

Cabinet Member for Communities

Agenda

Date: Monday, 20th July, 2015
Time: 11.00 am
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Revised Statement of Gambling Principles** (Pages 1 - 50)

To consider the revised Statement and make any appropriate changes prior to consultation.

5. **Electric Pool Cars - Grant Opportunity** (Pages 51 - 68)

To consider the current options.

For requests for further information

Contact: Cherry Foreman

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6. **Anti Social Behaviour Crime and Policing Act 2014** (Pages 69 - 88)

To consider the procedures for the use of these powers and the setting of Fixed Penalty Notices.

7. **Public Space Protection Orders** (Pages 89 - 94)

To consider the processes necessary and that a public consultation exercise be carried out.

8. **Preventing Violent Extremism** (Pages 95 - 98)

To consider the proposals set out.

9. **Dealing with Psychoactive Substances/Legal Highs** (Pages 99 - 112)

To consider the approach now set out.

10. **Raising Awareness of Sky Lanterns** (Pages 113 - 116)

To consider the dangers of sky lanterns.

11. **Community Hubs Update** (Pages 117 - 126)

To consider the suggested approach and initial priority areas.

CHESHIRE EAST COUNCIL

Cabinet Member for Communities

Date of Meeting: 20 July 2015
Report of: Miss Kim Evans – Licensing Team Leader
Subject/Title: Revised Statement of Gambling Principles
Portfolio Holder: Cllr Les Gilbert

1.0 Report Summary

- 1.1 The Gambling Act 2005 requires Local Authorities to prepare and publish a statement of the principles that they propose to apply when exercising their functions under the Act during the three year period to which the statement applies.
- 1.2 The Council is required to review its existing statement of principles and publish the revised version by no later than 31st January 2016. In preparing a revised statement the Council must undertake a consultation exercise with stakeholders.

2.0 Recommendation

- 2.1 That the Cabinet considers the content of the revised statement (appendix 1) and make any appropriate changes prior to formal consultation.

3.0 Reasons for Recommendations

- 3.1 The statement of principles under the Gambling Act 2005 forms part of the Council's Policy Framework. Therefore, in accordance with the Budget and Policy Framework Procedure Rules, the responsibility for drawing up the initial proposals rests with the Executive. For this reason, the Licensing Committee is requested to recommend the draft statement to the relevant Cabinet Member so that the required statutory consultation process may commence.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The decision within 2.0 seeks approval for a draft policy so that consultation can take place with relevant stakeholders.

7.0 Financial Implications

- 7.1 The Council will need to consult with those identified by the relevant legislation. This will require approximately 75 letters being sent to licence holders and gambling organisations. Previously the Council has advertised the consultation in several local papers. Due to the expense of this a decision has been taken to place notices in the Council's principal offices and on our website.
- 7.2 These costs can be met within existing budgetary constraints.

8.0 Legal Implications

- 8.1 By virtue of section 349 of the Gambling Act 2005 ('the 2005 Act') the Licensing Authority is required to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the 2005 Act during the three year period to which the policy applies. Statements must usually be revised and published in respect of every period of three years, that being 2016 – 2019.
- 8.2 The Statement of Principles forms part of the Council's Policy Framework. As such, the final decision to approve a statement of principles or a revision of the statement rests with full Council. In addition, in developing a revised statement of principles, the Authority must comply with its Budget and Policy Framework Procedure Rules (as set out within the Constitution).
- 8.3 Sub-section 349(3) of the 2005 Act prescribes that in preparing a revision of a statement a licensing authority is required to consult:
- (a) the chief officer of police for the authority's area;
 - (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
 - (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the 2005 Act.
- 8.4 The drafting of the Statement of Principles must take into account the requirements of The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 ('the 2006 Regulations'). In addition, the Gambling Commission's Guidance to Licensing Authorities ('the Guidance') prescribes that in determining its policy, the Licensing Authority must have regard to the Guidance and give appropriate weight to the views of those it has consulted.
- 8.5 Regulation 7 of the 2006 Regulations prescribes that before a revised statement comes into effect the authority must advertise the publication of the

statement by way of a notice published on the authority's website and in one or more of the following places: (i) a local newspaper circulating in the area covered by the statement; (ii) a local newsletter, circular or similar document circulating in the area covered by the statement; (iii) a public notice board in or near the principal office of the authority; (iv) a public notice board on the premises of public libraries in the area covered by the statement.

- 8.6 Consideration has been given to the application of the 'public sector equality duty' (as per section 149 Equality Act 2010) to the decision requested within paragraph 2.0 above. It is suggested that the decision requested would have a neutral impact in terms of its impact on those individuals with 'protected characteristics.'

9.0 Risk Management

- 9.1 Compliance with the provisions of section 349 of the 2005 Act and the 2006 Regulations, having regard to the provisions of the Guidance, compliance with the Budget & Police Framework Procedure Rules, and giving appropriate weight and consideration to any consultation responses received will mitigate the risk of a successful challenge of the final Statement of Principles.

10.0 Background

- 10.1 As set out above, the Gambling Act 2005 requires licensing authorities to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act. The current statement of principles was approved in 2013 and took into account the requirements of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 in terms of its form and content.
- 10.2 The draft statement, a copy of which is attached as Appendix 1, incorporates some minor amendments, changes in legislation or practices (such as specific sections on the splitting of premises and primary gambling activity) and takes into account the request from the Gambling Commission that Licensing Authorities prepare a local area assessment. The Licensing Section has not received any comments about the drafting of the current statement from stakeholders in the period since it came into force. Similarly, the Council has not been challenged on the current Statement.
- 10.3 The draft Statement was considered by the Council's Licensing Committee on the 8th June 2015 who approved the content. Following consideration of the Cabinet Member a consultation period will take place. During this time the Statement will also be considered by the Councils' Communities Overview and Scrutiny Committee. Following the end of the consultation phase the matter will be referred back to Licensing Committee for consideration of any consultation responses. The matter will then be referred to Cabinet for consideration prior to a final draft being recommended to full Council.
- 10.4 The Council's current Statement of Gambling Principles is set out at appendix 2 and is provided for the purposes of comparison with the revised statement.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report author:

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Cheshire East Council

Statement of Gambling Principles

Gambling Act 2005

January 2016 to January 2019

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- Appendix 5 Scheme of Delegation

Appendices 1 - 5 are included to provide further information to those interested in these matters. As the information contained within these appendices are subject to change by Central Government, they are not to be considered a part of the Statement of Principles required by section 349 of the Act. They will be subject to reasonable amendment to ensure that they remain accurate and correctly reflect the appropriate entitlements. Any amendment of this nature will not be considered a review of the Statement. As such the requirements for consultation will not apply.

1 Introduction

- 1.1 This Statement of Gambling Principles is published by Cheshire East Council, as the Licensing Authority, in accordance with Section 349 of the Gambling Act 2005. The Act requires the Licensing Authority to prepare and publish a Statement of Principles which sets out the policies that the Licensing Authority will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 1.2 The Licensing Authority has produced this Statement of Principles in accordance with the provisions of the Act and having regard to the provision of the Guidance issued by the Gambling Commission under Section 25 of the Act.
- 1.3 In exercising most of its functions under the Act, the Licensing Authority must have regard to the Licensing Objectives as set out in section 1 of the Act. 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
- 1.4 As required by the Gambling Act 2005, the draft Statement of Principles was subject to formal consultation with:
- § Cheshire Constabulary
 - § Representatives of those carrying on gambling businesses within the Borough of Cheshire East.
 - § Representatives of those persons likely to be affected by the exercise of the Licensing Authority's functions under the Act

2 General Principles

- 2.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes.
- 2.2 The Licensing Authority recognises that it may only consider matters within the scope of the Guidance issued by the Gambling Commission, the Act and the Codes of Practice. It is also recognised that there may be issues raised, such as the likelihood of the applicant obtaining planning permission, which are not relevant for the purposes of the Act.
- 2.3 Nothing in this Statement will undermine the rights of any person to make an application under the Act and have the application considered on its individual merits; or undermine the right of any person to make representations on any application or seek a review of a licence or permit where provision has been made for them to do so within the Act.
- 2.4 The Licensing Authority recognises that unmet demand is not a criterion for it when considering an application for a premises licence under the Act. Each application will be considered on its merits without regard to demand.

- 2.5 The Licensing Authority also recognises that the location and proximity of premises to be used for gambling to other premises such as, for example, schools and premises used by vulnerable persons, may be a relevant consideration with respect to the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The type of gambling which is to be offered will also be relevant.
- 2.6 Each application will be considered on its merits and the Licensing Authority will take into account any proposals by the applicant or licence holder which show how the licensing objectives may be satisfied.
- 2.7 In carrying out its licensing functions under the Act the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:
- § In accordance with any relevant Codes of Practice issued by the Gambling Commission
 - § In accordance with any relevant Guidance issued by the Gambling Commission in accordance with this Statement of Principles, and
 - § Reasonably consistent with the licensing objectives

3 Gambling Prevalence and Problem Gambling

- 3.1 In 2010 NatCen's British Gambling Prevalence Survey showed that 73% of the population, had participated in some form of gambling in the past year with 56% of the population participating in some form of gambling other than the National Lottery.
- 3.2 The most popular gambling activities are:

Type	% of adult population
National Lottery	59%
National Lottery scratch cards	24%
Betting on horse races	16%
Playing slot machines	13%
Online gambling	5%
Placed bets by internet	4%
Fixed Odds Betting Terminals	4%
Gambled in a casino	4%

- 3.3 Men were more likely to gamble than women (75% compared with 71%). People in higher income households were more likely to gamble; 72% in the highest income households; 61% in the lowest income households. Those with higher levels of education were less likely to gamble; 61% of those with a degree gambled compared with 73% who were educated to GCSE/O level equivalent.
- 3.4 Gambling participation was lowest among the youngest and oldest age groups and highest among those aged 44-64.
- 3.5 Gambling prevalence rates were highest among those who were either married or had been married (75%), respondents who were White/White British (76%), those whose highest educational attainment was GCSEs or equivalent (76%) or had other

qualifications (78%), those from lower supervisory/technical households (79%), those in paid work (78%), those with the highest personal income (79% for the 4th income quintile and 76% for the highest income quintile) and those living in the East Midlands (80%).

- 3.6 Two measures of problem gambling showed rates of problem gambling in the general population of 0.9% and 0.5%. A significant association was found between problem gambling and being a young male with parents who gambled. It was also associated with smoking and poor health.
- 3.7 The GamCare Annual Review 2013/2014 shows that there has been a reduction in the number of inbound calls made to their Help Line compared to the 2012/2013 figures (30,648 in 2013/2014 and 32,733 in 2012/2013). Similarly, the number of 'chat hours' offered fell from 699 in 2012/2013 to 499 in 2013/2014. However, there was an increase in the number of unique visits to their website.
- 3.8 GamCare's Annual Review reiterates that when gambling becomes a problem it can have devastating repercussions on a person's everyday life and functioning. For many clients who come to GamCare for counselling, this may mean the breakdown or near breakdown of their relationships, damage to their physical and psychological health and substantial financial loss and debt. It should be acknowledged that the harm caused by problem gambling extends beyond the problem gambler themselves to include their family and friends.

4 Cheshire East Area Profile

- 4.1 Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Alsager, Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel and Poynton.
- 4.2 A full profile of the Borough is set out at Appendix 1.
- 4.3 As the persons most at risk from problem gambling are white, young males from a low income background this is most likely to affect the residents of Crewe and to a lesser extent Macclesfield. These are also the areas that already have the highest numbers of licensed gambling premises. It will therefore be incumbent upon applicants to demonstrate that they will take appropriate steps to follow the Gambling Commission's relevant Codes of Conduct and the Council's Statement of Gambling Principles to ensure that none is exploited or harmed by gambling.

5 The Gambling Act 2005

- 5.1 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

5.2 The Act provides for three categories of licence:

- § Operating licences
- § Personal licences
- § Premises licences

5.3 In accordance with the Act, the Gambling Commission has responsibility for issuing operating and personal licenses and the Licensing Authority is responsible for issuing premises licenses.

5.4 The main functions of the Licensing Authority, and the functions subject to this Statement, are:

- § Licence premises for gambling activities
- § Grant permits for gambling and gaming machines in clubs
- § Regulate gaming and gaming machines in alcohol licensed premises
- § Grant permits to family entertainment centres for the use of certain lower stake gaming machines
- § Grant permits for prize gaming
- § Consider notices given for the temporary use of premises for gaming
- § Consider occasional use notices for betting at tracks
- § Register small societies lotteries

5.5 It should be noted that:

- § Spread betting is regulated by The Financial Services Authority
- § Remote (on-line) gambling is dealt with by the Gambling Commission
- § The National Lottery is regulated by The National Lottery Commission (which merged with the Gambling Commission in October 2013)

5.6 This Statement of Principles relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:

- § Casinos
- § Bingo Premises
- § Betting Premises
- § Tracks
- § Adult Gaming Centres
- § Family Entertainment Centres
- § Club Gaming and Club Machine Permits
- § Prize Gaming and Prize Gaming Permits
- § Temporary and Occasional Use Notices
- § Registration of small society lotteries

5.7 The Categories of Gaming Machine Regulations 2007 (as amended) define four classes of gaming machine, categories A, B, C and D, with category B divided into a further 5 sub-categories. A full list of the categories of Gaming Machine, together with the current maximum stakes and prizes, is set out in Appendix 2.

- 5.8 A breakdown of automatic entitlements in gambling premises is set out appendix 3 and a break down of automatic entitlements in alcohol licensed premises is set out at appendix 4.

6 Responsible Authorities

- 6.1 A Responsible Authority may make representations about an application for a premises licence or may request a review of a premises licence. For the purposes of sections 157 and 349 of the Gambling Act 2005, the following are responsible authorities in relation to premises in Cheshire East:

- § The licensing authority in whose area the premises are wholly or mainly situated
- § The Gambling Commission
- § Cheshire Constabulary as the police authority
- § Cheshire Fire & Rescue Service as the fire and rescue authority
- § The Planning Authority (Cheshire East Council)
- § Environmental Health Service (Cheshire East Council)
- § A body designated in writing by the licensing authority to advise about the protection of children from harm
- § Her Majesty's Revenue and Customs
- § Any other person prescribed, for the purposes of Section 157 of the Act, by regulations made by the Secretary of State.

- 6.2 The Licensing Authority will apply the following principles when designating, in writing, a body which is competent to advise the authority about the protection of children from harm:

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

- 6.3 Therefore the Licensing Authority will continue to designate the Cheshire East Local Safeguarding Children Board for the purpose of advising it on the protection of children from harm.

- 6.4 Section 211(4) of the Act provides that in relation to a vessel, but to no other premises, responsible authorities should also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities. These would include:

- § The Environment Agency
- § The British Waterways Board
- § The Secretary of State acting through the Maritime and Coastguard Agency

- 6.5 The contact details of all the Responsible Bodies under the Gambling Act 2005 will be available on the Licensing Authorities website.

7 Interested Parties

- 7.1 In addition to Responsible Authorities, 'Interested parties' can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in Section 158 of the Gambling Act 2005 as follows:
- § Lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
 - § Has business interests that might be affected by the authorised activities, or
 - § Represents persons in either of the two groups above
- 7.2 In determining whether someone lives sufficiently close to a particular premises so as to be affected the Licensing Authority will take into account, among other things:
- § The size of the premises
 - § The nature of the premises
 - § The distance of the premises from the person making the representation
 - § The nature of the complainant
 - § The potential impact of the premises
- 7.3 In determining whether a person has a business interest which could be affected the Licensing Authority will consider, among other things:
- § The size of the premises
 - § The catchment area of the premises, and
 - § Whether the person making the representation has business interests in the catchment area that might be affected
- 7.4 Business interests will be given a wide interpretation and could include for example partnerships, faith groups and medical practices.
- 7.5 Representations made on the grounds that an applicant would be in competition with an existing business or that there is allegedly no demand for additional gambling premises will not be considered to be relevant.
- 7.6 Trade associations, trade unions, residents' and tenants' associations will not, however, generally be viewed as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities.
- 7.7 Representatives of interested parties may include MPs, Ward Councillors and Parish Councillors. Residents' and tenants' associations, trade unions and trade associations may also represent interested parties if they have members living sufficiently close to the premises. Except in the case of Councillors or MPs representing the ward or wards likely to be affected, when written evidence will be required that a person or body represents an interested party.
- 7.8 If individuals approach Ward Councillors or Parish Councillors, care should be taken that the Councillor is not a member of the Licensing Committee or Licensing Act Sub-Committee, which will deal with the application, nor has a prejudicial interest which would prevent them from addressing the Committee or Sub-Committee. If there is any doubt, advice should be sought from the Legal Team or Licensing Team.

- 7.9 Details of those persons making representations will be made available to applicants and, in the event of a hearing being held, will form part of a public document (including publication on the Council's website).

8 Premises Licences

- 8.1 Premises can be 'any place' but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different 'premises'.
- 8.2 There are particular requirements for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 set out the access provisions for each type of premises.
- 8.3 A licence to use premises for gambling will normally be issued only in relation to premises that are ready to be used for gambling. Where premises have not yet been constructed, an applicant may apply for a provisional statement – See Section 20.
- 8.4 An application for a premises licence may only be made by persons who have a right to occupy the premises.
- 8.5 Except in the case of a betting track premises licence, an application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.
- 8.6 When considering applications for premises licences the licensing authority cannot take into consideration the expected 'demand' for facilities. It should also be noted that moral objections to gambling are not a valid reason to reject applications.
- 8.7 Applications for the grant, transfer or variation of a Premises Licence should be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives.
- 8.8 Premises licences granted must be reasonably consistent with the licensing objectives as follows:

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

- 8.9 The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.
- 8.10 The Gambling Commission will deal with Operating Licences and Personal Licences so the Licensing Authority will not be concerned about the suitability of an

applicant. If concerns arise about a person's suitability, the Licensing Authority will bring those concerns to the attention of the Commission.

- 8.11 The Licensing Authority will take into consideration the proposed location of gambling premises in terms of this Licensing Objective. Where an area has known high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there.
- 8.12 Where appropriate, conditions may be attached to a premises licence requiring the provision of door supervisors. For example, if the premises cannot be adequately supervised from the counter, door supervision may be necessary.
- 8.13 There is a distinction between disorder and nuisance. The Licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it in determining that distinction. It should be noted that issues of nuisance cannot be addressed under the Act.

Ensuring that gambling is conducted in a fair and open way

- 8.14 The Gambling Commission does not expect Licensing 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.
- 8.15 Because betting track operators do not need an operating licence from the Commission the Licensing Authority may, in certain circumstances, require conditions to ensure that the environment in which betting takes place is suitable.

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

- 8.16 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.
- 8.17 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 8.18 The Licensing Authority will not normally grant a premises licence for premises which are located close to schools.
- 8.19 When considering whether to grant a premises licence or permit the Licensing Authority will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.
- 8.20 The Act does not define the term 'vulnerable persons' but the Licensing Authority considers that this will include people who gamble more than they want to, people

who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a learning disability, the state of their mental health or the effects of alcohol or drugs.

- 8.21 Licence Holders will be expected to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizens Advice Bureau and relevant independent advice agencies.
- 8.22 The Licensing Authority is aware of the general concern surrounding betting machines that permit high volumes of betting activity by individuals, for example Fixed Odds Betting Terminals (FOBTs). Applicants should consider where such betting machines are located and monitor use to ensure excessive gambling does not take place. The Licensing Authority is also aware that Central Government is taking steps to change the category of use of betting shops under planning legislation.

9 Adult Gaming Centres

- 9.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the Licensing Objectives, for example, to ensure that under 18 year olds do not have access to the premises.
- 9.2 Appropriate 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-barring schemes
 - § Provision of posters and/or information leaflets and helpline numbers/website addresses for organisations such as GamCare, Gamblers Anonymous, Gordon House Association, National Debtline and local Citizens Advice Bureau and other relevant independent advice agencies.

