensure that they are generating sufficient income to cover loans and other costs. This means that many providers have to charge higher rents in order to service loans and some are also becoming more risk averse with regard to who they re-house. They are applying stricter allocation criteria and refusing some nominees on the grounds of affordability, anti-social behaviour or previous poor tenancy history etc.

- 3D.5 The lack of additional affordable housing delivery has significant knock-on effects with homeless households facing longer periods in temporary accommodation (and the consequent cost to the Council) and others facing long periods waiting on the Bucks Home Choice scheme.
- 3D.6 There is also the demand for accommodation for people with care and support needs. This includes older people, people with diagnosed mental health conditions (children and adults), people with disabilities (children and adults) and looked after children and care leavers. These people have a range of care and accommodation needs which are set down in the Buckinghamshire Health and Social Care Market Position Statement (Housing Accommodation Solutions) 2018 – 2022 (published by Bucks Clinical Commissioning Group and Bucks County Council). This will include people with care and support needs who need affordable housing either from within the existing social housing stock or through new provision.

3E. Other Issues Impacting on Affordability

- 3E.1 The problems caused by the restricted amount of additional affordable housing delivery (see above) are exacerbated by the lack of alternative affordable housing options in Chiltern and South Bucks. High private sector rent levels and the continued welfare reforms mean that many low income households simply cannot afford to rent privately within the two districts. The Local Housing Allowance (the cap on Housing Benefit payable on a private sector tenancy) is £400 to £500 below the average market rent for a family home and this gap is likely to grow as LHA rates remain frozen. Some larger families are also impacted by the household Benefit Cap (£20,000 per annum for a family).
- 3E.2 Further impacts will arise from the roll out of UC (Universal Credit) across Chiltern and South Bucks districts from 2018. There will be an increase over time in the proportion of households that receive assistance with their housing costs via UC rather than Housing Benefit. Experience to date in other parts of the country has found that private landlords can be reluctant to let properties to persons claiming UC. It is possible that some of the changes made to UC in late 2017/early 2018 (including changes to the Alternative Payment Arrangement to allow more direct payments to

landlords) may help to mitigate this perceived risk amongst landlords, but the position is uncertain and may make it even harder for low income households to secure private rented housing.

- 3E.3 The outcome of this is that many landlords in Chiltern and South Bucks are unwilling to consider letting tenancies to households on low or even average incomes. This will become even more challenging with the roll-out of Universal Credit across both districts during 2018
- 3E.4 In addition, across Buckinghamshire as a whole we are seeing an increasing number of homeless households being placed in private rented tenancies by other local authorities (predominantly London boroughs) who are making incentive payments direct to landlords. Currently, this is predominantly taking place in other districts within Buckinghamshire with only a small number of recorded placements in Chiltern or South Bucks. However, this will be a growing challenge as other local authorities increasingly use "out-of-borough" accommodation to meet their housing duties. This will directly impact on the private rented market and on landlord expectations on what level of support and payments they will require from us in return for providing a tenancy for a client.
- 3E.5 The ability of the Councils to secure alternative housing for clients in the private rented sector and elsewhere has become even more important in light of the new Homelessness Reduction Act. As stated above, the Act places a clear duty on the Councils to take steps to prevent or relieve homelessness and to secure alternative housing options for clients who are seeking assistance. Without these alternative options being available, the Councils will struggle to fulfil this duty. The outcome of this will be more households having to be placed in temporary accommodation if the Council is unable to source any alternative housing options.

4. FUNDING

The table below gives an overview of some of the funding streams available to the Councils in responding to the challenges highlighted in Section 3 and in taking forward the actions set down in Section 5

FUNDING	CHILTERN DC	SOUTH BUCKS DC
Housing Revenue Budgets	Details in Annual Budget Book	Details in Annual Budget Book
Discretionary Housing Payments (DHP) <ul style="list-style-type: none"> - DHP is available to alleviate financial hardship where a tenant needs additional help to meet rent payments - 	Annual allocation managed by Revenues and Benefits Team	Annual allocation managed by Revenues and Benefits Team
Capital Funding <ul style="list-style-type: none"> - Section 106 Affordable Housing Contributions - Affordable Housing Capital Reserves - Agreement to borrow from the Public Works Loan Board 	Ongoing	Ongoing
MHCLG Flexible Homelessness Support Grant The grant is intended for use by authorities to support a full range of homelessness prevention and support services.	2017/18 = £95,226.02 2018/19 = £109,566.78 2019/20 = £121,905 (No announcement of grant availability 2020/21)	2017/18 = £113,007.38 2018/19 = £130,025.97 2019/20 = £181,783 (No announcement of grant availability in 2020/21)
MHCLG New Burdens Funding – Support to Implement Homelessness Reduction Act 2017 Funding to support authorities to implement the requirement of the new Act	2017/18 = £16,359 2018/19 = £14,985 2019/20 = £15,840	2017/18 = £16,692 2018/19 = £15,233 2019/20 = £16,102

<p>Community Housing Fund In 2016/17 and 2017/18 the Councils received funding to support local communities to develop their capacity and skills in order to be able to lead and deliver new housing schemes for local people. From 2018/19 Homes England operates the fund centrally and invites applications from community groups and others for:</p> <ul style="list-style-type: none"> - revenue funding for capacity building and predevelopment costs, including revenue grants to local authorities to support community groups and -capital bids for associated infrastructure costs which will support community housing development 	<p>2016/17 = £14,596</p> <p>2017/18 = £14,596</p> <p>From 2018/19, this fund is being administered by Homes England</p>	<p>2016/17 = £12,834</p> <p>2017/18 = £12,834</p>
<p>MHCLG Homelessness Prevention Trailblazer</p>	<p>MHCLG awarded £625,998 to support a Trailblazer project in Bucks following the successful County-wide bid led by AVDC. The County-wide "Building Resilience" scheme is being delivered from 2017 to 2019 by Connection Support who will work with statutory agencies (including CDC and SBDC) to deliver early intervention support to prevent homelessness.</p>	

5. HOUSING SERVICE ACTION PLANS 2017-2021

This section contains a series of Action Plans setting down the objectives and associated actions for the Councils in respect of:

- Affordable Housing Delivery
- Homelessness

Each of these two areas has been sub-divided into separate Action Plans for Chiltern District Council and South Bucks District Council. A number of the objectives and actions are common to both districts and in these situations we will explore opportunities for shared working across the two districts to deliver the outcomes that we are seeking.

The objectives and actions within the Plans have been drawn from a range of sources including:

- The outcomes and recommendations of the joint Member Housing Workshop held on 3rd February 2016
- Chiltern District Council and South Bucks District Council Joint Business Plan 2016-2020
- The Chiltern District Council and South Bucks District Council joint Temporary Accommodation Framework document
- Chiltern District Council AHMWG (Affordable Housing Members Working Group) Action Plan
- South Bucks District Council Affordable Housing Action Plan (approved by Cabinet)
- Recommendations of South Bucks District Council Homelessness Task and Finish Group
- Homelessness Reduction Act 2017 and Homelessness Code of Guidance
- Housing White Paper (Fixing our Broken Housing Market) – (Feb 2017)
- National Planning Policy Framework (July 2018)
- Rough Sleeping Strategy (MHCLG - August 2018)
- A New Deal For Social Housing - Green Paper (MGLHG – August 2018)
- Market Position Statement – Housing and Accommodation Needs for People with Care and Support Needs (Bucks CCG and Bucks CC – August 2018)

These Action Plans are specifically referring to objectives and actions for the Council's Housing Service. Some of these objectives and actions will overlap with other services (e.g. Planning, Estates, Finance, Revenues and Benefits etc.) and the Housing Service will work jointly with the services concerned in taking these forward.

To assist in distinguishing the Plans, the numbered actions in the Chiltern District Council Plans are prefaced with the letter C (e.g. C1) and the numbered actions in the South Bucks District Council Plans are prefaced with the letter S (e.g. S1)

CHILTERN DISTRICT COUNCIL – AFFORDABLE HOUSING DELIVERY – ACTION PLAN

	OBJECTIVE	Status at August 2018	Actions	Monitoring
C1	Ensure that CDC works corporately to maximise affordable housing delivery	AHMWG (Affordable Housing Member Working Group) meeting bi-monthly since July 2016	AHMWG to continue to meet bi-monthly	AHMWG meetings and minutes
C2	Support development of the Chiltern and South Bucks Local Plan addresses affordable housing requirements	Development of Emerging Chiltern and South Bucks Local Plan is ongoing and next step is the publication of the Draft Local Plan for consultation prior to submission for an examination. This will set down the Council’s corporate position on affordable housing delivery via the planning system. The Council is awaiting the outcome of the Government’s consultation on a standard methodology for councils to work out housing Objectively Assessed Need (OAN). Chiltern and South Bucks will be affected by the transitional arrangements to the new OAN Methodology subject to the outcome of the consultation.	<ul style="list-style-type: none"> -Housing service to continue to support development of Local Plan -Local Plan to fully address district affordable housing requirements -Secure agreement of cross-district delivery of affordable housing in accordance with Bucks Memorandum of Understanding 	Reports to Joint Planning Policy Member Reference Group

<p>C3</p>	<p>Work with Paradigm Housing to maximise affordable housing delivery on PHG-owned sites and other opportunities</p>	<p>Principles of Co-operation Agreement being put in place between CDC and PHG and grant funding support for some developments on scheme by scheme basis.</p> <p>The Estates Renewal Assessment workshop undertaken with Paradigm identified and review PHG owned sites.</p>	<p>-Implement Principles of Co-operation Agreement</p> <p>-Joint assessment (by CDC and PHG) of opportunities on sites identified by Estates Renewal workshop (including adjacent CDC and PHG owned sites)</p>	<p>AHMWG</p> <p>PAG</p>
<p>C4</p>	<p>Work with Registered Providers to maximise affordable housing delivery</p>	<p>Grant funding support for some developments on scheme by scheme basis</p>	<p>-Assess if Principles of Co-operation Agreement with PHG could be applied to other Registered Providers</p> <p>- Positively encourage and support RPs to bring forward schemes for consideration including opportunities to deliver affordable housing within wider regeneration projects.</p>	<p>AHMWG</p> <p>PAG</p>
<p>C5</p>	<p>Review CDC-owned sites to identify and take forward affordable housing opportunities</p>	<p>Sites reviewed during 2016/17 by AHMWG. Those sites assessed as presenting opportunities are being progressed.</p>	<p>Continue to review sites and bring forward opportunities</p>	<p>AHMWG</p> <p>PAG</p>

C6	Make best use of capital funds from commuted sums and reserves to derive the maximum return from supporting affordable housing delivery (e.g. site assembly, match funding etc.)	Capital funds being allocated on a scheme by scheme basis in accordance with the terms of the Affordable Housing SPD (Supplementary Planning Document)	Continue to identify opportunities for funding and allocate funds as appropriate Identify and review ways to secure other forms of subsidy to support affordable housing delivery.	Quarterly monitoring reports to PAG AHMWG
C7	Work with other public sector bodies who have land and property in Chiltern/South Bucks to explore opportunities to deliver affordable housing	No specific opportunities identified to date.	Liaise with other public sector bodies to review opportunities from land/property in their ownership (by April 2019)	AHMWG PAG
C8	Explore options for Council to lease land and/or property to other agencies (while retaining ownership and receiving an income)	No models identified to date,	Keep under review	AHMWG PAG
C9	Undertake or support a targeted programme of acquisitions and lettings to replenish the stock of social and affordable rented property	Most recent programme of acquisitions was undertaken by Paradigm in 2014.	Keep under review in joint working with Registered Providers (see C3 and C4)	AHMWG PAG

<p>C10</p>	<p>Work with Town and Parishes to promote and support affordable housing schemes targeted at local people</p>	<p>Officers have promoted affordable housing to Town and Parish Councils. National Community-Led Housing Adviser gave a full presentation on the options and support available on 9/10/17. Interest has been limited to date.</p>	<p>Continue to promote opportunities via Town and Parish Council Forum and work with individual councils that want to bring forward schemes and proposals.</p> <p>Target support at Towns and Parishes whose emerging neighbourhood plan policies include meeting identified local affordable housing needs.</p>	<p>AHMWG PAG</p>
<p>C11</p>	<p>Assess opportunities to return empty homes back into use as affordable housing</p>	<p>Council Tax empty property database reviewed by Capacity Grid in 2017. Most long term empty homes present no opportunities (e.g. second homes, beyond repair or are subject to legal processes to resolve ownership)</p>	<p>Review options for targeted work on long term empty homes after Capacity Grid completes review of Council Tax database in 2018.</p> <p>Monitor availability of national funding to support empty homes work and support bids for funding as appropriate.</p>	<p>AHMWG PAG</p>
<p>C12</p>	<p>Assess possibilities of additional/expansion of current Park Home sites</p>	<p>No action to date. Expansion opportunities limited as Park Home Sites are in the Green Belt and would require very special circumstances to justify planning permissions.</p>	<p>Review position by April 2019</p>	<p>AHMWG PAG</p>

