

Public Document Pack

JOHN WARD
Director of Corporate Services

Contact: Lisa Higenbottam on 01243 534684
Email: lhigenbottam@chichester.gov.uk

East Pallant House
1 East Pallant
Chichester
West Sussex
PO19 1TY
Tel: 01243 785166
www.chichester.gov.uk



A meeting of the **Cabinet** will be held in the Committee Rooms, East Pallant House on **Tuesday 2 November 2021 at 9.30 am**

MEMBERS: Mrs E Lintill (Chairman), Mrs S Taylor (Vice-Chairman), Mr R Briscoe, Mr A Dignum, Mrs P Plant, Mr A Sutton and Mr P Wilding

AGENDA

- 1 **Chair's Announcements**
The Chair will make any specific announcements for this meeting and advise of any late items which due to special circumstances will be given urgent consideration under Late Items.
- 2 **Approval of Minutes** (Pages 1 - 6)
The Cabinet is requested to approve as a correct record the minutes of its meeting on Tuesday 5 October 2021.
- 3 **Declarations of Interests**
Members are requested to make any declarations of disclosable pecuniary, personal and/or prejudicial interests they might have in respect of matters on the agenda for this meeting.
- 4 **Public Question Time**
In accordance with Chichester District Council's scheme for public question time the Cabinet will receive any questions which have been submitted by members of the public in writing by noon two working days before the meeting. Each questioner will be given up to three minutes to ask their question. The total time allocated for public question time is 15 minutes subject to the Chair's discretion to extend that period.

RECOMMENDATIONS TO COUNCIL

- 5 **Adoption of Gambling Act 2005 Statement of Policy review and Adoption of Licensing Act 2003 Statement of Licensing Policy** (Pages 7 - 85)
The Cabinet is requested to consider the report and its appendices and make the following recommendation to Council:

That the Statement of Licensing Policy 2022-2027 (Licensing Act 2003) at Appendix 1, and the Statement of Policy 2022-2025 (Gambling Act 2005) at Appendix 2, be approved and referred to Council for adoption and publication.
- 6 **Financial Strategy and Plan 2022-23 to 2026-27** (Pages 87 - 113)
The Cabinet is requested to consider the report and its appendices and make the following recommendations to Council:
 - a) The key financial principles and actions set out in appendix 1 of the 5 year

Financial Strategy report are approved.

- b) That having considered the recommendations of the Corporate Governance and Audit Committee, the Minimum Level of Reserves remains set at £4m.
- c) That the current 5 year Financial Model detailed in appendix 2 (Part 2) and the Resources Statement in appendix 3 to the Financial Strategy report be noted.

7 Funding for Voluntary Action Arun and Chichester (Pages 115 - 118)

The Cabinet is requested to consider the report and make the following recommendation to Council and resolution:

1. That the Cabinet recommends to Council the continuation of funding to Voluntary Action Arun and Chichester for the provision of infrastructure support to the voluntary and community groups and charities in Chichester District as set out in para 5.2 below.
2. That the Cabinet delegates authority to the Director of Housing and Communities, following consultation with the Cabinet Member for Community Services, to agree a service specification and signing of a three-year funding agreement and delegates to the Grants and Concessions Panel the annual monitoring of performance.

RECOMMENDATION FROM THE GRANTS AND CONCESSIONS PANEL

8 New Homes Bonus (Parish Allocations) Scheme application from Chichester City Council

The Grants and Concessions Panel recommend to Cabinet the allocation of £43,000 to Chichester City Council in favour of Chichester Runners and Athletics Club and their proposal for a permanent running track at Chichester College.

The recommendation exceeds the delegation to the Panel, but is within the indicative allocation for Chichester City Council for this scheme.

KEY DECISIONS

None.

OTHER DECISIONS

9 2021-22 Treasury Management Half-Yearly Update Report (Pages 119 - 129)

The Cabinet is requested to consider the report and its appendices and make the following resolution:

The Cabinet has duly considered consider the Treasury activity summarised in this report.

10 Business Rates Pool High Street Project (Pages 131 - 137)

The Cabinet is requested to consider the report and its appendix and make the following resolutions:

1. That Cabinet agrees the release of the Business Rates Pool monies totalling £70,000 for spend on a 'high street project'.
2. That Cabinet agrees to work commencing on the feasibility study for the

project as set out in section 4 of the report, using the total fund allocated to this Council.

11 **Consultation on bringing Gatwick Airport Northern Runway into use alongside the main runway** (Pages 139 - 151)

The Cabinet is requested to consider the report and its appendices and make the following resolution:

That Cabinet endorse the recommended responses to the consultation questions as set out in Appendix 2 to this report regarding bringing Gatwick Airport northern runway into use alongside the main runway.

12 **Engagement Response to National Highways A259 Chichester to Emsworth Cycling and Walking Route** (Pages 153 - 172)

The Cabinet is requested to consider the report and its appendices and make the following resolution:

That having considered the recommendation from Environment Panel (para 8.4), Cabinet is recommended to indicate the Council's support for National Highways' proposed walking and cycling improvements to the A259 Chichester to Emsworth.

13 **Future Funding for Community Wardens** (Pages 173 - 183)

The Cabinet is requested to consider the report and its appendix and make the following resolutions:

1. That Cabinet agrees to continue to fund 50% of the Community Warden Service and 100% of the Senior Community Warden post for 1 year (as set out in section 7 below), subject to match funding being secured from partners.
2. That a review of the service and funding is undertaken during 2022 as set out in para 4.2 below.

14 **Priory Park Task and Finish Group** (Pages 185 - 190)

The Cabinet is requested to consider the report and its appendices and make the following resolutions:

1. That Cabinet agree to the setting up of a Priory Park Task and Finish Group to address the motion passed by the September Council.
2. That Cabinet agree the Terms of Reference of the Task and Finish Group as set out at Appendix B.

15 **Late Items**

- a) Items added to the agenda papers and made available for public inspection.
- b) Items which the Chair has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting.

16 **Exclusion of the Press and Public**

The Cabinet is asked to consider in respect of agenda item 17 (and if required Appendix 2 to Agenda Item 6) whether the public including the press should be excluded from the meeting on the following ground of exemption in Schedule 12A to the *Local Government Act 1972* namely Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

[**Note** The report and its appendices within this part of the agenda are attached for members of the Council and relevant only (printed on salmon paper)]

17 **Funding for a staff pool car pilot** (Pages 191 - 193)

The Cabinet is requested to consider the report and make the resolutions as set out in sections 2.1 and 2.2 of the report.

NOTES

- (1) The press and public may be excluded from the meeting during any item of business wherever it is likely that there would be disclosure of 'exempt information' as defined in section 100A of and Schedule 12A to the Local Government Act 1972.
- (2) The press and public may view the report appendices which are not included with their copy of the agenda on the Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless they contain exempt information.
- (3) Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform Democratic Services of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 of Chichester District Council's Constitution]
- (4) Subject to Covid-19 Risk Assessments members of the public are advised of the following:
 - (a) Where public meetings are being held at East Pallant House in order to best manage the space available members of the public are in the first instance asked to listen to the meeting online via the council's committee pages.
 - (b) Where a member of the public has registered a question or statement they will be invited to submit the question or statement in advance to be read out by Democratic Services. They may attend the meeting but will be asked to sit in an allocated seat in the public gallery.
 - (c) It is recommended that all those attending take a lateral flow test prior to the meeting.
 - (d) All those attending the meeting will be required to wear face coverings and maintain social distancing when in the building/meeting room.
 - (e) Members of the public must not attend any face to face meeting if they or a member of their household have Covid-19 symptoms and/or are required to self-isolate.
- (5) A key decision means an executive decision which is likely to:
 - result in Chichester District Council (CDC) incurring expenditure which is, or the making of savings which are, significant having regard to the CDC's budget for the service or function to which the decision relates or
 - be significant in terms of its effect on communities living or working in an area comprising one or more wards in the CDC's area or
 - incur expenditure, generate income, or produce savings greater than £100,000

NON-CABINET MEMBER COUNCILLORS SPEAKING AT THE CABINET

Standing Order 22.3 of Chichester District Council's Constitution provides that members of the Council may, with the Chairman's consent, speak at a committee meeting of which they are not a member, or temporarily sit and speak at the committee table on a particular item but shall then return to the public seating area.

The Leader of the Council intends to apply this standing order at Cabinet meetings by requesting that members should *normally* seek the Chairman's consent in writing by email in advance of the meeting. They should do this by noon on the Friday before the Cabinet meeting, outlining the substance of the matter that they wish to raise. The word normally is emphasised because there may be unforeseen circumstances where a member can assist the conduct of business by his or her contribution and where the Chairman would therefore retain their discretion to allow the contribution without the aforesaid notice.

This page is intentionally left blank

Public Document Pack Agenda Item 2



Minutes of the meeting of the **Cabinet** held in Committee Rooms, East Pallant House on Tuesday 5 October 2021 at 9.30 am

Members Present Mrs E Lintill (Chairman), Mrs S Taylor (Vice-Chairman), Mr R Briscoe, Mr A Dignum, Mrs P Plant and Mr A Sutton

Members Absent Mr P Wilding

In attendance by invitation

Officers Present Mr N Bennett (Divisional Manager for Democratic Services), Ms P Bushby (Divisional Manager for Communities), Mr K Carter (Divisional Manager, CCS), Ms C Day (Estates Surveyor), Mr T Day (Environmental Coordinator), Mrs K Dower (Principal Planning Officer (Infrastructure Planning)), Mr A Howard (Open Spaces and Street Scene Manager), Mr P Jobson (Taxation Manager), Mrs T Murphy (Divisional Manager for Place), Mr A Frost (Director of Planning and Environment), Miss L Higenbottam (Democratic Services Manager), Mrs J Hotchkiss (Director of Growth and Place), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive) and Mr J Ward (Director of Corporate Services)

58 **Chair's Announcements**

Cllr Lintill welcomed everyone to the meeting.

Cllr Lintill announced the sad news of the passing of Michael Woolley, a former district councillor and Mayor of Chichester.

Apologies were received from Cllr Wilding.

59 **Approval of Minutes**

RESOLVED

That the minutes of the Cabinet meeting held on 5 October 2021 be approved as a correct record.

60 **Declarations of Interests**

There were no declarations of interest.

61 **Public Question Time**

There were no public questions.

62 **Council Tax Review of Locally Defined Discounts and Premiums**

In Cllr Wilding's absence Cllr Dignum introduced the item.

Mr Jobson added that the district has a proportionately large number of second homes compared with other local authorities with percentage currently 6% alongside a countrywide average of 1%. He noted that although the rate is high the number of empty homes in the district is relatively low.

Cllr Lintill requested clarification regarding the classification of a second home. Mr Jobson explained that to be considered a second home the property would be furnished but not used a main residence.

In a vote the following recommendation to Council was agreed:

RECOMMENDATION TO COUNCIL:

That the Council Tax Discounts and Premiums proposed in the Appendix to the agenda report be applied for the 2022-2023 financial year.

63 **Release of funds from the Community Infrastructure Levy to Chichester District Council Environment Team to fund Project IBP/842 Strategic Wildlife Corridors**

Cllr Taylor introduced the item.

Mrs Dower added that the project supports the Adopted Local Plan Policies 49: Biodiversity, and Policy 52: Green Infrastructure; and is in accordance with the National Planning Policy Framework.

Cllr Dignum asked how it can be ensured that wildlife corridors are given protection and included in the Local Plan. Cllr Taylor explained that they can be incorporated within biodiversity and environmental policies within the Plan.

Cllr Dignum requested a map be circulated to members. Mr Day agreed to circulate the map.

In a vote the following recommendation to Council was agreed:

RECOMMENDATION TO COUNCIL:

The approval of the release of £575,000 from the Community Infrastructure Levy to Chichester District Council's Environment Team to cover most of the costs of funding Infrastructure Business Plan Project 842 Strategic Wildlife Corridors.

64 **Appointment to Panel**

Cllr Lintill introduced the item.

In a vote the following resolution was agreed:

RESOLVED

That Cllr Sarah Lishman be appointed to the Grants and Concessions Panel in place of Cllr Sarah Sharp.

65 **Modern Slavery Transparency Statement**

Cllr Briscoe introduced the item.

Mrs Bushby added that often Modern Slavery can take place in plain sight and the Statement shows a clear commitment to tackling this type of crime.

Cllr Briscoe noted that when he had reported a crime of this nature it had been dealt with thoroughly and efficiently.

Cllr Dignum asked why the statement was focussed primarily on procurement. Mrs Bushby said this was what the Government requested but there were many other areas of Council business where modern slavery was a focus including community safety.

Cllr Sutton explained how crimes of this nature can be picked up from licensed activities and noted his reassurance in the measures put in place by the council.

In a vote the following resolutions were agreed:

RESOLVED

1. That Cabinet adopt the Chichester District Council Modern Slavery Transparency Statement (Appendix 1).
2. That Cabinet delegate any future revisions of this Policy to the Director of Housing & Communities following consultation with the Cabinet Member for Community Services and Culture.
3. That Cabinet note the Declaration of Intent (Appendix 2).

66 **Place Brand Strategy**

Cllr Dignum introduced the item.

Cllr Moss was invited to speak. He spoke in support explaining the need to consider the social, commercial and built environment. He asked that the Strategy come from a high strategic level.

Cllr Lintill noted Cllr Moss's comments.

Cllr Taylor commented on the lack of support from major stakeholders and wished to not duplicate work already underway.

In a vote the following resolutions were agreed:

RESOLVED

1. That Cabinet has considered the report outlining the background to the potential development of a Place Brand Strategy for the District.
2. That Cabinet notes that the proposals contained within the report are to be considered within the context of the Council's Future Services Framework priority setting exercise after which projects will be reported back to Cabinet as appropriate for further consideration.

67 Proposal to deter unauthorised vehicle encampments on CDC land

Cllr Plant introduced the item.

Mrs Bushby noted the positive engagement that had taken place with local residents.

Mr Howard explained that the legalities of the work proposed on the East Broyle estate were being researched by the council's legal team.

Cllr Lintill asked whether the proposals would include the opportunity to include planting on the sites. Mr Howard explained that planting had been discussed with bulbs likely to be the most practical option available.

Cllr Moss was invited to speak. He spoke in support of the proposals and thanked members for attending the public meetings at East Broyle and New Park. He asked whether there were plans to use a landscape architect. Mr Howard explained that if the proposals were agreed then a building project contractor would be selected.

Cllr Lintill commented on the importance of communicating with residents. Mrs Bushby confirmed that she had written to and hand delivered a number of letters to provide updates to residents.

Cllr Lintill wished to amend line 2 of section 4.1 of the report to refer to all unauthorised vehicles.

Cllr Briscoe noted that the plans support the work of the Police.

Mr Bennett in response to Mr Howard added that the council's legal team had already undertaken some of research required and that the works would be possible as they are attempting to improve the recreation and leisure facilities of the public space as well as preventing unauthorised use of the space.

In a vote the following resolutions were agreed:

RESOLVED

1. To approve the release of £69,930 from reserves to fund vehicle incursion deterrent measures at both New Park and East Broyle open spaces, as set out in appendix A.
2. To note the positive engagement approach used for this work and the positive feedback received.