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

10 Betting Premises (other)

- 10.1 The Licensing Authority must be satisfied that the primary use of the premises is to operate as a betting premises in accordance with the principles outlined in paragraph 16 of this Statement. The applicant will be expected to demonstrate that they can offer sufficient facilities for betting and, unless it does so, should not be making gaming machines available on the premises.
- 10.2 The Licensing Authority will take the following into account when considering the number, nature and circumstances of betting machines an operator wants to offer:

- § the size of the premises
- § the number of counter positions available for person-to-person transactions
- § 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

11 Betting Tracks including other sporting venues

- 11.1 Tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track.
- 11.2 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas and do not have access to adult only gaming facilities.
- 11.3 It should be 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.
- 11.4 Appropriate 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-barring schemes
 - § Provision of information leaflets / helpline numbers for organisations such as GamCare

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

- 11.6 Where the applicant holds a Pool Betting Operating Licence and is going to use the entitlement to four gaming machines, if these machines are above category D, the applicant must demonstrate that they will be located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 11.7 The Licensing Authority will consider restricting the number and location of betting machines in respect of applications for track premises licences.
- 11.8 When considering the number, nature and circumstances of betting machines an operator wants to offer, the Licensing Authority will take into account:
- § the size of the premises
 - § 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

- 11.9 The Licensing Authority will normally attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

12 Bingo Premises

- 12.1 It is important that, if children are allowed to enter premises licensed for bingo, they do not participate in gambling, other than on category D machines.
- 12.2 Where category C or above machines are available in premises to which children are admitted the Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that:
- § all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - § only adults are admitted to the area where the machines are located
 - § access to the area where the machines are located is supervised
 - § the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder
 - § at the entrance to, and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
- 12.3 The Licensing Authority will take account of any guidance issued by the Gambling Commission about the particular issues which should be taken into account in relation to the suitability and layout of bingo premises and appropriate conditions will be attached to the premises licence.

13 Casinos

- 13.1 This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, this Statement of Principles will be updated. Any such decision must be made by the full Council.
- 13.2 This Licensing Authority is not currently able to issue premises licences for casinos. Should the Government propose that more casinos can be licensed in the future, the Licensing Authority will review its position and this Statement of Principles will be updated.

14 (Licensed) Family Entertainment Centres

- 14.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the Licensing Objectives, for example, to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 14.2 Appropriate 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, Gamblers Anonymous, the Gordon House Association, National Debtline and local Citizens Advice Bureau.
- § 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.

15 Licence Conditions

15.1 There are three types of conditions that can be attached to premises licences:

- § Mandatory – Conditions prescribed in regulations made by the Secretary of State which must be attached
- § Default – Conditions prescribed in regulations made by the Secretary of State which will be attached unless specifically excluded by the Licensing Authority
- § Conditions attached by the Licensing Authority

15.2 Any conditions imposed by the Licensing Authority will be appropriate, proportionate and will be:

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

15.3 Applicants are encouraged to offer their own suggested conditions to demonstrate how the Licensing Objectives can be met.

15.4 There are conditions which the Licensing Authority cannot attach to premises licences which are:

- § any condition 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)
- § conditions in relation to stakes, fees, winnings or prizes

15.5 Where a condition is attached to a premises licence requiring door supervisors, the Licensing Authority will normally require those door supervisors to be Security Industry Authority (SIA) registered.

- 15.6 Door supervisors employed in house at casinos or bingo premises are exempt from being registered by the SIA but the Licensing Authority considers that it is best practice for door supervisors working at casinos or bingo premises to have SIA training or similar. The Licensing Authority will also expect door supervisors employed at casinos or bingo premises to have a clear Disclosure and Barring check over the previous three years prior to their employment at the casino or bingo premises.

16 Primary Gambling Activity

- 16.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:

- § Casino premises
- § Bingo premises
- § Betting premises, including tracks and premises used by betting intermediaries
- § Adult gaming centre premises (for category C and D machines)
- § Family entertainment centre premises (for category C and D machines) (note that, separate to this category, the Licensing Authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

- 16.2 In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity. This guidance sets out the requirements on the operator to ensure that their premises operate within the terms of the Act and the relevant conditions. It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

- 16.3 The Licensing Authority will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity, and will have regard to the advice which it issues from time to time, and will expect applicants to operate premises in line with the Commission's Guidance and conditions on their operator licence. The Licensing Authority will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting (other) premises licence application that only has 4 gaming machines but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

17 Buildings divided into more than one premises

- 17.1 The Guidance states that a building can, in principle, be divided into more than one premises, and 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. An example is given of the units within a shopping mall, where each unit is a separate self-contained premises that

is contained within one building. It is also possible for licensed premises to be located next to each other. The Licensing Authority will follow this guidance.

- 17.2 Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied that the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises.
- 17.3 In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:
- § whether there are separate registrations for business rates in place for the premises
 - § whether the premises are owned or operated by the same person
 - § whether the premises are operated independently of each other

18 Separation of premises within a single building

- 18.1 When considering proposals to divide a building into genuinely separate premises the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate.
- 18.2 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. The Licensing Authority would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.
- 18.3 It may be acceptable for staff working in adjacent premises to have access through barriers between premises to enable them access one premises from the other. The applicant must demonstrate that in providing this staff access there are suitable control measures in place that will ensure the safety and security of staff and that will effectively prevent the public from using the same access point to enter the other premises.

19 Access to premises

- 19.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 19.2 The requirement and restrictions relating to access are set out in paragraph 7.26 of the Commission's Guidance. In certain circumstances customers are restricted from accessing different types of gambling premises directly from other licensed premises.
- 19.3 The Guidance at paragraph 7.25 states 'There is no definition of "direct access" in the Act or regulations. However, it could be said that there should be an area

separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.'

- 19.4 It is the Licensing Authority's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 19.5 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs.
- 19.6 Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the Licensing Authority will expect applicants to ensure that:
- § Premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part
 - § 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 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

This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

20 Provisional Statements

- 20.1 An applicant may apply for a provisional statement in respect of premises expected to be constructed, altered or acquired.
- 20.2 Applications for provisional statements will be dealt with in a similar manner to applications for a premises licence.
- 20.3 Where a provisional statement is granted and an application subsequently made for a premises licence, the Licensing Authority will disregard any representations made which address matters that could have been addressed when the provisional statement was considered unless there has been a change of circumstances.
- 20.4 A premises licence will be granted in the same terms as the provisional statement unless
- § representations are received which address matters that could not have been addressed when the provisional statement was considered
 - § there has been a change of circumstances

- § the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement

21 Reviews of Licences

21.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the Licensing Authority. 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:

- § any relevant code of practice issued by the Gambling Commission
- § any relevant guidance issued by the Gambling Commission
- § the Licensing Objectives
- § the Licensing Authority's Statement of Principles

21.2 The Licensing Authority may reject an application for review if it thinks that the grounds on which the review is sought:

- § are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the Licensing Objectives or the Licensing Authority's Statement of Principles
- § are frivolous
- § are vexatious
- § 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence
- § are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application)
- § are substantially the same as representations made at the time the application for the premises licence was considered. While the licensing authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence

21.3 General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.

21.4 The Licensing Authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing 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, or to ensure that the principle of primary use is applied.

21.5 The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions

are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.

21.6 A responsible authority or interested party may apply to the Licensing Authority to review a premises licence. Such reviews can be made in relation to, amongst other things:

- § if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address
- § where incidents that have adversely affected one or more Licensing Objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded
- § if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder

21.7 As a review of a premises licence can lead to its revocation the Licensing Authority will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

22 Permits

22.1 Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

22.2 The Licensing Authority is responsible for issuing the following permits:

- § alcohol licensed premises gaming machine permits
- § club gaming permits and club machine permit
- § prize gaming permits
- § unlicensed family entertainment centre gaming machine permits

22.3 The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

23 (Alcohol) Licensed Premises Gaming Machine Permits

23.1 Premises licensed to sell alcohol are automatically entitled to have 2 gaming machines of categories C or D provided that:

- § the requisite notice has been served on the Licensing Authority
- § the appropriate fee has been paid
- § any code of practice relating to the location and operation of gaming machines is complied with

23.2 The Licensing Authority can remove the automatic authorisation if:

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

23.3 If a licensed premises wishes to have more than 2 machines, then a permit is required.

23.4 The Licensing Authority must take account of the Licensing Objectives and any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005 when considering an application for a permit. The Licensing Authority may also consider such matters as it thinks are relevant. 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 being harmed or exploited by gambling.

23.5 The Licensing Authority will expect the applicant to demonstrate that there will be sufficient measures to ensure that children and young people do not have access to the adult only gaming machines. Such measures may include notices and signage, adult machines being in sight of the bar or in sight of staff that will monitor that the machines are not being used by those under 18. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline, local Citizens Advice Bureau, and any other relevant and independent advice agencies.

23.6 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.

23.7 The Licensing Authority may decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for. No other conditions can be attached to the permit.

23.8 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

24 Club Gaming and Club Machines Permits

24.1 Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable

the premises to provide gaming machines (three machines of categories B4, C or D).

24.2 A club must meet the following criteria to be considered a members' club:

- § It must have at least 25 members
- § It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations)
- § It must be permanent in nature
- § It must not be established to make a commercial profit
- § It must be controlled by its members equally

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

24.3 The Licensing Authority may only refuse an application on the grounds that:

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

24.4 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). Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are:

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

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

25 Prize Gaming Permits

25.1 Gaming is prize gaming if the prize is not affected by the number of people playing or the amount paid for or raised by the gaming. Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

25.2 In exercising its functions in respect of prize gaming permits, the Licensing Authority need not, but may, have regard to the Licensing Objectives and must have regard to any guidance issued by the Gambling Commission.

25.3 It should be noted that there are conditions in the Act with which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

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

25.4 The Licensing Authority cannot attach any other conditions to this type of permit.

25.5 During the application process, the applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:

- § an understanding of the limits to stakes and prizes set out in regulations
- § That the gaming offered is within the law
- § Clear policies that outline the steps to be taken to protect children from harm

25.6 The Licensing Authority will only grant a permit after consultation with the Chief Officer of Police. This will enable the Licensing Authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.

25.7 Given that the prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.

26 Unlicensed Family Entertainment Centre (uFEC) Gaming Machine Permits

26.1 Where Category D gaming machines are to be provided at premises which do not have a premises licence but will be wholly or mainly used for making Category D gaming machines available for use, an application may be made for a permit.

26.2 A uFEC can form a part of larger premises provided it is separate and identifiable.

26.3 In exercising its functions in respect of uFEC permits, the Licensing Authority need not, but may have regard to the licensing objectives and must have regard to any guidance issued by the Gambling Commission.

- 26.4 The Licensing Authority cannot attach conditions to this type of permit but will consider the following matters in determining the suitability of an applicant for a permit.
- 26.5 Applicants will be expected to show that there are policies and procedures in place to protect children from harm. These may include appropriate measures and training for staff in dealing with:
- § Suspected truant school children on the premises
 - § Unsupervised young children on the premises
 - § Children causing problems on or around the premises
- 26.6 Applicants will be expected to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 26.7 Applicants will be required to demonstrate that they have no relevant convictions as set out in Schedule 7 of the Act.
- 26.8 The Licensing Authority will not normally grant a uFEC permit for premises that are located close to schools.

27 Temporary Use Notices

- 27.1 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 gambling would include hotels, conference centres and sporting venues.
- 27.2 The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant operating licence.
- 27.3 Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.
- 27.4 The Licensing Authority will object to temporary use notices where it appears that they are being used to permit regular gambling in a set of premises.
- 27.5 A set of premises may not be the subject of temporary use notices for more than 21 days within a 12 month period.
- 27.6 In determining whether a place falls within the definition of a 'set of premises' the Licensing Authority will take into consideration ownership/occupation and control of the premises. For example, a large exhibition centre will normally be regarded as one set of premises and will not be allowed separate temporary use notices for each of its exhibition halls. Individual units in a shopping centre may be regarded as different sets of premises if they are occupied and controlled by different people.

28 Occasional Use Notices

- 28.1 The Licensing Authority has little discretion but to accept occasional use notice at 'tracks'. However the Licensing Authority must ensure that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will, however, consider the definition of a 'track'. The applicant will also need to demonstrate that they are responsible for the administration of the 'track' or is an occupier, and therefore permitted to make use of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues in Cheshire East. If notices are given for a single track which would permit betting to occur for more than 8 days per year the Licensing Authority has an obligation to issue a counter notice preventing such a breach occurring.
- 28.2 Where betting takes place on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.
- 28.3 A track includes a horse racing course, a dog track or any other premises on any part of which a race or other sporting event takes place or is intended to take place. This could include, for example, agricultural land upon which a point-to-point meeting takes place. The track need not be a permanent fixture. Those giving occasional use notices will be expected to demonstrate that the premises fall within the definition of a track.

29 Travelling Fairs

- 29.1 The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
- 29.2 It will fall to the Licensing Authority to decide whether, where category D machines and/ or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 29.3 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. The Licensing Authority notes the 27 day statutory maximum for the land being used as a fair each calendar year applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will monitor any travelling fairs that take place in Cheshire East that offer gambling as an ancillary use to the fair through liaison with the Event Safety Advisory Group. The Licensing Authority will ensure that the 27 day statutory maximum for the land being used is not breached. The Licensing Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

30 Small Society Lotteries

- 30.1 The Licensing Authority is responsible for the registration of small society lotteries.
- 30.2 A society is a non-commercial organisation established and conducted:

- § for charitable purposes
- § for the purpose of enabling participation in, or of supporting sport, athletics or a cultural activity
- § for any other non-commercial purpose other than that of private gain and the proceeds of any lottery must be devoted to those purposes

30.3 The total value of tickets to be put on sale per single lottery must be £20,000 or less or the aggregate value of tickets to be put on sale for all lotteries in a calendar year must not exceed £250,000. If either of these values is exceeded, the society will need to be licensed by the Gambling Commission to operate large lotteries.

30.4 Applications for registration must be made in accordance with the Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007.

30.5 An application may be refused on the following grounds:

- § An operating licence held by the applicant for registration has been revoked or an application for an operating licence by the applicant for registration has been refused within the past 5 years
- § The applicant is not a non-commercial society
- § A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence
- § Information provided in or with the application for registration is found to be false or misleading

30.6 Registrations run for an unlimited period, unless the registration is cancelled or revoked.

30.7 The limits placed on small society lotteries are as follows:

- § At least 20% of the lottery proceeds must be applied to the purposes of the society
- § No single prize may be worth more than £25,000
- § Rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society and the maximum single prize is £25,000
- § Every ticket in the lottery must cost the same and the society must take payment for the ticket before entry into the draw is allowed

30.8 No later than three months after each lottery draw, returns must be sent to the Licensing Authority containing the following information:

- § The arrangements for the lottery
- § The total proceeds of the lottery
- § The amounts deducted for prizes
- § The amounts deducted for expenses
- § The amount applied to the purposes of the society
- § Whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds and, if so, the amount of such expenses and the sources from which they were paid

31 Exchange of Information

- 31.1 The Licensing Authority will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission; this includes a provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

32 Enforcement

- 32.1 The Licensing Authority will operate within the principles of natural justice and take into account the Human Rights Act 1998. It will have regard to Commission Guidance and will endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:

- § Proportionate: only intervening when necessary and remedies will be appropriate to the risk posed, and costs identified and minimised
- § Accountable: able to justify its decisions, and be subject to public scrutiny
- § Consistent: implementing rules and standards fairly in a joined-up way
- § Transparent: open, and keep conditions placed on premises licences simple and user friendly
- § Targeted: focusing on the problems, and aiming to minimise the side effects

- 32.2 The main enforcement and compliance role for the Licensing Authority is to ensure compliance with the premises licences and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority, but the Licensing Authority will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.

- 32.3 The Licensing Authority will comply with its own enforcement policies which will be available on request.

33 Scheme of Delegation

- 33.1 The Licensing Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.
- 33.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Licensing Authority Officers. The table shown at Appendix 5 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committee and Officers. This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

34 Definitions of Gambling Activities

Adult Gaming Centres

Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence may make available for use up to four category B3 or B4 machines, any number of category C or D machines.

Amusement arcades

These are not referred to as such in the Act. See Adult Gaming Centres and licensed and unlicensed family entertainment centres.

Betting

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 true.

Bingo

Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners' welfare institutes (up to a total weekly prize value of less than £2,000).

Prize bingo is traditionally played in arcades, or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo. There will be Government Regulations issued setting the prize limits.

Casino

'An arrangement' whereby people can participate in one or more casino games.

Casino Games

Games of chance not being equal chance gaming ie games in which players stake against a 'bank'.

Equal chance gaming

This is a game where the chances of winning are equally favourable to all participants, and which does not involve playing or staking against a "bank". It is immaterial how the 'bank' is described and whether or not it is controlled by a player.

Exempt activities

Private betting is betting which takes place between inhabitants of the same premises or between employees of the same employer.

Private gaming (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

Non commercial Gambling is when no part of the proceeds/profits will be for private gain. The proceeds/profits are the sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. The following conditions would also have to apply:

- § The profits will be for a purpose other than that for private gain;
- § The players are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain;
- § The event must NOT take place in premises which either have a premises licence or on premises relying on a temporary use notice under the new act;
- § The gaming must not be remote.

Any Regulations made by the Secretary of State will need to be complied with and will include for example regulations limiting the amounts staked and limiting participation fees. If the profits from the activity used for a purpose other than that which was specified, an offence would be committed.

Gambling

Gambling is defined as either gaming, betting or participating in a lottery.

Games of chance

Includes games that involve elements of both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants.

Gaming

Gaming means playing a game of chance for a prize

Gaming machines – Categories

The table at appendix 2 sets out the different categories with the maximum stakes and prizes that apply.

Gaming Machines by Premises Type

The table at appendix 3 sets out the different automatic entitlements at each type of premises.

Fixed Odds Betting Terminals

Fixed odds betting terminals (FOBTs) are electronic machines, sited in betting shops, which contain a variety of games, including roulette. Each machine accepts bets for amounts up to a pre-set maximum and pays out according to fixed odds on the simulated outcomes of games.

The Act classifies FOBTs as B2 gaming machines. Up to four machines can be sited on betting premises. The maximum stake on a single bet is £100, the maximum prize is £500.

Licensed Family Entertainment Centres

These premises require operating licences from the Gambling Commission. They will be able to offer gaming machines in categories C and D. Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres may contain machines of the Category D machines on which they are allowed to play as well as category C which they are not permitted to play on.

Lottery

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.

Operating Licence

The Act requires that individuals or companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general, these licences cover the principal commercial forms of gambling operation. Operating licences may be issued for the following forms of gambling:

- § A casino operating licence
- § A bingo operating licence
- § A general betting operating licence
- § A pool betting operating licence
- § A betting intermediary operating licence
- § A gaming machine general operating licence (for an adult gaming centre)
- § A gaming machine general operating licence (for a family entertainment centre)
- § A gaming machine technical operating licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)
- § A gambling software operating licence (to manufacture, supply, install or adapt gambling software)
- § A lottery operating licence

Premises Licence

A premises licence issued by a Licensing Authority authorises the provision of facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.

Track

A horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

Unlicensed Family Entertainment Centres

These premises can provide category D machines providing prizes of up to £5 cash or £8 in goods. Stakes are limited to 10p (or 30p for a goods prize). They can also offer prize bingo.

35 Glossary of Terms

Act:	The Gambling Act 2005
Adult:	Means an individual who is not a child or young person
Applications:	Applications for licences and permits as defined separately in this Policy and the Guidance.
Borough:	The area of Cheshire administered by Cheshire East Borough Council
Child and Young Person:	The Act includes the definition of a child at S.45 as:

Meaning of “child” and “young person”

(1) In this Act “child” means an individual who is less than 16 years old

(2) In the Act “young person” means an individual who is not a child but who is less than 18 years old.

Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Council:	Cheshire East Council
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Cheshire East Council
GamCare:	GamCare is a leading provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. GamCare is a national charity and was founded in 1997.
Guidance:	The Gambling Commission under section 25 of the Act are required to issue guidance on the manner in which local authorities are to exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act.
Interested Party:	<p>Interested parties are defined under section 158 of the Act. To accept a representation from an interested party, the council must take the view that the person:</p> <ul style="list-style-type: none">(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(c) represents persons in either of these groups. <p>Interested parties can also be a councillor or an MP</p>
Licensing Authority:	Cheshire East Council
Licensing Objectives:	<p>The Act contains three licensing objectives which underpin the functions that the licensing authorities will perform</p> <ul style="list-style-type: none">1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime2. Ensuring that gambling is conducted in a fair and open way3. Protecting children and other vulnerable persons from being harmed or exploited by gambling
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
NatCen:	National Centre for Social Research. Conducted the British Gambling Prevalence Surveys of 1999, 2007 and 2010 on behalf of

the Gambling Commission

Notifications:	Means notification of temporary or occasional use notices
Premises:	Any place, including a vehicle, vessel or moveable structure
Regulations:	Regulations made under the Gambling Act 2005
Representations:	In dealing with applications the Council is obliged to consider representations from two categories of person, referred to in the Act as interested parties and responsible authorities.
Responsible Authority:	Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, premises licences. All representations made by responsible authorities are likely to be relevant representations if they relate to the licensing objectives.

Section 157 of the Act identifies the bodies that are to be treated as responsible authorities.

They are:

- (a) a licensing authority in England and Wales in whose area the premises is wholly or partly situated
- (b) the Gambling Commission
- (c) the chief officer of police or chief constable for the area in which the premises is wholly or partially situated
- (d) the fire and rescue authority for the same area
- (e) (i) in England and Wales, the local planning authority, or
(ii) in Scotland, the planning authority
- (f) the relevant authority as defined in section 6 of the Fire (Scotland) Act 2005
- (g) an authority which has functions in relation to pollution to the environment or harm to human health
- (h) anybody, designated in writing by the licensing authority as competent to advise about the protection of children from harm
- (i) HM Revenue & Customs
- (j) any other person prescribed in regulations by the Secretary of State.

Cheshire East – Area Profile (spring 2015)

Introduction

Cheshire East is the third biggest unitary authority in the North West and the thirteenth largest in the country. It therefore has a wide breadth of social grades, age profiles and ranges of affluence. There is a clear link between these measures and the likelihood of a person gambling. It also needs to be acknowledged that there are clear differences between the type of person who gambles responsibly and the type who is identified as a problem gambler. This profile will therefore concentrate on the measures that can contribute to gambling and problem gambling.



People

Cheshire East has an estimated population of 372,700¹, the population density is 3.2 residents per hectare², making Cheshire East less densely populated than the North West (5.0 per hectare) and England (4.1 per hectare).

Between the 2001 and 2011 Census, the median age of residents has increased from 40.6 years to 43.6 years³. Between the same years, the number of over 65s has increased by 11,700 residents or 26%, which is a greater increase than the North West (15%) and England & Wales (20%).

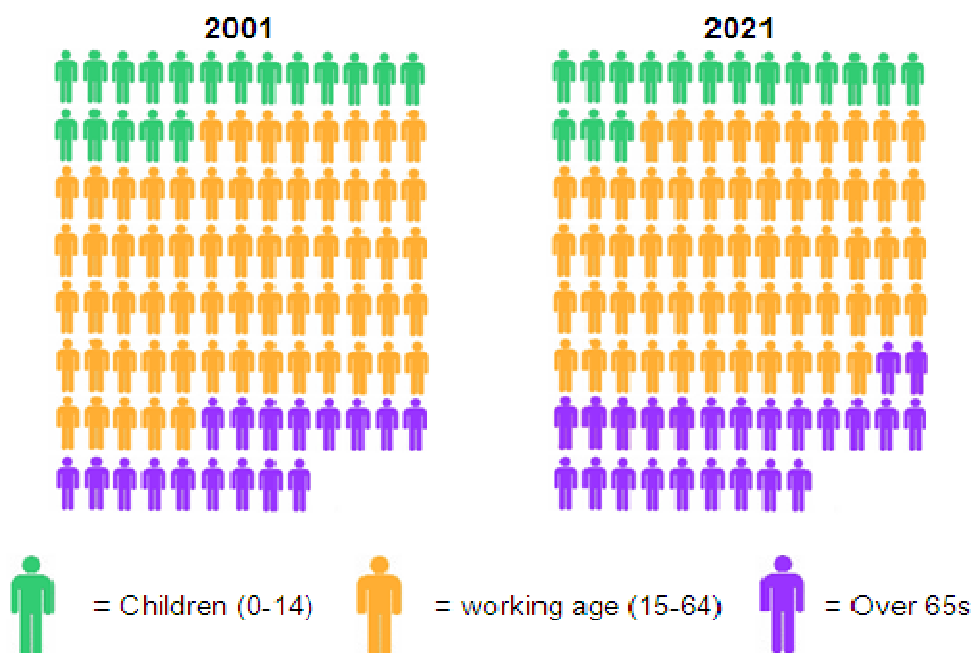
¹ 2013 Mid-year population estimates, Office for National Statistics, NOMIS, Crown Copyright

² 2011 Mid-year population estimates and UK Standard Area Measurements (SAM) 2011, Office for National Statistics, Crown Copyright

³ 2001 and 2011 Census, Office for National Statistics, Crown Copyright

From 2011 to 2021 the population is expected to increase by 15,700 people (4.2%) to 385,800, a greater increase than the North West (3.7%) but less than England (7.5%)⁴. The number of children (aged 0-14) is estimated to increase by 4%, with a slight decrease (-2%) in those of working age (15-64). The number of residents over the age of 65 is expected to increase substantially by 19%, however this increase is similar to England (20% increase). Caution should be exercised when using any predictions about the future population, as they assume trends in recent years will continue into future years.

Figure 1: Proportion of residents by broad age groups – change over 20 years⁵



Economy

Cheshire East contains 5.1% of the North West region's working-age residents⁶, but accounts for an even greater share (5.7%) of the region's employees⁷. In terms of economic output, its contribution is much greater still, at 6.9%⁸.

The proportion of working age residents who are claiming job seekers allowance benefit is low (1.0%) when compared to the North West (2.0%) and England (1.9%) averages⁹. Within Cheshire East there are large disparities – from 0.1% in Adlington & Prestbury to 2.7% in West Coppenhall and Grosvenor. If all out-of-work benefits are included rather than just those actively seeking work, 7.8% of residents of working age receive an out-of-work benefit¹⁰, ranging from 1.4% in

⁴ 2012 Sub-National Population Projections, Office for National Statistics, Crown Copyright

⁵ 2001 and 2011 Census, Office for National Statistics, Crown Copyright & 2012 Sub-National Population Projections, Office for National Statistics, Crown Copyright

⁶ 2013 Mid-year population estimates, Office for National Statistics, Crown Copyright

⁷ 2013 Business Register and Employment Survey, Office for National Statistics, Crown Copyright

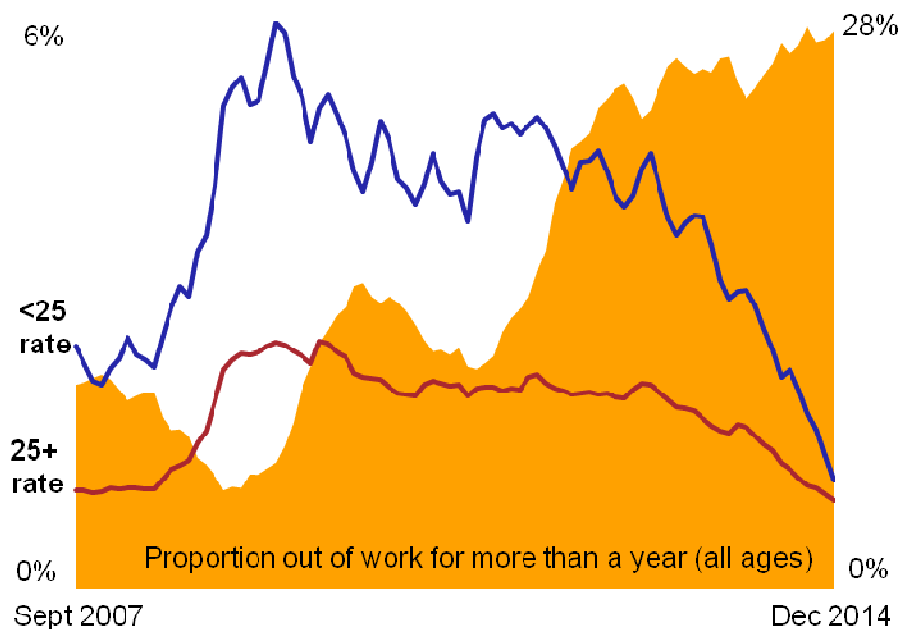
⁸ Regional GVA NUTS3 (1997-2013), Table 3.1, Regional Gross Value Added (Income Approach), Office for National Statistics

⁹ December 2014, JSA Claimant Count, DWP and 2013 mid-year estimates, Office for National Statistics, NOMIS, Crown Copyright

¹⁰ Out-of-work benefits, 4 quarter average July 2013 – June 2014, Department for Work and Pensions. Calculations consistent with NI 152/153

Macclesfield Town Tytherington to more than one in four residents of working age (26.5%) in East Coppenhall, Crewe.

Figure 2: Job Seekers Allowance claimants (unemployment) for young people (under 25) and others (over 25), with the proportion of people of all ages claiming for more than one year¹¹



Average (median) household income levels are high (£33,000) compared to Great Britain (£28,500)¹². However, there is a considerable range of average household income levels at ward level, from £18,800 in Crewe St Barnabas ward to £56,900 in Prestbury. Across Cheshire East there are 16 of 231 statistical areas (LSOAs)¹³ which are within the top 20% of most deprived areas in England (figure 3), affecting 28,800 or 7.7% of Cheshire East's population¹⁴. 11 of these areas are in Crewe, with 2 in Wilmslow/Handforth, 2 in Macclesfield and 1 in Congleton. Overall, relative deprivation levels were worse in 2010 than 2007, as only 14 areas were within the top 20% of most deprived areas.

Acorn data is socio-economic data that analyses the residents and places them in classifications, depending on various factors such as demographics, affluence and spending habits. There are seventeen Acorn groups, with the 'Executive Wealth' group being the largest in Cheshire East (27%) a considerably higher proportion than the UK average (12%). There are also approximately five times more residents in the 'lavish lifestyles' groups within Cheshire East compared to the UK, although this group constitutes a small proportion of all Cheshire East's residents (6%).

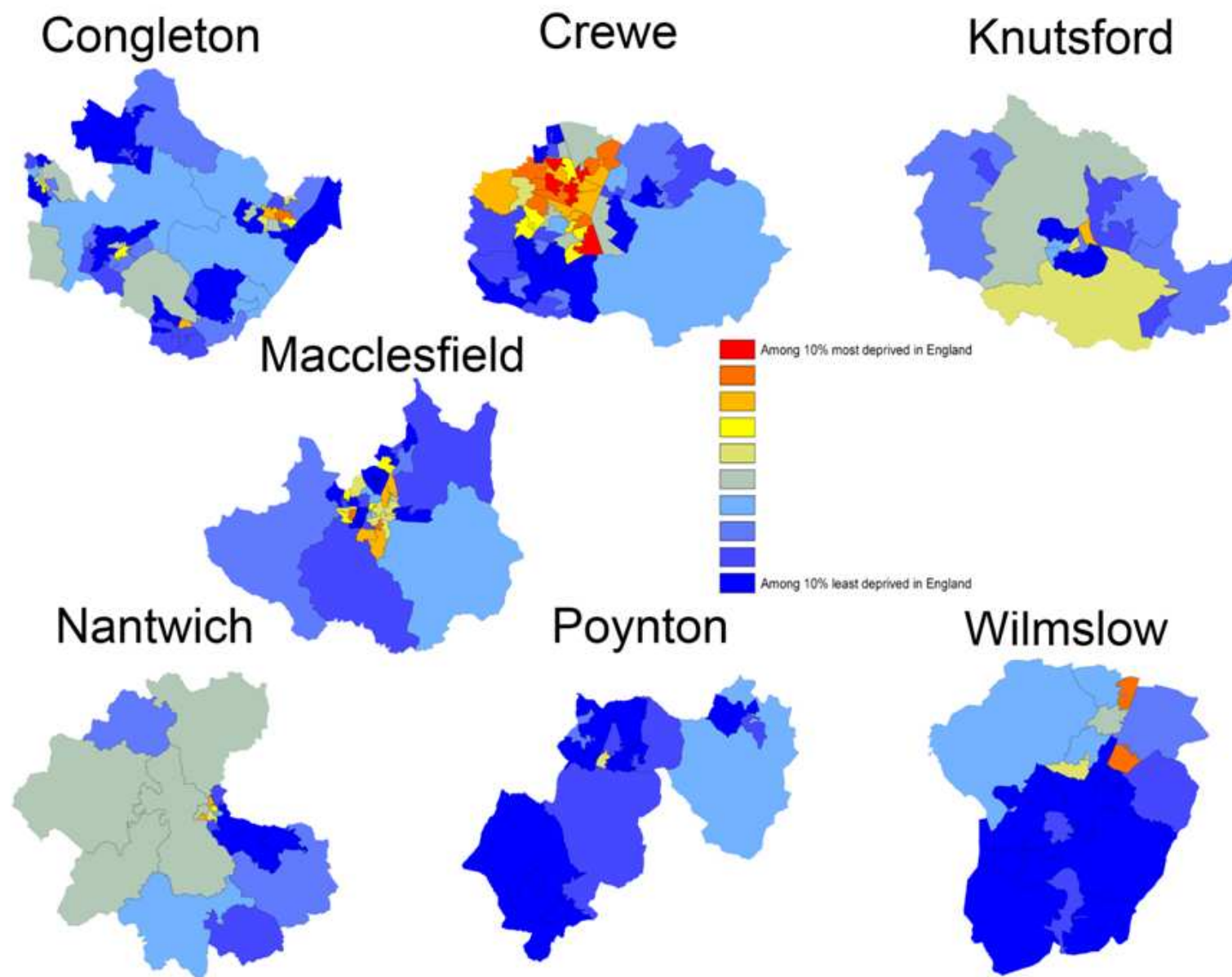
¹¹ December 2014, JSA Claimant Count, DWP and 2013 mid-year estimates, Office for National Statistics, NOMIS, Crown Copyright

¹² 2013/14 Paycheck, CACI Ltd. Figures are median values

¹³ Lower Super Output Areas

¹⁴ Indices of Deprivation 2007 and 2010, Department for Communities and Local Government with mid-year population estimates, 2013, Office for National Statistics

Figure 3 Deprivation by LAP, Index of Multiple Deprivation 2010



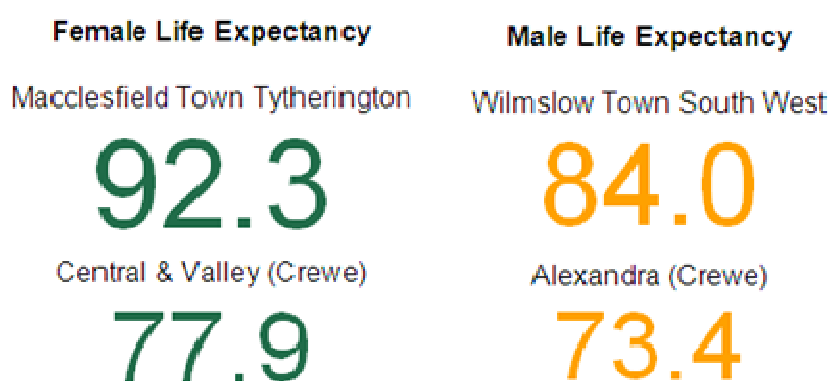
Health

In the 2011 Census, 17.5% of residents reported they had a long term problem or disability which limited their day to day activities, an increase from 16.7% in 2001¹⁵. In a recent survey of the Council's Citizens Panel, 74% of respondents described their general health as 'good or very good' and 5% described it as 'bad or very bad'¹⁶.

Life expectancy (LE) in Cheshire East is higher than regional (North West) and the national (England & Wales) averages. LE at birth for females is 83.6 years, compared to 81.8 years in the North-West and 83.1 years nationally¹⁷. LE at birth for males is 80.4 years, compared to 78.0 in the North West and 79.4 nationally.

There is a noticeable difference within the female population of around 14 years between the lowest rates in Central & Valley (Crewe) and the highest in Macclesfield Town Tytherington¹⁸. For males, there is an 11 year gap between the lowest rates in Alexandra and Crewe and the highest in Wilmslow Town South West.

Figure 4: Male and Female Life Expectancy at birth¹⁹



Smoking rates are generally relatively low. An estimated 16.6% of the adult population are current smokers, which is lower than the North West (23.6%) and England (22.2%). Rates vary from 7.9% in Adlington & Prestbury to 34.3% in St Barnabas²⁰.

Healthy eating rates are relatively high, with an estimated 31.4% regularly consuming their '5 a day', higher than both the North-West average (26.2%) and England (28.7%).

¹⁵ 2001 and 2011 Census, Office for National Statistics, Crown Copyright

¹⁶ Autumn 2011 Survey, InfluenCE, Cheshire East Research and Consultation Team

¹⁷ Life expectancy at birth and at age 65 by local areas in England and Wales, 2011-13, Office for National Statistics. National refers to the figure for England

¹⁸ Life Expectancy at Birth for MSOAs, 2006-10, Department for Health

¹⁹ Life Expectancy at Birth for MSOAs, 2006-10, Department for Health

²⁰ 2006-08 Estimates of Adults' Health and Lifestyles, Office for National Statistics (ONS)

Education

The qualification levels of working age residents in the Borough (aged 16-64) is high. An estimated 31% have a degree level qualification or equivalent and above, much higher than the North West (21%) and England & Wales (25%)²¹. Conversely, the proportion of residents with no qualifications (9%) is lower than the region (12%) and nationally (11%).

Prevalence of Licensed Gambling Premises

There are a total of 58 licensed gambling premises in Cheshire East, broken down into the following categories:

Town	Type	Number
Betchton	Adult Gaming Centre	2
Crewe	Adult Gaming Centre	3
Knutsford	Adult Gaming Centre	2
Macclesfield	Adult Gaming Centre	4
Total		11

Town	Type	Number
Alderley Edge	Betting Shop	1
Congleton	Betting Shop	4
Crewe	Betting Shop	17
Handforth	Betting Shop	1
Holmes Chapel	Betting Shop	1
Knutsford	Betting Shop	1
Macclesfield	Betting Shop	8
Middlewich	Betting Shop	2
Nantwich	Betting Shop	2
Poynton	Betting Shop	1
Sandbach	Betting Shop	3
Wilmslow	Betting Shop	4
Total		45

Town	Type	Number
Crewe	Bingo	1
Nantwich	Bingo	1
Total		2

There are no casinos and no licensed family entertainment centres.

The largest number of licensed premises are in the towns of Crewe and Macclesfield

²¹ Annual Population Survey January 2011 – December 2011, Office for National Statistics, Crown Copyright

Conclusion

According to NatCen's British Gambling Prevalence Survey of 2010 the rates of problem gambling in the general population are 0.9% and 0.5% (depending on the measures used). This would equate to a problem gambling population in Cheshire East of 3,354 and 1,864.

According to information available from the Gambling Commission there are 13,489 licensed gambling premises in the UK. Cheshire East's licences equate to 0.43% of this total.

Whilst gambling is prevalent across the country this prevalence appears to be concentrated in the main city areas and primarily in the London Boroughs. Compared to our neighbours Cheshire East has fewer licensed gambling premises per head of population:

Local Authority	Population	Number of Premises	Number PH
Cheshire East	372,700	58	0.00016
Cheshire West and Chester	331,000	79	0.00024
Stoke City	250,200	55	0.00022
Manchester	514,400	154	0.00029
Trafford	230,200	43	0.00019
Stockport	285,000	54	0.00019

As the persons most at risk from problem gambling are white, young males from a low income background this is most likely to affect the residents of Crewe and to a lesser extent Macclesfield. These are also the areas that already have the highest numbers of licensed gambling premises. It will therefore be incumbent upon applicants to demonstrate that they will take appropriate steps to follow the Gambling Commission's relevant Codes of Conduct and the Council's Statement of Gambling Principles to ensure that no one is exploited or harmed by gambling.

Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
A	Unlimited - No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30P	£8
D - non-money prize (crane grab machine)	£1	£50
D - money prize (other than a coin pusher or penny falls machine)	10P	£5
D - combined money and non-money prize (other than a coin pusher or penny falls machine)	10P	£8 (of which no more than £5 may be a money prize)
D - combined money and non-money prize (coin pusher or penny falls machine)	20P	£20 (of which no more than £10 may be a money prize)

Summary of machine provisions by premises

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institute (with permits)					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises (with gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines

* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D. ** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

Summary of gaming entitlements for clubs and alcohol-licensed premises

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £1000 per week £250 per day. £10 per person per game Other gaming No limit	Poker £100 per premises per day. Other gaming £5 per person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 per game Other gaming No limit	Poker £250 per game Other gaming No limit	Poker £100 per game Other gaming No limit
Maximum participate on fees – per person per day	Bridge and/or whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or whist* £18 Other gaming £3 (commercial club) £1 (members' club)	Bridge and/or whist* £18 Other gaming £1	None permitted
Bankers or unequal chance gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

* On a day when no other facilities for gaming are provided

TABLE OF DELEGATION OF LICENSING FUNCTIONS

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

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CHESHIRE EAST COUNCIL

Cabinet Member for Communities

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Date of Meeting: 13 July 2015

Report of: Steph Corden (Head of Communities)

Subject/Title: Electric Pool Cars – Grant Opportunity

Portfolio Holder: Cllr Les Gilbert

1. Report Summary

- 1.1. The Council received grant funding in 2014 for the provision of electric vehicle charging infrastructure both on our own estate and in the Borough. The project was completed on time and within budget, and there are now five Fast charging units situated at Macclesfield Town Hall, Westfields, Delamere House and the Library Car Park, Crewe¹
- 1.2. The project fits the Council's three year plan through Outcome 4 – Cheshire East is a Green and Sustainable Place, and Outcome 5 – People Live Well and for Longer. As Electric vehicles are zero emission (at the tailpipe) they have the potential to reduce carbon emissions, and improve local air quality in our towns which is in accordance with the Council's Air Quality Strategy and Air Quality Action Plan.
- 1.3. The project fits our Residents First values demonstrating that the Council is leading by example, encouraging business travel using ultra-low emission vehicle technology..

2. Recommendation

- 2.1. Cabinet is requested to approve the application for grant funding of four electric pool vehicles either in addition to, or as a replacement for the existing pool cars.
- 2.2. Cabinet is requested to endorse the development of a policy outlining the appropriate use of electric and conventional pool vehicles, and promoting the culture of using pool vehicles where available and suitable over and above the private car.

3. Other Options Considered

¹ The units at the library car park are also available for resident's use.

3.1. The three main options considered are as follows:

3.1.1. Do nothing.

3.1.2. Replace pool fleet with new EV

3.1.3. Supplement existing pool fleet with EV

4. Reasons for Recommendation

4.1. The Council currently operates four pool vehicles for general staff usage. The vehicles are generally under used. There are benefits to the Council when using pool vehicles as the mileage rate paid is (on average) 30% cheaper than paying officers current mileage rates, and the maintenance / procurement and servicing costs are centralised.

4.2. The pool fleet is relatively well used, however there is capacity for greater usage by staff for routine journeys around the Borough / between main office sites and satellite offices. The average age of the vehicles (9 years) means that maintenance and reliability are an issue and staff are reluctant to book pool vehicles. There is also the risk that relatively minor damage results in the total loss of the vehicle (which happened to a vehicle based in Crewe).

4.3. In order to increase pool car usage (and the commensurate savings to the Council) there would need to be either, higher quality more economic pool vehicles, or the provision of additional vehicles.

4.4. There is a **very** short window of opportunity to take advantage of a 75% grant from the Office for Low Emission Vehicles (OLEV) towards two years lease costs of EV's for the Council's use. If the council chose to do nothing, and perhaps seek to replace pool cars as they retire with EV, there may not be an opportunity to utilise any grant funding.

4.5. As such, the "do nothing" scenario has not been explored further.

4.6. If the Council wishes to take advantage of the grant funding, there is a need to provide either additional pool vehicles, or replace the current fleet with EV's.

4.7. The provision of electric pool vehicles has a number of benefits in addition to the running cost savings outlined in more detail below. The additional benefits are:

- Higher quality, more reliable pool vehicles which would encourage greater pool car use with commensurate business mileage savings to services (30% less than mileage reimbursement).
- The availability (until 31 July 2015) of the OLEV 75% grant for the initial two year lease.

- Encourage the wider uptake of EV's for staff (who are able to try the technology) and may then start to use EV for their own business use (with commensurate mileage reimbursement savings).
 - Lower carbon emissions
 - Electricity used to charge EV's can be offset against the Councils' Carbon bill.
 - Reputation of the Council in demonstrably lowering emissions and promoting the use of Ultra Low Emission Vehicle Technology (all vehicles will be appropriately badged to reflect this).
- 4.8. In order to better understand the current fleet and investigate any potential benefits of electric vehicles, the Energy Saving Trust (EST) undertook an analysis based on 2014 data from our fleet, including journeys, average mileage and running costs. This information was used to compare the replacement costs of the pool fleet with electric vehicles.
- 4.9. The EST report showed that, in 2014 the current four pool vehicles covered (circa) 32,000 miles. The average daily journey was around 30 miles (well within the ~100 mile range of an electric vehicle).
- 4.10. Further analysis of pool car journeys over a longer period (2013 and 2014) found that 98% of the journeys undertaken were well within the range of an electric vehicle, and of the remaining 2% the majority would be within range with a suitable charging facility at the destination or on route.
- 4.11. By far the highest proportion of journeys were between Cheshire East offices, and a significant number of these resulted in the vehicle being left at that office for most of the day. As such there is capacity to increase the usage of pool vehicles by operating a more dynamic booking system. For example if a user took a vehicle from Macclesfield to Westfield's, remaining there all day the vehicle could be used by another driver from Westfields during that day.
- 4.12. The Council currently pays around £0.12p/kWh for electricity and at these prices the cost of charging an EV on our units would range from £0.50 to £1.50 per charge (depending on how depleted the batteries are). Based on 8,000 miles per year the "per mile" running cost of an EV (Fuel only) is 3 pence a mile, compared to 8 pence a mile for conventionally fuelled vehicles. Clearly the more miles undertaken in EV pool cars, the more this benefit is realised.
- 4.13. Table 1 below shows the savings available to the Council for whole vehicle running costs based on the EST report and taking into account the two year 75% subsidy available. This scenario assumes replacing the existing five vehicles with either electric vehicles or new conventional vehicles (of similar specification) and shows there is a small cost saving to the Council in operating EV's.

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	Year 5	TOTAL (5 years on fleet)
New Conventional	£3143	£3143	£3143	£3143	£3143	£15715
Nissan Leaf EV	£936**	£936**	£2853	£2853	£2853	£10431
SAVING PER VEHICLE	£2207	£2207	£290	£290	£290	£5284

TABLE 1: Assumptions: Replacing each pool vehicles with EV versus conventional. 8,000 miles per year, 5 years on fleet, including maintenance. Fuel prices based on CEBC actual 2014.

**75% OLEV Subsidy on EV in years 1 and 2 only.

- 4.14. At present however, there is no forward plan to replace the existing pool fleet. As such the costs of running our current pool cars (including maintenance, fuel and servicing) were obtained from ANSA.
- 4.15. It can be demonstrated (see table 2 below) there would only be a small increase in running costs to the Council (£131 over 5 years) if the current pool cars were replaced with EV (see Table 2 below) as per the recommendations in the EST report.
- 4.16. Also explored is the option to run the EV in addition to the current pool fleet, and finally an option to run the existing fleet for a further 2 years alongside EV and then retire the conventional fleet.

COSTS PER VEHICLE	YEAR 1	YEAR 2	YEAR 3	YEAR 4	Year 5	TOTAL (5 years on fleet)
Current Pool Car costs*	£2060	£2060	£2060***	£2060***	£2060***	£10300
New Nissan Leaf EV	£936**	£936**	£2853	£2853	£2853	£10431
Replacing pool fleet with new EV	SAVING £1124	SAVING £1124	COST £793	COST £793	COST £793	COST £131
Add EV to existing Pool Fleet	COST £2996	COST £2996	COST £4913	COST £4913	COST £4913	COST £20731
EV and Existing for first two years	COST £2996	COST £2996	COST £2853	COST £2853	COST £2853	COST £14,515

Table 2: Options around procurement of EV pool cars & existing pool vehicles

*based on 2014 Average

**75% OLEV Subsidy on EV in years 1 and 2 only

***It has been assumed that maintenance and running costs for the existing fleet remain static, however as the vehicles age this is unlikely to be realistic so in effect the vehicles in the existing fleet would cost more.

4.17. The above costs demonstrate that for a very small running cost increase over the 5 year period (£131) it is possible to replace the existing pool fleet with EV.

4.18. There are however a number of key considerations with this approach;

- Not all journeys are suitable for EV's due to range and availability of charging infrastructure.²
- There would remain the same overall number of pool vehicles, thereby there would be little capacity to increase the usage of pool vehicles.

² As the availability of charging infrastructure increases there would be even more opportunity to charge and less need to rely on conventionally fuelled vehicles.

- 4.19. As such it is considered prudent to retain one conventionally fuelled pool vehicle in the fleet to cater for these journeys by exception. The by exception part is important as research shows that drivers initial reluctance to drive electric vehicles is overcome in a matter of minutes when they start driving and realise there is little difference between the EV and a conventional vehicle.
- 4.20. In order to offset any increases in costs (as outlined in table 2 above) it would be important to develop a policy which made sure that the pool vehicle use was optimised. Ideally EV's need to be covering between 50 and 70 miles a day, as this maximises the fuel savings available, with conventional vehicles being used for shorter journeys (or those outside the reasonable range of an EV).
- 4.21. It is entirely feasible that, with increased use of the pool vehicles and the commensurate fuel savings the small increase in running costs over the five years would be turned into a significant saving.
- 4.22. Lessons from other Councils indicate that, in addition to suitable policy changes, there also needs to be staff training and awareness of the efficiency of using EV pool cars. This is something which could easily be achieved alongside the present Pool Car Administration System.
- 4.23. It is therefore considered that the Council should take advantage of the grant available, and it is considered that the most economic way to do this is to replace the existing fleet with all electric vehicles, together with keeping a single conventional vehicle for exceptional journeys.

5. Background/Chronology

- 5.1. The Council received grant funding in 2014 for two projects aimed at the installation of electric vehicle (EV) charging infrastructure. The projects have subsequently been approved through the TEG and EMB gateways, and have now been finalised.
- 5.2. The Council now has five fast electric vehicle charging stations located at Macclesfield Town Hall, Westfields, Delamere House, and two in the Library Car Park, Crewe.³
- 5.3. At the MGB meeting of 1 July 2015 it was agreed that staff who use electric vehicles for business use could make use of the charging posts for an initial period of 12 months (subject to reasonable usage). It was also agreed to explore the potential for a lower (fair) mileage reimbursement rate for staff using EV taking into account workplace charging. This would be a cost saving to the Council.

³ These units are provided to discharge a planning condition for the Crewe Lifestyle Centre. As such they are also available to the public.

- 5.4. In addition to the above, there is a further opportunity to procure electric pool vehicles for general staff use.
- 5.5. The Council commissioned the Energy Saving Trust (EST) to undertake an analysis of the pool car usage within the Council. The report is shown at appendix 1 and discussed above in section 4.
- 5.6. Cheshire East has been offered a two year 75% grant subsidy against the costs of procuring four electric vehicles for use in our pool fleet. Through the EST analysis they recommend that two vehicles are based at Delamere House, with the other two at Westfields and Macclesfield Town Hall.
- 5.7. The grant funding must be accepted by 31st July 2015.

6. Wards Affected and Local Ward Members

- 6.1. All wards.

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1. Development of a formal Pool car usage policy pushing where appropriate the use of EV pool cars

7.2. Legal Implications

- 7.2.1. None

7.3. Financial Implications

- 7.3.1. As outlined in the report.

7.4. Equality Implications

- 7.4.1. None

7.5. Rural Community Implications

- 7.5.1. None.

7.6. Human Resources Implications

- 7.6.1. Development of a formal Pool car usage policy pushing where appropriate the use of EV pool cars.

7.7. Public Health Implications

- 7.7.1. Improvements in Carbon emissions and local air quality have positive public health implications.

7.8. Other Implications (Please Specify)

- 7.8.1. Formal training and instruction needed initially whilst drivers adapt to the new vehicles (although this is a minor issue as EV cars drive very much like other cars)
- 7.8.2. Health and Safety Risk Assessment required as EV's are virtually silent when driving, and drivers need to be aware of hearing or visually impaired pedestrians / road users not being able to detect the vehicles.

8. Risk Management

- 8.1. Risk is outlined in the paper above and managed through the Council's project management framework.

APPENDIX 1 : Energy Saving trust ULEV readiness Programme Final Report



ULEV Readiness Programme 2014-15

 Cheshire East Council

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Executive Summary

There is already a substantial awareness of and enthusiasm for ultra low emission vehicles (ULEVs) within Cheshire East Council where infrastructure has already been installed at the main office locations. This project is therefore key in providing this with momentum and which will enable the team to then continue the process towards ULEV travel for all staff.

 By Helen Moore

 May 2015

 OLEV/1415/023

We have looked at the existing fleet of pool cars which are based at three sites. The analysis shows that four plug-in vehicles could be used by Cheshire East and the following could be implemented:

Vehicle Location	Number of proposed vehicles
Westfields, Sandbach	1
Delamere House, Crewe	2
Macclesfield Town Hall	1
Total	4

The ULEV which is closest to the current model of the Vauxhall Corsas in operation, safety and also significantly more cost effective to operate being 3p per mile cheaper than either the Corsa or Zoe is the Nissan Leaf. It is important to ensure that the 6.6kW charger is included in the vehicle specification, as analysis has shown that the vehicles needs to be fast charged (in addition to slow and rapid charging). This allows the vehicle to be more flexible on a day to day basis in terms of range.

Cheshire East have already installed their infrastructure and would not require additional funded infrastructure from OLEV, and so the implementation of these recommendations can take place quickly.

The next step once approval is received from OLEV is to arrange final quotations for the procurement of the vehicles.

Introduction

This report, carried out by the Energy Saving Trust [EST], is funded by the Office for Low Emission Vehicles [OLEV] and is part of Phase 2 of OLEV's ULEV Readiness Programme which aims to encourage the take up of ultra-low emission vehicles [ULEVs] by the wider public sector in England who have previously worked with the Energy Saving Trust on the Plugged in Fleets Initiative.

EST is an independent, not-for-profit organisation, organised as a social enterprise with charitable status. We have engaged with hundreds of organisations in the last ten years, highlighting how to reduce fleet-related emissions and costs.

Should a business case for replacing a conventional vehicle with a ULEV be established, then OLEV will provide funding for the leasing of that ULEV for two years, reimbursing 75% of the lease costs incurred by the organisation. This is together with providing 75% funding, also on a reimbursement basis, for up to one charge-point per ULEV.

The vehicles' purchase costs were taken from the Crown Commercial Services website.

To support our thoughts and findings, the following information was used:

- Fleet list of existing pool vehicles
- Annual vehicle mileage and fuel consumption
- Average daily mileage for one year

We would like to thank Rebecca Shorrocks and Phil Mason for supplying the data and also providing answers to supplementary questions.

Business Case Analysis

1. Report focus

This report has considered how Cheshire East might replace its current pool cars with ultra-low emission vehicles [ULEV], as listed on OLEV's plug-in vehicle grant list.

2. Current fleet background and analysis

Cheshire East own a fleet of cars which are used by staff on journeys locally between the offices and also to visit other locations in Cheshire. All the vehicles were outright purchased and are now due for replacement.

The existing pool fleet vehicles are as follows:

Registration	Make	Model	Annual Mileage 2014	Average Daily Mileage*	Location
DA56JWV	Vauxhall	Corsa	6106	23	Delamere House
DE56LGL	Vauxhall	Corsa	8483	33	Delamere House
DU08YLJ	Vauxhall	Astra Estate	11540**	44	Westfields
FN55LMX	Vauxhall	Agila	5990	23	Macclesfield Town Hall

*Daily mileage data based on annual figure/260.

** Higher mileage due to some private use in the last year. Normally the same mileage pattern as the other pool cars

OLEV have funded chargepoint infrastructure through their national infrastructure schemes at each of these sites where they have dual intelligent chargepoints in place. In addition, Delamere house has four publicly available chargepoints around the corner on the street.

The remaining pool cars all travel within the Cheshire East locality which will easily be served by fully electric vehicles.

3. Possible ULEV alternatives

To determine what can and cannot work operationally in the Cheshire East fleet we need to look at the vehicles and consider their requirements. Cheshire East's view is that pure EVs would work best as pool vehicles for local journeys. Their preferred vehicle is the Nissan Leaf.

Consideration was given to plug in hybrid vehicles and other EVs. However in keeping with their objective of moving to a pure EV fleet, and given the fact that for this size of vehicle the Leaf is currently the best value ULEV we have no issue with supporting this choice.

4. Cost Comparisons

Whole Life Cost calculations have been done to compare the costs of operating the ULEV cars with the new, equivalent vehicle of the existing pool fleet. The costs have been taken from the Crown Commercial Services Fleet Portal and are current at the date of this report.

Lease quotes were used in order to ensure as accurate a reflection of the current market view for the vehicles as possible.

Cheshire East pay the following rates for electricity:

- Westfields, Middlewich Road, Sandbach, CW11 1HZ – 12.59p/kWh (Avg)
- Delamere House, Delamere Street, Crewe, CW1 2JZ – 12.67p/kWh (Avg)
- Macclesfield Town Hall, Market Place, Macclesfield, SK10 1EA – 10.41p/kWh (Avg)

Therefore we have used the Delamere House rate as this is the highest of the three and so gives us the most expensive possible charging costs, and we could expect significantly greater savings at the other sites?

All of the vehicle lease quotes used in here were based on the following:

- 8,000 miles per year
- 4 years on fleet
- Including maintenance
- Fuel prices are based on the actual prices paid by Cheshire East in 2014 excl VAT

Full Electric Vehicle

Make	Vauxhall Corsa Excite A/C	Nissan Leaf Accenta 6.6 kW Charger	Renault Zoe
Vehicle type/fuel	Petrol	Electric	Electric
Annual mileage	8,000	8,000	8,000
Fuel cost = Petrol £/litre or electricity pence per kW hour	£1.12	12.67	12.67
Official emissions g/km CO ₂	99	n/a	n/a
Annual funding cost, servicing maintenance and repair, VED	£2,517	£2,557	£2,838
Annual fuel costs	£625	£296	£286
Total annual cost	£3,143	£2,853	£3,124
Pence per mile	39	36	39

On a cost basis alone the WLC show that the Leaf offers 3 ppm or £1,159 (over the 4 year term) saving in comparison with the new equivalent of the existing Corsas, whilst the Renault Zoe is the same cost.

6. Charging Requirements

The charging requirements and abilities of the vehicles do vary and the key to this is whether they can be charged more quickly on occasions when the need arises, and what their standard charging requirements are, so for the vehicle under consideration we have summarised this:

Vehicle	Charging options	Recommendation	Rapid Charge Compatibility
Nissan Leaf	Slow standard, fast and rapid available	Specify model with fast and rapid charge compatibility and specify a type 2 infrastructure cable	CHAdeMO 50kW
Renault Zoe	Slow, fast and rapid charging standard	Type 2 cable standard	AC 43kW

7. CO₂e comparison

The environmental case for adopting EVs is even more straightforward than the business one. We have calculated the emissions based on the fuel and electricity using the standard UK mix of brown electricity. The comparison shows that the EV emissions are only slightly lower on this basis and the Corsa is unusually efficient. As the mix of sustainably generated electricity provided in the UK grows then the carbon saving will grow and the local air quality benefits are already significantly greater for EVs.