C13	Support provision of housing and accommodation solutions for people with care and support needs	Supported development of CCG/Bucks CC Market Position Statement	Identify opportunities to deliver solutions for people with care and support needs within both existing and new housing provisions	AHMWG PAG
C14	Support existing social housing tenants to downsize from family housing	Bucks Home Choice policy prioritises downsizers	<p>Work with RPs to assess extent of under-occupation in social housing tenancies</p> <p>Identify schemes and method that will actively encourage and support under-occupiers to downsize into existing or new social housing</p>	AHMWG PAG
C15	Ensure that CDC and its partners meet the requirements arising from the Housing Green Paper “A New Deal for Social Housing”	Green Paper published in August 2018	<p>Respond to consultation on Green Paper (by 6/11/18)</p> <p>Respond to final policies arising from Green Paper and work with partners to ensure that they are meeting policy requirements</p>	PAG

SOUTH BUCKS DISTRICT COUNCIL – AFFORDABLE HOUSING DELIVERY – ACTION PLAN

	OBJECTIVE	Status at August 2018	Actions	Monitoring
S1	Ensure that SBDC works corporately to maximise affordable housing delivery	<p>Affordable housing delivery is embedded in Joint Business Plan 2017-2020</p> <p>Cross departmental Project Groups for specific schemes (e.g. Gerrards Cross Police Station re-development, Bath Road development etc.) ensuring corporate approach to delivery.</p>	<p>-Continued cross-departmental working on new schemes and initiatives</p> <p>-Ensure Joint Business Plan updates continue to reflect affordable housing needs</p>	PAG Updates
S2	Support development of the Chiltern and South Bucks Local Plan addresses affordable housing requirements	<p>Development of Emerging Chiltern and South Bucks Local Plan is ongoing and next step is the publication of the Draft Local Plan for consultation prior to submission for an examination. This will set down the Council's corporate position on affordable housing delivery via the planning system. The Council is awaiting the outcome of the Government's consultation on a standard methodology for councils to work out housing Objectively Assessed Need (OAN). Chiltern and South Bucks will be affected by the transitional arrangements to the new OAN Methodology subject to the outcome of the consultation.</p>	<p>-Housing service to continue to support development of Local Plan</p> <p>-Local Plan to fully address district affordable housing requirements</p> <p>-Secure agreement of cross-district delivery of affordable housing in accordance with Bucks Memorandum of Understanding</p>	Reports to Joint Planning Policy Member Reference Group

<p>S3</p>	<p>Work with L&Q (London and Quadrant) to maximise affordable housing delivery on L&Q owned sites and other opportunities</p>	<p>Grant funding support for some developments on scheme by scheme basis.</p> <p>Ongoing discussions on bringing forward garage and green space sites for development.</p> <p>The Estates Renewal Assessment workshop undertaken with L&Q identified and review PHG owned sites.</p>	<p>-Joint assessment (by SBDC and L&Q) of opportunities on sites identified by Estates Renewal workshop (including adjacent SBDC and PHG owned sites)</p> <p>-Work with L&Q to maximise affordable housing opportunities arising from sheltered housing redevelopment programme</p>	<p>PAG Updates</p> <p>Quarterly liaison meetings between SBDC and L&Q</p>
<p>S4</p>	<p>Work with Registered Providers to maximise affordable housing delivery</p>	<p>Grant funding support for some developments on scheme by scheme basis</p>	<p>-Assess and support schemes on site by site basis</p> <p>- Positively encourage and support RPs to bring forward schemes for consideration including opportunities to deliver affordable housing within wider regeneration projects.</p>	<p>PAG updates</p>
<p>S5</p>	<p>Review SBDC-owned sites to identify and take forward affordable housing opportunities</p>	<p>Sites reviewed in conjunction with Savills during 2016/17.</p> <p>Modular temporary accommodation scheme being developed SBDC-owned former Depot site off Bath Road.</p>	<p>Continue to review sites and bring forward opportunities.</p>	<p>PAG updates</p>

S6	Make best use of capital funds from commuted sums and reserves to derive the maximum return from supporting affordable housing delivery (e.g. site assembly, match funding etc.)	Capital funds being allocated on a scheme by scheme basis in accordance with the terms of the Affordable Housing SPD (Supplementary Planning Document)	Continue to identify opportunities for funding and allocate funds as appropriate Identify and review ways to secure other forms of subsidy to support affordable housing delivery.	Quarterly monitoring reports to PAG
S7	Assess potential for SBDC to acquire and assemble sites for affordable housing	SBDC acquired former-Gerrards Cross Police Station site in April 2017 and has used 8 houses on site to deliver temporary homeless accommodation (via leasing arrangement with Bucks HA) pending site re-development. Re-development now being brought forward for new housing scheme including policy compliant 40% affordable housing. Other potential site acquisitions considered on a scheme by scheme basis	-Redevelopment of Gerrards Cross Police Station site to include 14 affordable homes for rent. -Continue to assess other site acquisition possibilities on scheme by scheme basis (including options to assemble sites in partnership with RPs (see S3 and S4) and acquisition of properties which can help unlock potential sites) -Identify options for Housing Company (Consilio) to support affordable housing delivery	PAG updates
S8	Work with other public sector bodies who have land and property in Chiltern/South Bucks to explore opportunities to deliver affordable housing	No specific opportunities identified to date.	Liaise with other public sector bodies to review opportunities from land/property in their ownership (by April 2019)	PAG updates

<p>S9</p>	<p>Explore options for Council to lease land and/or property to other agencies (while retaining ownership and receiving an income)</p>	<p>SBDC leasing 8 houses (ex-Gerrards Cross Police Houses) to Bucks Housing Association to let as temporary accommodation for homeless households.</p> <p>SBDC is developing options for applying leasing model to other schemes (e.g. proposed temporary accommodation development on Bath Road)</p>	<p>-Agree standardised leasing models that could be applied to different scenarios (e.g. new build, acquisitions, existing SBDC-owned properties etc.)</p> <p>-Assess options to applying leasing models on scheme by scheme basis and implement when appropriate.</p>	<p>PAG updates</p>
<p>S10</p>	<p>Undertake or support a targeted programme of acquisitions and lettings to replenish the stock of social and affordable rented property</p>	<p>SBDC supporting L&Q to acquire properties and let them to SBDC nominees (averaging 3 purchases per annum)</p> <p>SBDC bringing forward proposals to explore options to acquire properties and lease/rent them out (including acquisition of 3 properties by Bucks HA for temporary accommodation)</p>	<p>-Review L&Q purchase programme and confirm if programme should continue (subject to SBDC-funding being available)</p> <p>-Finalise options appraisal and business cases for SBDC to undertake direct acquisitions and implement scheme if agreed.</p>	<p>PAG updates</p>
<p>S11</p>	<p>Work with Town and Parishes to promote and support affordable housing schemes targeted at local people</p>	<p>Officers have promoted affordable housing to Town and Parish Councils. National Community-Led Housing Adviser gave a full presentation on the options and support available on 9/10/17. Interest has been limited to date.</p>	<p>-Continue to promote opportunities via Town and Parish Council Forum and work with individual councils that want to bring forward schemes and proposals (Target support at Towns and Parishes whose emerging neighbourhood plan policies include meeting identified local affordable housing needs)</p>	<p>PAG updates</p>

S12	Assess opportunities to return empty homes back into use as affordable housing	Council Tax empty property database reviewed by Capacity Grid in 2017. Most long term empty homes present no opportunities (e.g. second homes, beyond repair or are subject to legal processes to resolve ownership)	Review options for targeted work on long term empty homes after Capacity Grid completes review of Council Tax database in 2018. Monitor availability of national funding to support empty homes work and support bids for funding as appropriate.	PAG updates
S13	Support provision of housing and accommodation solutions for people with care and support needs	Supported development of CCG/Bucks CC Market Position Statement	Identify opportunities to deliver solutions for people with care and support needs within both existing and new housing provisions	AHMWG PAG
S14	Support existing social housing tenants to downsize from family housing	Bucks Home Choice policy prioritises downsizers SBDC has operated incentive schemes to encourage downsizing (funded from commuted sums) but take up has been limited.	Work with RPs to assess extent of under-occupation in social housing tenancies Identify schemes and method that will actively encourage and support under-occupiers to downsize into existing or new social housing	AHMWG PAG
S15	Ensure that SBDC and its partners meet the requirements arising from the Housing Green Paper "A New Deal for Social Housing"	Green Paper published in August 2018	Respond to consultation on Green Paper (by 6/11/18) Respond to final policies arising from Green Paper and work with partners to ensure that they are meeting policy requirements	PAG

CHILTERN DISTRICT COUNCIL – HOMELESSNESS - ACTION PLAN

	OBJECTIVE	Status at August 2018	Actions	Monitoring
C1	Monitor effectiveness of Bucks Home Choice policy and ensure social housing stock is being used as effectively as possible	<p>CDC/SBDC leads both the BHC Management Board and the Practitioner Group which regularly reviews the operation of the Bucks Home Choice scheme.</p> <p>Allocations Policy being reviewed in light of latest legal judgements and the requirements of the Homelessness Reduction Act 2017.</p>	<p>-Complete review of BHC Allocations and agree proposed amendments</p> <p>-Secure approval to adopt revised policy across the four district councils</p> <p>-Implement revised policy and monitor impact</p>	<p>BHC Management Board and Practitioners Group</p> <p>PAG Updates</p>
C2	Optimise current temporary accommodation provision through Temporary Accommodation Framework	<p>Joint CDC/SBDC Temporary Accommodation Framework agreed in 2017</p>	<p>Revised and updated Temporary Accommodation Framework incorporated into Strategy document</p>	<p>PAG Updates</p>
C3	Ensure all necessary procedures and documentation in place to implement the provisions of the Homelessness Reduction Act 2017	<p>New homelessness procedures in place and being kept under review alongside training for all staff and partner agencies and implementation of new upgraded IT system.</p>	<p>-Complete and implement new procedures</p> <p>-Monthly monitoring of implementation against requirements of HR Act and procedures amended as required</p>	<p>PAG Updates</p> <p>Homelessness Pls</p>

<p>C4</p>	<p>Prevent or relieve homelessness wherever possible to minimise the demand for temporary accommodation</p>	<p>As part of the implementation of the new HR Act (see C3) officers are reviewing the measures available to prevent homelessness and identifying what could be done to increase successful preventions. This will include assessing how we can make best use of the financial resources available to support this, including:</p> <ul style="list-style-type: none"> - CDC Homelessness Prevention Fund (within Housing budget) and Discretionary Housing Payments (administered by Benefits team) - MHCLG Flexible Homelessness Support Grant and New Burdens Funding 	<p>-Utilise Locata Toolkit (developed by Andy Gale) and other good practice to inform development of prevention and relief measures</p> <p>-Complete review of available measures and agree toolkit of prevention and relief measures available to officers and partners in working with clients.</p> <p>-Review CDC website and ensure updated, appropriate and realistic homelessness information and advice is available at first point of contact</p>	<p>PAG Updates</p>
<p>C5</p>	<p>Work with Registered Providers to secure:</p> <p>-additional temporary accommodation and</p> <p>- more private rented tenancy options.</p>	<p>CDC works with Registered Providers to maximise the use of temporary self - contained accommodation within their existing housing stock (including the 20-unit Tom Scott House owned by Paradigm Housing). CDC will continue to look at more temporary accommodation opportunities with Paradigm and other providers.</p>	<p>-Agreement between CDC and Paradigm to commence Private Sector Leasing Scheme to deliver temporary accommodation (minimum of 10 units initially)</p> <p>-Review existing temporary accommodation agreement between CDC and Paradigm</p> <p>- Work with RPs to continue to explore other TA options</p>	<p>CDC/Paradigm monitoring meetings</p> <p>PAG Updates</p>