68 **Late Items**

There were no late items.

69 **Exclusion of the Press and Public**

Cllr Lintill proposed and read the part II resolution in relation to agenda item 13. This was seconded by Cllr Taylor. The Cabinet then voted to go into part II.

RESOLVED

That with regard to agenda item 18 the public including the press should be excluded from the meeting on the grounds of exemption in Schedule 12A to the Local Government Act 1972 namely Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

70 **Midhurst Castle, St. Anne's Hill, Midhurst**

Cllr Dignum introduced the item.

There were no questions.

In a vote the following resolution was agreed:

RESOLVED

That Cabinet approves the resolution as set out in section 2.1 of the report.

The meeting ended at 10.18 am

CHAIRMAN

Date:

This page is intentionally left blank

Chichester District Council

THE CABINET

2 November 2021

**Statement of Licensing Policy under the Licensing Act 2003
(2022-2027) & Statement of Policy under the Gambling Act 2005 (2022-2025)**

1. Contacts

Report Author:

David Knowles-Ley – Licensing Manager
Telephone: 01243 534743 E-mail: dknowles-ley@chichester.gov.uk

Cabinet Member:

Councillor Alan Sutton – Cabinet Member for Housing, Communications, Licensing and Events
Telephone: 01798 342452 E-mail: asutton@chichester.gov.uk

2. Executive Summary

To provide an update following consultation in respect of the Council's Draft Statement of Licensing Policy under the Licensing Act 2003 and Draft Statement of Policy under the Gambling Act 2005 ahead of subsequent approval by Council.

3. Recommendation

- 3.1 That the Statement of Licensing Policy 2022-2027 (Licensing Act 2003) at Appendix 1, and the Statement of Policy 2022-2025 (Gambling Act 2005) at Appendix 2, be approved and referred to Council for adoption and publication.**

4. Background

Licensing Act 2003

- 4.1 Section 5(1) of the Licensing Act 2003 (the 'Act') requires a Licensing Authority to publish a Statement of Policy with respect to the exercise of its various functions in relation to alcohol and entertainment licensing. In addition, the Act provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken, these include:

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

- 4.2 Whilst ordinarily a Policy is adopted for a period of 5 years and during this period kept under review, the current Policy only came into effect on the 24th November 2020 and is due to expire on the 31 January 2022.
- 4.3 The reason for this short period was as a result of guidance produced by the Local Government Association (the 'LGA') in their publication titled '*Approaches to managing licensing and related issues during the COVID-19 pandemic – Advice for Licensing Authorities*' (17 April 2020). Within this guidance it was suggested that where Licensing Authorities were expected to undertake a full review of their Policy, which would ordinarily include extensive consultation, that alternatively '*Councils may want to consider with members whether it would be pragmatic to delay their consultations given the current challenges in effectively engaging with the local trade and residents. The LGA has flagged to the Home Office that this should be acceptable, assuming work is progressed once some level of normality has returned.*'
- 4.4 This Licensing Authority agreed that given the significant impact that the Covid-19 pandemic was having on the licensed trade, other organisations and the public, that it was not appropriate to undertake a normal policy review during the height of the pandemic. However, it was clearly incumbent upon the Licensing Authority to maintain a 'live' policy in order that it could continue to exercise its various statutory licensing functions. Last year this Licensing Authority simply reviewed the Policy that was in place to ensure it remained correct with it being readopted by Council on 24 November 2020. No substantive changes in terms of policy or requirements were made.
- 4.5 The current Policy has not been the subject of any legal challenge or complaint and has been considered by officer and members when carrying out their various functions, whether that is assisting applicants or by a Sub-Committee when considering and determining contested applications.

Gambling Act 2005

- 4.6 Section 349 of the Gambling Act 2005 (the 'Act') requires all Licensing Authorities to prepare and publish a statement of licensing principles that it proposes to apply in exercising its various functions under the Act, commonly referred to as a 'Statement of Policy' (the 'Policy'). A number of specific matters must be considered and determined within the Policy in order that the provision of betting, gaming and lotteries within the district is provided in a manner that promotes the three statutory licensing objectives, these are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 4.7 Once adopted by the Authority, a Policy ordinarily has effect for a period of three years and is kept under review during this period to ensure that it remains suitable and adequately addresses any current or emerging issues.
- 4.8 The current Policy has had effect since 20 June 2019 following approval by Council and has not been the subject of any legal challenge or complaint.

4.9 The current Policy is due to expire at the end of 31 January 2022 and it is therefore necessary to undertake a review.

5. Outcomes to be Achieved

5.1 That this Licensing Authority will have adopted and published by no later than 31 January 2022 the necessary statutory polices required in respect of both the Licensing Act 2003 and Gambling Act 2005.

6. Proposal

Licensing Act 2003

6.1 In preparing the revised draft Policy for the period 2022-2027, officers have once again carefully checked through the Policy so as to ensure that it remains correct in terms of content. The draft Policy has been considered against the current Home Office Guidance (issued in April 2018) under Section 182 of the Act.

6.2 In view of the Policy having been reviewed last year and there being no legislative changes since, no substantial changes are being proposed. However, as a direct response to the Covid-19 pandemic and to aid the promotion of economic recovery and growth, District and Borough councils were given a new statutory responsibility under the Business and Planning Act 2020. This responsibility was to temporarily administer and enforce new provisions relating to the granting of Pavement Licences. The draft Policy includes at paragraph 3.12 reference to this new statutory function as operators of licensed premises may be entitled to make an application for a Pavement Licence. Whilst this additional responsibility was initially to remain until 30 September 2021, HM Government have now extended this function until 30 September 2022.

Gambling Act 2005

6.3 When preparing the revised Policy, officers have carefully considered the contents of the current Policy specifically against the current statutory guidance issued by the Gambling Commission published 1st April 2021 and last updated 13th May 2021. The Act requires that Licensing Authorities must have regard to this guidance. The proposed Policy continues to be consistent with the statutory guidance.

6.4 The overarching legislative framework of the Gambling Act 2005 remains largely unaltered, and there are no legislative changes which necessitate amendments to the current Policy.

6.5 The Authority is required to formally designate a body responsible for advising it about the protection of children from harm. The Authority proposes within the revised Policy to continue to designate the West Sussex Local Safeguarding Children Board for this purpose and this is reflected at paragraph 6.2 of the proposed Policy.

6.6 The Authority also historically passed a 'no casino' resolution under Section 166(1) of the Act. It continues to be the case that no approach has ever been made to the Authority by operators wishing to open a casino within the Chichester district. However, this is believed to be largely based on the fact that those who hold a Casino Operating Licence granted by the Gambling Commission are aware that nationally only certain Licensing Authorities are permitted to grant casino premises

licences. Historically this Licensing Authority chose not to enter the bidding process and therefore could not, irrespective of the 'no casino' resolution, grant a casino premises licence. What the 'no casino resolution' does is state unequivocally that should the position change nationally, that this Licensing Authority would still not consider an application for a casino licence. The proposal within the revised Policy is to maintain the current stance and to continue with the 'no casino' resolution and this is reflected at paragraph 16.2.

7. Alternatives Considered

7.1 As referred to above, it is a statutory requirement that the authority prepares and publishes policies with respect to the exercise of its licensing functions under both Section 5(1) of the Licensing Act 2003 and Section 349 of the Gambling Act 2005.

8. Resource and Legal Implications

8.1 There are no resource and/or legal implications raised other than those set out within the body of this report.

9. Consultation

Licensing Act 2003

9.1 When reviewing the Policy the Authority must consult those persons listed in Section 5 (3) of the Act. These are:

- The Chief Office of Police for the area;
- The Fire and Rescue Authority for the area;
- Each Local Authority's Director of Public Health in England;
- Persons/bodies representative of local premises licence holders;
- Persons/bodies representative of local club premises certificates holders;
- Persons/bodies representative of local personal licence holders; and
- Persons/bodies representative of businesses and residents in its area.

Gambling Act 2005

9.2 When reviewing the Policy the Authority must consult those persons listed in Section 349(3) of the Act. These are:

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

9.3 Following the consultation period (28 June 2021 to the end of Sunday 5 September 2021) all responses were carefully considered with final proposed policies being prepared. Both final policies will subsequently need to be considered and approved by Council. Once approved, both policies will be published and made available electronically via the Council's website.

9.4 The Draft Statement of Licensing Policy 2022-2027 (Licensing Act 2003) at Appendix 1, and Draft Statement of Policy 2022-2025 (Gambling Act 2005) at Appendix 2 were considered and approved for public consultation by the Alcohol and Entertainment Licensing Committee on the 24th June 2021.

9.5 The Director of Growth and Place in consultation with the Cabinet Member for Housing, Communications, Licensing and Events, have subsequently considered all representations arising from the consultation and are satisfied that neither policy required substantial amendments.

10. Community Impact and Corporate Risks

10.1 There are no community impact and/or corporate risks raised by this report.

11. Other Implications

	Yes	No
Crime and Disorder		X
Biodiversity and Climate Change Mitigation		X
Human Rights and Equality Impact		X
Safeguarding and Early Help		X
General Data Protection Regulations (GDPR)		X
Health and Wellbeing		X
Other (please specify)		X

12. Appendices

Appendix 1 - Draft Statement of Licensing Policy 2022-2027 (Licensing Act 2003).
Appendix 2 - Draft Statement of Policy 2022-2025 (Gambling Act 2005).

13. Background Papers

Home Office - Revised Guidance issued under section 182 of the Licensing Act 2003
- April 2018.

Gambling Commission Guidance to Licensing Authorities published 1st April 2021
and last updated 13th May 2021.

This page is intentionally left blank



DRAFT STATEMENT OF LICENSING POLICY 2022-2027

LICENSING ACT 2003

Approved by Cabinet: *****
Approved by Council: *****
Document Title: *****

CHICHESTER DISTRICT COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY 2022-2027

CONTENTS

1	Introduction	1
2	Main Principles of the Policy	2
3	Integrating Strategies & Avoiding Duplication	5
4	Consultation	7
5	Licensing Objectives	8
6	Licensing Objective – The Prevention of Crime and Disorder	9
7	Licensing Objective – Public Safety	10
8	Licensing Objective – The Prevention of Public Nuisance	12
9	Licensing Objective – The Protection of Children from Harm	14
10	Sexual Entertainment Venues	16
11	Cumulative Impact/Special Saturation Policy	16
12	The Licensing Process	17
13	Review of Licences	18
14	Temporary Event Notices	19
15	Vehicles	20
16	Enforcement	20
	Appendices	
1	Glossary	21
2	Delegation of Functions by the Alcohol and Entertainment Licensing Committee	26
3	Licensing Statutory Fees	27
4	Serious Crimes which are likely to lead to revocation of the licence	31
5	Contact Points	32

CHICHESTER DISTRICT COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY 2022-2027

1. INTRODUCTION

1.1 Chichester District Council is the *Licensing Authority* under the provisions of the Licensing Act 2003. *The Act* came into force on the 24th November 2005 and has been the subject of various subsequent amendments.

1.2 Where legislative terms relating to the Licensing Act 2003 are used in this statement they have been italicised and are explained in Appendix 1 – The Glossary.

1.3 The legislation focuses upon the promotion of four *Licensing Objectives* that are to be addressed when licensing functions are undertaken. The objectives therefore apply equally to applicants and the Council as Licensing Authority. These are:

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

Accordingly, the Licensing Authority is responsible for, amongst other things, granting the range of *Premises Licences* (*'licence'*), *Club Premises Certificates* (*'certificate'*) and *Personal Licences and administering Temporary Event Notices* in relation to the sale and/or supply of alcohol, the provision of *regulated entertainment and late night refreshment*.

1.4 The *Licensable Activities* identified within the provisions of the Act (Part 1, Section 1) are:

- Retail sale of alcohol;
- Supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- Provision of late night refreshment (the supply of hot food and/or drink from any premises between 23:00 hours and 05:00 hours); and
- Provision of "regulated entertainment".

Regulated Entertainment is defined within the Act (Schedule 1, Part 1, Section 1) as entertainment which takes place in the presence of an audience and is provided for the purpose, or for the purposes which include the purpose, of entertaining that audience and includes the following:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- Boxing or wrestling entertainment (indoor and outdoor);
- A performance of live music;

- Any playing of recorded music;
- A performance of dance; and
- Entertainment of a similar description to the performance of live music, playing of recorded music or a performance of dance.

- 1.5 The Act requires that the Licensing Authority publish a “Statement of Licensing Policy” that sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. In addition, the Policy document seeks to provide clarity for applicants, residents, other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the District with some measure of certainty.
- 1.6 This “Statement of Licensing Policy” has been prepared in accordance with the provisions of the Act and the *Guidance* issued under Section 182 of the Act by the Home Office (amended April 2018) and has been prepared after giving appropriate weight to the views of those who have been consulted. In addition, regard will be given to the Guidance when implementing the Policy. However, there may be departure from the Guidance when particular circumstances require it.
- 1.7 This Policy will take effect on the 1st February 2022 and will remain in force until 31st January 2027. However, during this period it will be kept under review and, if appropriate, it may continue beyond this period subject to future legislative change.

2. MAIN PRINCIPLES OF THE POLICY

- 2.1 Chichester district is predominantly a rural area. It covers some 303 square miles and is the second largest district (in area) within Sussex. The Census conducted in 2011 reports a population of 113,794 in the district which is mainly concentrated in the cathedral city of Chichester, the towns of Midhurst, Petworth and Selsey together with the parishes of Tangmere and Southbourne.
- 2.2 The district includes a significant area which forms part of the South Downs National Park (SDNP). The SDNP came into being in 2010 and is England’s most recently created National Park. The South Downs National Park Authority (SDNPA) is the sole Planning Authority for all premises located within the area of the National Park and became fully operational on the 1st April 2011. In addition it is responsible for keeping the South Downs a special place.
- 2.3 This Licensing Authority is aware of and fully recognises the special and clearly defined role of the SDNPA, this includes the following ‘purposes’ and ‘duty’ for which they have been established:

Purpose 1 - ‘To conserve and enhance the natural beauty, wildlife and cultural heritage of the area’.

Purpose 2 - ‘To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public’.

Duty - ‘To seek to foster the social and economic well-being of the local communities within the National Park in pursuit of our purposes’.

Where there is a conflict between the purposes and/or duty, then Purpose 1 must have priority.

The Licensing Authority is aware of the requirement under the National Parks and Access to the Countryside Act 1949, currently supported by paragraphs 26-27 of the English National Parks and the Broads UK Government Vision and Circular 2010, to have regard to the above 'Purposes' when undertaking its licensing functions. The Licensing Authority also recognises that the 'Duty' referred to above falls solely upon the SDNPA.