CO ₂ e comparison Cars	Miles	CO ₂ e - tonnes
Vauxhall Corsa (petrol)	8,000	1.3
Nissan Leaf	8,000	1.2
Renault Zoe	8,000	1.1

8. Conclusion and proposed next steps

We have looked at the existing fleet of pool cars which are based at three sites. The analysis shows that four plug-in vehicles could be used by Cheshire East and the following could be implemented:

Vehicle Location	Number of proposed vehicles
Westfields, Sandbach	1
Delamere House, Crewe	2
Macclesfield Town Hall	1
Total	4

The vehicle model which is closest to the current model of the Vauxhall Corsas in operation, safety and also significantly more cost effective to operate being 3p per mile cheaper than either the Corsa or Zoe is the Nissan Leaf. It is important to ensure that the 6.6kW charger is included in the vehicle specification, as analysis has shown that this will be necessary to allow the vehicle to be fast charged (in addition to slow and rapid charging). This allows the vehicle to be more flexible on a day to day basis in terms of range.

Cheshire East have already installed their infrastructure and so the implementation of these recommendations can take place relatively quickly.

The next step once approval is received from OLEV is to arrange final quotations for the procurement of the vehicles.

Appendix A: Electric Vehicle Grants

OLEV

The following vehicles currently qualify for a Plug-in van or car grant (and so available for consideration for funding as part of the ULEV Readiness Programme):

The Plug-in Van Grant

Make and Model
<u>BD Otomotiv Veicoli e Trafic van</u>
BD Otomotiv eDucato
Citroen Berlingo
<u>Daimler Mercedes-Benz Vito E-Cell</u>
Mitsubishi Outlander GX3h 4Work
Nissan e-NV200
Peugeot Partner
<u>Renault Kangoo ZE</u>
<u>Smith Electric Smith Edison</u>

The Plug-in Car Grant

Make and Model
Audi A3 e-tron
BMW i3
BMW i8
BYD e6
Chevrolet Volt
Citroen CZero
Ford Focus Electric
Kia Soul EV
Mercedes-Benz B-Class Electric Drive
Mercedes-Benz C350 e
Mercedes-Benz S500 Hybrid
Mitsubishi i-MiEV
Mitsubishi Outlander PHEV
Nissan e-NV200 5 SeaterCombi
Nissan Leaf
Peugeot iOn
Porsche Panamera S E Hybrid
Renault Fluence ZE
Renault Zoe
Smart fortwo electric drive
Tesla Model S
Toyota Prius Plug-in Hybrid
Vauxhall Ampera
Volkswagen e-Golf

Volkswagen e-up!
Volkswagen Golf GTE
Volvo V60

9. Access to Information/Bibliography

- 9.1. Further information and supporting documents can be obtained from Phil Mason / Rebecca Shorrock (regulatory Services and Health).

10. Contact Information

Contact details for this report are as follows:-

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Email: steph.cordon@cheshireeast.gov.uk

CHESHIRE EAST COUNCIL

Cabinet Member for Communities

Date of Meeting: 20th July 2015
Report of: Steph Cordon – Head of Communities
Subject/Title: Anti-Social Behaviour Crime and Policing Act 2014
Portfolio Holder: Cllr Les Gilbert, Communities

1. Report Summary

- 1.1 Cheshire East Council is an Enforcing Council and proud to be one that is tough on residents that are selfish and cause harm to others. The new ASB Tools and Powers provide us with new ways to put our Residents First and to reduce anti-social behaviour in our communities.
- 1.2 The Council leads a multi-agency ASB Unit, which delivers a preventative service, contributing to significant reductions in reported ASB across the borough. In the last 3 years, the number of incidents of ASB in Cheshire East recorded by Police has reduced by 14%.
- 1.3 The Anti-Social Behaviour Crime and Policing Act 2014 streamlined a set of previous tools which were used to tackle a wide range of behaviours. Fourteen previous tools and powers have been streamlined into seven new tools, of which all are now in effect.
- 1.4 This report briefs on the seven new powers, and gives further detail to those that are relevant for the Council.
- 1.5 The focus of this report is on the Public Spaces Protection Order (PSPO) and the Community Protection Notice (CPN). A protocol (Appendix 1) which will be subject to review has been drafted for both of these powers for approval.

2. Recommendations

1. That the Cabinet Member agrees to:
 - a) approve the procedures set out in Appendix 1 to enable the Council to use these powers effectively and swiftly.
 - b) approve the setting of Fixed Penalty Notice for breaches of these two powers (PSPO and CPN) at a set fee of £100 (maximum fine)
2. That Cabinet be asked to note the decision.

3. Other Options Considered

- 3.1. In addition to the new tools and powers, we have a range of interventions available to us that are unaffected by the new Act. For example: Acceptable Behaviour Discussions, Acceptable Behaviour Contracts, Mediation face to face meetings and letter warnings. Before using the new tools and powers, we always consider the outcome we are seeking to achieve as this will help to determine which is the most appropriate tool to be used.

4. Reasons for Recommendations

- 4.1. A clear local procedure should be in place before seeking to implement any of the new powers. The two powers within this report are the main powers for which we need to implement local procedures.
- 4.2. The Portfolio Holder has authority to sanction such procedures and the setting of new fines for the Fixed Penalty notices

5. Background

- 5.1. As an Enforcing Council, we have always taken a proactive approach to tackling ASB, and our joint work has a significant impact on improving the quality of life for our residents.
- 5.2. In the last three years, the ASB Team's workload has steadily increased, from 93 new cases opened in 2012/13 to 154 opened in 2014/15.
- 5.3. As well as open cases with known perpetrators of ASB, the team delivers preventative work with young people. This is principally through the issuing of "Yellow Cards" and warning letters to parents. In the three years 2012/13 to 2014/15, 3132 Yellow Cards have been submitted and 2816 warning letters sent. In over 98% of cases, the young people in receipt of these interventions did not go on to receive further interventions from the team.
- 5.4. In the last three years, the number of incidents of ASB in Cheshire East recorded by Police was 14239 (2012/13), 13490 (2013/14) and 12288 (2014/15). This equates to a 14% reduction over three years.
- 5.5. The Anti-Social Behaviour, Crime and Policing Act 2014 commenced on 20th October 2014. The Act gives us new tools and powers, which can further help us to tackle issues that matter to our communities.
- 5.6. The Act streamlines fourteen existing powers into seven. The table below details these powers and what they have replaced. The following table summarises these:

Previous Tools	New Powers
PEOPLE Anti-Social Behaviour Order (ASBO) ASBO on conviction Drink Banning order Drink Banning Order on conviction Anti-Social Behaviour Injunction (ASBI) Individual Support Order Intervention Order	Civil Injunction Criminal Behaviour Order (CBO)
PLACES Litter Clearing Notice Street Litter Clearing Notice Graffiti Defacement/Removal Notice Designated Public Place Order (DPPO) Gating Order Dog Control Order Premises Closure Order Crack House Closure Order S161 Closure Order	Community Protection Notice (CPN) Public Spaces Protection Order (PSPO) Closure notice and Closure Order
POLICE POWERS S30 Dispersal Powers S27 Direction to leave	Dispersal Power
NEW POWERS	Community Trigger Community Remedy

5.7. Statutory Guidance is available for professionals responsible for implementing the new powers and provides a working interpretation of the Act and the tools and powers.

5.8. Summary of Powers:

Civil Injunction: Early intervention to prevent individuals from engaging in anti-social behaviour, nipping problems in the bud before they escalate. Civil order for anyone over 10 years of age. Police, Council's RSL's and NHS can apply for these orders via the County Court.

The Injunction can:

- Prohibit the respondent from doing anything prescribed in the order
- Require the respondent to engage in positive activities.

Criminal Behaviour Order (CBO): Applies where a person (the offender) has been convicted of a criminal offence, and only the prosecution can apply for the order (this can include local authorities). This order is to tackle the most persistently anti-social individuals who are also engaged in criminal activity. The Council's ASB team, working with Cheshire Constabulary have already successfully served two of these orders on individuals in Cheshire East. One of which was recognised by a Chief Superintendents Commendation and has been shared as good practice across Cheshire.

The order can:

- Prohibit the respondent from doing anything prescribed in the order
- Require the respondent to engage in positive activities.

Community Protection Notice (CPN): An authorised person can issue a CPN to an individual aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life

The notice can:

- Require the individual/business or organisation to stop doing specific things
- Require the individual/business or organisation to do specific things.

Public Spaces Protection Order (PSPO): Allows the Council to stop individuals or groups committing ASB in public spaces.

The PSPO can:

- Prohibit specified things being done in the area
- Require specified things to be done in the area.

Closure Powers: This power allows the police or council to act quickly to close premises (prohibit access) that are being used, or likely to be used to commit nuisance and disorder.

There are two stages to this:

- Closure Notice – closes the premises for 24/48 hours
- Closure order – this is used if the council wishes to close the premises for longer (up to 3 months which can also be extended for up to 6 months).

Dispersal Powers: This is a police only power which allows the police to designate an area for up to 48 hours without consulting with other agencies which allows them to direct a person to:

- Leave the locality (or part of it)
- Not return for the period specified in the direction (for up to 48 hours max)

Community Trigger: Gives victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem solving approach to find a solution.

The review is carried out when:

- The victim, or someone acting on their behalf, asks for a review *and*
- The threshold set by the council is met

Procedures have been written for the council and thresholds were set in September 2014 via the Safer Cheshire East Board and a Cabinet briefing paper. A copy of this procedure which is due for review in October 2015 can be made available on request.

Community Remedy: This is a police power which gives victims a say in the out-of-court punishment of perpetrators for low-level crime and anti-social behaviour.

Although this is a police power, police are able to liaise with the council's ASB team with reference to any out of court remedies which require an Acceptable Behaviour Contract or Mediation as an outcome.

- 5.4 The procedures detailed in Appendix 1, cover the two powers (PSPO's and CPN). The full set of suggested procedures will be submitted again in August 2015 for approval. The Council would like to use the Community Protection Notices and Public Spaces Orders before this time as there is current demand for these two powers. These powers focus on people and places if thresholds have been met, enable a swift and simple way of enforcement, should anyone choose not to abide by the prohibitions set or requirements made.
- 5.5 Fines for breach of both of these powers can entail a Fixed Penalty Notice of up to £100 which once paid, would discharge the individual of the offence. It is suggested that as an Enforcing Council that the maximum amount of £100 is set without a lower rate for early payment. The fines need to be robust in these circumstances as neither the PSPO or CPN would have been issued if there had not have been a substantial issue in the community or with the individual. This is in fitting with current fines that the council has in relation to dog fouling, littering, fly-tipping etc. which are all set at their maximum rate with an early payment option.
- 5.6 The age currently set for FPN's is 16 years.

6. Conclusion

- 6.1 As an Enforcing Council, we want to move forward with the use of these powers, responding to members of our communities in relation to what they are asking us to do to assist them in dealing with anti-social behaviour, and in turn making sure that the behaviour is dealt with in a proportionate and reasonable manner.
- 6.2 The procedures set out in Appendix 1 give clear guidelines as to how we can best use these two key powers. The document will be reviewed in February 2016 once the use of the powers have been piloted.

7. Wards Affected and Local Ward Members

- 7.1. All.

8. Implications of Recommendation

8.1. Policy Implications

- 8.1.1. Supports the Council's Enforcement Policy.

8.2. Legal Implications

8.2.1. It is essential that due legal process is followed and that any Notice issued accords with the requirements of the Act. Appropriate legal advice would be sought prior to the publication of any Statutory Notice.

8.2.2. Compliance must also be met via: Articles 10 and 11 ECHR and S149 Equality Act re public sector equality duty.

8.3. Financial Implications

8.3.1. The resources for developing PSPOs and CPN's are included in existing budgets. The Council needs to work with partners to understand and agree the shared resources required to enforce orders.

8.4. Equality Implications

8.4.1 None

8.5. Rural Community Implications

8.5.1. None

8.6. Human Resources Implications

8.6.1. Requirement for officers to receive the relevant training in relation to issuing the Fixed Penalty Notices and also refresh training on PSPO's and CPN's as this is a new area of work for both the council and the Police. This work is already underway.

8.7. Public Health Implications

8.7.1. Supports Public Health Outcomes.

8.8. Other Implications (Please Specify)

None

9. Risk Management

9.1. Any potential risks have been considered and mitigated against in this context.

10 Access to Information/Bibliography

10.1 Further information on interventions available to the council as a preventative measure to using the powers can be made available. Information regarding the Community Trigger Process is available.

10.2 BACKGROUND PAPERS

Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers. Statutory guidance for frontline professionals.

10. Contact Information

Contact details for this report are as follows:-

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PROCEDURES FOR USE OF ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

COMMUNITY PROTECTION NOTICE (CPN)
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An authorised person can issue a CPN to an individual aged over 16 if they are satisfied that:

- The conduct of the individual or body is having a detrimental effect on the quality of the life of those in the locality
- The conduct is of a persistent nature *and*
- The conduct is unreasonable

The notice imposes the requirement to:

- Stop doing specified things
- Do specified things
- Take reasonable steps to achieve specified results

The only requirements that can be imposed are those that are reasonable to:

- Prevent the detrimental effect from continuing or recurring
- Reduce the detrimental effect or reduce the risk of its continuance or recurrence

The notice can only be issued when:

- A written warning has been given that the notice will be issued unless the conduct ceases to be detrimental
- The officer is satisfied that despite having had enough time to deal with the matter the conduct is still having an effect

4.1 Types of behaviour that a CPN might be used to tackle

The following list is intended to be indicative and not exhaustive:

Feeding birds in town centre Escaping dogs Unruly gardens Anti-Social neighbours	Smokers' little not being cleared Pubs not clearing bottles from the street when they have closed Unlicensed scrapyards	Running a business from home Noise issues Litter Graffiti
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4.2 Before a CPN is issued

It has been identified that the best way of monitoring and maintaining considerations and issuing of CPN's should be done via a central point of contact. CEC's ASB Team have been identified as the most appropriate team within CEC in order to do this at least for an initial pilot period. It is hoped that this will assist with the following:

- Reduced risk of duplication
- Professional advice and guidance on the use of/issuing of a CPN
- Consistency across Cheshire East in relation to notices that are served
- Allow for consistency and best practice on a sub-regional basis across Cheshire where possible via links with Cheshire wide ASB leads.

The following must take place before consideration is given to the issuing of a CPN

- Relevant member of staff/officer must notify CEC ASB Team to discuss the case with the team and allow for the relevant checks to be made to clarify/consist of;
 - (i) If the ASB Team already have a case open in relation to the issues that have been reported
 - (ii) Analysis of interventions that have already taken place/been attempted in relation to resolving the problem
 - (iii) As to whether a CPN or a CPN warning has been issued in relation to the address/business or individual already
 - (iv) A standard process to be undertaken that if all the above have been satisfied a “threshold check” can be made using standard set criteria to enable consistency.
 - (v) To allow for advice, guidance and signposting in cases whereby after the checks above a CPN/CPN warning is not deemed as appropriate.

4.2 Who can issue a CPN?

Cheshire East Council

Cheshire East Council will choose which officers to delegate these powers to in line with their operational structures for areas such as tackling ASB, Environmental Protection, Trading Standards etc. matters. Currently the Community Wardens have these powers delegated to them. Consideration to the following officers (as an example and not an exhaustive list) within the local authority may be given with reference to delivering the appropriate training and authorisations as and when notices are issued depending on the type of behaviour:

- Environmental Protection Officers
- Trading Standards Officers
- Planning Enforcement Officers
- Licensing Officers
- Housing Standards/Housing Officers
- Anti-Social Behaviour Coordinators
- Civil Enforcement (parking) Officers
- Park Rangers

Police

Cheshire Constabulary Police Officers have powers automatically delegated, but will need to receive training as and when required on the issuing of the FPN's as these will be Local Authority notices. Authorisation has also been given to PCSO's in relation to issuing FPN's for the powers and will also require the relevant identified training before issuing of an FPN can be made.

Registered Providers

Registered providers can be delegated by CEC the power to issue CPN's for housing stock that is their responsibility. Registered providers within CEC have not yet delegated these powers, but will be considered once the process has been rolled out within the local authority and the relevant processes are in place.

Other partners/agencies

Consideration may be given in relation to delegating any commissioned companies within the council that are employed to undertake work on behalf of the Council, such as ANSA and leisure services where appropriate.

Delegation of powers

Where CEC is considering delegation of powers to serve CPN's or FPN's on failure to comply with such notices consideration should be given with reference to the following in terms of an agreed memoranda of understanding:

- Requirement to undertake the relevant training which will be supplied by CEC with reference to CPNs and the issuing of FPN's (where necessary)
- Requirement to report any considerations of the issuing of a CPN or FPN to the CEC Anti-social behaviour team to allow for checks on a central system and consistency with CPN's issued/warnings sent.
- Reference made that CEC further reserves the right to vary or cancel any designation at any time and for any reason.

Enforcement

The Act allows the offence of breaching the CPN to be discharged with a Fixed Penalty Notice. This will be the case for minor infringement of a CPN. The Local Authority, when making this decision, must ensure that it is proportionate and in line with CEC Enforcement Policy. In making the decision to issue an FPN, the officer should be mindful that if issued, payment of the FPN would discharge any liability to conviction for the offence. In order to allow the individual to pay the FPN, no other associated proceedings can be taken until at least 14 days after the issue.

When issuing a FPN it must:

- Give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- State the period during which proceedings will not be taken for the offence (minimum 14 days)
- Specify the amount payable
- State the name and address of the person to whom the FPN should be paid and;

- Specify permissible methods of payment

A fixed penalty notice of up to £100 can be given for a breach and it is advised that CEC enforce the £100 fine with no opportunity for an early payment in line with all other FPN's that are currently used by Community Wardens.

The Council can also consider **Remedial action** if an individual fails to comply with a CPN. For instance, in a situation where the complaint relates to a significant build up of rubbish in someone's front garden, remedial action could take the form of clearing the garden on the perpetrators behalf. If the CPN has been issued by Police or another body then they must consult with the council if they consider Remedial action should take place to allow for consultation.

Appeals of CPN

Appeals will be heard in a magistrates court and the CPN should provide details of the process and how an individual can appeal.

The person issued with a CPN will have 21 days to appeal from date of issue. Where an appeal is made any requirements made for the individual to "do" specified things will be suspended until the appeal is heard. However anything on the CPN that requires the individual "not to" do something or to "stop" something will remain in force until the results of the appeal have been finalised.

PUBLIC SPACE PROTECTION ORDER (PSPO)

This allows the local authority to stop individuals or groups committing ASB in public places.

The local authority will identify the area that is to be covered by the order – known as the ‘restricted area’.

The PSPO can:

- Prohibit specified things being done in the area
- Require specified things to be done in the area

The prohibitions or requirements can be framed so that they:

- Apply to all persons, or only persons in specified categories, or to all persons except those in specified categories
- Apply at all times, or only at specified times, or at all times except those specified
- Apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified

The following conditions must be met before making the order:

- Activities carried out in a public place within the local authority’s area have a detrimental effect on the quality of life for those living in the locality *or*
- Is likely that activities will be carried out in a public place within the area that will have such an effect

The effect, or likely effect of the activities:

- Is, or is likely to be, of a persistent or continuing nature
- Is, or is likely to be, such as to make the activities unreasonable *and*
- Justifies the restrictions imposed by the order

The need for a PSPO to be identified

This will come from a variety of routes – including, but not exclusively:

- Partnership problem solving (Multi Agency Action Group – MAAG)
- Complaints from members of the public
- Public consultation/residents meetings/residents groups
- Elected members/Parish Councils
- Neighbourhood groups
- Private land owners
- Registered Social Providers

The process to be followed is below. Responsibility for overseeing this process will lie within the Communities and Partnerships Department’s Anti-Social Behaviour Team. Depending on the focus of the PSPO certain elements of the process below

may well also be taken on by other departments within the local authority such as Environmental Protection or Trading Standards.