<p>C6</p>	<p>Working with the private rental sector to secure:</p> <ul style="list-style-type: none"> - temporary accommodation and - private rented tenancies for clients to prevent or relieve homelessness 	<p>CDC has secured an increased supply of self-contained nightly-booked accommodation to provide alternative options to B & B. However, the ability to secure private rented tenancies for clients remains challenging due to high local rent levels and welfare benefits restrictions.</p>	<p>-As part of HR Act implementation, officers are reviewing ways to assist more clients to secure private rented accommodation (linked to C3 and C4 above) including looking at options such as:</p> <ul style="list-style-type: none"> - payments/guarantees to help meet the cost of deposits and rent in advance - funding the shortfall between rent levels and benefit levels - rent guarantees - incentive payments to landlords - use of Credit Union to support clients to meet up front tenancy costs <p>-Any new models can potentially be funded from the resources highlighted in C4 above.</p>	<p>PAG Updates</p>
------------------	--	---	---	--------------------

<p>C7</p>	<p>Look for opportunities to develop additional temporary accommodation on CDC-owned land (including possible low cost development using off-site construction, pre-fab, mobile homes etc.)</p>	<p>No opportunities have been identified as yet. Any potential scheme will be assessed on an “invest to save” basis looking at an initial investment generating subsequent savings through reduced B&B costs and the possibility of some level of ongoing income generated by the accommodation</p>	<p>Potential schemes to be assessed on an “invest to save” basis looking at an initial investment generating subsequent savings through reduced B&B costs and the possibility of some level of ongoing income generated by the accommodation</p>	<p>PAG Updates AHMWG Corporate Asset Management Group</p>
<p>C8</p>	<p>Explore options to work with South Bucks District Council and other statutory partners to secure additional temporary accommodation provision</p>	<p>Temporary Accommodation Framework makes provision for temporary accommodation provision in CDC to be utilised by SBDC and vice versa (subject to local demands within the host district)</p>	<p>CDC will continue to assess opportunities for the shared housing service to deliver joint provision that can support both authorities. It will also consider any opportunities that arise for joint working with other partners (including Wycombe District Council and Aylesbury Vale District Council) to deliver additional temporary accommodation provision.</p>	<p>PAG Updates AHMWG</p>

<p>C9</p>	<p>Support those residents affected by Housing Benefit reforms in order to limit the impact on homelessness</p>	<p>CDC operates a joint forum between the Housing and Revenues Team and Paradigm Housing to share information, monitor tenants affected by Housing Benefit changes and target intervention as required.</p>	<p>CDC will continue to support clients to mitigate seek to mitigate the impact of Housing Benefit changes by:</p> <ul style="list-style-type: none"> - providing appropriate advice and assistance, - utilising DHP (Discretionary Housing Payments) and other funding (see C4) to support clients as appropriate, and - signposting and referring clients to partner agencies to deliver welfare benefits and debt advice (see C10) 	<p>Quarterly Housing/Revenues meetings</p> <p>PAG Updates</p>
<p>C10</p>	<p>Work in partnership with other agencies to secure suitable advice and support to prevent and relieve homelessness</p>	<p>CDC has Service Level Agreements in place with certain partner agencies (CAB, Housing Interaction Trust, Connection Rough Sleeper Outreach etc.)</p> <p>Partner agencies attended HR Act event on 02/04/18. Database of partner agencies, services and referral routes is being compiled. SLA being reviewed and revised as required</p>	<p>-Work with Registered Providers to ensure early referrals are made to support service to avoid tenants becoming homeless.</p> <p>-Opportunities for further funding of specific services and schemes by CDC to be considered based on needs of district</p>	<p>PAG Updates</p> <p>One to one working with partner agencies (including monitoring against SLA requirements)</p>

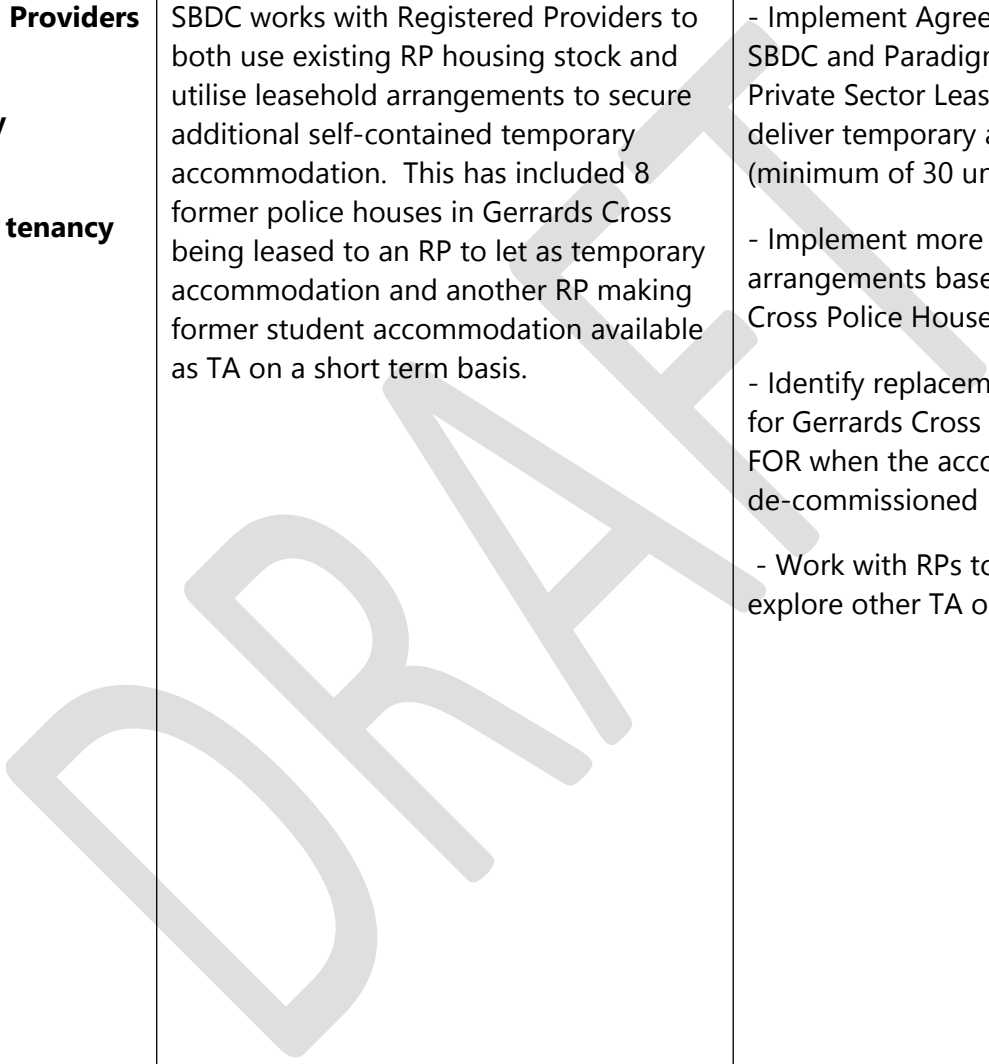
<p>C11</p>	<p>Work with the Connection Support Resilience Service to ensure that early intervention is targeted as effectively as possible in the District.</p>	<p>Connection Support Resilience Service operating since June 2017 funded from MCHLG Homelessness Trailblazer programme. Service delivers early one-to-one intervention with clients to prevent homelessness.</p> <p>CDC part of service Steering Group and monitoring delivery</p>	<p>-Continue to monitor service and ensure referrals being made from Chiltern area (both self-referrals and agency referrals, including CDC). Implement changes as required to maximise intervention and prevention</p> <p>-Work with Bucks CC and other DCs to plan exit strategy for end of MCHLG 2 year funding.</p>	<p>PAG Updates</p> <p>Resilience Service Steering Group</p>
<p>C12</p>	<p>Provide targeted support to resolve or prevent rough sleeping</p>	<p>CDC part-funds the countywide Rough Sleeper Outreach Service which provides one-to-one support to identified rough sleepers</p>	<p>Respond to requirements of MHCLG Rough Sleeping Strategy in including:</p> <ul style="list-style-type: none"> - Developing annual Rough Sleeper Action Plan - Updating Homelessness Strategy in 2019 as "Homelessness and Rough Sleeping Strategy" 	<p>PAG Updates</p>

SOUTH BUCKS DISTRICT COUNCIL – HOMELESSNESS - ACTION PLAN

	<u>OBJECTIVE</u>	<u>Status at August 2018</u>	<u>Actions</u>	<u>Monitoring</u>
S1	Monitor effectiveness of Bucks Home Choice policy and ensure social housing stock is being used as effectively as possible	<p>CDC/SBDC leads both the BHC Management Board and the Practitioner Group which regularly reviews the operation of the Bucks Home Choice scheme.</p> <p>Allocations Policy being reviewed in light of latest legal judgements and the requirements of the Homelessness Reduction Act 2017.</p>	<p>-Complete review of BHC Allocations and agree proposed amendments</p> <p>-Secure approval to adopt revised policy across the four district councils</p> <p>-Implement revised policy and monitor impact</p>	<p>BHC Management Board and Practitioners Group</p> <p>PAG Updates</p>
S2	Optimise current temporary accommodation provision through Temporary Accommodation Framework	<p>Joint CDC/SBDC Temporary Accommodation Framework agreed in 2017</p>	<p>Revised and updated Temporary Accommodation Framework incorporated into Strategy document</p>	<p>PAG Updates</p>
S3	Ensure all necessary procedures and documentation in place to implement the provisions of the Homelessness Reduction Act 2017	<p>Full review of homelessness procedures is underway alongside training for all staff and partner agencies and implementation of new upgraded IT system.</p>	<p>-Complete and implement new procedures</p> <p>-Monthly monitoring of implementation against requirements of HR Act and procedures amended as required</p>	<p>PAG Updates</p> <p>Homelessness PIs</p>

<p>S4</p>	<p>Prevent or relieve homelessness wherever possible to minimise the demand for temporary accommodation</p>	<p>As part of preparation for new HR Act (see S3) officers are reviewing the measures available to prevent homelessness and identifying what could be done to increase successful preventions. This will include assessing how we can make best use of the financial resources available to support this, including:</p> <ul style="list-style-type: none"> - SBDC Homelessness Prevention Fund (within Housing revenue budget) and Discretionary Housing Payments (administered by the Revenues and Benefits team) - MHCLG Flexible Homelessness Support Grant and New Burdens Funding 	<ul style="list-style-type: none"> -Utilise Locata Toolkit (developed by Andy Gale) and other good practice to inform development of prevention and relief measures -Complete review of available measures and agree toolkit of prevention and relief measures available to officers and partners in working with clients. -Review SBDC website and ensure updated, appropriate and realistic homelessness information and advice is available at first point of contact 	<p>PAG Updates</p>
------------------	--	---	---	--------------------

<p>S5</p>	<p>Work with Registered Providers to secure:</p> <ul style="list-style-type: none"> -additional temporary accommodation and - more private rented tenancy options. 	<p>SBDC works with Registered Providers to both use existing RP housing stock and utilise leasehold arrangements to secure additional self-contained temporary accommodation. This has included 8 former police houses in Gerrards Cross being leased to an RP to let as temporary accommodation and another RP making former student accommodation available as TA on a short term basis.</p>	<ul style="list-style-type: none"> - Implement Agreement between SBDC and Paradigm to commence Private Sector Leasing Scheme to deliver temporary accommodation (minimum of 30 units initially) - Implement more TA leasehold arrangements based on Gerrards Cross Police Houses model - Identify replacement TA provision for Gerrards Cross Police Houses FOR when the accommodation is de-commissioned - Work with RPs to continue to explore other TA options 	<p>Monitoring meetings with RP partners</p> <p>PAG Updates</p>
------------------	---	--	---	--



<p>S6</p>	<p>Working with the private rental sector to secure:</p> <ul style="list-style-type: none"> - temporary accommodation and - private rented tenancies for clients to prevent or relieve homelessness 	<p>SBDC has secured an increased supply of self-contained nightly-booked accommodation to provide alternative options to B & B. However, the ability to secure private rented tenancies for clients remains challenging due to high local rent levels and welfare benefits restrictions.</p>	<p>-As part of HR Act implementation, officers are reviewing ways to assist more clients to secure private rented accommodation (linked to S3 and S4 above) including looking at options such as:</p> <ul style="list-style-type: none"> - payments/guarantees to help meet the cost of deposits and rent in advance - funding the shortfall between rent levels and benefit levels - rent guarantees - incentive payments to landlords - use of Credit Union to support clients to meet up front tenancy costs <p>-Any new models can potentially be funded from the resources highlighted in S4 above.</p>	<p>PAG Updates</p>
------------------	--	--	---	--------------------