- 2.4 In view of the above and given the overriding duty to ensure the promotion of the licensing objectives, this Licensing Authority will actively encourage those currently or proposing to operate premises/events within the National Park to proactively engage with the SDNPA at the earliest opportunity. In respect of major events proposed to take place in the National Park, it is expected that applicants will give proper consideration to the content of any written or verbal guidance offered by the SDNPA. This is in relation to both the licensing application and any supporting documents e.g. an Event Management Plan.
- 2.5 The Licensing Authority will also, when undertaking its various licensing functions, remaining conscious of the effect that premises/events operating within the National Park can have, and will subsequently remain cognisant of the need to ensure that the special qualities and characteristics of the National Park are maintained and wherever possible, enhanced.
- 2.6 The district also contains the Chichester Harbour Area of Outstanding Natural Beauty, one of the south coast's finest recreational areas as well as being an important natural habitat for birds, flora and fauna.
- 2.7 The Licensing Authority recognises how crucial tourism is to this thriving coastal and large rural district. Tourism not only generates employment, but is responsible for a significant amount of expenditure which consequently translates into millions of pounds of income for local businesses through direct, indirect and induced effects.
- 2.8 Presently in October 2020 there are in excess of 3,000 commercial premises of which approximately 1,557 are registered food premises, over 100 accommodation establishments, hotels and B&B's, and one of the largest caravan and campsites in Europe located in Selsey. There are many historic and cultural attractions in the region including Goodwood, with its renowned horse and motor car racing, Fishbourne Roman Palace, the internationally recognised Chichester Festival Theatre, the Weald and Downland Museum and the award winning Pallant House Gallery. Throughout the Chichester district there are 578 premises operating under a Premises Licence, 43 clubs operating under a Club Premises Certificate and 2137 holders of a Personal Licence.
- 2.9 The Licensing Authority recognises that the entertainment industry in this district is a major contributor to the local economy. It attracts tourists and visitors, makes for vibrant communities and is a major employer.
- 2.10 The Licensing Authority, in adopting this policy, recognises both the needs of residents and visitors for a safe and healthy environment in which to live, work and enjoy their recreation.

- 2.11 The Licensing Authority in adopting this policy has set out the general approach that it will take when it considers applications under the Act. The Licensing Authority confirms that each application will be considered on its merits. In view of the wide ranging variety of premises and applications, the policy necessarily cannot set out all the factors which will result in the licensing objectives being achieved, nor all the necessary and appropriate control measures required for each premises.
- 2.12 In addressing licensing issues the Licensing Authority will have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, crime and disorder and the capacity of the district's infrastructure and resources.
- 2.13 The Licensing Authority wishes to make it clear that the licensing function is not to be seen as a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned as other mechanisms outside the licensing regime are available to address such issues. However, the Licensing Authority expects every holder of a licence/certificate to take responsibility to minimise the impact of anti-social behaviour of their patrons within the vicinity of their premises and to reflect the measures that are to be taken to achieve this in their *Operating Schedule* and to demonstrate that these are applied in practice.
- 2.14 The Licensing Authority recognises the general principle that longer licensing hours for the sale of alcohol, with slower dispersal of people from licensed premises, may avoid large numbers of people leaving premises at the same time. This could reduce friction at late night fast food outlets, taxi ranks, minicab offices and other sources of transport that can lead to disorder and disturbance. This will be sought to be achieved through the promotion of the licensing objectives with the intention of avoiding arbitrary restrictions which would undermine the principle of flexibility. Each case, however will always be considered on its individual merits.
- 2.15 The Licensing Authority recognises there is no general presumption in favour of lengthening licensing hours and consideration of the four licensing objectives is precedent, as before each case will be considered on its own individual merits.
- 2.16 In the case of shops, stores and supermarkets selling alcohol it will normally be the case that the Licensing Authority will permit the hours during which alcohol is sold for consumption off the premises to correspond with the normal trading hours during which others sales take place unless there are significant reasons based on the licensing objectives relating to disturbance or disorder when an appropriate limitation will be applied.
- 2.17 It is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as a panacea for solving all problems within the community. The Licensing Authority will therefore continue to work with its neighbouring authorities, the Police, the local Community Safety Partnership, local businesses, local people and others towards the promotion of the objectives as outlined below.
- 2.18 Chichester District Council in the future may consider on its merits applications for events in buildings, their curtilages and on land, owned, managed or promoted by

the Chichester District Council. In addition, in the event of such grant, where appropriate, contractual conditions will also be put in place.

3. INTEGRATING STRATEGIES AND AVOIDING DUPLICATION

- 3.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives. The Licensing Authority will seek to work with these stakeholders with the aim of achieving proper integration with others strategies, for example, local crime prevention, development control, transport, tourism and cultural strategies etc.
- 3.2 This integration will be achieved through liaison with the Planning Authority (Development Management or SDNPA), Housing and Communities, Police, Trading Standards, Fire Authority, Community Safety Partnership, local businesses, local people and other persons. Agreement about best practice will be achieved where possible.
- 3.3 The Licensing Authority will seek to secure integration of its policy with local crime prevention, planning, transport, tourism, race equality schemes and cultural strategies and any other plans introduced for the management of town centres and the night-time economy by having regard to those policies, strategies and local needs as far as they effect its licensing function and are consistent with the licensing objectives. The Licensing Authority recognises the Government's expectations in relation to the role of the Police referred to in the Guidance and will assist in its achievement wherever possible.
- 3.4 In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for disturbance in a particular neighbourhood the Licensing Authority's consideration of the cultural merits of the application will be balanced against the achievement of the licensing objectives.
- 3.5 The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, in particular, live music and dancing, to ensure that only appropriate, proportionate and reasonable licensing *Conditions* impose any restrictions on such events.
- 3.6 The Alcohol and Entertainment Licensing Committee will receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are appropriately reflected in their considerations. Where appropriate, the committee will also be appraised of the local employment situation and the need for new investment and employment.
- 3.7 In undertaking its licensing function and in determining applications, the Licensing Authority recognises and accepts the duty imposed on it to fulfil its obligations under other legislation, at the same time avoiding duplication as far as possible.
- 3.8 The Licensing Authority is mindful of all statutes which relate to issues which are relevant to the licensing objectives:

In particular, the Licensing Authority is mindful of statutes and related guidance on:

- Section 17 of the Crime and Disorder Act 1998 which requires a Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent crime and disorder in the district;
- The European Convention on Human Rights, which is given effect by the Human Rights Act 1998, places a duty on public authorities to protect the rights of individuals in a variety of circumstances. In particular, due consideration will be given to the rights under article 1 of the first protocol – protection of property, article 6 – right to a fair hearing and article 8 – respect for private and family life;
- The Local Government (Miscellaneous Provisions) Act 1982
- Health and Safety at Work etc. Act 1974 and its associated regulations;
- Environmental Protection Act 1990, in relation to statutory nuisance;
- The Anti-social Behaviour, Crime and Policing Act 2014 in relation to public nuisance;
- Equality Act 2010 in relation to elimination of unlawful discrimination and promoting premises that show safe design for all users;
- Immigration Act 2016;
- The Violent Crime Reduction Act 2006;
- Police Reform and Social Responsibility Act 2011;
- The Clean Neighbourhoods and Environment Act 2005 including additional relevant statutory nuisances under s.102; and
- The Health Act 2006.

- 3.9 The Licensing Authority recognises that there should be a clear separation of the planning and licensing regimes, and that licensing applications should not be a ‘re-run’ of the planning application. However some liaison will be maintained between the Licensing Authority, Development Management or SDNPA and the appropriate committees.
- 3.10 Whilst the Licensing Authority recognises the need to avoid so far as possible duplication with other regulatory regimes, their regulations may not cover the unique circumstances of some entertainment or premises. The Licensing Authority will therefore consider attaching tailored conditions to a licence/certificate where these are appropriate for the promotion of the licensing objectives.
- 3.11 In line with the Chichester Vision and supporting documents, as well as the Council’s Events Strategy 2020 – 2025, this Licensing Authority recognises and aims to support, encourage and help facilitate the growth of the local evening, night time and visitor economy.
- 3.12 During 2020 district and borough councils were given responsibility for the administration and enforcement of Pavement Licences under the Business and Planning Act 2020. A Pavement Licence authorises a licence holder to put removable furniture on part of a highway adjacent to a premises. This is either to sell or serve food or drink, or for the purpose of allowing the consumption of food or drink, supplied from or in connection with ‘relevant use’ of a premises. ‘Relevant use’ includes use as a public house, wine bar or other drinking establishment or other use for the sale of food or drink for consumption on or off the premises. Therefore operators of licensed premises may make an application for a Pavement

Licence. All applications are considered by this Licensing Authority in consultation with a number of consultees, with particular focus on ensuring compliance with the locally prescribed conditions.

4. CONSULTATION

4.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function. These statutory consultees include:

- The Chief Constable of Sussex Police;
- The Chief Officer, West Sussex Fire and Rescue Service (the 'Fire Authority');
- Persons/bodies representative of local holders of Premises Licences;
- Persons/bodies representative of local holders of Club Premises Certificates;
- Persons/bodies representative of local holders of Personal Licences;
- Persons/bodies representative of businesses and residents in the Chichester district; and
- Bodies representative of current licence holders.

The above listed persons/bodies are ordinarily consulted and the appropriate weight given to their views when determining or reviewing this policy.

4.2 The Licensing Authority ordinarily consults with other persons/bodies when determining or reviewing this policy; such other persons/bodies include:

- Chichester Community Safety Partnership (CSP);
- Chichester District Business against Crime (ChiBAC);
- The Chichester Business Improvement District (BID);
- Chichester Accident and Emergency Departments;
- Town and Parish Councils in the administrative area;
- Chichester Chamber of Commerce and Industry;
- Selsey Business Partnership; and
- Relevant departments of the West Sussex County Council (e.g. Youth Services, Highways).

4.3 As indicated at 1.7 above, this Policy will take effect on the 1st February 2022 and will remain in force until 31st January 2027. However, during this period it will be kept under review and, if appropriate, it may continue beyond this period subject to future legislative change.

5. LICENSING OBJECTIVES

5.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives. These are:

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

These objectives are of equal importance and apply to all licensable activities.

- 5.2 In the following sections each licensing objective is specifically dealt with and the Licensing Authority has defined and listed the influencing factors on how the objectives should be achieved. The individual style and characteristics of premises and events are best known to applicants who will be expected to address all aspects relevant to the licensing objectives. The Licensing Authority refers applicants, *Responsible Authorities* and other persons to the core principles set out at Paragraph 1.16 of Chapter 1 of the current Guidance in relation to conditions.
- 5.3 The Licensing Authority wish it to be clear that licensing is about the regulation of the carrying on of the licensable activities on licensed premises, by *qualifying clubs* and at temporary events within the terms of the Act. Accordingly conditions attached to various authorisations will be focused on matters within the control of individual licensees and others in possession of relevant authorisations under the Act. The extent of expected control is set out in paragraph 2.6 above.
- 5.4 In each section examples of possible control measures have been set out, but are not intended to be exhaustive. Applicants are expected to take a risk assessment based approach when identifying hazards and implementing appropriate control measures.
- 5.5 Further additional measures may be appropriate when specific special events or promotions are planned. These will inevitably attract larger or different audiences and thereby have a significant impact on the licensing objectives. The operating schedule should therefore make reference to the appropriate additional measures that are planned to achieve and comply with the licensing objectives.
- 5.6 The Licensing Authority will expect the issue of total occupancy capacity (i.e. staff, customers, others etc.) of the licensed area to be addressed and detailed in the operating schedule as it considers it to be an essential factor in the achievement of the four licensing objectives. In particular the design and layout of premises are important in determining the capacity along with a number of other factors such as; the nature of the premises or event and the licensed activities, number of supervisory staff, age of customers etc. (save for premises licensed for the consumption of food and/or alcohol off the premises). In appropriate cases a licence/certificate may have conditions attached setting a maximum occupancy.
- 5.7 Applicants will be expected to make themselves aware of the contents of this Statement of Licensing Policy. It is also strongly recommended that they seek the views of the appropriate Responsible Authorities about the steps appropriate to implement for the promotion of the licensing objectives, prior to formulating their operating schedule and submitting a formal application.

6. LICENSING OBJECTIVE – THE PREVENTION OF CRIME AND DISORDER

- 6.1 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 (as amended) of the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent crime and disorder in the district.

6.2 In order for the Licensing Authority, Responsible Authorities and other persons to assess whether the steps to be taken to promote the licensing objectives are satisfactory, applicants should demonstrate in their operating schedule, that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises. Examples of sources of crime and disorder may include but are not limited to:

- Underage drinking;
- Drunkenness on the premises;
- Public drunkenness;
- Drugs;
- Violent behaviour;
- Overcrowding/occupancy capacity; and
- Anti-social behaviour.

6.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and or activities. Please note that this list is not exhaustive:

- Effective and responsible management of the premises;
- Training and supervision of staff;
- Adoption of best practice guidance;
- Implementation of the Challenge 25 scheme;
- Acceptance only of identification cards that carry the Proof of Age Standards Scheme (PASS) hologram which is endorsed by the Home Office.
- Provision and maintenance of effective CCTV in and around premises;
- Provision of Door Supervisors licensed by the Security Industry Authority. The Licensing Authority may consider that certain premises may require strict supervision for the purpose of promoting the reduction of crime and disorder and where appropriate relevant conditions would be added;
- Use of Text/Radio pagers;
- Provision of toughened or plastic drinking vessels;
- Restriction on the taking of open drinks containers from premises;
- Restriction on drinking areas;
- Provision of litter bins and other security measures such as lighting outside premises;
- Membership of ChiBAC (Chichester District Business Against Crime) or a similar accredited scheme;
- Maximum occupancy capacity;
- Crime prevention notices (e.g. responsible drinking, drink-drive awareness);
- Drinks promotions; and
- Signage.

6.4 The Licensing Authority will consider attaching conditions to a licence/certificate that reflect crime prevention strategies. In particular those received from the Community Safety Partnership to deter and prevent crime and disorder both on the premises and in the immediate vicinity as customers seek entry or exit. Conditions may only be attached to a licence/certificate which are relevant to representations and which

the Licensing Authority considers appropriate in order to promote the licensing objectives.

- 6.5 In any application for a Premises Licence that includes the sale of alcohol, the applicant must specify the holder of a Personal Licence to be the *Designated Premises Supervisor* (DPS). The only exemption to this is where the applicant is a Management Committee of a community premises. In this case, the Management Committee is entitled to make an application seeking to disapply the condition requiring a DPS and replace with an alternative condition which states that every supply of alcohol under the Premises Licence must be made or authorised by the Management Committee. The Licensing Authority expects that the proposed DPS will normally be the person who has been, or will be, given day to day responsibility for running the premises by the applicant.

7. LICENSING OBJECTIVE - PUBLIC SAFETY

- 7.1 The Act covers a wide range of premises that may require licensing, including cinemas, concert halls, theatres, villages halls, church halls, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways. Each of these types of premises presents a mixture of safety risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.