Examples of behaviour that a PSPO might be used to tackle

The following list is intended to be indicative and not exhaustive

Legal highs – sale of/taking of	Verge parking
Boy racers	Parking outside schools
Congregating in car parks	Ball games
Cars for sale	Swimming in dangerous areas
Vehicle Nuisance	Ball games
Buskers	Grazing of horses
Dog fouling	Litter
Unruly Dogs/dogs out of control	Fly tipping
Rough sleeping	Cycling in pedestrian areas
Street drinking	Aggressive Charity Collectors (Chuggers)
Urinating or defecation	Begging
Prostitution	Placing yourself to beg
Dogging	Skateboards

Prior to formal consultation for a PSPO:

It is important that the PSPO is used proportionately and that it is not seen to be targeting behaviour of the children/young people where there is a lack of tolerance and understanding by local people. Consideration must also be given to the Equality Act when setting out restrictions or requirements.

When making a PSPO Cheshire East Council will bear in mind the impact on other areas and the level to which displacement is likely to occur.

All requests/considerations for a PSPO will be nominated to the Communities and Partnerships Multi-Agency Action Group (MAAG). Initial thoughts and actions will be recorded at the meeting, and the relevant agencies will be nominated to take the request further once it has been agreed via an initial professionals meeting.

Professionals meeting:

This will be held by the ASB Team along with the relevant Partnership Manager/Local Engagement Officer, attendees may include the following:

- ASB Team representative – **Compulsory**
- CEC Partnership Manager or Local Engagement Officer – **Compulsory**
- Local Elected Member/Parish Council member – **will at least be informed**
- Land owner (If not CEC land) – **Compulsory**
- Police
- Housing/Registered Social Provider
- Other CEC departments
- Representative from the local community

The following will need to be identified either prior to this meeting or during this meeting:

- How many incidents have been reported and who to?
- What has been attempted in order to resolve this issue already?
- What is the exact area that all present would like a PSPO to cover?
- What sort of prohibitions would need to be considered?
- Are there any other people that need to be consulted as part of this process?
- What are the implications should a PSPO not be granted?
- What are the risks if a PSPO is granted (displacement etc.)?
- Who would be responsible for costs around publicity and signage (if not CEC land)?
- How would this be policed does any training need to take place with delegated local officers whom may not have had opportunity to enforce this type of order yet?
- Do the majority agree that a PSPO application should be requested? *(if the answer is no the issue will be referred back to the MAAG)*

Authorisation to begin Consultation

Following the professionals meeting, should it be agreed to pursue a PSPO a summary of the problems and proposed PSPO will be presented to the nominated Portfolio Holder who will make a decision as to whether to progress to the consultation process being undertaken. If authorisation is not given, then the issue will be nominated back to the MAAG.

Consultation

The Consultation that is undertaken will depend on the location and the particular issues to be addressed. The consultation will be proportionate but not excessive. At least 4 weeks will be allowed for the consultation process and as a minimum standard consultation details will be publicised via Cheshire East Council's Website.

Groups to be consulted may include:

Elected members Parish Councils Local residents Members of public using the area/facility via notice placed in area.	Community Groups Town Councils Pub watch SCOOT/shop watch or equivalent Chamber of Commerce
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The general public will be made aware of the plans through any of the following methods:

- Cheshire East Council website – *Compulsory*
- Press release
- Notice in the affected area

- Residents newsletters
- Leaflets
- Social media

Cheshire East Council will ensure that the consultation is in line with its own consultation policy.

Additionally (if not already done so)

- The owner of the land (if not the Council) will be contacted
- Cheshire Police and Police and Crime Commissioner

Decision is taken to make a PSPO

The decision will be taken by elected members by the form of a Cabinet briefing paper. This will allow opportunity for elected members outside of the majority group the opportunity to scrutinise the decision.

If this is refused then the matter will be referred back to the MAAG.

Public are advised that the PSPO is coming into effect

Cheshire East Council will ensure that the following principals are followed with reference to publicising a PSPO although some of the processes may vary from case to case:

- The publicity is proportionate and cost effective
- It takes account of the different languages spoken in the area
- Takes into account the need to manage people's expectations once the order is in place
- That at least one week prior to the PSPO coming into effect a multi-agency approach in relation to educating the relevant members of public and agencies on the new order coming into force and the implications of breach of this order
- During the first week of the order being in force, a campaign of education will continue followed by enforcement action
- That breaches will be monitored, as will any potential displacement which will all be recorded by Cheshire East Councils Partnerships and Communities/ASB Team with a view to the appropriate review processes/amendments taking place on the order.

General publicity may include:

- Press release

- Cheshire East Council website
- Other partner agency websites (i.e. Police, Registered Housing Providers)
- Residents' newsletters
- Leaflets
- Social media
- Parish Councils
- Community Groups
- Signage within the area

In the area affected signage may be used taking into account the different language spoken – using pictures where possible.

Enforcing the PSPO

The power to enforce the PSPO has been given to:

- Cheshire Constabulary Police Officers
- Cheshire Constabulary Police Community Support Officers
- Designated Cheshire East Council Officers

Cheshire East Council may authorise an officer not on the above list (e.g.: Registered Social Provider or Commissioned agency/company) to issue FPN's where a senior officer within the agency to which that person belongs makes a written request to the Chief Executive of Cheshire East Council for that person to be designated.

A decision will then be made by Cheshire East Council as to whether that person should be authorised as a person who may issue FPN's in Cheshire East.

In each case any person who is so authorised will be required, prior to designation, to complete relevant training identified by Cheshire East Council.

Cheshire East Council reserves the right to vary or cancel any authorisation at any time and for any reason

Breaching the PSPO

Those who are found to be breaching the PSPO will be given the opportunity to discharge the offence by way of a Fixed Penalty Notice (FPN).

- The level of FPN will have to be decided (not exceeding £100) suggested amount to remain at the higher rate of £100 with no early payment opportunity
- Agreement will be reached with Cheshire Constabulary about issuing of FPN's on a case by case basis and how this will be done

There will also need to be an awareness that if someone is taken to court and they are on benefits they can agree with the court to pay a weekly sum to clear a fine.

This option is not available with a FPN – unless they are taken to court for non-payment.

Transition

There are a number of current orders which will be replaced by the PSPO:

- Designated Public Place Order
- Dog Control Order
- Gating Order

There is the ability to replace existing orders with a PSPO at the commencement. Alternatively they can continue for 3 years when they will transfer over to a PSPO. There are a number of gating orders and DPPO's within the Cheshire East area which will need to be considered in due course which will expire in their current form in October 2017. A task group will be set up to review this in due course which will decide whether:

- To leave as the current order and allow to move over in 3 years
- To replace immediately with a PSPO
- To discharge any of the existing orders as no longer needed

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CHESHIRE EAST COUNCIL

Cabinet Member for Communities

Date of Meeting: 20 July 2015

Report of: Steph Cordon – Head of Communities

Subject/Title: PUBLIC SPACES PROTECTION ORDERS

Portfolio Holder: COUNCILLOR LES GILBERT

1. Report Summary

- 1.1 Cheshire East Council is an Enforcing Council and proud to be one that is tough on residents that are selfish and cause harm to others. We take a proactive approach to tackling ASB, which has led to a reduction of 14% over the last 3 years in reported incidents.
- 1.2 The new ASB Tools and Powers enable us to further develop our service to residents and communities, by providing us with new ways to put our Residents First and to reduce anti-social behaviour in our communities.
- 1.3 The Anti-Social Behaviour Crime and Policing Act 2014 enables the Council to follow prescribed procedures to declare a Public Spaces Protection Order (PSPO). The purpose of this report is to update on current work with local communities who want to develop PSPOs and to request approval to progress with formal local consultations.
- 1.4 The report sets out the processes necessary and recommends that the Portfolio Holder approves that formal public consultation exercises are undertaken, on receipt of the necessary evidence.

2. Recommendation

That the Cabinet Member agrees to:

- a) approve in principle to formal public consultation in relation to current initial request for PSPOs, as outlined in the report. To delegate the power to Head of Communities for the decision on public consultation following a full report for each area. Following consultation, if the criteria has been met and evidenced, a full review and paper will be submitted for Portfolio Holder decision, to authorise a PSPO.
- b) approve that a formal public consultation exercise be undertaken regarding the PSPO at Poynton Sports Club (at a set date following approval), over a minimum of 4 weeks which is necessary to inform any future decision by the Portfolio Holder.

3. Other Options Considered

- 3.1. Each case needs to consider a range of other options. A table of interventions is produced before approving any formal consultation.

4. Reasons for Recommendation

- 4.1. In order for the Portfolio Holder to consider declaring a PSPO, a Statutory Consultation must be undertaken.
- 4.2. The Portfolio Holder has authority to sanction such consultation or delegate to the Head of Communities.

5. Background

- 5.1. In those last three years, our preventative approach to ASB has led to a reduction in the number of incidents of ASB in Cheshire East recorded by Police, which was 14239 (2012/13), 13490 (2013/14) and 12288 (2014/15). This equates to a 14% reduction over three years.
- 5.2. As an Enforcing Council, we are determined to reduce this figure further, and use the new tools and powers within the Anti-Social Behaviour, Crime and Policing Act 2014 to develop our joint work,
- 5.3. One of the key powers of interest to the Council and our community is the Public Spaces Protection Order (PSPO). The PSPO's are designed to stop individuals or groups committing anti-social behaviour in a public place.
- 5.4. Statutory Guidance for professionals responsible for implementing PSPO's and the other powers set out within the Anti-Social Behaviour Crime Policing Act 2014 was issued in July 2014. The guidance provides a working interpretation of the Act and the tools and powers.
- 5.5. In respect of PSPO's, the guidance sets out that suitable and sufficient evidence must be established in respect of the *behaviour* to be addressed by a PSPO. Once the evidence base is established, the Council must, consult with the Police, Police and Crime Commissioner and other relevant bodies. Applications will be discussed at Safer Cheshire East Partnership, who have the relevant representatives in attendance to evidence this consultation.
- 5.6. There are currently 5 requests for PSPOs being investigated. These are:
- a) **Macclesfield Underpass** – request from Macclesfield Neighbourhood Policing Unit, as young are congregating in the area. They are being loud and rowdy, believed to be drinking, using cannabis and possibly other drugs including legal highs.
- PSPO could help the community by prohibiting some of the activities. In addition to the illegal activities that are covered, such as drug taking, graffiti etc., the request has been made for prohibitions to be considered around:
- alcohol consumption
 - playing of loud music

- littering in the area, including the river
- the use and possession of legal highs.

Work is underway on a draft PSPO and a request to go to formal consultation will soon be made.

- b) **Fairview Car Park, Alsager** - issues with boy racers gathering in vehicles late at night, noise issues, littering etc. which is causing issues for local residents who live near to the car park and those using the car park for visiting the local shops and community venues.

A PSPO would need to be carefully drafted in order to allow all to access the car park for legitimate reasons. Further work is underway regarding the draft PSPO and then a request to go to formal consultation will be made.

- c) **Queens Park, Crewe** - following the recent regeneration of the park, numerous issues are still being reported consisting of dogs off leads, dangerous dogs, dog fouling, attacks to wildfowl/life and stealing of fish.

Evidence has been collected and a request to go to formal consultation will be made shortly.

- d) **Tesco's Car Park, Crewe** – request from Crewe Neighbourhood Policing Unit due to an increase in incidents at the car park around anti-social use of vehicles, littering and consumption of alcohol within this area.

This is at initial review period, establishing Tesco's position to progress.

- e) **Poynton Sports Club** – request made by the land owner, Chair of the Sports Club and members of the community that use, visit or are members of the club. The local Police have been working with the Club to address issues for some time and strongly support the request.

They have evidence regarding a number of incidents of young adults frequently attending the club in vehicles or on foot and using the car park anti-socially, intimidating other visitors to the area. There is evidence of littering, use of legal highs, inconsiderate parking (parking in a circle) and disrespect to club members.

Thresholds have been met and a briefing paper with full supporting information has been shared with the Portfolio Holder and Head of Communities in advance of this report. These documents are available for information on request. The supporting documents are detailed and give specific information and evidence, including a chronology, site plan, interventions table and the draft PSPO.

This report requests approval to start formal consultation.

6. Conclusion

6.1 As an Enforcing Council, we want to support our communities to address anti-social behaviour and PSPOs are a new tool available to us to address local concerns. In order to approve a PSPO, we need to follow a robust process, gathering the evidence base, carrying out wide consultation and ensuring the order refers to specific local issues. The above requests are from our local communities and are being developed by local people to address their concerns.

7. Wards Affected and Local Ward Members

7.1. Crewe Central, Macclesfield Central, Alsager, Poynton East.

8. Implications of Recommendation

8.1. Policy Implications

8.1.1. Supports the Council's Enforcement Policy.

8.2. Legal Implications

8.2.1. It is essential that due legal process is followed and that any Notice issued accords with the requirements of the Act. Appropriate legal advice would be sought prior to the publication of any Statutory Notice.

8.2.2. Compliance must also be met via: Articles 10 and 11 ECHR and S149 Equality Act re public sector equality duty.

8.3. Financial Implications

8.3.1. The resources for developing PSPOs are included in existing budgets. The Council needs to work with partners to understand and agree the shared resource required to enforce orders.

8.4. Equality Implications

8.4.1 None – orders apply to open public areas.

8.5. Rural Community Implications

8.5.1. None – orders apply to open spaces in all communities.

8.6. Human Resources Implications

8.6.1. Requirement for officers to receive the relevant training in relation to issuing the Fixed Penalty Notices and also refresh training on PSPO's as this is a new area of work for both the council and the Police. This work is already underway.

8.7. Public Health Implications

8.7.1. Supports Public Health Outcomes.

8.8. Other Implications (Please Specify)

None

9. Risk Management

9.1. Any potential risks have been considered and mitigated against in this context.

10 Access to Information/Bibliography

10.1 Detailed information to support the decision to go to formal consultation on the PSPO for Poynton Sports Club is available on request. This includes a chronology of events, interventions table, draft PSPO and a plan of the area concerned.

10.2 BACKGROUND PAPERS:

Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers. Statutory guidance for frontline professionals.

10. Contact Information

Contact details for this report are as follows:-

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Designation: Head of Communities

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CHESHIRE EAST COUNCIL

Cabinet Member for Communities

Date of Meeting:	20 July 2015
Report of:	Steph Cordon Head of Communities
Subject/Title:	Preventing Violent Extremism
Portfolio Holder:	Cllr Les Gilbert

1. Report Summary

- 1.1 The Counter Terrorism and Security Act became law on 16 February 2015. The Act places a statutory duty on Councils to have “due regard to the need to prevent people being drawn into terrorism”. This is known as the Prevent Duty. The Act allows the Secretary of State to issue directions to Councils if they are not satisfied that they are complying with the Prevent Duty.
- 1.2 Councils are also required to establish Panels to identify and support those felt to be vulnerable to being drawn into terrorist activity. This is called Channel and the guidance for this came into effect on 1 July 2015.
- 1.3 As a Council, the lead for Prevent already rests with the Community Safety Partnership. This is chaired by the Head of Communities. They meet on a quarterly basis and have Prevent as a standing agenda item. The Chairs of the Community Safety Partnership, Adults Safeguarding Board and Children’s Safeguarding Board have also agreed that preventing terrorism and extremism is something that involves all three Boards. Specific safeguarding policies have been drawn up to address this issue.
- 1.4 The three key strands of the Prevent Strategy which we are working to are:
 - i. Challenging the ideology that supports terrorism and those who promote it
 - ii. Protecting vulnerable individuals; to prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support, and
 - iii. Supporting sectors and institutions where there are risks of radicalisation

- 1.5 The Channel Panel will be chaired by the Head of Children's Safeguarding and will assess the extent to which identified people are vulnerable to being drawn into terrorism. The Panel will establish a plan of support to reduce that person's vulnerability. If necessary, the Panel can consider referring a person to a health or social care provider even if it does not think that a plan of support is necessary.
- 1.6 It is proposed that the Channel Panel will immediately follow on from the Child Sexual Exploitation Operations Group due to the possible links between the issues. Additional organisations will be invited based on the needs of the individuals. This will be kept under review and the first Channel Panel is scheduled for 20 July 2015.
- 1.7 The Council will need to ensure that we do not allow any of our Council owned buildings to be used to promote extremist views. We have already provided filters on our computers available in our libraries to ensure access to extremist websites is blocked. Working with partners on our Community Safety Partnership and Channel Panel we will need to ensure that they do not promote any extremist views. Importantly, we will need to ensure that when we commission any work with external organisations that the principles of Prevent are included in any legal agreements.

2. Recommendations

- 2.1 That the Cabinet Member agrees to:
 - i. The Community Safety Partnership continuing to lead on the Prevent Duty on behalf of the Council
 - ii. The Channel Panel being established and chaired by the Head of Children's Safeguarding
 - iii. That the Council give consideration to the use of its own buildings to ensure that they do not promote extremist views as set out in paragraph 1.7.

3. Reasons for Recommendations

- 3.1 To ensure that the Council has due regard for its responsibilities under the Prevent duty including Channel as set out in the legislation and guidance of the Counter Terrorism and Security Act 2015.

4. Wards Affected

4.1 All

5. Local Ward Members

- 5.1 Ward Members will be encouraged to report any concerns into the relevant referral routes for Prevent which could be through the Police or internally with officers of the Council.

6. Policy Implications

- 6.1 The Community Safety Partnership will lead on the Prevent Strategy. All commissioning activity will need to have due regard for the prevention of terrorism.

7. Implications for Rural Communities

- 7.1 There is a need to ensure that we identify all potential sources of being drawn into terrorism and extremist activity in our rural communities. There is a common misconception that this relates solely to terrorism. However, a common form of extremism is animal rights and this could have a real impact on the rural economy and communities.

8. Financial Implications

- 8.1 The costs for delivering the Prevent Duty at a local level are seen as being in the region of £4,000 - £40,000 depending on the scale of the issue. At present, we have a commitment from the police to deliver Train the Trainer sessions for our staff and partners of CSP. This will enable them to train others and so this would be officer time. We have been given free promotional material such as posters to display in community venues including schools, libraries, further and higher educational establishments. So the expectation is that the resources needed will be fairly limited.

9. Legal Implications

- 9.1 There are no legal implications of this approach.

10. Risk Management

- 10.1 Any potential risks have been considered, it's not possible to provide a full reassurance around mitigation as it is anticipated that the more work we commit to identifying those at risk of being drawn into terrorism will mean that more individuals will be identified. However, action plans for support

through Channel will mitigate some of the risk if people wish to engage. If they don't, we will need to refer into other elements of the counter terrorism agenda such as Pursue.

11. Background and Options

- 11.1 Further details of the legislation for the Counter Terrorism and Security Act 201 and the Prevent Duty and Channel Duty Guidance can be sourced on: www.gov.uk/government/publications/prevent-duty-guidance and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/425189/Channel_Duty_Guidance_April_2015.pdf

12. Access to Information

- 12.1 The background papers relating to this report can be inspected by contacting the report writer:

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Designation:	Head of Communities
Tel No:	01270 868401
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CHESHIRE EAST COUNCIL

Cabinet Member for Communities

Date of Meeting: 20th July 2015
Report of: Steph Cordon – Head of Communities
Subject/Title: Dealing with Psychoactive Substances/Legal Highs
Portfolio Holder: Cllr Les Gilbert, Communities

1. Report Summary

- 1.1 As a Residents First Council, we work closely with our partners to reduce crime and disorder across the borough. Over the last 3 years, this joint work has led to a 11% reduction in overall crime in Cheshire East.
- 1.2 As an Enforcing Council, we are exploring all our options to address local concerns regarding the use of Psychoactive Substances/Legal Highs. Throughout this document they will be referred to as “legal highs” which is the most recognised name for these products.
- 1.3 Legal Highs are causing increasing concern both nationally and across our communities and within a range of agencies including council services, the Police and healthcare professionals. Products sold as ‘legal, are’ alternatives to drugs which are designed to mimic established drugs which are not always legal.
- 1.4 Local concerns have increased, following recent incidents in Warrington and Runcorn, which led to several individuals being hospitalised, who it is believed took a specific legal high called “Vertex”.
- 1.5 The Government’s legislative programme for the 2015-16, includes the Psychoactive Substances Bill, which will make it an offence to produce, supply, offer to supply, possess with intent to supply, import or export psychoactive substances (so called ‘legal ‘highs’). This is to include civil sanctions to enable ourselves and the police to adopt a proportionate response to tackling the supply in appropriate cases.
- 1.6 Whilst we await the release of the proposed Bill, we are working closely with our partners to look at the powers available to us to assist in the control of these substances, including the new tools and powers within the ASB Crime and Policing Act 2014.
- 1.7 This report summarises the powers currently available which we could utilise, outlines relevant considerations and the thresholds that need to be met, and recommends actions to deal with our current issues.