<p>S7</p>	<p>Look for opportunities to develop additional temporary accommodation on SBDC-owned land (including possible low cost development using off-site construction, pre-fab, mobile homes etc.)</p>	<p>SBDC currently owns and leases former former-Police Houses at Gerrards Cross to RP to let as temporary accommodation (see S5 above)</p> <p>SBDC bringing forward planning application to develop temporary accommodation on former depot site on Bath Road, Taplow, using off-site modular construction.</p>	<p>-Develop TA scheme on former depot site in Bath Road (subject to planning permission)</p> <p>-Continue to explore potential schemes using SBDC-owned land or properties (or site acquisition)</p> <p>-Develop standard model to allow proposals to be assessed on an “invest to save” basis looking at an initial investment generating subsequent savings through reduced B&B costs and the possibility of some level of ongoing income generated by the accommodation</p>	<p>PAG Updates</p>
<p>S8</p>	<p>Explore options to work with Chiltern District Council and other statutory partners to secure additional temporary accommodation provision</p>	<p>Temporary Accommodation Framework makes provision for temporary accommodation provision in SBDC to be utilised by CDC and vice versa (subject to local demands within the host district)</p>	<p>SBDC will continue to assess opportunities for the shared housing service to deliver joint provision that can support both authorities. It will also consider any opportunities that arise for joint working with other partners (including Wycombe District Council and Aylesbury Vale District Council) to deliver additional temporary accommodation provision.</p>	<p>PAG Updates</p>

<p>S9</p>	<p>Support those residents affected by Housing Benefit reforms in order to limit the impact on homelessness</p>	<p>SBDC operates a joint forum between the Housing and Revenues Team to share information, monitor tenants affected by Housing Benefit changes and target intervention as required.</p>	<p>SBDC will continue to support clients to mitigate seek to mitigate the impact of Housing Benefit changes by:</p> <ul style="list-style-type: none"> - providing appropriate advice and assistance, - utilising DHP (Discretionary Housing Payments) and other funding (see C4) to support clients as appropriate, - signposting and referring clients to partner agencies to deliver welfare benefits and debt advice (see S10), and - secure attendance of L&Q at Housing and Revenues Team review meetings. 	<p>Quarterly Housing/Revenues meetings</p> <p>PAG Updates</p>
------------------	--	---	--	---

<p>S10</p>	<p>Work in partnership with other agencies to secure suitable advice and support to prevent and relieve homelessness</p>	<p>SBDC has Service Level Agreements in place with certain partner agencies (CAB, Connection Rough Sleeper Outreach, Padstones etc.)</p> <p>Partner agencies attended HR Act event on 02/04/18. Database of partner agencies, services and referral routes is being compiled. SLA being reviewed and revised as required</p>	<p>-Work with Registered Providers to ensure early referrals are made to support service to avoid tenants becoming homeless.</p> <p>-Opportunities for further funding of specific services and schemes by SBDC to be considered based on needs of district</p>	<p>PAG Updates</p> <p>One to one working with partner agencies (including monitoring against SLA requirements)</p>
<p>S11</p>	<p>Work with the Connection Support Resilience Service to ensure that early intervention is targeted as effectively as possible in the District.</p>	<p>Connection Support Resilience Service operating since June 2017 funded from MCHLG Homelessness Trailblazer programme. Service delivers early one-to-one intervention with clients to prevent homelessness.</p> <p>SBDC is part of service Steering Group and monitoring delivery</p>	<p>-Continue to monitor service and ensure referrals being made from Chiltern area (both self-referrals and agency referrals, including SBDC). Implement changes as required to maximise intervention and prevention -Work with Bucks CC and other DCs to plan exit strategy for end of MCHLG 2 year funding.</p>	<p>PAG Updates</p> <p>Resilience Service Steering Group</p>
<p>S12</p>	<p>Provide targeted support to resolve or prevent rough sleeping</p>	<p>SBDC part-funds the countywide Rough Sleeper Outreach Service which provides one-to-one support to identified rough sleepers</p>	<p>Respond to requirements of MHCLG Rough Sleeping Strategy in including:</p> <ul style="list-style-type: none"> - Developing annual Rough Sleeper Action Plan - Updating Homelessness Strategy in 2019 as "Homelessness and Rough Sleeping Strategy" 	<p>PAG Updates</p>

APPENDIX A**BACKGROUND STATISTICS****A1. - SOCIAL HOUSING LETTINGS**

Social housing tenancies are allocated via the Bucks Home Choice scheme (for more details please go to www.buckshomechoice.gov.uk)

Number of households seeking a social housing tenancy:

As at 20th August 2018, the number of applicants registered for re-housing on the Bucks Home Choice scheme were as follows:

Property size required	Number of Applicants	
	CDC	SBDC
1 bedroom	311	266
2 bedrooms	54	84
3 bedrooms	100	73
4 bedrooms	4	6
Not known	11	8
Total	469	437

Availability of social housing tenancies (Summary of lettings in 2017/18):

Chiltern District Council – Lettings via Bucks Home Choice 1/4/17 to 31/03/18		
Property Type	Number of lettings	Average time spent on Housing Register for applicant offered tenancy
Sheltered	37	15 months
Studio	3	7 months
1 bedroom general needs	78	9 months
2 bedroom flat/maisonette	68	7 months
2 bedroom house	37	15 months
3 bedroom flat/maisonette	7	8 months
3 bedroom house	22	31 months
4 bedroom or more	0	No lettings
TOTAL LETTINGS	252	

South Bucks District Council – Lettings via Bucks Home Choice 1/04/17 to 31/03/18		
Property Type	Number of lettings	Average time spent on Housing Register for applicant offered tenancy
Sheltered	25	8 months
Studio	4	8 months
1 bedroom general needs	55	18 months
2 bedroom flat/maisonette	48	20 months
2 bedroom house	18	22 months
3 bedroom flat/maisonette	3	20 months
3 bedroom house	20	22 months
4 bedroom or more	0	0
TOTAL LETTINGS	173	

Total Lettings via Bucks Home Choice in previous years		
Year	Chiltern DC	South Bucks DC
2016/17	264	119
2015/16	234	133
2014/15	269	186

Headlines:

- The level of lettings in CDC and SBDC is dependent on turnover in the existing social housing stock (i.e. re-lets) and the provision of additional properties (via new building or buying existing dwellings)
- The average time spent on the Housing Register is broad indicator based on the overall lettings during the year. The Bucks Home Choice scheme prioritises applicants for vacancies based on a combination of factors taking account of housing need, time spent on the Register and the type of property required. Therefore, some households will wait considerably longer than the average waiting time before they have any opportunity to secure a tenancy.
- The availability of larger family-sized housing (i.e. 3 or more bedrooms) across both districts is particularly limited in comparison with demand. This has a particular impact on the ability of both Councils to secure long term accommodation for households who are homeless or threatened with homelessness (with a consequent knock-on effect on the length of time that larger families have to spend in temporary accommodation).

A.2 - HOMELESSNESS**(a) Total Number of Homelessness Applications for Assistance**

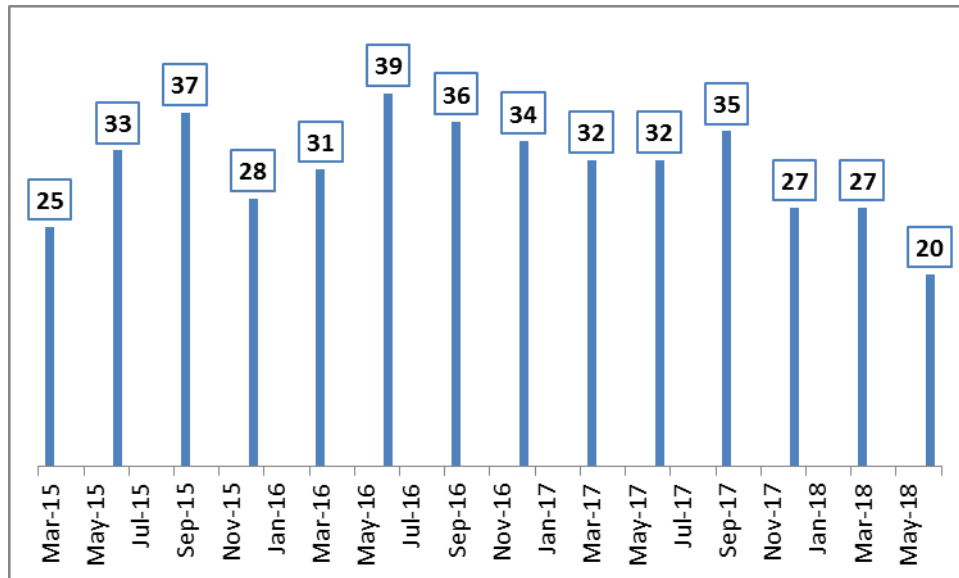
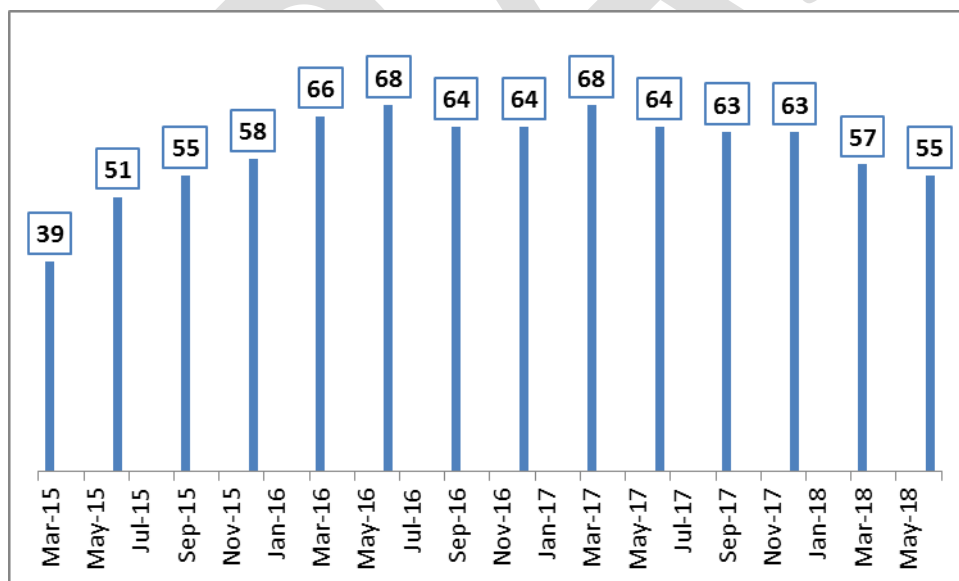
	Year									
	2013/14		2014/15		2015/16		2016/17		2017/18	
	CDC	SBDC	CDC	SBDC	CDC	SBDC	CDC	SBDC	CDC	SBDC
Total number of homeless applications for assistance	56	59	87	75	95	88	80	102	90	102

(This table shows the number of homelessness applications where the Council issued decisions during the year concerned. These were determined prior to the introduction of the new duties in the Homelessness Reduction Act from 3rd April 2018.)

(b) Accepted Homelessness Applications & Reasons

Out of the total number of applications in Table (a) above the following applications were accepted as being subject to the Council's main housing duty to secure accommodation.

Homeless Cases Accepted as Duty to Secure Accommodation										
Reason for Homelessness	Year									
	2013/14		2014/15		2015/16		2016/17		2017/18	
	CDC	SBDC	CDC	SBDC	CDC	SBDC	CDC	SB	CDC	SB
Parents/Family not willing to accommodate	3	25	24	19	21	30	14	27	21	30
End of Tenancy by Landlord	10	14	21	17	22	15	17	18	14	18
Domestic Violence	2	4	7	3	7	6	8	8	8	9
Other Violence/Harassment	1	0	0	1	7	3	0	3	4	5
Rent/Mortgage Arrears	5	0	4	0	1	2	6	2	3	1
Other	3	1	3	7	5	11	5	9	10	11
Total	24	44	59	47	63	67	50	67	60	74

(c) Number of Homeless Households in Temporary Accommodation**Chiltern DC - Quarterly Snapshot of Number of Households in TA****South Bucks DC - Quarterly Snapshot of Number of Households in TA****Headlines:**

- Both Chiltern and South Bucks saw a significant increase in applications for homelessness assistance in 2013/14. The annual rate of increase has subsequently differed between the two districts. South Bucks showing a continued annual upturn until levelling off in in 2017/18 while the position in Chiltern has been more erratic year on year.