- 7.2 The Licensing Authority will have regard to the measures to be taken by applicants to ensure that the physical safety of any person visiting or working in licensed premises is not compromised. In order for the Licensing Authority, Responsible Authorities and other persons to assess whether the steps to be taken to promote the licensing objectives are satisfactory, applicants should demonstrate in their operating schedule that suitable regard has been given to ensuring public safety. Factors that may be considered include, but are not limited to:

- The total occupancy capacity (staff, customers, others) of the premises;
- Satisfactory means of escape in the event of fire in relation to the age, design and layout of the premises;
- The nature of the licensable activities to be provided, in particular the sale/supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature;
- The hours of operation (distinguishing between the hours of opening and when licensable activities are provided, if different);
- The customer profile e.g. age, disability;
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.;
- Temporary electrical installations;
- Access for emergency vehicles;
- Lighting both emergency and general;

and for Theatres, Cinemas, Concert Halls and similar places;

- Number of attendants with safety responsibility; and
- Seating.

- 7.3 The Licensing Authority recognises that the Regulatory Reform (Fire Safety) Order 2005 replaced the previous fire safety legislation. Accordingly the Authority will not seek to impose fire safety conditions on a licence/certificate where the Order applies.
- 7.4 The Licensing Authority accordingly reminds applicants of their responsibility for compliance and in particular the maintenance of safety records.
- 7.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and or activities. Please note that this list is not exhaustive:
- Suitable and sufficient risk assessments;
 - Effective and responsible management of the premises including documented safety checks prior to the admittance of the public;
 - Escape routes are maintained clear of obstructions, easily openable and are subject to regular checks;
 - Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons;
 - Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons;
 - Adoption of Best Practice Guidance;
 - Provision of effective CCTV in and around the premises;
 - Provision of toughened or plastic drinking vessels;
 - Implementation of crowd management measures;
 - Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety;
 - Maintenance of premises and equipment in good order.
 - Adequate arrangements are in place to enable disabled people to safely evacuate premises in the event of an emergency;
 - Safe installation and provision of curtains, hangings and temporary decorations;
 - The total occupancy capacity (staff, customers, others) of the premises;
 - Access for emergency vehicles;
 - Adequate first aid provision e.g. equipment and if appropriate, personnel; and
 - For indoor sports entertainment attendance of a qualified medical practitioner(s), inspection of ring by a competent person, public not occupying seats within 2.5m of a ring.

The following examples of areas to consider and control measures are given to assist where the premises subject of the application are a Theatre, Cinema, Concert Hall or similar premises. Please note that this list is not exhaustive:

- Attendants e.g. number of attendants with safety responsibility, attendants should be readily identifiable;
- Seating e.g. premises should only be used in accordance with a seating plan seatways must be kept from obstructions, a certificate in relation to the design and construction and loading of temporary seating must be kept
- Drinking vessels e.g. types and location(s) permitted;

- Balcony fronts e.g. no objects placed on or over;
- Special effects e.g. any special effect or mechanical installation (e.g. dry ice machines and cryogenic fog, smoke machines, pyrotechnics, real flame etc.) must be arranged and stored so as to minimise risk. In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the Licensing Authority; and
- Ceilings e.g. inspection by a competent person.

7.6 The Licensing Authority will consider attaching conditions to a licence/certificate to promote safety where appropriate. Conditions may only be attached to a licence/certificate which are relevant to representations and which the Licensing Authority considers appropriate to the promotion of the licensing objectives.

8. LICENSING OBJECTIVE – THE PREVENTION OF PUBLIC NUISANCE

8.1 Licensed premises especially those operating late at night and early morning have a significant potential to adversely impact on communities from any public nuisance that may arise from their operations. The Licensing Authority wishes to maintain and protect the amenity of residents and businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance provided by such premises. Stricter *conditions* in respect of noise control will be imposed where for example premises are situated in denser residential areas or areas of mixed business and residential use.

8.2 Such adverse impact may relate to noise, anti-social behaviour, vibration, light pollution, noxious smells and litter. Due regard will be taken on the impact these examples and other sources of nuisance may have on those living, working or otherwise engaged in other activities in the area. In order for the Licensing Authority, Responsible Authorities and other persons to assess whether the steps to be taken to promote the licensing objectives are satisfactory, applicants in achieving the objectives, should demonstrate in their operating schedule that these concerns have been identified, suitable control measures will be implemented and maintained to prevent public nuisance. Factors giving rise to these concerns may include, but are not limited to;

- The location of premises and proximity to residential and other noise sensitive premises such as hospitals, hospices and educational establishments;
- The hours of opening, particularly between 23:00 hours and 07:00 hours;
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;
- The design and layout of premises and in particular the presence of noise limiting features;
- The total occupancy capacity (staff, customers, others) of the premises;
- The availability of public transport;
- 'Wind down period' between the end of the licensable activities and closure of the premises;
- Last admission time; and
- The age and type of clientele being attracted to or likely to be attracted to the premises.

8.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and or activities. Please note that this list is not exhaustive;

- Effective and responsible management of premises;
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly;
- Control of operating hours for all parts (e.g. garden areas) of premises, including such matters as deliveries and collections;
- Adoption of best practice guidance;
- Installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, acoustic curtains, rubber seals to doorways, installation of rubber speaker mounts;
- Management of people, including staff and traffic (and resulting queues) arriving and leaving premises;
- Liaison with public transport providers;
- Siting of external lighting including security lighting;
- Management arrangements for collection and disposal of litter;
- Effective ventilation systems to prevent nuisance from odour;
- Keeping doors and windows closed;
- Limiting music to a particular area of a premises;
- Locating and directing speakers away from external walls or walls that abut private premises;
- Identify and monitor noise levels from specific locations, records of monitoring should be kept; and
- When considering the provision of a smoking area and/or shelter consideration should be given to controls to help minimise the potential nuisance associated with its use from, for example, smoke, noise, litter and light pollution.

8.4 The Licensing Authority will consider attaching conditions to a licence/certificate to prevent public nuisance where appropriate. Conditions may only be attached to a licence/certificate which are relevant to representations and which the Licensing Authority considers appropriate to the promotion of the licensing objectives.

9. LICENSING OBJECTIVE – THE PROTECTION OF CHILDREN FROM HARM

9.1 The risk of harm to children is one of the key licensing objectives when determining applications. It is hoped that family friendly premises will thrive.

9.2 The general relaxation in the Act gives accompanied children greater access to licensed premises which conversely places additional responsibilities upon licence holders, parents and others accompanying children.

9.3 Access by children to the variety of premises for which a licence/certificate may be sought will not be limited in any way unless it is considered appropriate by the Licensing Authority to do so in order to protect them from physical, moral or psychological harm.

- 9.4 Subject to the provisions of the Act and any licence or certificate conditions, admission of children will always be at the discretion of those managing the premises. Each application and the circumstances pertaining at each premises must be considered on their own merit.
- 9.5 In order for the Licensing Authority, Responsible Authorities and other persons to assess whether the steps to be taken to promote the licensing objectives are satisfactory, applicants should demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm.
- 9.6 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include the following:
- Where there have been convictions for serving alcohol to minors or premises with a reputation for underage drinking;
 - With a known association with drug taking or dealing;
 - Where there is a strong element of gambling on the premises;
 - Where entertainment of an adult or sexual nature is provided; and
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 9.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule having regard to their particular type of premises and/or activities:
- Effective and responsible management of premises;
 - Provision of a sufficient number of people employed or engaged to secure the protection of children from harm;
 - Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm;
 - Limitation on the hours when children may be present, in all or parts of the premises;
 - Limitations or exclusions by age when certain activities are taking place;
 - Requiring an adult, not being a member of staff, to accompany a child or a number of children;
 - Implementation of the Challenge 25 scheme;
 - Acceptance only of identification cards that carry the Proof of Age Standards Scheme (PASS) hologram which is endorsed by the Home Office.
 - Measures to ensure children do not purchase, acquire or consume alcohol. (The Licensing Authority commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks);
 - Measures to ensure children are not exposed to incidences of violence or disorder; and
 - Full exclusion of persons under 18 from the premises when any licensable activities are taking place.

- 9.8 Conditions may be imposed on a licence/certificate for premises where children will be present at places of entertainment to the effect that adult staff must be present to control the access and egress of children and to ensure their safety. The Licensing Authority will normally expect the premises to provide one member of staff allocated for every 50 children present specifically to ensure their safety and to control their access and egress at the premises. The Licensing Authority reserves the right to vary the ratio of staff to children when it considers it appropriate.
- 9.9 In the case of film exhibitions, the Licensing Authority will expect at any premises which has the benefit of a licence/certificate, effective measures to be implemented that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or a classification issued by the Licensing Authority.
- 9.10 This Licensing Authority formally recognises the West Sussex ~~Local~~-Safeguarding Children ~~Partnership Board at West Sussex County Council~~ as competent to advise it on issues concerning the protection of children from harm. Therefore, applicants must, in relation to any new or full variation application for either a Premises Licence or Club Premises Certificate, send a copy of their application to this body in order for them to consider whether the application raises any concerns in respect of the protection of children from harm.
- 9.11 The Act sets out a number of offences designed to protect children in licensed premises and the Licensing Authority will work with the Police and other appropriate agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 9.12 The Licensing Authority will consider attaching conditions to a licence/certificate for the protection of children from harm where appropriate. Conditions may only be attached to a licence/certificate which are relevant to representations and which the Licensing Authority considers appropriate to the promotion of the licensing objectives.

10. SEXUAL ENTERTAINMENT VENUES

The Council has adopted a Sexual Entertainment Venues Policy and this policy shall be considered in the context of this statement as appropriate.

11. CUMULATIVE IMPACT/SPECIAL SATURATION POLICY

- 11.1 The Licensing Authority will not take the “need” for an establishment into account when considering an application, as this is a matter for the market. The Licensing Authority however recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder in the vicinity of the premises.
- 11.2 If representations are received from a Responsible Authority or other persons suggesting that an area has become saturated with licensed premises, such degree of concentration making it a focal point for large groups of people to gather in

surrounding areas, possibly away from the premises themselves, the Licensing Authority will consider on an evidential basis if this impact has an adverse effect on the promotion of the licensing objectives in addition to that created by the individual premises.

In these circumstances, the Licensing Authority will assess whether the imposition of conditions can address these problems or if the adoption of a special policy of refusing applications for new Premises Licences or Club Premises Certificates is needed because the area is saturated with licensed premises and that granting of any more would undermine at least one of the licensing objectives.

- 11.3 When considering whether to adopt a special saturation policy the Licensing Authority will consider a range of issues including the following:
- Evidence of identification of concern about crime and disorder or public nuisance;
 - Where it can be demonstrated that nuisance and/or disorder is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area;
 - Following consultation and subject to that consultation, inclusion of a special policy about future Premises Licence or Club Premises Certificate applications from that area; and
 - Publication of the special policy.
- 11.4 If a special policy is adopted it creates a rebuttable presumption that licence and certificate applications or material variations will normally be refused if relevant representations are received. Accordingly applicants will need to address the special policy issues in their operating schedules in seeking to rebut the presumption. Applicants would need to demonstrate that the operation of the premises involved would not add to the cumulative impact already being experienced.
- 11.5 If implemented, the Licensing Authority would regularly review any special saturation policies to see whether they have had the intended effect and are still required.
- 11.6 The Licensing Authority will not normally use special saturation policies solely;
- As grounds for removing a licence when representations are received about problems with existing licensed premises, or;
 - To refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits.
- 11.7 The Licensing Authority also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application having regard to the licensing objectives.
- 11.8 The Licensing Authority, having regard to the evidence currently available, considers that at present there is no particular part of the district where a cumulative impact exists, leading to an adverse impact upon the fulfilment of the licensing

objectives. However, the cumulative impact of licensed premises will be kept under review.

Other mechanisms, both within and outside the licensing regime that are available for controlling cumulative effect are:

- Planning controls;
- Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other Local Authority services;
- Application of the powers of the Council to designate parts of the area as places where alcohol may not be consumed publicly;
- Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices;
- The prosecution of any holder of a Personal Licence or member of staff at such premises who is selling alcohol to people who are drunk;
- The confiscation of alcohol from adults and children in designated areas;
- Application of Police powers to close for up to 24 hours, any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder, or excessive noise emanating from the premises; and
- Application of Police powers, other Responsible Authorities, local residents or businesses to seek a formal review of a licence/certificate.

12. THE LICENSING PROCESS

12.1 The powers of the Licensing Authority under the Act may be carried out by the Alcohol and Entertainment Licensing Committee, by sub-committees of three members or, by one or more officers acting under delegated authority.

12.2 A committee or sub-committee hearing can only be dispensed with, with the agreement of the Licensing Authority, the applicant and all parties that made relevant representations.

12.3 It is considered that many of the functions will be largely administrative with no relevant representations, and in the interests of efficiency and effectiveness these will ordinarily be carried out by officers. In cases of applications for Premises Licences and Club Premises Certificates, where there are no representations, it is the duty of the Licensing Authority to grant the licence/certificate subject only to conditions that are consistent with the operating schedule and any *Mandatory Conditions* described in the Act (see Appendix 2 delegated functions).

12.4 The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have due regard to those differences and the differing impact these will have on the local community and therefore will tailor conditions accordingly.

12.5 Applications where there are relevant representations which cannot be mediated, will be dealt with at a hearing of a committee or sub-committee of the Licensing Authority, as noted above, as will any application for review of a licence/certificate. In the case of a Premises Licence or Club Premises Certificate, conditions will be imposed if the Committee/Sub-Committee is minded that these are appropriate due to the representations raised. Conditions will be imposed as are appropriate to

promote the licensing objectives arising out of the consideration of the representations.

- 12.6 A District Council Ward Member who wishes to make representations about an application on behalf of other persons will not be eligible to be a Member of the Alcohol and Entertainment Licensing Committee or sub-committee that considers that application.
- 12.7 Generally the Licensing Authority will follow Guidance in relation to withholding the appropriate details of any person. However, and necessarily, each case will have to be determined on its own merits.
- 12.8 Applications for a Premises Licence, Personal Licence or Club Premises Certificates must be completed in accordance with any statutory or regulatory requirements and contain the information requested in this Policy. Where appropriate, incomplete or incorrectly completed applications will ordinarily be returned to the applicant, unless they contain obvious and minor errors which will result in the application being held until the applicant has supplied all of the required information. The Licensing Authority will undertake checks to ensure that where appropriate, applicants comply with statutory duties in terms of advertising their application and displaying a notice at the premises subject of the application. Action will be taken where applications are found to have been incorrectly advertised or where it is identified that the applicant has failed/is failing to display a correct notice(s) at the premises.
- 12.9 Where applications to vary Premises Licences and/or Club Premises Certificates are concerned, the Licensing Authority will have regard to Guidance and in particular the likely impact of the proposed variation on the licensing objectives. This will assist in determining whether a proposed variation is suitable for either a full or minor variation application or indeed whether the proposal is so substantial that a completely new application is required.

13. REVIEW OF LICENCES

- 13.1 A Responsible Authority or any other person may request the Licensing Authority to review any Premises Licence or Club Premises Certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 13.2 A review of a Premises Licence or Club Premises Certificate will be undertaken by the Licensing Authority in accordance with the Licensing Act 2003 and the regulations where the Police have used their Violent Crime Reduction Act 2006 powers designating a premises as being related to serious crime (or other powers) to close any premises for up to 24 hours and where as a result of the consideration of the *Closure Order* by the Magistrates Court a Notice of its determination has been received by the Licensing Authority. The current guidance for summary review and/or closure powers in any particular case shall be considered by the Licensing Authority.
- 13.3 Chichester District Council's Director of Growth and Place and Director of Planning and Environment may request the review of any Premises Licence or Club Premises Certificate, because of a matter arising at licensed premises in connection with any of the four licensing objectives.