2. Recommendations

That the Cabinet Member agrees to:

- a) approve our continued joint work with partners to develop a joint approach using current tools and powers, to tackle the supply of legal highs and address any community impacts.
- b) approve that the Head of Communities as Chair of Safer Cheshire East Partnership, sends out a joint letter (as in appendix 2) with the Police to premises believed to be selling legal highs.
- c) That Cabinet notes the commitment to dealing with this issue

3. Other Options Considered

3.1 A subregional multi agency meeting was held on the 11th June 2015 to discuss all legislation and powers available to us, to tackle legal highs. A summary of the conclusions (provided by Force Solicitors) is in Appendix 1.

4. Reasons for Recommendations

4.1 As part of our Residents First approach and as an Enforcing Council, we are proud to be one that is tough on residents and businesses that are selfish and cause harm to others. Where it can be evidenced, and in light of the growing concerns around legal highs, we are ensuring we have processes in place to deal with the impacts that legal highs have to lives of our residents and communities.

5. Background/Chronology

5.1. Cheshire East Council works proactively with partners across the borough to reduce crime and disorder, and we address the impact it has on our local communities.

5.2. Our joint work has led to a 11% reduction in overall crime over the past 3 years, with even higher reductions in key areas, where Safer East Cheshire Partnership has focussed its collective resources. These include reductions in:

- Burglary - by 15%
- Criminal damage and arson - by 21%
- Shoplifting and other thefts - by 17%
- Vehicle Crime by 25%
- Fatal Collisions - by 50%

5.3. Recently our communities have reported to us concerns regarding the sale and use of Legal Highs. We are addressing this issue with local partners, to harness our joint resources to address this concern and protect our residents from both the use of and any wider impacts caused by Legal Highs.

- 5.4. The Anti-Social Behaviour, Crime and Policing Act 2014 commenced on 20th October 2014. The key powers in relation to legal highs are the Public Spaces Protection Order (PSPO), the Community Protection Notice (CPN) and Closure Powers.
- 5.5. Statutory Guidance sets out how for these tools and powers can be implemented. There are clear thresholds that need to be met, which are primarily incident and evidence based that have a clear link to Anti-Social Behaviour in order for the council to progress with the use of the any of the new powers.
- 5.6. With reference to the use of Public Space Protection Orders (PSPO), the areas that have met the thresholds so far are: Macclesfield Underpass (where Buinswick Hill meets the underpass) and Poynton Sports Club. Work to develop these PSPOs will include a prohibition regarding the use of legal highs. Further investigation is continuing to look at the identification of other areas with similar levels of evidence which include Tesco's Car Park, Crewe and Fairview Car Park, Alsager.
- 5.7. There is currently no evidence to link the use of legal highs to ASB in other areas in Cheshire East, and legal advice states that we cannot consider the use of a "blanket" Public Spaces Protection Order for the Borough at this stage. However this will be monitored on a regular basis and we will take swift action to push and test all boundaries within the new Act to tackle those areas where this can be linked.
- 5.8. Community Protection Notices warnings can be considered to serve on premises if there is a clear link that the selling of these substances is leading to ASB incidents. There is currently no evidence to link this within Cheshire East, but we will continue to review and monitor this and will take action if the situation changes. We are also looking into how we can test the interpretation of ASB with a view to push for some of these notices to be served.
- 5.9. We will use our Closure Powers if the following has occurred or will occur if the power is not used:-
- Disorderly, offensive or criminal behaviour; or
 - Serious nuisance to the public; or
 - Disorder near the premises
- 5.10. If any of the above suggested powers are considered, displacement would have to be reviewed as a risk. The health implications of consuming some of these products can be considered as far outweighing any form of ASB that is reported. There is potential for this to be "driven underground", therefore potentially putting young people and adults at further risk. Public Health and Youth Engagement Services will be consulted throughout any enforcement.

- 5.11. It is recommended that we contact retailers who have been identified as selling legal highs or alledged to have sold them. As a follow up to a number of visits already made by Trading Standards to these retailers, it is proposed that a formal letter is signed off by CEC and Cheshire Constabulary to be served in person on the relevant premises. The letter is aimed at retailers and reminds them of their obligations around the sale of these products with various warnings attached. A copy of this letter is detailed in Appendix 2. Monitoring of the premises and any other identified premises can then take place on a regular basis with both police and trading standards.

6. Wards Affected and Local Ward Members

- 6.1. All

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1. Supports the Council's Enforcement Policy, and our Corporate Outcomes, in particular Outcome One - Our local communities are strong and supportive and Outcome Five – People live well and for longer.

7.2 Legal Implications

- 7.2.1 It is essential that due legal process is followed according to CEC's Enforcement Policy and that any Notice issued accords with the requirements of the Act. Appropriate legal advice would be sought prior to the publication of any Statutory Notice.
- 7.2.2. Compliance must also be met via: Articles 10 and 11 ECHR and S149 Equality Act re public sector equality duty.
- 7.2.3. It needs to be noted that a lot of reports containing concerns around the use of legal highs, involve young people. All of the suggested powers (especially PSPO's) can only be enforced on individuals who are over the age of 16. This means that the use of a PSPO banning the possession of or use of legal highs could not be fully enforced. The Council in its current position would be powerless to serve Fixed Penalty notices unless there is consideration given to lowering the age that the Council serve FPN's on. This can be set at anything above the age of 10 years (criminal responsibility) but is currently set across the board at 16 years.

7.3 Financial Implications

- 7.3.1 Current work is within existing budgets. Any applications for Orders will consider financial implications as it would vary dependant on action taken.

7.4 Equality Implications

- 7.4.1. None at this stage.

7.5 Rural Community Implications

7.5.1 Proposals have no adverse impact on rural communities, and impacts are across all areas.

7.6 Human Resources Implications

7.6.1 Work is underway to ensure officers receive the relevant training in relation to issuing the Fixed Penalty Notices and also refresh training on the relevant powers as and where needed.

7.6.2 When the powers are put in place, consideration needs to be given to the policing of them in order to take robust action against those that are not complying.

7.7 Public Health Implications

7.7.1 Proposals positive support public health outcomes and work is to address a public health issue.

7.8 Other Implications (Please Specify)

N/A

8 Risk Management

8.1 Any potential risks have been considered and mitigated against in this context.

8.2 The key risk identified is detailed in 5.7 above and will be carefully considered and mitigated against when progressing cases.

9 Access to Information/Bibliography

APPENDIX 1 Summary of available powers and legislation provided by Force Solicitors

APPENDIX 2 Letter to retailers with reference to Legal Highs

9.2 BACKGROUND PAPERS:

Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers. Statutory guidance for frontline professionals.

10 Contact Information

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APPENDIX 1 – LEGAL HIGH CURRENT LEGISLATION OPTIONS (MEETING NOTES PROVIDED BY FORCE SOLICITORS)

LEGAL HIGHS

	Option	Description	Comments
1	General Produce Safety Regs 2005	Applies to the sale of “dangerous products” which is defined as a “product other than a safe product”. Safe product is defined. Discussed in Counsels advice in detail. Doesn’t prevent sale altogether	<p>Warrington TS found that having issued warnings the retailers appeared to have ceased selling. Equally evidence was that the labelling had changed and so clarity around that would be required.</p> <p>This is an option however and one which Andrew Thomas recommended linked with other possibilities.</p>
2	Chemical Hazard Information and Packaging for Supply Regs 2009 Food Safety Act 1990	<p>CHIP - Does not apply if intended for human consumption – note anomaly as prosecution fails under CPUT because clearly say on packet not for human consumption and thus consumer left to decide but for CHIP plainly do intend it for consumption so thus not under CHIP! Anomaly explained by judge that legislation not there to protect consumers from their own reckless attitude to personal safety.</p> <p>Food Safety Act 1990 – means that the substances probably fall within definition of food and thus subject to relevant requirements eg as to food labelling and hygiene regs.</p> <p>These options don’t prevent sale altogether</p>	<p>CHIP – repealed essentially from 01 June 2015. Replaced (note transitional period) with Guidance on Labelling and Packaging from EU – legislation for the chemical industry. Appears that in Warrington the phrase “not fit for human consumption” has been removed from labels and Warrington TS noted that in general packaging appears to comply with new guidance.</p> <p>Food Safety Act – options here re appropriate labelling but the tricky issues associated with being seen to sanction such products.</p>
3	Injunctions : Enterprise Act 2002 or LGA 1972 and 2000	See relevant guidance -	Court process not swift. “5 year plan” – well intentioned piece of legislation and relevant LGA powers but the process is so time consuming and detailed it is not practical for this scenario in the circumstances.
4	Closure Order	The test is that the following has occurred or will occur if the	Considered and discussed re specific premises

		<p>power is not used:-</p> <ul style="list-style-type: none"> Disorderly, offensive or criminal behaviour; or Serious nuisance to the public; or Disorder near the premises 	<p>but not a general option and not relevant at this time. A reactive solution to specific problem premises in the right circumstances.</p>
5	CPN	<p>To stop a person aged 16 or over, business or organisation committing anti social behaviour which spoils the community's quality of life. Behaviour to have a detrimental effect on quality of life of those in the locality, be of a persistent or continuing nature AND be unreasonable.</p>	<p>An option used in Blackpool and now also in Lincolnshire alongside the PSPO. Again likely to be specific problem premises and though could be used re users more likely re suppliers.</p>
6	PSPO	<p>Section 59 ASB, Crime and Policing Act 2014 – test broadly that activities carried on (or likely to be carried on) in a public place within the authorities area have had a detrimental effect on the quality of life of those in the locality AND the effect or likely effect is (or likely to be) of a persistent or continuing nature, such as to make the activities unreasonable and justifies the restrictions imposed by the notice</p>	<p>Actively being considered in some areas and is an option which deals with wider issues but can address legal highs. Depends very much on the locality and the issues within that area. To be progressed in relevant areas.</p>
7	Seizure : Fraud Act and Administering a Noxious Substance OAPA 1861	<ul style="list-style-type: none"> Fraud Act 2006 – representation which is untrue or misleading, knows it is or that it might be untrue or misleading, thereby acts dishonestly and intends to make a gain for himself or loss to another. Effectively based on the products being marked “not for human consumption”. Issue here though is creative use of offence to ban something parliament could directly legislate against but hasn't. Public interest issue though one would have to argue not seeking to ban just ensure compliance with regulatory requirements including re safety. Section 23 / 24 OAPA administering poison with intent to endanger life / inflict GBH OR maliciously (s24). Need to prove date and location, unlawfully and maliciously, administer / cause to be administered / cause to be taken, poison / noxious thing and endangering life / inflicting GBH 	<p>Fraud offence an option cited in Andrew Thomas advice and subject to the packaging issue appears to be an option. Need test purchases and subject to that could progress in conjunction with other offers.</p> <p>OAPA – reactive in specific circumstances only and not a preventative measure. Very unique circumstances and not of general application.</p>

		These options don't prevent sale altogether.	
8	Health and Social Care Act – public health communicable diseases		View from Warrington having debated this issue with colleagues is that does not fit within this legislation. Not considered contamination. CWAC had possibly used previously re illegal tattooist but not considered to be suitable here.
9	Intoxicating Substances (Supply) Act 1985	This was designed to address substance abuse in young people. Prohibits sales to customers under the age of 18 years where the seller "knows or has reasonable cause to believe that the substance is, or its fumes are, likely to be inhaled by the person under the age of 18 for the purpose of causing intoxication".	An option to address supply to under 18s in appropriate circumstances.

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APPENDIX 2 – LETTER TO RETAILERS



Dear

The Sale, Possession and Supply of Novel Psychoactive Substances

Novel Psychoactive Substances (NPS) are causing increasing concern amongst healthcare professionals, youth workers, parents, local authorities and the police. Products sold as 'legal' alternatives to drugs which are designed to mimic established drugs are not always legal. 19% of NPS tested by the Home Office in 2013/14 were found to contain illegal substances controlled under the Misuse of Drugs Act 1971. These would therefore be illegal to possess, supply, offer to supply and illegal for the consumer to possess. Results from testing NPS have shown that the chemical composition of the substances in each packet can vary greatly across batches and therefore it cannot be assumed that the same substance is in each packet even if they are labelled the same.

NPS may be labelled as 'plant food' or 'research chemicals' but practically they are being sold for their psychoactive effects on humans. It is clear that these products are being used for human consumption. NPS sold to consumers must satisfy safety legislation like all other products must do.

What you should do now

It is important that you consider the content of this letter carefully. If you are selling NPS you are under a legal responsibility to ensure that they do not pose a risk to consumers and comply with the legislation set out in this letter. You should know what the products you sell contain and what they are going to be used for. It is your responsibility to ensure that these chemicals are not harmful or controlled substances and that you are not enabling the illegal drugs trade in the UK.

If you have any doubts about these products you should remove them from sale. This reduces the risk of legal action under the criminal law by an enforcement agency or a claim under the civil law for personal injury from a consumer who has been injured or becomes unwell from using the product. You should check with your public liability insurer to establish if you would be covered if there was a claim against you for personal injury following a customer's use of an NPS supplied from your premises.

This is also to advise you of an issue relating to a "New Novel Psychoactive Substance," which has now become a national concern.

At least four people in Cheshire have collapsed and have been hospitalised due to the ingestion of a substance known as '**Vertex Space Cadet**'.

Provisional results from the analysis of the VERTEX recovered by Cheshire Constabulary indicate the presence of a substance called, AB-CHMINACA. The substance has been found to be similar to that which is assessed to have caused a number of fatalities in Europe and the US.

We would ask on behalf of the public of Cheshire that you do not offer to sell or supply this product.

We have to inform you that if you do sell or supply this product and this resulted in the injury or death of a consumer then Cheshire Constabulary would investigate whether any criminal offences had been committed.

Potential offences could include:

- Section 24 of the Offences against the Person Act 1861- unlawfully and maliciously administering to or causing to be administered to or taken by any other person any poison or other destructive or noxious thing, with intent to injure, aggrieve or annoy such person.
- Manslaughter by subjective recklessness or gross negligence.

Intoxicating Substances (Supply) Act 1985

The Intoxicating Substances (Supply) Act 1985 makes it an offence to supply, or offer to supply, a substance to a person who you know, or have reasonable cause to believe, is under the age of 18 and if you know, or have reasonable cause to believe, the substance is, or its fumes are, likely to be inhaled by that person to cause intoxication.

NPS which are inhaled, or which are smoked, are covered by this legislation.

Some NPS are described as 'herbal incense' or 'research chemicals', but there is no doubt that their real use is as an intoxicant. Please be advised that we will take formal action when such products are supplied to a person the seller had reasonable cause to believe is under the age of 18, as we will argue that the seller had reasonable cause to believe that the product was to be used as an intoxicant.

An offence also exists where; you supply, or offer to supply, to a person who you know, or have reasonable cause to believe, is acting on behalf of someone under the age of 18 and you know, or have reasonable cause to believe, that the substance is, or its fumes are, likely to be inhaled by a someone under the age of 18 to cause intoxication.

If you are convicted of an offence under the Intoxicating Substances (Supply) Act 1985 the penalty is up to six months' imprisonment and/or a fine of up to £5,000.

General Product Safety Regulations 2005 (GPSRs)

The GPSRs aim to ensure that products offered for sale are safe, with the responsibility for making the product safe falling on the manufacturer. Those that sell products are known as distributors under this legislation. The regulations state that distributors '*shall not expose, possess or supply a product which he knows or should have presumed; on the basis of the information in his possession is a dangerous product*'.

A safe product is one that presents no or minimal risk '*under normal or reasonably foreseeable conditions of use*' and a dangerous product means '*a product other than a safe product*'.

Given the potentially dangerous nature of NPS and how they are used, these regulations require certain information to be marked on the NPS. This information is:

- Description of the product, as a producer has to provide consumers with relevant information to enable them to assess the risks inherent in a product where such risks are not immediately obvious without adequate warnings
- Manufacturer's details, including a geographic address
- A batch code or product reference

In addition, other trading standards authorities have utilised the 'requirements to mark' and 'requirements to warn' aspect of these regulations in respect of some NPS in situations where the authority has had reason to believe that the NPS concerned was a dangerous product. For these products there is an additional legal requirement for extra information about the product and warnings to appear on the packaging.

As the distributor it is your responsibility to ensure that products you expose, possess or supply are compliant with these marking requirements. Furthermore as the distributor you are required to keep documentation that allows for the tracing of a product through the supply chain, this should be in an easily accessible format for enforcement agencies. In simple terms – you must be able to provide genuine invoices from legitimate suppliers for your products.

You cannot rely on the packet being marked 'not for human consumption' as a defence under this legislation if you knew or suspected that the purchaser was going to consume the product.

If you are convicted of supplying or possession for supply of a product which breaches this legislation, in other words if dangerous it is an offence punishable by a £20,000 fine and/or 12 months' imprisonment.

European Regulation No 1272/2008 on Classification, Labelling and Packaging of substances and mixtures (CLP).

These regulations are designed to protect people and the environment from the harmful effects of chemicals. Under the regulations suppliers are required to identify the hazards of the chemicals they supply, package the chemicals safely and give information about the chemical's hazards to their customers. The requirement to identify the hazards of chemicals means products have to be labelled correctly and carry warning symbols.

The regulations require products to be labelled with appropriate warning symbols and a telephone number of the EU importer or EU manufacturer. This number is to be used by medical staff in the event of an emergency, to enable them to identify the exact constituents of a product that may have caused illness. For this reason the number given must allow 24 hour access, an answering machine does not satisfy this requirement. You must ensure that any NPS you supply or have in possession for supply can satisfy the requirements of this legislation.

If you are convicted of supplying or are found to be in possession for supply of a product which breaches this legislation then it is an offence punishable by up to 3 months' imprisonment and/or a £5000 fine.

Impact of other Legislation

The Anti-social Behaviour, Crime and Policing Act 2014 provide a new set of tools and powers to the council and the police to tackle anti-social behaviour. Where the sale of NPS is associated with anti-social behaviour that is having a nuisance and detrimental effect on a community then consideration will be given to using community protection notices (CPNs),

public spaces protection orders (PSPOs), and the powers to close premises selling NPS. This legislation has already been used by other Council's to ensure the safety of residents and reduce the impact of anti-social behaviour on communities.

Revised guidance issued under section 182 of the Licensing Act 2003 by the Home Office now allows licensing authorities to impose conditions that prevent the sale of NPS on licensed premises which includes off-licences. If your premises have been issued with a licence under this Act, it is important that you consider the implications the sale of NPS may have on your licence conditions in light of the new guidance from the Home Office.

Legislation specifically banning the sale, possession and supply of NPS has been drafted and is expected to be made law before April 2016, although recent updates suggest this will be brought forward to this year following recent incidents throughout the country.

This letter is not an authoritative interpretation of the law and is intended only for guidance to assist you. Any legislation referred to, while still current, may have been amended from the form in which it was originally enacted. The legislation quoted in this leaflet is not exhaustive; there may be other legal provisions which have relevance to the sale of NPS, for example, pricing legislation and fair trading legislation.