Classification: OFFICIAL

- The main reasons for homelessness across both districts in recent years have been exclusion by family or friends or the ending of a tenancy by a landlord.
- The ongoing demand for temporary accommodation has been considerable higher in South Bucks compared to Chiltern. This is primarily because South Bucks has seen a higher level of homelessness applications and a lower level of turnover in its social housing stock. This means that many homeless households have to spend longer periods in temporary accommodation due to the limited availability of affordable accommodation to move on to.

Future Demand for Homelessness Services

The MHCLG (formerly DCLG) has estimated that the new Homelessness Reduction Act 2017 could see a 26% increase in the homelessness caseload for local authorities (DCLG – New Burdens Funding Assessment – October 2017). If this increase is applied to the 2017/18 caseload levels, this will result in anticipated levels as follows:

Council	Caseload per annum (Total homelessness cases)		Demand for Temporary Accommodation	
	Current level (2017/18)	Estimated demand (2018/19)	Current demand (Average number in TA during 2017/18)	Estimated demand (2018/19)
Chiltern DC	102	129	34 units	42 units
South Bucks DC	90	114	65 units	82 units

(The above estimates are based on a 26% upturn on the average number of TA placements at any one time during 2017. However, other factors including homelessness prevention levels under the new Act's provisions and new affordable housing developments will impact on this figure).

Rough Sleepers

Chiltern DC and South Bucks DC have generally recorded low levels of rough sleeping within the districts. The figures from the last 4 annual rough sleeper counts/estimates are:

	2014	2015	2016	2017
Chiltern	3	1	1	1
South Bucks	0	0	4	1

However, these are snapshot figures collected once a year as part of the national rough sleeper estimate. There is evidence to suggest that there are regular reported instances of rough sleeping in the two districts. The Rough Sleeper Outreach Service operated by

Classification: OFFICIAL

Classification: OFFICIAL

Connection Support received 53 reports of rough sleepers in Chiltern or South Bucks during the 12 month period from July 2017 to June 2018 and the service subsequently verified 10 of these.

The Councils will be reviewing the extent of rough sleeping across the districts and the support services that are in place as part of the response to the Government's Rough Sleeping Strategy.

A3 - DELIVERY OF ADDITIONAL AFFORDABLE HOUSING

Number of additional affordable homes (rented or shared ownership) delivered since 2011/12

The table below summarises the number of additional affordable homes delivered by Registered Providers in Chiltern and South Bucks since 2011/12:

YEAR	DISTRICT							
	CHILTERN				SOUTH BUCKS			
	New Build Rent	New Build S/Owners	Purchases	Other	New Build Rent	New Build S/Owners	Purchases	Other (Equity Loan)
2011/12	26	3	0	0	15	0	9	9
2012/13	57	35	0	0	7	17	4	8
2013/14	6	0	8	0	12	3	4	3
2014/15	34	0	7	0	6	0	10	0
2015/16	18	4	0	0	0	0	2	3
2016/17	26	9	0	0	4	0	5	2
2017/18	56	24	0	0	21	7	1	0

Headlines:

- The level of new build rented affordable housing has fluctuated from year to year and has been particularly limited in South Bucks in recent years. This is due to a range of factors including (i) limited development opportunities coupled with high land values, (ii) changes in the funding arrangements for Registered Providers and (iii) increasing numbers of housing developers challenging the viability of delivering affordable housing on site and instead paying an affordable housing contribution (or no contribution)
- The purchase of existing properties by registered providers has contributed to delivering additional affordable homes across both districts. However, this has declined in recent years due to rising house prices and the increasing levels of subsidy required to make such schemes viable.

Classification: OFFICIAL

APPENDIX B**Chiltern District Council****and****South Bucks District Council****TEMPORARY ACCOMMODATION FRAMEWORK****CONTENTS**

Content	Page
1. Purpose	47
2. Background	47
3. Principles of Framework	48
4. Current Provision	48
5. Current and Future Demand	48
6. Bed and Breakfast Accommodation	49
7. Location of Accommodation	49
8. Allocation of Accommodation	49
9. Cross District Provision	50
10. Charging for Temporary Accommodation	51
11. Maintaining and Increasing Supply	51
12. Review of Framework	52
Appendix B1 – Duty to Secure Temporary Accommodation	53
Appendix B2 – Current Provision	56
Appendix B3 – Process for Allocating Self Contained Temporary Accommodation	59

Chiltern District Council**and****South Bucks District Council****TEMPORARY ACCOMMODATION FRAMEWORK 2018/19****1. Purpose**

- 1.1 The purpose of this framework is to:
- 1.1.1 Ensure that each Council fulfils its statutory duties under Part 7 of the Housing Act 1996 to secure temporary accommodation and
 - 1.1.2 Provide a clear and transparent framework for each Council for securing and allocating temporary accommodation

2. Background

- 2.1 Part 7 (Homelessness) of the Housing Act 1996 places a statutory duty on the Council to secure that temporary accommodation is available to homeless households in a range of circumstances. Details of the relevant statutory duties and related guidance are summarised in **Appendix B1**.
- 2.2 The Council must secure sufficient temporary accommodation to meet its statutory duty. This accommodation must be utilised and allocated correctly.
- 2.3 The Supreme Court in the case of *Nzolameso v Westminster City Council* (2015) (UKSC 22, (2015) HLR 22) advised that each local authority should have a clear statement on how it procures and allocates temporary accommodation.
- 2.4 In light of the above, this framework has been drafted to provide a clear statement to Members, officers, clients and partner agencies on how the Council secures and allocates temporary accommodation.
- 2.5 Chiltern District Council and South Bucks District Council operate a shared housing service which includes a shared housing options and homelessness service. Therefore, this Framework has been drafted as a joint document to be shared by both Councils. Any reference to "the Council" in this Framework document should be taken to mean both Chiltern District Council and South Bucks District Council and their respective duties.

3. Principles of the Framework

The Council will:

3.1 Secure temporary accommodation in compliance with its statutory duties under Part 7 of the Housing Act 1996

3.2 Secure self-contained temporary accommodation wherever possible and only secure B&B (Bed and Breakfast) accommodation when no other suitable self-contained temporary accommodation is available

3.3 Minimise the length of time that any household with family commitments has to spend in B&B accommodation

3.4 Secure temporary accommodation within the district whenever possible

3.5 Ensure that temporary accommodation meets appropriate standards of suitability and fitness

3.6 Minimise the cost of temporary accommodation provision to the Council and maximise income to offset costs where possible

4. Temporary Accommodation – Current Provision

4.1 Appendix B1 lists the temporary accommodation that is currently utilised by Chiltern District and South Bucks District Council.

5. Temporary Accommodation – Current and Future Demand

5.1 Appendix A2 in this Strategy document (Pages 39 to 41) shows the demand for temporary accommodation in Chiltern District Council and South Bucks District Council since 1st April 2014 and the projections for future demand following the implementation of the Homelessness Reduction Act 2017 from 3rd April 2018. It is estimated that the Councils will need to ensure that the following levels of temporary accommodation are available at any one time during 2018/19:

Chiltern DC	=	Maximum of 42 units
South Bucks DC	=	Maximum of 82 units

6. Use of Bed and Breakfast Accommodation

6.1 The Council recognises that B&B (Bed and Breakfast) is not suitable as temporary accommodation for households with family commitments (i.e. households who have or are expecting dependent children). Where possible, it will avoid placing such a household in B&B. However, the high demand for temporary accommodation means that there will be occasions when the Council has no option other than to secure B&B in order to meet its statutory duty.

6.2 When the Council has to place a household with family commitments in B&B, it will take full account of the provisions in Statutory Instrument 2003/3326 that the period in B&B should not exceed 6 weeks. The Council will seek to move the household on to alternative self-contained accommodation as soon as possible. These households will be prioritised for a move from B&B as and when suitable self-contained temporary accommodation becomes available for occupation. The process for this is summarised in Appendix B3.

7. Location of Accommodation

7.1 The Council will aim to secure temporary accommodation within its district. However, the high demand for temporary accommodation means that it may be necessary for the Council to secure accommodation that is located in another district. In this event, the Council will aim to minimise the distance between the district and the location of the temporary accommodation.

8. Allocation of Temporary Accommodation

8.1 Self-contained temporary accommodation will normally be allocated on the day that it becomes available and using the process summarised in Appendix D

8.2 When self-contained temporary accommodation becomes available, existing households with family commitments in B&B will be prioritised over households who have not yet been placed in temporary accommodation.

8.3 If no self-contained temporary accommodation is available for a household on the date that the household becomes homeless then the Council will secure bed and breakfast accommodation (see 6.1 above) subject to availability. If no bed and breakfast accommodation is available on the date concerned then the Council may have to utilise hotel accommodation on a short term basis until bed and breakfast or other alternative temporary accommodation becomes available.

8.4 The Council will make every effort to secure temporary accommodation that is a suitable size, type and location for the household concerned. In doing so, the Council will have regard to the relevant statutory requirements and guidance (see Appendix B1). However, this must be balanced against the demands on the Council's service for homelessness assistance and the pressures on temporary accommodation. The Council's primary focus

is to secure accommodation that meets its duties under Part 7 of the Housing Act 1996 even if the household concerned considers that it may not be suitable.

8.5 A household may request a review of the suitability of the temporary accommodation secured by the Council if a review is permitted under Part 7 of the Housing Act 1996.

8.6 In exceptional circumstances, the Council may depart from the allocation process set down in this Framework. This may arise because of reasons such as:

- safeguarding issues,
- personal safety concerns,
- medical issues,
- household size, or
- the household has been deemed intentionally homeless and/or has a review or appeal pending into the Council's decision.

Any exceptional allocation will be subject to the agreement of the Senior Housing Options Officer (or the Housing Manager in the absence of the Senior Housing Options Officer).

9. Chiltern District Council and South Bucks District Council – Cross District Provision

9.1 Chiltern District Council and South Bucks District Council operate a shared housing service. Each Council retains its own separate statutory responsibility to fulfil its duties under Part 7 of the Housing Act 1996.

9.2 There may be occasions where one of the Councils (Chiltern District Council or South Bucks District Council) has available capacity within its temporary accommodation while the other authority is facing significant pressures to secure sufficient accommodation. In this situation, the Council with available capacity may make its temporary accommodation available to the other authority to utilise in order to fulfil its Part 7 duties (i.e. Chiltern DC would make its temporary accommodation available to be utilised by South Bucks DC or vice versa).

9.3 The provisions in paragraph 9.2 would be subject to:

- consideration of current and future temporary accommodation demands for both Councils,
- confirmation that the Council which makes the temporary accommodation available will not suffer any detriment to its service delivery or budget as a result, and
- the placement being reviewed on a weekly basis and ending as and when the temporary accommodation is again required by the Council which has made it available.

10. Charging for Temporary Accommodation

10.1 The Council reserves the right to require a household to pay a reasonable charge in respect of the temporary accommodation that has been secured for them. In making any charge, the Council will have regard to the statutory requirement that the temporary accommodation must be affordable to the household concerned.

11. Maintaining and Increasing the Supply of Temporary Accommodation

11.1 The Council will explore the following options over the next 12 months to help maintain and increase the supply of temporary accommodation to meet the current and future needs highlighted in Section 5.

11.1.1 Prevent Homelessness wherever possible to minimise the demand for temporary accommodation

The Council continues to review its housing options service to ensure that all available options are explored to help prevent or relieve homelessness before a client becomes homeless. The Homelessness Reduction Act 2017 has placed increased emphasis on this.

11.1.2 Optimise current temporary accommodation provision

The Council will ensure that it makes the best use of the available temporary accommodation by making appropriate allocations, minimising the time spent by households in B&B and ensuring that households are moved on in a timely and efficient manner to longer term accommodation when possible.

11.1.3 Secure temporary accommodation from Registered Provider stock

The Council will continue to work with Registered Providers to maximise the use of temporary self-contained accommodation from within their existing housing stock and through other initiative and schemes (e.g. new build, private sector leasing etc.)