- 13.4 Applications for review of Premises Licences or Club Premises Certificates will not normally be considered if a previous review on similar grounds has occurred within a period of 12 months, save in exceptional and compelling circumstances.
- 13.5 When considering an application for a review, the Licensing Authority will carefully consider the wide range of powers available to it under the Act that it may exercise when it considers it appropriate to promote and properly fulfil the licensing objectives. It being recognised that the review process is a key protection for the community where problems associated with the licensing objectives occur.
- 13.6 Where reviews arise and the Licensing Authority finds that the premises are being used to further serious crime(s), the Licensing Authority will normally consider revocation of the Premises Licence or Club Premises Certificate. A list of crimes that are likely to result in revocation of a licence is attached to this policy as Appendix 4. It should be noted that this list is not exhaustive.

14. TEMPORARY EVENT NOTICES

- 14.1 Temporary Event Notices relate to the carrying on of the sale or supply of alcohol, provision of regulated entertainment or provision of late night refreshment at premises that do not benefit from an appropriate Premises Licence or a Club Premises Certificate. Notification of such events is in triplicate to the Licensing Authority, the Police and the local authority exercising environmental health functions (the Environmental Protection Team at Chichester District Council) in accordance with certain criteria. Whilst the Act requires not less than 10 clear working days notice to be given for a 'standard' notice, and not less than 5 clear working days notice for a 'late' notice, the Licensing Authority recommends that wherever possible at least 28 days notice be given in order to allow for the proper consideration of the notice and for guidance to be given to organisers.

15. VEHICLES

- 15.1 Under the Act, alcohol may not be sold on or from a moving vehicle and therefore any application for such will be refused. However, applications for Premises Licences will be considered for the sale of alcohol from parked or stationary vehicles relating solely to the place where the vehicle is parked and the sale of alcohol will take place.

16. ENFORCEMENT

- 16.1 It is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act. The Licensing Authority will make arrangements to monitor premises and take appropriate action to ensure this.
- 16.2 The Licensing Authority will liaise with Sussex Police on issues of enforcement including crime prevention, public safety, public nuisance, transport, protection of children from harm and anti-social behaviour, with the view to establishing, where necessary, an enforcement protocol in order to ensure that resources are targeted at problem and high-risk premises.

- 16.3 Premises visits will be made on a targeted and risk-assessed basis, or as necessary e.g. following a complaint.
- 16.4 Wherever possible inspections will be co-ordinated with other inspection/ enforcement agencies.
- 16.5 When considering enforcement action, the Licensing Authority will consider each case on its own facts and merits and in accordance with its enforcement policy.

GLOSSARY

In this Policy the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the Policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used the reader must refer to the Licensing Act 2003.

The Act

The Licensing Act 2003

Appeals

Appeals against the decision of the Licensing Authority are to the Magistrates Courts for the area in which the licensed premises are situated. The appeal must be lodged within a period of 21 days of notification of the Licensing Authority's decision. On appeal a Magistrates Court may dismiss the appeal or substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.

Authorised Persons

Are specified people who have statutory duties in relation to the inspection of premises e.g. Licensing, Police, Fire, Health & Safety and Environmental Protection Officers.

Closure Order

Powers are provided for the Police and the Magistrates Courts to close premises for up to 24 hours. The 2003 Act significantly extended the existing powers of the Police to obtain a Court Order for a geographical location that is experiencing or likely to experience disorder. In addition, the Police may close down instantly, individual licensed premises that are disorderly or likely to become disorderly, in the interest of public safety or to prevent a public nuisance owing to noise emanating from the premises.

Club Premises Certificates

A Club Premises Certificate is granted by the Licensing Authority in respect of premises occupied by a club and used for the purposes of a club. It certifies that the club may use the premises for at least one of the qualifying club activities specified in the certificate and that the club is a qualifying club for that purpose. It is the equivalent of a Premises Licence, however where the supply of alcohol is a qualifying club activity, there is no requirement for a member of the club or an employee to hold a Personal Licence and therefore no requirement to specify a Designated Premises Supervisor.

Conditions

A Premises Licence or Club Premises Certificate may be granted subject to a number of conditions, and these may be in respect of different parts of the premises and different licensable/qualifying club activities. There is no power to impose conditions on a Personal Licence. The Guidance requires that licences and certificates must be granted subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions required by the Act itself.

Designated Premises Supervisor (DPS)

A person specified in a Premises Licence application as the proposed premises supervisor. A Designated Premises Supervisor must hold a Personal Licence.

Guidance

This refers to the statutory guidance issued to Licensing Authorities under Section 182 of the Licensing Act 2003 by the Home Office. The Guidance is provided for Licensing Authorities carrying out their functions, Magistrates hearing appeals against licensing decisions and for the benefit of operators of licensed premises, their legal advisors and the general public.

Late Night Refreshment

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between 23:00 hours and 05:00 hours.

Licensable Activities

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

Licensing Authority

In the Act 'Licensing Authority' means, the Council of a district in England, in this case Chichester District Council

Licensing Objectives

The objectives of licensing set out in the Act:

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

The Licensing Authority must carry out its functions under the Act, with the view to promoting the licensing objectives.

Mandatory Conditions

Conditions that the Act requires are imposed on a Premises Licence or Club Premises Certificate in certain situations

Minor Variation

Small variations that are considered not to impact adversely on the promotion of the licensing objectives. The minor variation process cannot be used in certain situations e.g. add the sale by retail/supply of alcohol to a licence/certificate, extend licensing hours for the sale or supply of alcohol at any time between 23:00 and 07:00, increase the amount of time on any day during which alcohol may be sold or supplied.

Objection Notice

A procedure whereby the Police can lodge objections with the Licensing Authority on an application for the grant of a Personal Licence where the applicant has a relevant offence.

Operating Schedule

A document containing a statement of the following matters (and others that may be prescribed)

- Steps to be taken by the licence holder to promote the four licensing objectives;
- The licensable activities to be conducted on the premises;

- The times during which the licensable activities are to take place and any other times when premises are open to the public;
- Where the licence is required only for a limited period, that period; and
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor.

Personal Licence

A licence granted to an individual that authorises that person to make and/or authorise others to undertake the sale by retail of alcohol at a premises that benefits from an appropriate Premises Licence. The licence lasts indefinitely although ceases to have effect when revoked, forfeited, surrendered or suspended. The holder of a Personal Licence is not required where alcohol is not permitted to be sold at the premises concerned and in addition is also not required in relation to the supply of alcohol in a club that holds a Club Premises Certificate. The Police can object to the granting of a Personal Licence, but only where the applicant has a relevant offence as defined by the Licensing Act 2003.

Premises

Premises means any place and includes a vehicle, vessel or moveable structure irrespective of its location.

Premises Licence

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities, has effect until revoked, surrendered or on death, insolvency etc. of the holder. Applications are dealt with by the Local Authority Alcohol and Entertainment Licensing Committee or sub-committee or officers in the area where the premises are situated. There may be more than one Premises Licence in existence for a particular premises.

Provisional Statement

A procedure by which a Licensing Authority can give an approval in respect of licensable activities intended to be carried on at premises which are being or are about to be constructed.

Qualifying Club

Club Premises Certificates will be issued to qualifying clubs. Qualifying conditions are specified in Section 61 of the Act and the Licensing Authority must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in "good faith" (this involves consideration of details such as club finances),

Regulated Entertainment

This includes:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- A boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance; and

- Entertainment of a similar description to the performance of live music, playing of recorded music or a performance of dance.

where the entertainment takes place in the presence of an audience and is provided for the purpose, or for the purposes which include the purpose, of entertaining that audience.

Representations

The Licensing Act 2003 does not use the term “objections”. Instead Responsible Authorities and any other person may make representations about an application for a Premises Licence or a Club Premises Certificate where they believe the granting of a licence/certificate would have an adverse effect on the promotion of the licensing objectives. Where made by persons other than Responsible Authorities, they must not be frivolous or vexatious and in all cases must be considered by the Licensing Authority as relevant. Frivolous or vexatious representations would not be relevant representations.

The making of representations engages the Licensing Authorities discretion to attach conditions as appropriate to promote the licensing objectives, to exclude any of the licensable activities, to refuse to designate a DPS, or to refuse an application outright as it thinks fit to promote the licensing objectives.

Responsible Authorities

For premises located within the Chichester district this includes the Licensing Authority, Chief Officer of Sussex Police, West Sussex Fire & Rescue Authority, either the Health Protection Team at Chichester DC or Health & Safety Executive (dependent on who the enforcing authority is for health and safety), Environmental Management Team at Chichester DC, Development Management at Chichester DC or South Downs National Park Authority (dependent on whether the premises subject of an application is inside or outside of the National Park), West Sussex ~~Local~~-Safeguarding Children ~~Partnership~~Board, Director of Public Health at West Sussex Public Health, Trading Standards at West Sussex County Council).

Review of Licence/Certificate

Where a Premises Licence/Club Premises Certificate is in force, a Responsible Authority or any other person may apply, subject to regulations, to the Licensing Authority for it to be formally reviewed. The Licensing Authority must hold a hearing to review the licence/certificate and as a result must take any steps appropriate to promote the licensing objectives, such as modification of conditions, exclusion of licensable activities, removal of the Designated Premises Supervisor (only in the case of a Premises Licence), suspension of the licence/certificate for up to 3 months or ultimately the revocation of the licence/certificate.

Sale by Retail of Alcohol

Sale by retail means a sale of alcohol to any person but does not include a sale to a trader for the purposes of his trade, to a club holding a Club Premises Certificate for the purposes of the club, to a holder of a Personal Licence or Premises Licence for the purposes of making sales authorised by a Premises Licence, or to a premises user with a Temporary Event Notice for the purpose of making sales under that notice. Sales to members of the public in wholesale quantities are licensable and require a Premises Licence.

Temporary Event Notice

A notice in a prescribed form must be served on the Licensing Authority, Sussex Police and the Environmental Management Team at Chichester District Council by the individual who proposes carrying on licensable activities. The person giving a notice is referred to as the 'premises user'. All sales of alcohol will be made by or under the authority of a premises user and certain prescribed information must be supplied within a notice. Upon receipt of a notice, Sussex Police and the Environmental Management Team will consider the notice and are entitled to object. Should an objection be received in relation to a 'standard' notice (this is a notice given with at least 10 clear working days notice) then a hearing must be arranged to determine the matter. Working day means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971. However, should an objection be given in relation to a 'late' notice (this is a notice given with not less than 5 clear working days notice, then the proposed licensable activities at the event will simply not be permitted to take place.

- Duration – they are limited to events lasting for up to 168 hours;
- Scale – they cannot involve the presence of more than 499 people within the licensed area at any one time;
- Use of the same premises – the same premises cannot be used on more than 15 occasions in a calendar year, but are subject to an overall aggregate of 21 days use in a calendar year; and
- The number of notices given by one individual within a given period of time – the holder of a Personal Licence is limited to 50 notices in a calendar year, and any other person to 5 notices in a similar period. If these conditions are not fulfilled, the temporary event would require a Premises Licence if it were currently unlicensed for the activity involved.

Transfer

A procedure where an application can be made to transfer a Premises Licence to another party e.g. if the holder sells the premises.

**DELEGATION OF FUNCTIONS BY THE ALCOHOL & ENTERTAINMENT
LICENSING COMMITTEE**

Matter to be dealt with	Sub Committee	Officers
Application for Personal Licence	If a Police objection	If no objection made
Application for Premises Licence/Club Premises Certificate	If relevant representation made	If no relevant representation made
Application for <i>Provisional Statement</i>	If relevant representation made	If no relevant representation made
Application to vary Premises Licence/Club Premises Certificate	If relevant representation made	If no relevant representation made
Application to vary Designated Premises Supervisor	If a Police objection	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for <i>transfer</i> of Premises Licences	If a Police objection	All other cases
Applications for Interim Authorities	If a Police objection	All other cases
Application to review Premises Licence/Club Premises Certificate	All cases	
Decision on whether a representation is relevant		All cases
Decision on whether a representation is frivolous or vexatious		All cases
Decision to object when Local Authority is a consultee and not the relevant Authority considering the application	All cases	
Determination of an objection to a Temporary Event Notice	All cases	
Determination of application to vary Premises Licence at a community premises to include alternative licence condition	If a Police objection	All other cases
Decision whether to consult other Responsible Authorities on minor variation application		All cases
Determination of minor variation application		All cases

LICENSING STATUTORY FEES

This is intended to be a general guide to the fees payable in respect of matters associated with the Licensing Act 2003. It is not however to be regarded as fully comprehensive as to the fees payable in all circumstances. In that respect the various regulations should be referred to for specific determination.

Table 1 - Fees payable for **Premises Licence** applications:

Non-domestic rateable value	Band				
	A (£0 – £4,300)	B (£4,301 – £33,000)	C (£33,001 – £87,000)	D (£87,001 – £125,000)	E (£125,001 +)
Application for grant of a Premises Licence	£100	£190	£315	£450*	£635*
Application for variation of a Premises Licence	£100	£190	£315	£450*	£635*
Application for minor variation of a Premises Licence	£89	£89	£89	£89	£89
Annual fee for a Premises Licence	£70	£180	£295	£320*	£350*

Table 1

* In a case where the application under Section 17 (application for Premises Licence) or Section 34 (application to vary Premises Licence) relates to a premises in Band 'D' or Band 'E', and the use of the premises is **exclusively or primarily for the supply of alcohol for consumption on the premises**, the amount of fee shall be, in the case of Band 'D', two times the amount of the fee applicable for that Band, and in the case of Band 'E', three times the amount of the fee applicable for that Band.

The annual fee for Premises Licences in Band 'D' and Band 'E' are also subject to the additional multiplying fee as above where used **exclusively or primarily for the supply of alcohol for consumption on the premises**.

Table 2 - Fees payable for **Club Premises Certificate** applications:

Non-domestic rateable value	Band				
	A (£0 – £4,300)	B (£4,301 – £33,000)	C (£33,001 – £87,000)	D (£87,001 – £125,000)	E (£125,001 +)
Application for grant of a Club Premises Certificate	£100	£190	£315	£450	£635
Application for variation of a Club Premises Certificate	£100	£190	£315	£450	£635
Application for minor variation of a Club Premises Certificate	£89	£89	£89	£89	£89
Annual fee for a Club Premises Certificate	£70	£180	£295	£320	£350

Table 2

Table 3 – **Additional fee** to be paid in respect of either (a) an application for a **Premises Licence** authorising licensable activities to take place on a premises at which 5,000 or more people may be allowed on the premises at the same time, or (b) an application for variation of a Premises Licence where the existing licence has a capacity of 4,999 or less, and the variation seeks to increase the capacity to 5,000 or more.