This letter may be used in evidence to demonstrate that you were given advice on the risks of selling NPS and the duties that the legislation mentioned within this letter places on you. Officers will be undertaking market surveillance work, test purchasing and follow up visits to premises selling NPS to ensure compliance with the law.

If you require any further advice or information please contact us on ** and provide your full contact details where upon an officer will be back in contact with you.

Yours sincerely

****Multi Agency Sign Off****

CHESHIRE EAST COUNCIL

Cabinet Member for Communities

Date of Meeting:	20 July 2015
Report of:	Steph Cordon, Head of Communities
Subject/Title:	Raising Awareness of Dangers of Sky Lanterns
Portfolio Holder:	Councillor Les Gilbert- Cabinet for Communities

1. Report Summary

- 1.1. Cheshire East Council as an Enforcing Council and one that actively supports our rural communities bans the release of Sky Lanterns from land hired for events and activities that is Council owned and as part of a condition of any event licences granted by the Council. We want to remind our residents of the dangers of releasing sky lanterns and re-affirm our commitment to supporting our rural communities.
- 1.2. Chinese (or 'Sky') lanterns consist of a paper-covered wire or bamboo frame and an open flame heat source, which lifts the lantern into the air where it can float for miles from the point of release. Once extinguished the lantern falls back to earth. Lanterns pose a threat to animals, as they can cause injury, suffering, and death, through:
 - Ingestion
 - entanglement,
 - entrapment.
- 1.3. Landowners have called for a ban on Chinese lanterns in the UK, following cases of livestock injured or killed from eating lantern parts accidentally chopped into animal feed during harvest, or getting caught in wire frames that have landed in fields. Sharp parts can tear and puncture an animal's throat or stomach causing internal bleeding or death. Animals can become entangled in fallen lantern frames and suffer from injury and stress struggling to get free, or starve to death.
- 1.4. Unexpired sky lanterns pose a fire hazard and contribute to the defacement of land by litter and waste. They also cause issues with farm machinery.
- 1.5. As an Enforcing Council, we continue to encourage shop keepers to not sell these in Cheshire East using our normal visits to businesses by our Trading Standards team in particular. If people do breach the terms and conditions of the events licence then we will refuse to grant them a future licence.

2. Recommendations

The recommendations are:

- To remind residents, businesses and event promoters of the dangers of sky lanterns
- To reaffirm our commitment to banning their release on Council owned land including this within any events licence granted by the Council

3. Reasons for Recommendations

- 3.1. Unexpired sky lanterns pose a fire hazard and also contribute to the defacement of land by litter and waste and represent a risk to wildlife and livestock. The metal from sky lanterns has also caused damage to farm machinery.

4. Wards Affected

- 4.1. All wards, especially those in rural areas.

5. Local Ward Members

- 5.1. Not applicable.

6. Policy Implications

- 6.1 Other Councils have also successfully introduced this ban on sky lanterns. This re-affirmation of our commitment enables us as a Council to raise awareness of the harm and danger they can cause to our rural communities in particular.

7. Implications for Rural Communities

- 7.1. This will have a positive impact on rural communities as it will help to prevent the release of sky lanterns which pose a fire hazard, causes litter and harm and danger to both wildlife and livestock.

8. Financial Implications

- 8.1. There will be no financial implications as a result of this re-affirmation. Trading Standards Officers as part of their daily interaction with businesses will pass on the messages to shop keepers that they should promote an alternative to sky lanterns and be aware that they are banned for events on Cheshire East land and as part of events.

9. Legal Implications

- 9.1. If terms of hire are found to have been breached – i.e. if someone reports a release on council land then the enforcement would be delivered through

refusal to allow that person/organisation to hire in the future or to hold further events.

10. Risk Management

- 10.1. There is minimal risk associated with re-affirmation and continued backing of a national campaign. It could be considered an opportunity to improve the reputation of the Council by taking positive action to protect residents, farmers, livestock and wildlife.

11. Background and Options

- 11.1. Internationally Spain, Malta and Austria have banned the use of sky lanterns. In 2012 DEFRA commissioned a desk top review of the evidence to date on sky lanterns. The findings were that there are risks from both however robust evidence with regards to both is sparse. They have therefore made the decision not to ban at a National level. Organisations and Councils have been acting however. Oxford City Council established a code of conduct in 2008 stating they no longer want Chinese sky lantern releases on Council Land. Maldon District Council approved the banning of sky lanterns from their land through hire agreements in 2011. Plymouth City Council have banned balloon releases on Council Land and a note to that effect is included in event safety guidance which is sent to all event organisers. Portsmouth City Council have included a prohibition of balloon and sky lanterns releases in event terms and conditions. Rochford District Council have included a clause within their Animal Welfare Charter. Tyne and Wear Council and the Vale of White Horse District Council have also banned releases on Council land and are encouraging their partners to do the same.
- 11.2. Tesco stopped the sale of Sky lanterns in 2012. The Chief Fire Officers Association called for an urgent review on their use following a major fire in the West Midlands requiring 200 firefighters and 39 fire appliances. Video evidence showed that the cause was a Sky Lantern.
- 11.3. Although the number and type of releases locally or plans to hold them is unknown there have been such releases in the recent past and officers have noted that there are shops still selling them. There is furthermore sufficient national evidence to show that releases of sky lanterns present an avoidable fire and safety risk as well as a risk to animal welfare and defacement of land by litter and waste. Raising awareness well in advance of Christmas and New Year events and before summer as well should enable event organisers time to find alternative fun awareness raising and engagement events.
- 11.4 As an example, Tatton Park bans these through individual event agreements and on attendees at concerts through ticket conditions.

12 Access to Information

- 12.1 The background papers relating to this report can be inspected by contacting the report writer:

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CHESHIRE EAST COUNCIL

Cabinet Member for Communities

Date of Meeting:	20 July 2015
Report of:	Steph Cordon Head of Communities
Subject/Title:	Community Hubs Update
Portfolio Holder:	Cllr Les Gilbert

1.0 Report Summary

- 1.1 Cheshire East Council as a Residents First Council is leading a programme of work along with our partners, to develop vibrant and sustainable Community Hubs, which are shaped and developed by local communities, providing the right services in the right place, at the right times. They are a key element of our ambitious programme to empower our communities, providing information and access to help for residents. They are centres that deliver for those in need, with a wide range of outreach early intervention and prevention services, to protect our vulnerable residents. We are also challenging our partners to deliver more through community hubs, providing services more efficiently and effectively and which meet specific local needs.
- 1.2 Our focus is on solving the causes and not just addressing the symptoms. The work in our community hubs will be driven by need and reducing the dependency on public services – our emphasis is on:
- Improving mental and physical wellbeing
 - Increasing independence for our older people
 - No unemployment for those that can work
- 1.3 To achieve this, we will work with our community hubs to enable:
- opportunities for people to skill up, gain confidence and raise aspirations to get jobs
 - physical and mind health opportunities in community settings
 - healthy eating activities and community cafes, luncheon clubs, etc.
- 1.4 This isn't an exhaustive list of activities, as further co-design and delivery of services will follow once we have established the community hubs model. Our community hubs will be our eyes and ears on the ground who will tell us about where we need to respond to our communities to make the most difference.

- 1.5 There are two strands to our approach-
- implementing an innovative franchise model
 - and community commissioning and co-production.
- 1.6 We have been successful in securing money from Central Government to pilot our approach to community hubs through social franchising. A social franchise in this context is a community business, which re-invests its profit into the community hub, for the benefit of local people.
- 1.7 The main focus of this national pilot is to develop community run health and mental wellbeing services, extending the Children's Centre offer and outreach services across neighbourhoods in Macclesfield through a Community Interest Company (CIC).
- 1.8 We are also trialling an opportunity to become part of the community hub network and be part of a franchise model with those areas that are most in need of investment and are up for the challenge.
- 1.9 The pilot areas that we are working with initially are:
- Bromley Farm, Congleton
 - Barnies, Crewe
 - Lacey Green & Colshaw Farm, Wilmslow
 - Longridge Estate, Knutsford
 - Moss Rose Estate and South Park Pavilion, Macclesfield
 - The Georges Community Centre, Crewe.
- 1.10 We have ambitious plans for how this would work which will put our communities back in the driving seat. As part of our radical new approach, community commissioning is the way forward. We plan to hand over resource and decision making to our network of community hubs, so that they can decide what needs to be done and who is best placed to do it in their own community. We have already committed to a local first approach which reduces and takes away some of the burdens and processes that slow us down in getting things done and prevent people doing things for us. This is a great example of how we are going to do this.
- 1.11 There is a lot of interest from a wide range of organisations, who are working with us to develop local community hubs and networks. This briefing paper focuses on the franchise pilot sites, and a further paper will be provided in August 2015, which updates on progress across Cheshire East.

2.0 Recommendations

- 2.1 That the Cabinet Member agrees to:
- a) the suggested approach to Community Hubs and the initial sub set of priority areas.
 - b) the social franchise model outlined in 11.2 and how organisations could apply to be community hubs.
 - c) the community commissioning pilot.

3.0 Reasons for Recommendations

- 3.1 At the Cabinet meeting in April 2014, the principles of Community Hubs were signed up to. This is the first stage of the pilots which will ensure that we tackle the causes and not the symptoms.

4.0 Wards Affected

- 4.1 Crewe, Macclesfield, Knutsford, Wilmslow and Congleton initially.

5.0 Local Ward Members

- 5.1 Ward Members will be engaged through the development of Community Hubs. An all Member briefing will also be organised to ensure that Members have an opportunity to influence the development of community hubs.

6.0 Policy Implications

- 6.1 This will support the reduction of dependency on public services and also support our commitment as a Residents First Council to the co-production of services.

7.0 Implications for Rural Communities

- 7.1 This is the initial phase, focussed on the pilot areas. However, alongside this we are working closely with a number of rural communities to develop their local offer and ensure this is connected into developments in the pilot neighbourhoods.

8.0 Financial Implications

- 8.1 The resources for initial set up costs for community hubs are included in existing budgets. The resource for community commissioning is included in the Public Health budget.

9.0 Legal Implications

- 9.1 There are no legal implications to this approach.

10.0 Risk Management

- 10.1 Any potential risks have been considered and mitigated against in this context.

11.0 Background and Options

11.1 Community Hubs and Networks - Where Do They Cover?

11.1.1 Community Hubs share their basic core offer, but their wider offer to the community is evidence led and determined locally. Each centre is part of a network of complementary buildings and facilities, at a neighbourhood, town, locality and borough-wide level, which work together to provide space for all sectors to deliver services and activities from.

11.1.2 Individual community hubs need to keep their unique identities and remain firmly rooted in the communities they serve and close to their frontline. The hub networks support this, whilst also offering a wide range of benefits through peer networking. Community Hub networks in Cheshire East will work at 4 different geographical levels:

1. Individual Community Hub – focussed on needs of local people.
2. Neighbourhood and Town networks, where there is demand and need for several hubs to work together to serve the needs of their neighbourhood/town, to deliver economies of scope. Focussed on the needs of local people and working collaboratively to improve their shared offer.
3. Locality Hubs – networking hubs together at a local level. Focus on community commissioning and peer networking to share knowledge and skills.

The proposal is to align these localities to those agreed by the health and social care transformation programmes, who have agreed 8 areas:

- i. Knutsford
 - ii. Wilmslow
 - iii. Macclesfield
 - iv. Congleton
 - v. SMASH (Sandbach, Middlewich, Alsager and Haslington)
 - vi. Crewe
 - vii. Nantwich.
 - viii. Poynton
4. Cheshire East wide network providing the overarching framework for hub development, training and development opportunities and leading collaborative work to achieve economies of scale e.g. joint procurement.

11.2 Community Hub Franchise - What Does this look like?

11.2.1 The proposal is to develop Community Hubs across Cheshire East using a social franchising model, which is first and foremost about partnership, offers a range of benefits to its members and puts local Residents First.



11.2.2 Organisations applying for the franchise need to deliver the core offer (above), meet Level 1 of the GRIPP quality assurance process and complete an Application to become a franchisee. Applications are considered quarterly by the Portfolio Holder who either approves the application or offers a package of support to help the organisations achieve the criteria.

11.2.3 Further information on the Franchise model is available in Appendix 1.

11.3 Community Commissioning - What will it look like?

11.3.1 Community commissioning is an ambitious form of co-production, where power and responsibility for local public service commissioning is shared with our residents. Arrangements will vary from place to place depending on what makes sense locally, and different funding streams will require different resource allocation and criteria.

11.3.2 Community hub networks are ideally placed to commission local services and the proposal is to pilot this in the 6 pilot neighbourhoods above, using public health funding. It is proposed that where a community hub network is sufficiently developed (i.e. has met the franchise quality standards) and where there is identified need (i.e. the hub serves at least one of the 16 LSOAs in the most deprived quintile nationally) that a representative group of community groups work with local residents, to take on some commissioning responsibility for their community.

11.3.3 Further information on the criteria and package to be offered is in Appendix 2.

11.3.4 The outputs of this activity would be a comprehensive understanding of the current activities in a locality that contribute to good wellbeing and an increase in the range and scale of activities available. A process will be developed that other commissioners could join at an appropriate time, pooling resources and working with the community to develop community commissioning for wellbeing.

12.0 Access to Information

12.1 The background papers relating to this report can be inspected by contacting the report writer:

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Appendix 1

Cheshire East Community Hubs Framework

The Cheshire East Community Hubs (CECH) franchise provides a framework which ensures Community Hubs:

- Have local and effective governance arrangements in place, with quality assurance provided through a validated self-assessment process.
- Deliver a core offer plus additional services to meet local needs, to high and consistent service standards.
- Deliver social impact based on local need, in line with our Residents First aims.
- Share existing learning in the borough, with local organisations helping each other, making it quicker and easier to start up community hubs.
- Are locally owned and operate flexibly to meet their local context and circumstances.
- Develop a strong network of organisations, but those organisations running hubs remain local and close to their frontline.
- Offer a wide range of local services, achieving economies of scope in service delivery.
- Deliver economies of scale through the network, by accessing joint purchasing, marketing, recruitment, back office functions, bidding, tendering, policy credibility etc.
- Provide financial sustainability for the future of local assets and local service provision.
- Enable sharing which combines social and financial goals.
- Work through genuine and mutually beneficial partnerships, under a common identity.
- Devolve power and control to local communities and encourage innovation.

Our Offer to the Franchise & Franchisees

As the lead partner, Cheshire East Council commits to:

- Develop the CECH Franchise, investing in its infrastructure and dedicating staff time.
- Pilot the model with 6-10 franchisees, to evaluate the impact and success to inform a review / refresh of the model.
- Provide a franchise pack which includes necessary documents (e.g. franchise agreement, policy templates, operating procedures, annual training programme etc.).
- Develop branding for the franchise, including logos, shared manner and style etc.
- Provide initial training and induction to franchisees.
- Facilitate local and Cheshire East wide networks which bring franchisees together offering peer support and to share learning, good practice, develop joint bids etc.

- Provide an annual training programme which supports franchisees to effectively operate and develop community hubs.
- Commission the development and ongoing support to meet the criteria of the quality assurance process (CVS develop GRIPP, validate and offer support to address gaps/issues).
- Support local community groups to carry out consultation and engagement with local residents to identify local community strengths and services/activities required in hubs.
- Provide ongoing Community Engagement Officer support to franchisees.
- Provide support from Community Advisers who can offer expert advice.
- Provide start-up grants (up to £2k per hub) to enable applicants to meet the quality assurance and core offer criteria.
- Deliver outreach services from community hubs, based on local need and evidence. The Council will develop a package of universal and targeted services available at hubs.
- Work with our partners to secure joint funding for the delivery of and their commitment to deliver outreach services from community hubs.
- Work with community hubs to develop a local approach to community/place-based commissioning, giving them training and a budget to commission against agreed outcomes.
- FastTrack opportunities for commissioning – as assurance process has proven they are have good governance arrangements and are fit for purpose.
- A public information hub (e.g. iPad on a stand) which could offer links to information and advice from Council and other partner services (mini version of what's in the TICs)
- To carry out an annual review of the franchise, to continually evaluate its impact and refresh and update as required.

Community Hub Offer to local people - Franchise Criteria

Community Hubs need to apply to be part of the franchise. In order to become a franchisee, they need to meet the criteria for the core offer and the self-assessment quality assurance process.

The criteria for membership are that the Hub provides the core offer below:

- At least 20 hours per week (at centre or through a network arrangement) of access for the public or service users to access information and services (see below)
- Premises available for communities and local organisations to book for group activities 7 days/evenings per week.
- Promotion of all local community services and activities, including a timetable of those available at the venue (and within network).
- Signposting and links to a range of public information and services.
- On-line access and support/training.
- IT available for residents and for professionals to hot-desk.

In addition, organisations running hubs need to:

- Be active members of the local and Cheshire East Community Hub network and commit to attend meetings and training.
- Meet GRIPPP self-assessment assurance process, which is externally validated to demonstrate that the organisation has good governance in place including:
 - Governance – look after the direction, development and legal responsibilities
 - Resources – in place to enable them to get work done
 - Information – on local area and how to get things done
 - Projects – deliver tasks and activities
 - People – connect, network and involve local community
 - Premises – additional requirement for hubs to ensure premises run effectively.

Application Process

Stage 1

The organisation managing the Community Hub meets Level 1 of the GRIPP process and completes an Application to become a franchisee. The application is considered by the Portfolio Holder who either:

1. Approves the application and progression to stage 3 - OR
2. Offers one-off start up grant and package of support (including templates etc.) needed to fulfil the criteria for approval within a specified time (maximum of 12 months). Local Engagement Officer provides support, the Hub joins their local network for peer support, CVS offer support to achieve Level 2 of the GRIPP assurance process, the organisations can access training package but are not awarded franchise at this stage.

Stage 2

Organisation resubmits application for approval to the Portfolio Holder within the specified timescale.

The application is reconsidered by the Portfolio Holder who either:

1. Approves the application and progression to stage 3 - OR
2. Declines application with reasons – and organisation can decide to apply again, but future applications do not qualify for start-up grant.

Portfolio Holder Decisions are made every 3 months and dates of meetings are advertised on an annual basis.

Stage 3 - Award franchise if appropriate - full package offered.

Review – If an applicant is not happy with the outcome, they can submit a review of the process, which will be considered by a Panel of 2 Portfolio Holders and a representative from CECVS.

Community Commissioning**Appendix 2**

Community commissioning is an ambitious form of co-production, which can develop innovative new ways to deliver public services, in a way which delivers better services for less money.

Community arrangements will vary from place to place depending on what makes sense locally but key elements have been evidenced as: devolving or sharing commissioning power and responsibility with communities; building community capacity to commission; strong local leadership and partnership working; locally set service priorities and outcomes; aligning or pooling resources; establishing robust governance and accountability.

Co-production is a service that is offered, produced or provided, by the service users themselves. For people to get involved, they need to see the value of the service and feel capable and motivated to do what is required. If people feel that this is their service, they designed it, they are more likely to remain involved with it. It can help reduce unnecessary demand on services, by turning consumers into producers.

As part of the development of community hubs and the franchise model, community commissioning could act as a key incentive for organisations in an area to come together in a network. Network members would receive training, enabling them to take some commissioning responsibility. In the first instance, a proportion of the public health resources could be aligned to pilot geographical areas based on need, to commission services to improve mental health and wellbeing. For Public health funding, the network will need to service at least one of the 16 LSOAs (Lower Super Output Areas) in the most deprived quintile nationally.

Community Network would be:

- provided with needs data for their area;
- be invited to identify their communities strengths and assets;
- be invited to identify gaps in opportunities for their community to engage in the five ways to wellbeing;
- provided with the evidence base of 'what works?' in addressing different need;
- supported to develop a commissioning process; and
- supported with prioritisation tools to aid decision making.

The outputs of the pilots would be a comprehensive understanding of the current activities in a locality that contribute to good wellbeing and an increase in the range and scale of activities available.

Learning would be used to develop a process with other commissioners, pooling resources and working with the community to develop community-based commissioning for wellbeing. The long-term aim would be to develop a framework of all relevant outcomes for a locality, enabling communities to commission a wide range of services to meet their needs.