11.1.4 Explore options for new developments to incorporate new temporary accommodation provision.

The Council will monitor development opportunities on its own land and elsewhere

11.1.5 Explore options for working with the private rental sector to secure temporary accommodation

The Council will review its work with private landlords and letting agents and assess opportunities for partnership working to deliver temporary accommodation and tenancies to help prevent or relieve homelessness.

11.1.6 Explore options for Chiltern District Council and South Bucks District Council to work jointly to secure additional temporary accommodation provision

The Council will assess opportunities for the shared housing service to deliver joint provision that can support both authorities.

11.1.7 Explore options to work with other statutory partners to deliver additional temporary accommodation

The Council will assess opportunities for joint working with other partners including Wycombe District Council and Aylesbury Vale District Council to deliver additional temporary accommodation provision.

12. Review of Framework Document

12.1 This document will be reviewed annually

DRAFT

APPENDIX B1**DUTY TO SECURE TEMPORARY ACCOMMODATION****1. SUMMARY OF STATUTORY DUTIES AND POWERS**

1.1 Under **Part 7 (Homelessness) of the Housing Act 1996** the Council has a statutory duty to secure that accommodation is available to homeless persons who meet certain criteria and requirements set down in the Act and associated Statutory Instruments and guidance.

1.2 The specific statutory duties set down in Part 7 are broadly summarised below:

(i) *Section 188 – Interim duty to accommodate in case of apparent priority need*

When the Council receives an application for assistance under Part 7 then the Council will have a duty to secure temporary accommodation while it assesses the application if it considers that the applicant is homeless and may be in priority need (in accordance with the priority need categories set down in Section 189 of the Act)

(ii) *Section 190 – Duties to persons becoming homeless intentionally*

When the Council has assessed an application and determined that the applicant is homeless and in priority need, but is homeless intentionally, then it will have a duty to secure that accommodation is available for a period to give the applicant a reasonable opportunity to find other housing.

(iii) *Section 193 – Duty to persons with priority need who are not homeless intentionally*

When the Council has assessed an application and determined that the applicant is homeless and in priority need and not homeless intentionally (and the initial Homelessness Relief Duty has come to an end), then it will have a duty to secure that accommodation for occupation by the applicant. There is no time limit on this duty. Section 193 sets down the specific circumstances in which this duty can come to an end.

(iv) *Section 199A – Accommodation pending the outcome of a referral to another local authority*

In some cases when the Council has assessed that the conditions are met for a referral to another local housing authority and applicant is homeless and in priority need, the Council will have a duty to secure that accommodation is available pending the outcome of the referral.

1.3 In respect of (i) to (1v) above, Section 208(1) of the Act states that so far as reasonably practicable the Council shall secure that suitable accommodation is available for occupation within its district.

1.4 In addition to the statutory duties summarised above, the Council also has the **power to secure accommodation pending a review or appeal**. Under Sections 188 and 204 of the Act, the Council has the power to secure accommodation for an

applicant pending the outcome of a review or appeal on the Council's decision on a homelessness application. This is a power and not a duty and the Council will assess requests for accommodation in these circumstances on a case by case basis. In assessing whether or not to exercise its power to secure accommodation, the Council will have regard to the applicant's circumstances and the relevant guidance and case law.

- 1.5 Under Section 192 (3) of the Act, the Council also has ***the power to secure accommodation for an applicant who is homeless, not homeless intentionally and is not in priority need***. Again, this is a power and not a duty. In considering whether or not to use this power, the Council must take into account the demands on local housing and the need to secure accommodation for homeless households who are subject to the statutory duties summarised in (i) to (v) above. The current demands on housing stock in Chiltern and South Bucks and the ongoing demands from homeless households who are subject to statutory accommodation duties means that the Councils are highly unlikely to exercise the power under Section 193(2) of the Act. However, any requests will be assessed on a case by case basis.

2. GUIDANCE ON EXERCISING STATUTORY DUTIES

- 2.1 When exercising a statutory duty in accordance with (i) to (v) above, the Councils will have full regard to the relevant law, statutory instruments and guidance in assessing whether or not the accommodation concerned is suitable. This includes:

- a) **Homelessness Code of Guidance for Local Authorities (February 2018)**
- b) **SI 1996/3204 Homelessness (Suitability of Accommodation) Order 1996**

This requires that the accommodation must be affordable.

- c) **SI 2003/3326 Homelessness (Suitability of Accommodation)(England) Order 2003**

This highlights that B&B accommodation is not to be regarded as suitable accommodation for an applicant with family commitments and should only be used (i) where no other accommodation is available and (ii) for no more than 6 weeks in total.

- d) **SI 2012/2601 Homelessness (Suitability of Accommodation)(England) Order 2012**

This highlights a range of factors that the Council must take into account including:

- distance from district (if placed out of area)
- significance of disruption to employment, caring responsibilities or education

- proximity and accessibility of medical facilities
- proximity and accessibility of local services, amenities and transport

e) **S. 11 of the Children Act 2004**

This requires that where the applicant's household includes children, then the Council's decision on suitability must identify the needs of the children (individually and collectively) and have regard to the need to safeguard and promote the children's needs. However, it is not required that the children's welfare should be given paramount or even primary consideration by the Council in making the decision on the suitability of accommodation.

f) **Equality Act 2010**

This requires that the Council assesses whether or not the applicant has a disability (or another relevant protected characteristic) and, if so, the extent of the disability and whether or not this impacts on suitability of the accommodation.

- 2.2 Overall, the Councils will always aim to minimise disruption to the applicant's household and have full regard to the relevant law and guidance when securing temporary accommodation. However, this will always need to be balanced against the overall demands on the housing and homelessness service and the availability of accommodation. This means that it may not always be possible to avoid disruption to the household concerned. The Council's primary focus will be to ensure that it secures accommodation for the applicant in accordance with its statutory duties under Part 7 of the Housing Act 1996.

END

APPENDIX B2**TEMPORARY ACCOMMODATION – CURRENT PROVISION**

This Appendix lists the temporary accommodation that is currently secured by each Council to fulfil its duties under Part 7 of the Housing Act 1996.

CHILTERN DISTRICT COUNCIL

CDC - Current Provision – Self Contained Accommodation (No facilities shared with other households)		
Accommodation	Number of Units	Details
Tom Scott House, Pearce Road, Chesham	12 x 1 br flats 8 x bedsits	Scheme owned and managed by Paradigm Housing
Other Registered Provider accommodation	No fixed number	Properties in general needs stock utilised as temporary accommodation as and when required
Nightly booked self-contained accommodation	No fixed number	Properties secured from private provider and subject to a nightly rate. The main providers are located in Slough, High Wycombe, Hemel Hempstead and Chiltern.
Private Sector Leasing Scheme	Minimum of 10 units	Properties to be leased by Paradigm Housing and let to CDC nominees to meet temporary accommodation duty.

CDC - Current Provision – Non-Self Contained Accommodation (Facilities shared with other households)		
Accommodation	Number of Units	Details
Nightly booked non-self contained accommodation (e.g. Bed and Breakfast)	No fixed number	Rooms are booked as and when required and charged on a nightly rate. The main providers are located in Slough, High Wycombe and Hemel Hempstead.
Hotels	No fixed number	Hotel rooms are booked when no other options are available. (Normally emergency out-of-hours placements placements).

SOUTH BUCKS DISTRICT COUNCIL

SBDC Current Provision – Self Contained Accommodation (No facilities shared with other households)		
Accommodation	Number of Units	Details
Oxford Road, Gerrards Cross (Former Police Houses)	8 x Houses	Properties leased by Bucks Housing Association from SBDC (Due to be decommissioned in December 2018)
Private Sector Leasing Scheme	Minimum of 30 units	Properties to be leased by Paradigm Housing and let to SBDC nominees to meet temporary accommodation duty.
Other Registered Provider properties	No fixed number	Properties in general needs stock owned by other Registered Providers (e.g. L&Q, Bucks HA) and made available to SBDC to use as temporary accommodation on an interim basis.
Nightly booked self-contained accommodation	No fixed number	Properties secured from private provider and subject to a nightly rate. The main providers are located in Slough, High Wycombe, Hemel Hempstead and Chiltern.

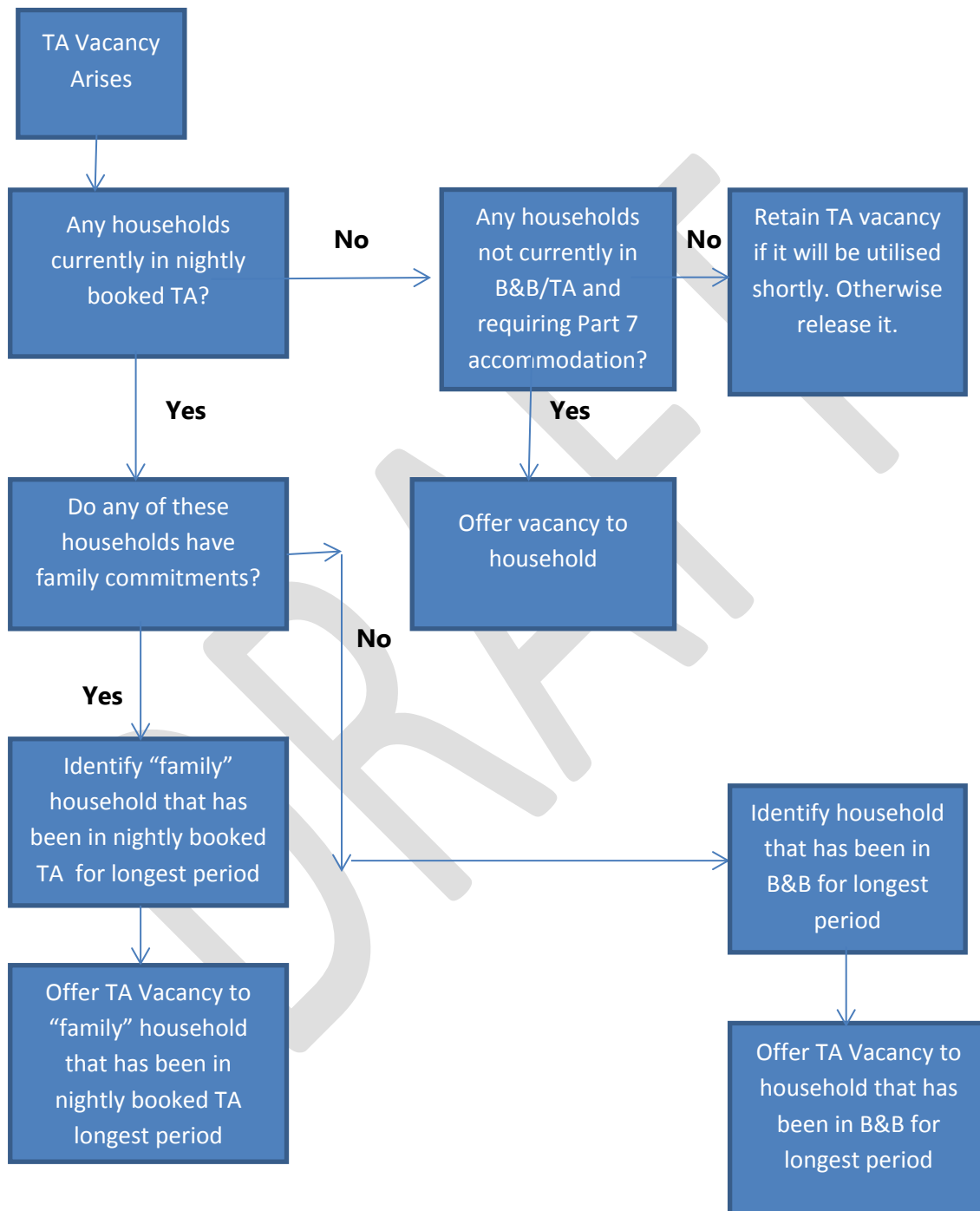
SBDC Current Provision – Non-Self Contained Accommodation (Facilities shared with other households)		
Accommodation	Number of Units	Details
Nightly booked non-self contained accommodation (e.g. Bed and Breakfast)	No fixed number (18 x placements as at 26/02/16)	Rooms are booked as and when required and charged on a nightly rate. The main providers are located in Slough, High Wycombe and Hemel Hempstead.
Hotels	No fixed number	Hotel rooms are booked when no other options are available. (Normally emergency out-of-hours placements placements)
SBDC – Pipeline Provision - Temporary Accommodation Schemes being developed as at August 2018		
Accommodation	Number of Units	Details
Development of former Depot Site on Bath Road, Burnham	12 units	Development of temporary emergency accommodation using off-site manufacturing. Due for completion in 2018/19.