Number of people	Additional Fee
5,000 – 9,999	£1,000
10,000 – 14,999	£2,000
15,000 – 19,999	£4,000
20,000 – 29,999	£8,000
30,000 – 39,999	£16,000
40,000 – 49,999	£24,000
50,000 – 59,999	£32,000
60,000 – 69,999	£40,000
70,000 – 79,999	£48,000
80,000 – 89,999	£56,000
90,000 and over	£64,000

Table 3

Table 4 – **Additional annual fee** to be paid in respect of a **Premises Licence** which authorises licensable activities to take place on a premises at which 5,000 or more people may be allowed on the premises at the same time:

Number of people	Additional Fee
5,000 – 9,999	£500
10,000 – 14,999	£1,000
15,000 – 19,999	£2,000
20,000 – 29,999	£4,000
30,000 – 39,999	£8,000
40,000 – 49,999	£12,000
50,000 – 59,999	£16,000
60,000 – 69,999	£20,000
70,000 – 79,999	£24,000
80,000 – 89,999	£28,000
90,000 and over	£32,000

Table 4

Table 5 – **Fixed fees** in relation to other applications made or notices given under the Licensing Act 2003:

Occasion on which a fee will be payable	Fee
Premises Licences	
Application for copy of a Premises Licence or Summary on theft, loss etc.	£10.50 in all cases
Notification of a change of name or address (e.g. holder of a Premises Licence)	£10.50 in all cases
Application to vary to specify an individual as a Designated Premises Supervisor	£23.00
Application to disapply the requirement for a Designated Premises Supervisor in a Community Hall or similar premises	£23 or no charge when submitted simultaneously with a new or full variation application seeking to authorise the sale of alcohol for the first time
Application to transfer a Premises Licence	£23.00
Application for interim authority notice following death etc. of licence holder	£23.00

Club Premises Certificates	
Application for a copy of a Club Premises Certificate or Summary on theft, loss etc.	£10.50 in all cases
Notification of change of name or alteration of rules of club	£10.50 in all cases
Change of relevant registered address of club	£10.50 in all cases
Temporary Event Notice	
Temporary Event Notice	£21.00
Application for a copy of Temporary Event Notice on theft, loss etc.	£10.50
Personal Licences	
Application for a grant of a Personal Licence	£37.00
Application for a copy of a Personal Licence on theft, loss etc.	£10.50
Notification of a change of name or address in relation to a Personal Licence	£10.50
Miscellaneous	
Supply of copies of information contained in the licensing register	Charge set by the Licensing Authority according to current best practice recommended by Information Commissioner
Application for making a provisional statement where a premises is being built, etc.	£315.00
Notice of interest in any premises by a freeholder etc. to be notified of licensing matters	£21.00

Table 5

Note: In certain circumstances, there are exemptions from paying fees that relate to the provision of regulated entertainment only. These relate to schools and colleges and to church halls, village halls and the like. For further details please contact the Licensing Authority.

SERIOUS CRIMES WHICH ARE LIKELY TO LEAD TO REVOCATION OF A LICENCE

These are in respect of the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

CONTACT POINTS

RESPONSIBLE AUTHORITIES

Licensing Authority

Licensing Team, Communications, Licensing and Events, Growth and Place, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 534740 - Fax: 01243 776766 - Email: licensing@chichester.gov.uk - Website: www.chichester.gov.uk

Sussex Police

Chief Officer of Sussex Police, c/o Licensing Officer, Sussex Police, Centenary House, Durrington Lane, Worthing, West Sussex, BN13 2PQ - Tel: 0845 60 70 999 or 101 - Fax: 01243 843637 - Email: WS_Licensing_WOR@sussex.pnn.police.uk - Website: www.sussex.police.uk

West Sussex Fire and Rescue Service

Business Fire Safety, West Sussex Fire & Rescue Service, Centenary House, 1st Floor West Wing Rooms 236 & 245, Durrington Lane, Worthing, West Sussex, BN13 2QB - Tel: 0330 222 3333 - Email: businessfiresafety@westsussex.gov.uk - Website: www.westsussex.gov.uk

Health and Safety Executive (*for non-Local Authority enforced premises*)

Health and Safety Executive, The Council Offices, Station Road East, Oxted, Surrey, RH8 - Email: formsadmin.oxted@hse.gsi.gov.uk - Website: www.hse.gov.uk

Health Protection Team (*health & safety enforcing authority for Local Authority enforced premises*)

Health Protection Manager, Health Protection Team, Housing & Environment Services, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 785166 ext. 4602 - Fax: 01243 776766 - Email: healthprotection@chichester.gov.uk - Website: www.chichester.gov.uk

Development Management (*premises outside of the South Downs National Park*)

Head of Planning Services, Development Management, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 534734 - Fax: 01243 534563 - Email: dcplanning@chichester.gov.uk - Website: www.chichester.gov.uk

South Downs National Park Authority (*premises inside the South Downs National Park*)

South Downs National Park Authority, c/o Head of Planning Services, Development Management, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 534734 - Fax: 01243 534563 - Email: dcplanning@chichester.gov.uk - Website: www.chichester.gov.uk and <http://www.southdowns.gov.uk/>

Environmental Protection Team

Environment Manager, Environmental Management Team, Housing & Environment Services, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 785166 ext. 4598 - Fax: 01243 776766 - Email: environmentalprotect@chichester.gov.uk - Website: www.chichester.gov.uk

West Sussex ~~Local~~ Safeguarding Children ~~Board~~ Partnership

West Sussex ~~Local~~ Safeguarding Children ~~Board~~ Partnership, c/o Children's Safeguarding Unit, Room 24, Durban House, Bognor Regis, West Sussex, PO22 9RE - Tel: 03302 223337 - Email: cputeam@westsussex.gov.uk - Website: www.westsussex.gov.uk

Trading Standards

Trading Standards, West Sussex County Council, Centenary House, Durrington Lane, Worthing, West Sussex, BN13 2QB - Tel: 01243 642124 - Fax: 01903 839743 - Email: tradingstandards@westsussex.gov.uk - Website: www.westsussex.gov.uk

West Sussex Public Health

Director of Public Health, c/o Public Health Licensing, NHS Sussex, 44-45 West Street, Chichester, West Sussex, PO19 1RP – Tel: 01243 815393 - Email: publichealth.licensing@westsussex.gov.uk

OTHER

Worthing Magistrates' Court (*deals with all Appeals concerning licensing matters within the Chichester district*)

Court Address: The Law Courts, Christchurch Road, Worthing, West Sussex, BN11 1JE
Postal Address: Edward Street, Brighton, East Sussex, BN2 0LG

More information is available from the following websites:

Chichester District Council - <http://www.chichester.gov.uk/article/25482/Alcohol-entertainment-and-late-night-refreshment-licences>

Gov.uk - <https://www.gov.uk/browse/business/licences/alcohol-licensing>

This page is intentionally left blank



CHICHESTER DISTRICT COUNCIL

GAMBLING ACT 2005

DRAFT STATEMENT OF POLICY 2022-2025

CHICHESTER DISTRICT COUNCIL
GAMBLING ACT 2005
STATEMENT OF POLICY 2022-2025
CONTENTS

Item	Page
PART A - GENERAL MATTERS	
1. The Licensing Objectives	3
2. Introduction	3
3. Declaration	6
4. Local Risk Assessments	6
5. Local Area Profile	7
6. Responsible Authorities	8
7. Interested Parties	8
8. Exchange of Information	9
9. Enforcement	10
10. Licensing Authority Functions	11
11. Human Rights Act 1998	13
PART B - PREMISES LICENCES	
12. General Principles	14
13. Adult Gaming Centres	21
14. (Licensed) Family Entertainment Centres	21
15. Casinos	22
16. Bingo	22
17. Betting Premises	23
18. Tracks	23
19. Travelling Fairs	24

20. Provisional Statements	24
21. Reviews	25
PART C - PERMITS/TEMPORARY AND OCCASIONAL USE NOTICES	
22. Unlicensed Family Entertainment Centre Gaming Machine Permits	27
23. (Alcohol) Licensed Premises Gaming Machine Permit & 'Automatic Entitlement'	28
24. Prize Gaming Permits	29
25. Club Gaming and Club Machine Permits	30
26. Temporary Use Notices	31
27. Occasional Use Notices	32
PART D – APPENDICES	
Appendix A - Plan of the Chichester District Council Area	33
Appendix B - List of Consultees on Draft Statement 2022-2025	34
Appendix C - Responsible Authority Details	35
Appendix D - Categories of Gaming Machines	36

This Statement of Policy was approved by Chichester District Council on the *****.

Please note that all references within this Statement to 'Guidance', refers to the Gambling Commission's Guidance to Licensing Authorities, ~~5th Edition~~, published ~~1st April 2021 and last updated 13th May 2021~~ ~~September 2015 including amendments to Parts 17, 18 and 19~~ ~~September 2016~~. This was the current version of the Guidance at the time when this Statement was prepared and published.

Formatted: Superscript

Formatted: Superscript

PART A

1. THE LICENSING OBJECTIVES

1.1 In exercising most of their functions under the Gambling Act 2005 (the 'Act'), Licensing Authorities (the 'Authorities') 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; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2 This Licensing Authority (the 'Authority') is aware that, as required by Section 153 of the Act, in making decisions about Premises Licences, Temporary Use Notices and some Permits that it should aim to permit the use of premises for gambling in so far as it thinks it:

- In accordance with any relevant Code of Practice issued by the Gambling Commission (the 'Commission') under Section 24 of the Act;
- In accordance with any relevant Guidance issued by the Commission under Section 25 of the Act;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Statement published by the Authority under Section 349 of the Act i.e. this Statement of Policy (the 'Statement').

2. INTRODUCTION

2.1 Chichester district is predominantly a rural area. It covers some 303 square miles and is the second largest district (in area) within Sussex. The Census conducted in 2011 reports a population of 113,794 in the district which is mainly concentrated in the cathedral city of Chichester, the towns of Midhurst, Petworth and Selsey together with the parishes of Tangmere and Southbourne.

2.2 The district includes a significant area which forms part of the South Downs National Park (SDNP). The SDNP came into being in 2010 and is England's most recently created National Park. The South Downs National Park Authority (SDNPA) is the sole Planning Authority for all premises located within the area of the National Park and became fully operational on the 1st April 2011. In addition it is responsible for keeping the South Downs a special place.

2.3 This Authority is aware of and fully recognises the special and clearly defined role of the SDNPA, this includes the following 'purposes' and 'duty' for which they have been established:

Purpose 1 - *'To conserve and enhance the natural beauty, wildlife and cultural heritage of the area'*.

Purpose 2 - *'To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public'.*

Duty - *'To seek to foster the social and economic well-being of the local communities within the National Park in pursuit of our purposes'.*

Where there is a conflict between the purposes and/or duty, then Purpose 1 must have priority.

The Authority is aware of the requirement under the National Parks and Access to the Countryside Act 1949, currently supported by paragraphs 26-27 of the English National Parks and the Broads UK Government Vision and Circular 2010, to have regard to the above Purposes when undertaking its licensing functions. The Authority also recognises that the 'Duty' referred to above falls solely upon the SDNPA.

- 2.4 In view of the above and given the overriding duty to ensure the promotion of the licensing objectives, this Authority will actively encourage those currently or proposing to operate premises/events within the National Park to proactively engage with the SDNPA at the earliest opportunity. In respect of major events proposed to take place in the National Park, it is expected that applicants will give proper consideration to the content of any written or verbal guidance offered by the SDNPA. This is in relation to both the licensing application and any supporting documents e.g. an Event Management Plan.
- 2.5 The Authority will also, when undertaking its various licensing functions, remaining conscious of the effect that premises/events operating within the National Park can have, and will subsequently remain cognisant of the need to ensure that the special qualities and characteristics of the National Park are maintained and wherever possible, enhanced.
- 2.6 The district also contains the Chichester Harbour Area of Outstanding Natural Beauty, one of the south coast's finest recreational areas as well as being an important natural habitat for birds, flora and fauna.
- 2.7 The Licensing Authority recognises how crucial tourism is to this thriving coastal and large rural district. Tourism not only generates employment, but is responsible for a significant amount of expenditure which consequently translates into millions of pounds of income for local businesses through direct, indirect and induced effects.
- 2.8 In October 2020 there were in excess of 3000 commercial premises of which approximately 1557 are registered food premises, over 100 accommodation establishments, hotels and B&B's, and one of the largest caravan and campsites in Europe located in Selsey. There are many historic and cultural attractions in the region including Goodwood, with its renowned horse and motor car racing, Fishbourne Roman Palace, the internationally recognised Chichester Festival Theatre, the Weald and Downland Museum and the award winning Pallant House Gallery.
- 2.9 In January 2019, current authorisations within the Chichester district under the Act include:

Bingo Premises Licence - 3
Betting Premises Licence - 5
Track Premises Licence - 1
Family Entertainment Centre Premises Licence - 0
Adult Gaming Centre Premises Licence - 3
Licensed Premises Gaming Machine Permit - 6
Unlicensed Family Entertainment Centre Gaming Machine Permit - 3
Club Gaming Permit - 1
Club Machine Permit - 16
Registered Non-commercial Societies - 169
Notification of 2 or less gaming machines in licensed premises - 51

There are therefore 258 current authorisations for which the Authority is responsible for ensuring compliance with an increase of 7 from May 2019.

2.10 A plan showing the Chichester District Council area is shown at Appendix A.

2.11 In order to fully appreciate the need to ensure proper and effective operation and regulation of gambling activities, it is crucial to fully understand the definition of 'harmful gambling'. Harmful gambling is defined as any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. It is not just the gamblers themselves who experience these harms; individuals, families and communities are all affected. Research published by Citizens Advice suggests that, for every problem gambler, there are on average between six to ten additional people who are also directly affected. Harmful gambling can cause a wide variety of health and social issues, such as alcohol and drug misuse, financial difficulties, mental health issues, loss of employment, domestic abuse and family breakdown. This Licensing Authority therefore expects those responsible for or involved in providing gambling activities to be suitably trained in respect of safer gambling. This includes matters such as suicide prevention, problem gambling awareness and signposting to appropriate support services.

Formatted: Font: (Default) Arial, Not Italic

Formatted: Font: (Default) Arial, Not Italic

2.12 Authorities are required under the Act to publish a 'statement of the principles' which they propose to apply when exercising their functions. This Statement must be published at least every three years, although can be reviewed and revised at any time following consultation with those bodies and persons set out in Section 349(3) of the Act.

2.13 Chichester District Council consulted widely upon this Statement before it was finalised and published. A list of those persons who were consulted is provided at Appendix B.

2.14 Section 349 of the Act requires that the following parties are specifically consulted:

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

2.15 Our consultation took place between 28th June 2021 and 5th September 2021.

2.16 The full list of comments made and the consideration by the Authority of those comments is available by request to:

Licensing Manager, Licensing Team, Growth & Place, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY or Email: licensing@chichester.gov.uk or Tel: 01243 534740.

2.17 The Statement was approved at a meeting of Full Council on ***** and was published via our website on *****. The Statement has effect from the 1st February 2022 until 31st January 2025 inclusive.

2.18 Should you have any comments regarding this Statement, please send them via letter or email to the following:

Licensing Manager, Licensing Team, Growth & Place, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY or Email: licensing@chichester.gov.uk or Tel: 01243 534740.