Acquisitions	3 units	Programme of 3 acquisitions by Bucks Housing Association for use as temporary accommodation (supported with SBDC funding)
--------------	---------	---

DRAFT

APPENDIX B3

PROCESS FOR ALLOCATING SELF-CONTAINED TEMPORARY ACCOMMODATION (NOT NIGHTLY BOOKED)



Note – In some cases the Council will have to place a household in accommodation located outside of the district (see Paragraph 7.1 of the Temporary Accommodation Framework).

This page is intentionally left blank

SUBJECT:	Station Road Car Park Redevelopment Gerrards Cross Business Case	
REPORT OF:	Resources Portfolio Holder - Cllr Barbara Gibbs	
RESPONSIBLE OFFICER	Chris Marchant	Head of Environment
REPORT AUTHOR	Linda Newell Rodney Fincham	Estate Manager Head of Finance
WARD/S AFFECTED	Primary Gerrards Cross	

1. Purpose of Report

1.1. The purpose of the report is to:

- Note that Cabinet approved the final business case for the project which has been called in by six Members and is being considered by the Overview and Scrutiny Committee on 8 November 2018. If the Overview and Scrutiny Committee agree that this item should be reconsidered by Cabinet then this item will be withdrawn from this agenda.
- In addition Cabinet also noted that the construction period will be Jan-Dec 2020 unless agreement can be reached to allow the car park to be closed over the 2019 Christmas trading period
- Cabinet agreed that:-
 - the Head of Environment be authorised to conclude the delivery agreement between Balfour Beatty and the Council for the construction phase.
 - the Head of Finance be authorised to carry out the necessary arrangements to obtain the loan finance.

RECOMMENDATION to Council:

1 That the Capital Programme for the Station Road Car Park be amended to the following:

2019/20 £5,000,000

2020/21 £8,051,000

2. Executive Summary

2.1. Planning consent has been granted for expanding the Station Road Car Park to provide a total of 442 parking spaces.

-
- 2.2. To enable this project to proceed to completion, the Council will need to invest a further estimated £13.051m.
 - 2.3. The proposal is for the project cost to be financed by way of a loan from the Public Works Loan Board (PWLB).
 - 2.4. The expanded car park is expected to increase annual income by £431,000.
 - 2.5. The reason for expanding the car park is to meet current and future parking need in the Town. The business case indicates that in the longer term the development will cover its costs.

3. Reasons for Recommendations

- 3.1. Recent surveys indicate that there is a need for an extra 375 non commuters car park spaces in Gerrards Cross, to provide sufficient car parking to meet predicted local parking needs.
- 3.2. Other options have been considered but expanding the Station Road car park is considered to be the best option currently available to meet this need.

4. Background

- 4.1. The Council currently operates a surface car park at Station Road, Gerrards Cross providing 122 spaces.
- 4.2. The site is shown edged in red on the plan at **Appendix A**.
- 4.3. The proposed development comprises a multi storey car park providing a total of 442 parking spaces.

5. Planning Permission

- 5.1. Planning Permission for the Station Road car park was issued on the 16 August 18 subject to 14 conditions, 3 of which have to be discharged prior to commencement. (Planning Application Ref PL/18/2173/FA).
- 5.2. Balfour Beatty has reviewed these conditions and are taking steps to comply with these. Overall the conditions are unlikely to have a significant impact on the project.

6. Agreement with Waitrose

- 6.1. The Waitrose / John Lewis surveyor is in the process of obtaining necessary approvals to Heads of Terms covering variations to the current legal documents for Waitrose's trolley bays in the car park.
- 6.2. Until the Heads of Terms are agreed this remains a risk to the project timetable.

7. Construction Period

- 7.1. The aspiration was to construct the car park between January and December 2019.
- 7.2. However, correspondence from local residents indicates that a Judicial Review challenge is likely to be lodged.
- 7.3. It is therefore recommended that construction should not commence until the time limited Judicial Reviews periods have ended and / or any Judicial Review is concluded. As if a Judicial Review is lodged this would effectively delay the project and mean that £200k+ of abortive costs would be incurred, even if ultimately the judicial review was unsuccessful.
- 7.4. If agreement can be reached with Waitrose it may be possible to start the construction during 2019. However this would mean that the car park would be closed over the crucial 2019 Christmas trading period, and Waitrose have so far indicated that they would not agree to this.
- 7.5. This business case has therefore been based on a construction period of January to December 2020.

8. Cost of Development

- 8.1. Construction costs have changed since the scheme was last considered, and Balfour Beatty has now provided updated construction costs.
- 8.2. The current estimated cost to completion is set out in the table below. There are still a number of cost items that are being reviewed / challenged, however this is the best cost estimate currently available.

	£	£
Construction		9,058,535
Contractor Preliminaries		928,414
Forecast Change Control Notices Allowance		87,500
Remaining Project Design Team Fees etc (£88k already paid)		70,625
Risk allowance - Contractor		396,000
Risk allowance - Client		250,000
Remaining Pre-Construction works (£600k already paid)		71,873
Associated framework fees		1,297,702
Repricing costs (as works delayed) – Estimate		100,000
Estimated Build Inflation (c5%) - Estimate		500,000
		12,760,649
Other costs payable by SBDC		
Railtrack - Payable upon planning implementation	85,000	
Building Control Fee (payable to SBDC)	8,000	
BCC 106 Agreement	15,000	
Party Wall - Estimate	150,000	
Legal Fees	20,000	
Waitrose	7,500	
Tesco fees	5,000	
	290,500	
		13,051,149

- 8.3. Included in the total cost is a project contingency / risk allowance of £396k for contractor risks and £250k for client risks. The client risk allowance is for any further expenditure to cover risks such as design changes once the Delivery Agreement has been signed.
- 8.4. Also included is a 5% build inflation allowance, to reflect a construction period of January to December 2020.
- 8.5. In order to fund this project, it will be necessary to amend the Capital Programme to reflect the latest costs.
- 8.6. Cabinet is therefore asked to recommend to Council that the Capital Programme for the Station Road Car Park be amended to the following:
- | | |
|---------|------------|
| 2019/20 | £5,000,000 |
| 2020/21 | £8,051,000 |

9. Business case

- 9.1. The current business case is detailed in **Appendix B**.

9.2. In summary the current business case figures are as follows.

Number of car park spaces	442
Extra Spaces	320
Current Cost Estimate	13,931,149
Figure includes £880k of costs already incurred	
Income	
Car Parking Income (year 3)	588,000
Less current income	-175,000
Extra income	413,000
Extra income as percentage of build cost	2.96%
Business Case Model	40 yrs
IRR - should be more than borrowing cost	2.73%
Net Present Value - negative is good	6,535,359
(Profit) / Loss - negative is good	-1,273,481

9.3. In the initial years the scheme will not generate extra net income for the Council as the extra income (£413k) is not sufficient to cover the cost of the loan (£555k).

9.4. In the longer term as the income will grow with inflation, but the cost of the loan does not, the development will cover its costs and provide a return to the Council.

9.5. In summary a commercial operator would be unlikely to develop this scheme as the payback period is too long. However as the purpose is to meet parking need the Council can decide to take a longer term view.

10. Assumptions Regarding Car Park Charges

10.1. The Station Road parking charges have recently been increased to £8 (9.5 hours) and £10 (24 hour charge) in order to deter long stay parking.
The main station car park charges £8.50 a day. Orchehill Rise and the upper station car parks charge £6 a day.

10.2. When the new Station Road car park is opened it has been assumed that the Station Road charges will be brought in line with surrounding car parks - as there will be greater capacity and thus longer stay parking will no longer need to be discouraged.

10.3. Furthermore it has been assumed that prices will rise in regular increments of 50p averaging about 4% a year over the next 40 years.

11. Sensitivity analysis

11.1. The Business Case is based on various assumptions. Changing any of the assumptions will affect the return. For instance

- If the build cost goes down, the profitability goes up
- If the loan rate goes down, the profitability goes up
- If we increase the take up assumptions, the profitability goes up
- If we increase the charges, the profitability goes up

And of course vice versa.

Income Predictions are made on the basis of £6 for long stay up to 9.5 hours and £8 for 10 hours which are subject to Cabinet approval.

11.2. The following table shows the effect on the Internal Rate of Return, Net Present Value and Profitability figures if we change some of these assumptions.

	Base Model	Interest rate 0.25% higher	Income estimate 2% higher
Build Cost (Including sunk costs)	£13,931,149	£13,931,149	£13,931,149
Loan Interest Rate	2.58%	2.83%	2.58%
Extra income per year	-£413,000	-£413,000	-£421,260
Internal Rate of Return (Should be above loan interest rate)	2.73%	2.73%	2.85%
Net Present Value over 40 years (Negative is good)	£6,535,359	£7,184,489	£6,230,092
Total Surplus over 40 years (Negative is good)	-£1,273,481	-£293,428	-£1,858,492

12. Funding

12.1. This project will be funded by borrowing from the Public Works Loan Board (PWLb).

12.2. The financing cost is based on borrowing at a fixed rate from the PLWB, on an annuity basis, over 40 years. The rate as at 22 August 18 is 2.58%. The actual rate will be fixed on the day the loan is organised. The precise timing and structure of the loan will be determined by the Director of Resources.

12.3. The Treasury Management Strategy that was approved by full Council on 27 February 18 set an Authorised Borrowing Limit of £35m and an Operational Borrowing Limit of £30m for 2018/19. The Authorised Limit for South Bucks represents the maximum temporary borrowing limit. The Operational Limit is the limit beyond which external debt is not

normally expected to exceed. SBDC does not currently have any borrowing. Given the likely timetable for the project the Treasury Management impact will be in 2019/20, and the Strategy that will come to members as part of the budget process will reflect the impact of this project.

13. Communication Plan

13.1. A proposed communication plan is attached at **Appendix C**.

14. Risks

14.1. Once the Delivery Agreement has been signed the contractor takes on the majority of the construction risks.

14.2. However there are certain risks which remain with SBDC and a contingency sum must be kept aside for these risks. The table below sets out the key risks which remain with SBDC.

Risk	Cost /mitigation
Delay of project due to Judicial Review or injunctions	Not controllable by SBDC. Can be submitted any time within six weeks / three months of relevant decision. Potential claim for loss of light not controllable by SBDC. There is no time limit for such an action. Can be taken even after car park constructed. Currently the likelihood of any claim being successful is considered to be low.
Costs from judicial Review from concerned parties	If a challenge/claim is successful, the Council would be liable for the claimant's costs as well as its own.
Predicted usage	Many factors influence future usage and hence affect income. Charges can be changed with demand also change number of permit holders.
Waitrose agreement	Completion of documentation prior to signing of delivery agreement. Heads of Terms not yet signed off and further concession from Waitrose to extend construction over Christmas period 2019 being sought.

Risk	Cost /mitigation
Party Wall agreements	Specialist instructed but cost budgeted at £50k which may change. Overall cost could increase to £150K subject to discussion with neighbouring occupants and contents of any Party Wall Awards. SBDC are required to pay all fees.
Fire strategy preparation	Following Liverpool car park fire it has been necessary to improve cladding to side elevation and a requirement to have a fire strategy in place. This fire strategy has not yet been completed.
Service Diversions	No allowance has been made for diversion of any services which have not been found during the standard detection methods.
Client changes	Any design changes initiated by client.
Unforeseen issues le ordnance	Unlikely to occur.
Potential payment to Waitrose if completion is delayed.	Damages may be payable to Waitrose if completion is delayed, not all of which may be covered by the main contractor.

15. Options

15.1. SBDC has the following options.

- Progress with this scheme now. This option seeks to meet the parking need as quickly as possible, but risks significant abortive costs if legal proceedings are lodged.
- Delay the project in order to resolve any legal challenges and / or have more time to complete all contractual agreements and / or seek alternative build prices. This would delay meeting the parking need, and is likely to result in an increase in the build cost due to the impact of construction inflation.
- Decide not to progress with the scheme. This option would not meet the parking need and the expenditure to date would be abortive costs.