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

3. DECLARATION

3.1 In producing the final Statement, this Authority declares that it has had regard to the licensing objectives, the Guidance issued to Authorities by the Commission, and any responses from those consulted on the draft Statement.

4. LOCAL RISK ASSESSMENTS

4.1 The Gambling Commission's Licence Conditions and Codes of Practice requires those who hold an Operating Licence granted by the Gambling Commission to assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks.

4.2 Whilst there is no statutory requirement to share local risk assessments with responsible authorities or interested parties, this Authority is aware that ordinary code provision 10.1.2 issued by the Commission to all operators to whom they have granted an Operator's Licence states that:

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

4.3 In addition to the above, this Authority expects that a copy of the current risk assessment will always be kept and made available upon request at each premises.

This approach saves considerable time and expense for all parties as well as increases the confidence of responsible authorities as to the operator's awareness of their obligations.

5. LOCAL AREA PROFILE

- 5.1 An Authority may find it useful to complete their own assessment of the local environment as a means of 'mapping out' the key characteristics of the local area. Such an assessment is referred to as a 'Local Area Profile'. There is however no statutory requirement on an Authority to undertake such an assessment.
- 5.2 This Authority has previously carefully considered whether it is necessary to undertake an assessment of the Chichester district. At the current time, the Authority is not proposing to undertake an assessment for the following reasons:
- Since the Act came into effect, only a very small number of complaints/concerns regarding gambling matters have ever been received by the Authority. None of the subsequent investigations have necessitated the Authority to instigate formal action;
 - No issues or concerns have ever been brought to the attention of this Authority by organisations (e.g. Citizens Advice) who represent children or other individuals who may be harmed or exploited by gambling; and
 - Due to market forces, the number of premises benefitting from Premises Licences has remained fairly consistent without a particular area becoming saturated by licensed premises.
- 5.3 Naturally the matter of completing a Local Area Profile will be kept under review and a suitable assessment will be undertaken if it is determined as necessary. If the Authority undertakes an assessment it will:
- Take into account a wide range of factors, data and information held by both the authority itself and other partners; and
 - Proactively engage with responsible authorities as well as other organisations in the area that can give 'input' to map local risks in their area. This would include public health, mental health, housing, education, community welfare groups and safety partnerships along with organisations such as Gamcare or equivalent local organisations.

6. RESPONSIBLE AUTHORITIES

- 6.1 The Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The principles are:
- The need for the body to be responsible for an area covering the whole of the Authority's area; and
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

- 6.2 This Authority formally designates the West Sussex ~~Local~~ Safeguarding Children ~~Board~~ Partnership as the body competent to advise it about the protection of children from harm.
- 6.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: <http://www.chichester.gov.uk/article/25479/Gaming-betting-and-lottery-licensing> and are also shown at Appendix C.

7. INTERESTED PARTIES

- 7.1 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 Act as follows:

“For the purposes of this Part a person is an Interested Party in relation to a Premises Licence or in relation to an application for or in respect of a Premises Licence if, in the opinion of the Licensing Authority which issues the Licence or to which the application is made, the person -

- (a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
- (b) Has business interests that might be affected by the authorised activities, or*
- (c) Represents persons who satisfy paragraph (a) or (b).”*

- 7.2 The Authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an Interested Party. The principles are:

Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Guidance at Paragraphs 8.12 to 8.17 inclusive. It will also consider Paragraph 6.21 of the Guidance that *“have business interests”* should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 7.3 For the purposes of Section 158(c) of the Act, Interested Parties includes persons who are democratically elected such as Councillors (District, County, Town and Parish Councillors) and MPs, as representing individuals who meet the criteria defined in Section 158(a) or Section 158(b) of the Act. Other representatives include bodies such as trade associations and trade unions, along with residents' and tenants' associations. A school head or governor might also act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to a proposed premises.
- 7.4 No specific evidence of being asked to represent an Interested Party will be required from a democratically elected person, however in all other cases this Authority will generally require written evidence that a person/body (e.g. an advocate/relative) *‘represents’* someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the

representation is sufficient.

- 7.5 If individuals wish to approach Councillors to ask them to represent their views, then care should be taken to ensure that the Councillors are not part of the Licensing Committee dealing with the application. If there are any doubts then please contact:

Licensing Manager, Licensing Team, Growth & Place, Chichester District Council, East Pallant House, East Pallant, Chichester, West Sussex, PO19 1TY – Email: licensing@chichester.gov.uk or Tel: 01243 534740.

8. EXCHANGE OF INFORMATION

- 8.1 Authorities are required to include in their Statements the principles to be applied by the Authority in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 8.2 The principle that this Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that data protection legislation will not be contravened. The Authority will also have regard to any Guidance issued by the Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 8.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.
- 8.4 Administered by the Office for Product Safety and Standards, the 'Primary Authority' scheme provides for a statutory partnership to be formed between a business and a single authority, e.g. a local authority. That single authority, the Primary Authority, can provide a national inspection strategy within which other local regulators can operate, to improve the effectiveness of visits by local regulators and enable better sharing of information between them. The Primary Authority scheme therefore aims to ensure that local regulation is consistent at a national level.
- 8.5 Since October 2013, the Primary Authority scheme was extended to include age-restricted sales of gambling, although does not apply to any other aspect of the Act. This means local authorities in England and Wales must follow any age restricted sales of gambling national inspection plans and strategies that are published on the Primary Authority register when considering proactive age restricted sales (gambling) activity including testing. Primary Authority plans do not prohibit authorities undertaking reactive test purchasing.
- 8.6 This Authority recognises the value and importance of the Primary Authority scheme and as is required, will engage with Primary Authorities where and when necessary.

9. ENFORCEMENT

- 9.1 Authorities are required by regulations under the Act to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with

respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

9.2 This Authority's principles are that:

It will be guided by the Guidance and will endeavour to be:

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

9.3 When considering enforcement action, the Authority will consider each case on its own facts and merits and in accordance with its enforcement policy.

9.4 As the Guidance requires, this Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

9.5 This Authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives;
- Relevant Codes of Practice;
- Guidance issued by the Commission, in particular at Part 36; and
- The principles set out in this Statement.

9.6 The main enforcement and compliance role for this Authority in terms of the Act is to ensure compliance with the requirements of the Premises Licences and other permissions which it authorises. The Commission is the enforcement body for the Operating and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Authority but should be notified to the Commission.

9.7 This Authority also keeps itself informed of developments as regards the work of the Office for Product Safety and Standards in its consideration of the regulatory functions of Local Authorities.

9.8 Bearing in mind the principle of transparency, this Authority's enforcement/compliance protocols/written agreements and risk methodology is available upon request to:

Licensing Manager, Licensing Team, Growth & Place, Chichester District Council, East Pallant House, East Pallant, Chichester, West Sussex, PO19 1TY – Email: licensing@chichester.gov.uk or Tel: 01243 534740.

10. LICENSING AUTHORITY FUNCTIONS

10.1 Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*;
- Issue *Provisional Statements*;
- Regulate *Members' Clubs and Miners' Welfare Institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue *Club Machine Permits to Commercial Clubs*;
- Grant permits for the use of certain lower stake gaming machines at *Unlicensed Family Entertainment Centres*;
- Receive notifications from any person(s) or entity that holds an appropriate Premises Licence granted under the Licensing Act 2003, in order that a maximum of two gaming machines may be made available. The Premises Licence must include the retail sale of alcohol as a licensable activity for consumption on the premises, there must be a bar at the premises from which the alcohol is served without a requirement that alcohol is served only with food;
- Issue *Licensed Premises Gaming Machine Permits* to any person(s) or entity that holds an appropriate Premises Licence granted under the Licensing Act 2003 in order that three or more gaming machines may be made available. Again, the Premises Licence must include the retail sale of alcohol as a licensable activity for consumption on the premises, there must be a bar at the premises from which the alcohol is served without a requirement that alcohol is served only with food;
- Register *Non-Commercial Societies* in order that they can operate Small Society Lotteries within prescribed thresholds;
- Issue *Prize Gaming Permits*;
- Receive and Endorse *Temporary Use Notices*;
- Receive *Occasional Use Notices*;
- Provide information to the Commission regarding details of Licences issued (see Section above on 'Information Exchange'); and
- Maintain registers of the Permits and Licences that are issued under these functions.

10.2 It should be noted that Authorities are not involved in licensing remote gambling at all, as this is regulated by the Commission via Operating Licences.

10.3 Gambling Act 2005 decisions and functions are mostly delegated to the Licensing Committee of the Authority (as established under Section 6 of the Licensing Act 2003 by virtue of Section 154(1) with the exception detailed in Section 154(2)), or in appropriate cases to Officers of this Authority. As many of the decisions will be purely administrative in nature, the principle of delegation to Officers is adopted in the interests of speed, efficiency and cost effectiveness. The terms of delegation of function are set out below.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of the Licensing Authority Statement of Policy (Section 349)	X		
Policy not to permit casinos (Section 166)	X		
Fee setting (when appropriate) (Section 212)		X To be made by the full Alcohol and Entertainment Licensing Committee	
Application for premises licences		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Application for a variation to a licence		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Application for a transfer of a licence		X Where representations have been received from the Commission or responsible authority	X Where no representations received from the Commission or responsible authority
Application for a provisional statement		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Review of a premises licence		X	

Application for club gaming/club machine permits		X Where objections have been made and not withdrawn	X Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

11. HUMAN RIGHTS ACT 1998

11.1 In considering applications, and taking enforcement action, this Authority is subject to the Human Rights Act 1998 and in particular the following relevant provisions of the European Convention on Human Rights:

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

PART B

PREMISES LICENCES - CONSIDERATION OF APPLICATIONS

12. General Principles

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

(i) Decision-making

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

- In accordance with any relevant Code of Practice issued by the Commission;
- In accordance with any relevant Guidance issued by the Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement.

12.3 The Authority recognises that Paragraph 5.34 of the Guidance states that *"moral or ethical objections to gambling are not a valid reason to reject applications for Premises Licences (with the exception of the casino resolution powers)."* - see Section 13 on Casinos – and that Paragraph 5.22 further states that *"s.153 makes it clear that in deciding whether or not to grant a licence, a Licensing Authority must not have regard to the expected demand for gambling premises that are the subject of the application."*

(ii) Definition of "premises"

12.4 In Section 353(1) of the Act, *"premises"* is defined as including *"any place and in particular – (a) a vessel, and (b) a vehicle"*. Section 152 of the Act states that a Premises Licence *"may not be issued in respect of premises if a premises licence already has effect in relation to the premises"*. However, a single building could be subject to more than one Premises Licence, provided they are for different parts of the building and these parts can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete Premises Licences, where appropriate safeguards are in place. When considering applications, this Authority is aware of the need to pay particular attention regarding sub-division of a single building or plot so as to ensure that the mandatory conditions relating to access between premises are, or would be complied with.

12.5 The Guidance states at Paragraph 7.6 that: *"In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter*

for discussion between the operator and the Licensing Authority.” Further paragraph 7.7 states that “The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a Licensing Authority should request a plan of the venue on which the premises should be identified as a separate unit”.

12.6 This Authority takes particular note of Paragraph 7.26 the Guidance which states that:

“Licensing Authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

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

12.7 At Paragraph 7.33 of the Guidance, factors which may assist the Authority in determining whether two premises are truly separate have been provided these include:

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

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

12.9 Paragraph 7.23 of the Guidance provides the relevant access provisions for each type of premises, this is reproduced below:

Casinos

- *The principal entrance to the premises must be from a ‘street’ (as defined at Paragraph 7.21 of the Guidance)*
- *No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons*

- *No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.*

Adult Gaming Centre

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

Betting Shops

- *Access must be from a street (as defined at Paragraph 7.21 of the Guidance) or from other premises with a betting premises licence*
- *No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.*

Tracks

- *No customer must be able to access the premises directly from a casino or adult gaming centre.*

Bingo Premises

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

Family Entertainment Centre

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

Part 7 of the Guidance contains further advice on this issue, which this Authority will also carefully take into account in its decision-making.

(iii) Premises “ready for gambling”

12.10 The Guidance states at Paragraph 7.58 that *“a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.”*

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

12.12 In deciding whether a Premises Licence can be granted where there are outstanding construction or alteration works at a premises, this Authority will determine applications on their merits, applying the following two stage consideration process in accordance with Paragraph 7.59 of the Guidance:

- Whether, as a matter of substance after applying the principles in Section 153 of the Act, the premises ought to be permitted to be used for gambling; and
- Whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

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

12.14 More detailed examples of the circumstances in which such a licence may be granted can be found within the Guidance at Paragraphs 7.58-7.65 inclusive.

(iv) Location

12.15 This Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As suggested by the Guidance, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Each application will be decided on its merits.

(v) Planning

12.16 The Guidance states at Paragraph 7.58 that *“In determining applications, the Licensing Authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.”* This Authority will therefore only take into account matters that are relevant to gambling and the licensing objectives,

12.17 In addition, this Authority notes the Guidance at Paragraph 7.65 which states that *“When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents Licensing Authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.”*

(vi) Duplication with other regulatory regimes

- 12.18 This Authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This Authority will therefore not consider whether a premises subject of a licence application is likely to be awarded planning permission or building regulations approval.
- 12.19 When dealing with a Premises Licence application for finished buildings, this Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the Premises Licence.

Licensing objectives

- 12.20 Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Authority has considered the Guidance and some comments are made below.

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

- 12.21 This Authority is aware that the Commission takes a leading role in preventing gambling from being a source of crime. The Guidance does however envisage that Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an application is for a premises in an area noted for particular problems with disorder, organised criminal activity etc., then this Authority will consider very carefully whether gambling premises are suitable to be located there. Equally it will carefully consider whether control measures by way of conditions are appropriate to prevent the premises from being associated with or used to support crime. An example of a control measure is the provision of Door Supervisors. When considering attaching conditions, this Authority will also take into consideration the content of any risk assessments conducted by the operator.

Ensuring that gambling is conducted in a fair and open way

- 12.22 This Authority has noted that the Commission states at Paragraph 5.11 that it generally *“would not expect Licensing Authorities to find themselves dealing with issues of fairness and openness frequently. Fairness and openness is likely to be a matter for either the way specific gambling products are provided and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence”*. However, naturally if this Authority suspects that gambling is not being conducted in a fair an open way, it will liaise with the Commission appropriately.

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

- 12.23 This Authority considers, as suggested in the Guidance, whether staff will be able to adequately supervise gambling premises, as adequate staffing is a factor to consider regarding the prevention of underage gaming. This Authority will work together with operators to consider how any impediments to the supervision of premises might be most appropriately remedied. Supervision also applies to premises that are themselves not age-restricted (e.g. bingo and family entertainment centres) but which make gambling products and facilities available,
- 12.24 Where the Authority considers the structure or layout to be an inhibition or potential inhibition to satisfying the licensing objective, the Authority will expect the applicant/licensee to consider what changes are required to ensure the risk is mitigated. Changes might include the positioning of CCTV/staff, the use of floor-walkers and/or determining a suitable location for the staff counter so as to ensure direct line of sight.
- 12.25 As regards the term “*vulnerable persons*” it is noted that the Commission does not seek to offer a definition but states at Paragraph 5.17 that “*it does for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health needs, a learning disability or substance misuse relating to alcohol or drugs*”. This Authority will consider this licensing objective on a case by case basis.