16. Corporate Implications

- 16.1. Financial – The detailed business case is shown in **Appendix B**.
- 16.2. Legal – The Council has power to provide off-street parking places, including additional spaces at the Station Road car park, under section 32 of the Road Traffic Regulation Act 1984. This is a general power which enables local authorities to provide off-street parking places if it “appears necessary in order to relieve or prevent congestion of traffic”.
- 16.3. The Council is satisfied that a need for additional parking places in Gerrards Cross has been identified, first in the report undertaken by Yes Engineering Ltd in 2014 and subsequently in a survey and report into future demand prepared by Peter Brett Associates in May 2017. In response to the 2014 report the Council made the provision of increased off-street parking in Gerrards Cross to meet future need a council priority in the Business Plan 2015-20. Therefore it has been Council policy since 2015, based on identified need, to provide additional parking places in Gerrards Cross.
- 16.4. As part of the Transport Assessment for the 2016 planning application Peter Brett Associates carried out a further assessment of future parking demand in the town. This report concludes that there will be demand for additional short and long stay parking in and around Gerrards Cross up to 2053 and that the proposed redevelopment of the Station Road car park would help to meet the forecast demand for short stay parking. These conclusions have been accepted by the highway authority.

17. Links to Council Policy Objectives

- 17.1. This matter is related to the Councils corporate aims to deliver cost effective customer focused services and to promote local communities.
- 17.2. This report progresses the aims of the Council’s asset management plan.

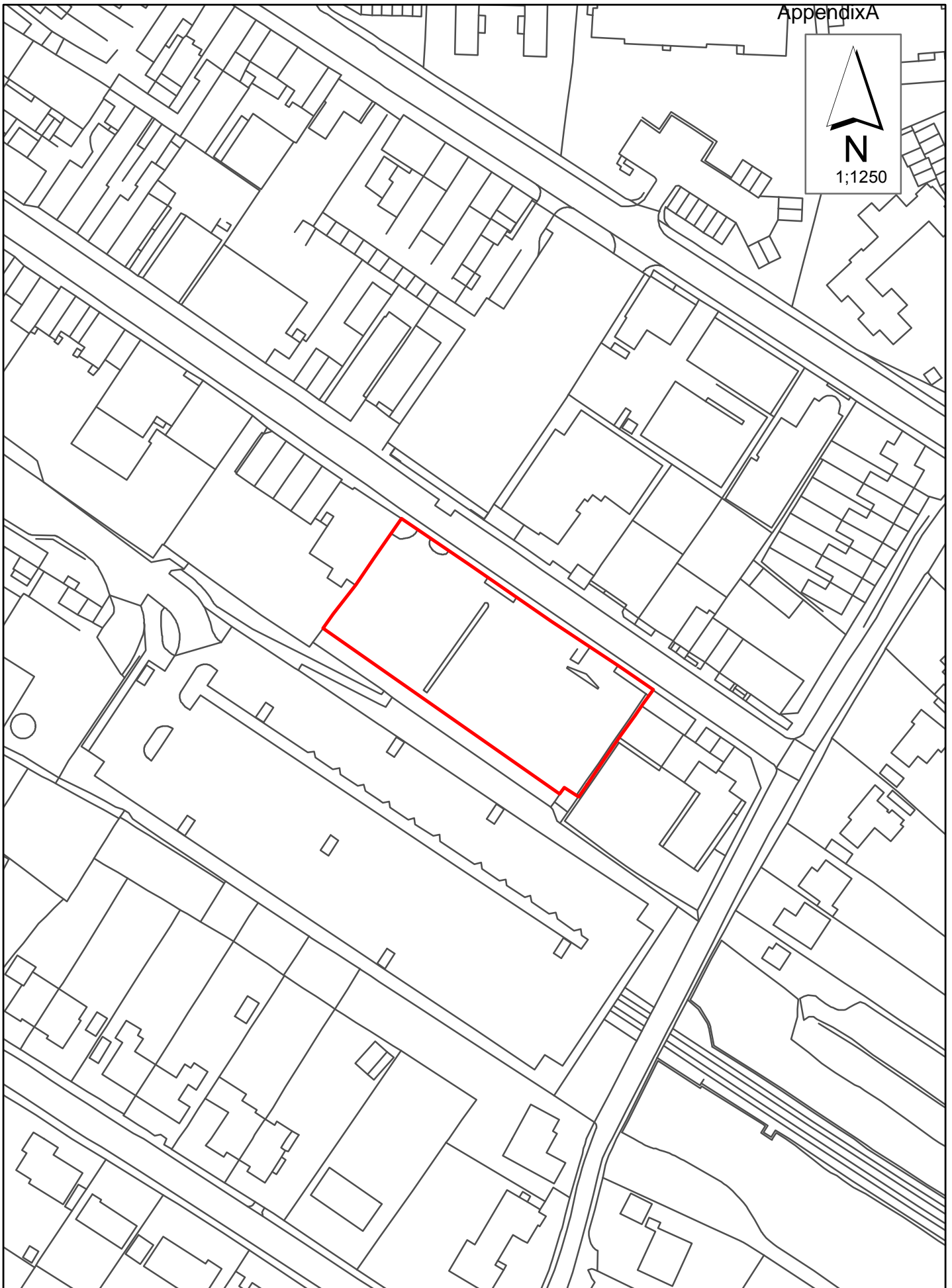
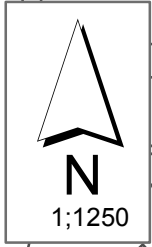
18. Next Steps

- 18.1. The proposed programme is as follows:

Activity	Date
Cabinet	17 th Oct 18
Council Meeting to approve change to Capital Programme	14 th Nov 18
Sign Delivery Agreement	Mid 19

Activity	Date
Mobilisation and enabling works start	Late 19
Main start on site	Jan 20
Handover	Dec 20
Project completion	Dec 20

Background Papers:	Cabinet report 25 Oct 16 Cabinet report 17 Apr 18 SBDC Planning Application Ref PL/18/2173/FA
---------------------------	---



Station Car Park Gerrards Cross

This page is intentionally left blank

This page is intentionally left blank

Appendix C

GX Car Park action plan / proposed communications activities

Key dates	Activity	Who/what is involved
25 September 2018	Resources PAG	Estates team/PHs
27 September 2018	End of six weeks planning JR period	
17 October 2018	Cabinet	Estates team/PHs/SBDC Comms team – social media/media statement
25 October 2018	End of Call In period	
TBC if needed	Overview & Scrutiny Committee if Call In activated	
14 November 2018	Council meeting to approve change to Capital Programme	Estates team/PHs/SBDC Comms team – social media/media statement
17 January 2019	End of business case JR period (can be submitted any time within three months decision)	
Mid 2019	Sign Delivery Agreement	Balfour Beatty/SBDC Comms team/PHs - photo opp/press release
Late 2019	Mobilisation and enabling works start	Balfour Beatty / SBDC Comms team - press release
January 2020	Main works start on site	Balfour Beatty/ SBDC Comms team to liaise with BB during build for PR opportunities
TBC	Topping out ceremony	Balfour Beatty/SBDC Comms Team – photo opp/press invite/press release
December 2020	Handover	Balfour Beatty/SBDC/Comms team
December 2020	Project completion	Balfour Beatty/ SBDC Comms team – opening ceremony/photo opp/press release
2020 onwards	Joint comms with BCC on new on-street arrangements	Bucks CC/SBDC Comms team – details TBC

This page is intentionally left blank

BUCKS HEALTH AND ADULT SOCIAL CARE SELECT COMMITTEE,**Update July 2018****Adult Social Care Transformation**

Outcomes and indicators have been set for each tier of the plan namely:

- Living independently
- Regaining independence
- Living with support

Projects to deliver these are underway but the Committee wanted more information about what had actually been achieved and delivered to date.

It was highlighted that Bucks is below the national target for adults with learning difficulties living in their own homes and that local community capacity needs to be more effectively supported and signposted. This comprises community and charity involvement and the delivery of commissioned services by charities by volunteers is being explored.

The service is being refocused on the early diagnosis and prevention, working more closely with health providers as well as improving post hospital discharge provision and rehabilitation. It appears that in Bucks delayed discharge more often relates to health provision (equipment, nursing care) rather than social care. Around 60% are self-funders for social care and this can cause delays.

It was acknowledged that transport remained an issue for access to health and community facilities.

All staff have now been trained in the new ways of working and outcomes are now being monitored. The Committee asked for more detail on how this was working.

Adult Short Breaks Strategy

This strategy is to provide a break for family carers or for the development of independence, new skills or new friends for service users. It is a statutory provision and aimed at developing the most positive experience for all.

Currently it is not co-ordinated and is not delivering what is needed by the clients.

A consultation on how this could be achieved has been undertaken as well as a mapping exercise to determine what is currently available. Most of this is community provision and some existing groups have been identified but it is not clear how this

would work across the whole County. Developing additional capacity is necessary but it is not clear how this would be sustainable in the long term. Yet again transport is highlighted as an issue and no solution is being proposed.

Wendy Matthews

July 18

BUCKS HEALTH AND ADULT SOCIAL CARE SELECT COMMITTEE,**Update October 2018****IT Update**

A new joint NHS/Bucks CC Director has recently been appointed – Balvinder Heran. She intends to attend all future HASC meetings to provide updates on the work she will be doing to enable all the systems to talk to each other.

Changes to Prescription Arrangements

The NHS is moving to promote the electronic ordering of repeat prescriptions to reduce waste and improve the efficiency of the system. A communications plan is being developed. The Committee expressed concern about how those without access to the internet would be able to obtain their medication. It was not clear how the existing system would work alongside the new one.

Additional Hours of Access to GPs

This is being rolled out across the whole County with most GP practices taking part. Appointments will be available in the evenings and on Saturdays. Funding is being provided by NHS England. Communication packs are being distributed.

Public Health Annual Report

One of the aims of this is to help with the Local/Neighbourhood Planning processes. Its recommendations are intended to be a call for action to local organisations and communities. The expectation is that local organisations eg the LAFs, the District Councils and the Town and Parish Councils will develop action plans to help deliver the outcomes identified.

Bucks CC is developing its action plan.

Wendy Matthews
October 18

This page is intentionally left blank

Report of the meeting of the Buckinghamshire Healthcare Trust on 26th September 2018

The recent absence of reports from this Trust has been caused by my being unable to attend the previous two meetings owing in the first place it clashing with my holiday and in the second my indisposition.

This meeting started with a patient's story which involved the work of a team of hospital employees who provide care to patients outside a hospital setting. Much of this is done by Occupational and physiotherapists. They treat patients with cerebral palsy and also help children with disabilities to function.

The Acting Chief Executive presented his report where owing to technical problems in August the staff salaries had been paid late and he apologised for any inconvenience. There was a deteriorating situation concerning vacancies for nurses. The ABM and open day had been a success and the response to complaints had improved although there was concern over the team of 3 dealing with complaints had been reduced to 2. In July there had been 675 formal accolades and 51 complaints. Thames Valley Cancer Alliance were providing funding for an 8a Improvement Manager

A report was received on the progress of the Corporate objectives of the Trust. On Strategic Priorities a green light was given to Quality whilst money received a red one. On Clinical Strategy green lights were given Innovation and Improvement, Health and Wellbeing and the Enabling of Transformation whilst Sustainable Service Growth was rated as being at risk.

On Infection Prevention in June there had been 2 cases of C Difficile both being identified as unavoidable. There was a need to improve the cleaning culture and other areas in this field.

The meeting followed on with the Annual Antimicrobial report. This provided an overview of the activity of the antimicrobial team over the year 2017/2018. We were informed that an additional Pharmacist was being employed.

From the Performance Report there had been an increase in demand in A & E but there were problems over staffing owing to the number of vacancies. There was also an increase in the number of patients who needed to be admitted. 87% of patients were treated within the 4 hour target and there were no 12 hour waits on trolleys. 77% of Cancer patients were treated within 62 days and they were trying to reduce the backlog. Efforts were being made to curb the number of patients that were using the Minor

Injuries A & E at High Wycombe.

The Workforce Report was the received where there was a need for strong leadership in A & E. Here weekly meetings were being held to review progress. The appraisal rate of 71% was not good enough and needed to be improved. Concern was expressed over the level of likely recruitment of Student Nurses this September.

A Safeguarding Report was received which showed that with regard to children 88.23%of staff had completed level 74.47 level 2 and 94.05% level 3. On adult compliance 86.26 had completed the course and over 85% had completed the other heads.

David Pepler

26th October 2018