Conditions

- 12.26 Any conditions attached to licences will be proportionate and will be:
- Relevant to the need to make the proposed building suitable as a gambling facility;
 - Directly related to the premises and the type of licence applied for;
 - Fairly and reasonably related to the scale and type of premises; and
 - Reasonable in all other respects.

This Authority notes that the mandatory and default conditions which attach to certain Premises Licences are set with the intention that it is ordinarily expected that no further regulation in relation to the matters that are being controlled will be required. This Authority will only consider doing so where there are regulatory concerns of an exceptional nature, and any additional licence conditions must relate to the licensing objectives.

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

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

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

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

12.30 These considerations will apply to premises including buildings where multiple Premises Licences are applicable.

12.31 This Authority is aware that Tracks may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. As per the Guidance, this Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

12.32 It is noted that there are conditions which the Authority cannot attach to Premises Licences which are:

- Any condition on the Premises Licence which makes it impossible to comply with an Operating Licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a Club or body be required (the Act specifically removes the membership requirement for Casino and Bingo Clubs and this provision prevents it being reinstated); and
- Conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

12.33 This Authority recognises Paragraph 33.1 of the Guidance where it states that *“If a Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access, for example by children and young persons, then it may require that the entrances to the premises are controlled by a door supervisor. The licensing authority is able to impose a condition on the premises licence to this effect.”*

12.34 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be licensed by the Security Industry Authority or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary. This is supported by the Guidance at Part 33.

13. Adult Gaming Centres

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

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

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes; and
- 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.

14. (Licensed) Family Entertainment Centres

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

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

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

- 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.

- 14.3 This Authority will seek to establish, so far as is reasonably possible, the extent to which any conditions attached to an Operating Licence controls the way in which the area containing the Category C gaming machines should be delineated.

15. Casinos

- 15.1 Section 7 (1) of the Act states that ‘a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games’. Casino games are defined by the Act to mean a game of chance which is not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank, and where the chances are equally favourable to all participants. Examples of casino games include roulette, blackjack, punto banco, three card poker and dice.

- 15.2 This Authority historically passed a ‘no casino’ resolution pursuant to Section 166(1) of the Gambling Act 2005, and therefore determined that it would not issue Casino Premises Licences for any premises in its District. There is no proposal to alter that position and it therefore remains the case that a no casino resolution continues to have effect for the duration of this policy. Despite having a ‘no casino’ resolution, the situation nationally remains unaltered in that only the Authorities that historically bid for and were successful in being granted permission to grant either a ‘large’ or ‘small’ casino licence, may do so. This Authority historically determined not to bid for such permission.

- 15.3 Potential applicants should note that as a ‘no-casino’ resolution has been passed by this Authority, that no applications for Casino Premises Licences will therefore be considered. Any applications received will be duly returned with a notification that a ‘no-casino’ resolution is in place.

16. Bingo

- 16.1 This Authority notes the following Paragraphs of the Guidance:

Paragraph 18.5 – *“Licensing Authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating a separate premises in that area. Before issuing additional premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.”*

Paragraph 18.7 – *“Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.”*

17. Betting Premises

17.1 *Self-Service Betting Terminals (SSBTs)* – Section 181 contains an express power for Authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. In accordance with the Guidance at Paragraph 19.9, when considering the number/nature/circumstances of SSBTs an operator wants to offer, this Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for persons under 18 to bet) or by vulnerable people.

18. Tracks

18.1 This Authority is aware that Tracks may be subject to one or more Premises Licences, provided each licence relates to a specified area of the track. This Authority notes that Guidance and confirms that it will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

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

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes; and
- 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.

18.4 *Gaming machines* - Where the applicant holds a Pool Betting Operating Licence (this is granted by the Commission) and is going to use the entitlement to four gaming machines, machines (other than Category D) should be located in areas from which children are excluded.

Applications and plans

18.5 As part of an application for a Track Premises Licence, applicants are required to submit plans of the premises. As the Guidance states at Paragraph 20.43, *“This ensures that licensing authorities have the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan also informs future premises inspection activity.”*

18.6 The Authority also notes Paragraphs 20.44 of the Guidance which states that:

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

18.7 This Authority shares the Commission’s appreciation at Paragraph 20.46 of the Guidance that *“It is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Licensing Authorities should satisfy themselves that the plan provides sufficient information to enable them to assess an application.”*

19. Travelling Fairs

19.1 Without requiring any form of authorisation under the Act, travelling fairs may provide an unlimited number of Category D gaming machines and/or equal chance prize, provided that the facilities for gambling amount to no more than an ancillary amusement at the fair.

19.2 The Authority will consider whether the travelling fair falls within the statutory definition. 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.

19.3 It is noted that the 27-day statutory maximum for land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. So far as is reasonably practicable, this Authority will monitor the use of land and will work with its neighbouring Authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

20. Provisional Statements

20.1 Developers may wish to apply to this Authority for Provisional Statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a Premises Licence. There is no need for the applicant to hold an Operating Licence in order to apply for a Provisional Statement.

20.2 Section 204 of the Act provides for a person to make an application to the Authority for a Provisional Statement in respect of premises that they:

- (a) Expect to be constructed;
- (b) Expect to be altered; or
- (c) Expect to acquire a right to occupy.

20.3 The process for considering an application for a Provisional Statement is the same as that for a Premises Licence application. The applicant is obliged to give notice of the application in the same way as applying for a Premises Licence. Responsible Authorities and Interested Parties may make representations and there are rights of appeal.

20.4 In contrast to the Premises Licence application, the applicant does not have to hold, or have applied for, an Operating Licence from the Commission and they do not have to have a right to occupy the premises in respect of which their application for a Provisional Statement is made.

20.5 The holder of a Provisional Statement may then apply for a Premises Licence once the premises are constructed, altered or acquired. The Authority will be constrained in the matters it can consider when determining the Premises Licence application, and in terms of representations about Premises Licence applications that follow the grant of a Provisional Statement, no further representations from relevant Responsible Authorities or Interested Parties can be taken into account unless:

- They concern matters which could not have been addressed at the Provisional Statement stage, or
- They reflect a change in the applicant's circumstances.

20.6 In addition, the Authority may refuse the Premises Licence (or grant it on terms different to those attached to the Provisional Statement) only by reference to matters:

- Which could not have been raised by way of representations at the Provisional Statement stage;
- Which, in the Authority's opinion, reflect a change in the Operator's circumstances; or
- Where the premises has not been constructed in accordance with the plan and information submitted with the Provisional Statement application. This must be a substantial change to the plan and this Authority would discuss any concerns it has with the applicant before making a decision.

21. Reviews

21.1 Requests for a review of a Premises Licence can be made by Responsible Authorities or Interested Parties; however, it is for the Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- In accordance with any relevant Code of Practice issued by the Commission;
- In accordance with any relevant Guidance issued by the Commission;

- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement.

- 21.2 The request for the review will also be subject to the consideration by the Authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this Authority to wish to alter/revoke/suspend the Licence, or whether it is substantially the same as previous representations or requests for review.
- 21.3 The Authority can also initiate a review of a particular Premises Licence, or a particular class of Premises Licence on the basis of any reason which it thinks is appropriate.
- 21.4 Once a valid application for a review has been received by the Authority, representations can be made by Responsible Authorities and Interested Parties during a 28 day period. This period begins 7 days after the application was received by the Authority, who will publish notice of the application within 7 days of receipt.
- 21.5 The Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 21.6 The purpose of the review will be to determine whether the Authority should take any action in relation to the Licence. If action is justified, the options open to the Authority are:-
- (a) Add, remove or amend a Licence condition imposed by the Authority;
 - (b) Exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
 - (c) Suspend the Premises Licence for a period not exceeding three months; and
 - (d) Revoke the Premises Licence.
- 21.7 In determining what action, if any, should be taken following a review, the Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.
- 21.8 In particular, the Authority may also initiate a review of a Premises Licence on the grounds that a holder of a Premises Licence 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.
- 21.9 Once the review has been completed, the Authority must, as soon as possible, notify its decision to:
- The holder of the licence;
 - The applicant for review (if any);
 - The Commission;
 - Any person who made representations;
 - The Chief Officer of Police or Chief Constable; and
 - Her Majesty's Commissioners for Revenue and Customs

PART C
Permits / Temporary & Occasional Use Notice

**22. Unlicensed Family Entertainment Centre Gaming Machine Permits
(Statement of principles on Permits – Section 247 of the Act and Schedule 10
Paragraph 7)**

- 22.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Authority for this Permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use in accordance with the requirements of Section 238 of the Act.
- 22.2 Schedule 10, Paragraph 7 of the Act states that an Authority may “*prepare a statement of principles that they propose to apply*” in determining the suitability of an applicant for a Permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25 of the Act. The Guidance also states at Paragraph 24.8 “*In its Statement of Policy, a Licensing Authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for Permits..... Licensing Authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group.*”
- 22.3 Guidance also states at Paragraph 24.9 that “*An application for a Permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre, and if the Chief Officer of Police has been consulted on the application....Licensing Authorities may also consider asking applicants to demonstrate:*
- *A full understanding of the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres;*
 - *That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and*
 - *That employees are trained to have a full understanding of the maximum stakes and prizes.”*
- 22.4 It should be noted that an Authority cannot attach conditions to this type of Permit.
- 22.5 Statement of principles - This Authority will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This Authority will also expect, as suggested by the Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of

the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes. This Authority also expects applicants to provide a plan in support of their application. The plan must clearly show the extent of the boundary or perimeter of the premises and the location at the premises in which the Category D gaming machines will be made available for use in reliance on the Permit.

23. (Alcohol) Licensed Premises Gaming Machine Permits & Automatic Entitlement (Section 283 of the Act and Schedule 13 Paragraph 4(1)) (Section 282 of the Act)

Permit: 3 or more gaming machines

- 23.1 Under Section 283 of the Act, the holder of an appropriate alcohol Premises Licence granted under the Licensing Act 2003 (the Premises Licence must include the retail sale of alcohol as a licensable activity for consumption on the premises, there must be a bar at the premises from which the alcohol is served without a requirement that alcohol is served only with food) may apply for a Permit if they wish to make available for use at the premises more than two gaming machines drawn from Category C and/or D. The Authority must consider any application for a Permit based upon the licensing objectives, any guidance issued by the Commission issued under Section 25 of the Act, and “*such matters as they think relevant*”.
- 23.2 This Authority considers that “*such matters*” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect applicants to satisfy the Authority that there will be sufficient measures to ensure that persons under 18 years do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 23.3 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.
- 23.4 It should be noted that the Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 23.5 It should also be noted that the holder of a Permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.

Automatic entitlement: Maximum of 2 gaming machines

- 23.6 Under Section 282 of the Act, the holder of an appropriate alcohol Premises Licence granted under the Licensing Act 2003 (the Premises Licence must include the retail sale of alcohol as a licensable activity for consumption on the premises, there must be a bar at the premises from which the alcohol is served without a requirement that

alcohol is served only with food) may give notice to the Authority that they wish to take advantage of the automatic entitlement to provide at the premises a maximum of two gaming machines again drawn from either Category C and/or D. There is no application process, however the holder of the Premises Licence is required to formally notify the Authority prior to making gaming machines available for use.

23.7 However, the Authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Act, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of the gaming machines;
- The premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises.

24. Prize Gaming Permits

24.1 Schedule 14, Paragraph 8(1) of the Act states that an Authority may “*prepare a statement of principles that they propose to apply in exercising their functions under this Schedule*” which “*may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a Permit.*”

24.2 Statement of principles - This Authority will expect that applicants should set out the types of gaming that they are intending to offer and they should also be able to demonstrate:

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

24.3 In accordance with the provisions of Schedule 14, Paragraph 8(3) of the Act, the Authority, when making its decision on an application for a Permit, does not need to (but may) have regard to the licensing objectives but must have regard to any Guidance issued by the Commission.

24.4 It should be noted that there are conditions in the Act by which the holder of the Permit must comply, but that the Authority cannot attach conditions. The conditions in the Act are:

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

- Participation in the gaming must not entitle the player to take part in any other gambling.

25. Club Gaming and Club Machines Permits

25.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit which authorises an establishment to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations, namely pontoon and chemin de fer. Up to a maximum of three gaming machines drawn from categories B3A, B4, C or D maybe provided, but only one B3A machine may be sited as part of this entitlement.

25.2 If a Club does not wish to have the full range of benefits permitted by a Club Gaming Permit or if they are a Commercial Club, then they may apply for a Club Machine Permit. This authorises gaming machines to be provided in accordance with the following requirements:

Members Clubs and Miners' Welfare Institutes - maximum of three gaming machines drawn from categories B3A, B4, C or D. Only one B3A machine may be sited as part of this entitlement.

Commercial Clubs - maximum of three gaming machines drawn from categories B4, C or D.

25.3 Guidance states at Paragraph 25.4 that *"Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is restricted to that of a prescribed kind (currently bridge or whist). Members' clubs must be permanent in nature but there is no need for a club to have an alcohol licence."*

25.4 The Guidance also states at Paragraph 25.38 that *"Licensing Authorities may only refuse an application on the grounds that:*

- The applicant does not fulfil the requirements for a Members' or Commercial Club or Miners' Welfare Institute and therefore is not entitled to receive the type of Permit for which it has applied;*
- The applicant's premises are used wholly or mainly by children and/or young persons;*
- An offence under the Act or a breach of a Permit has been committed by the applicant while providing gaming facilities;*
- A Permit held by the applicant has been cancelled in the previous ten years; or*
- An objection has been lodged by the Commission or the Police."*

25.5 There is also a 'fast-track' procedure available under Schedule 12, Paragraph 10 of the Act in respect of premises which also benefit from a Club Premises Certificate granted under the Licensing Act 2003. As the Guidance states at Paragraphs 25.41 & 25.43, *"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are reduced."* and *"The grounds on which an application under this process may be refused are that:*

- (a) *The Club is established primarily for gaming, other than gaming prescribed by Regulations under Section 266 of the Act;*
- (b) *In addition to the prescribed gaming, the applicant provides facilities for other gaming;*
- (c) *A Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled."*

25.6 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.

26. Temporary Use Notices

26.1 Temporary Use Notices allow the use of premises for gambling where there is no Premises Licence in effect, however the holder of an appropriate operating licence wishes to use a premises temporarily for providing facilities for gambling. At Paragraph 14.1 of the Guidance, the Commission have suggested that premises that might be suitable for a Temporary Use Notice would include hotels, conference centres and sporting venues. Temporary Use Notices are often, but not exclusively, used to run poker tournaments.

26.2 Secondary legislation, The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 sets out the restrictions on the type of gambling to be offered under a Temporary Use Notice. These restrictions are:

- It can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both;
- Gambling under a Temporary Use Notice may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises;
- It can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner;
- Gaming machines may not be made available under a Temporary Use Notice.

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

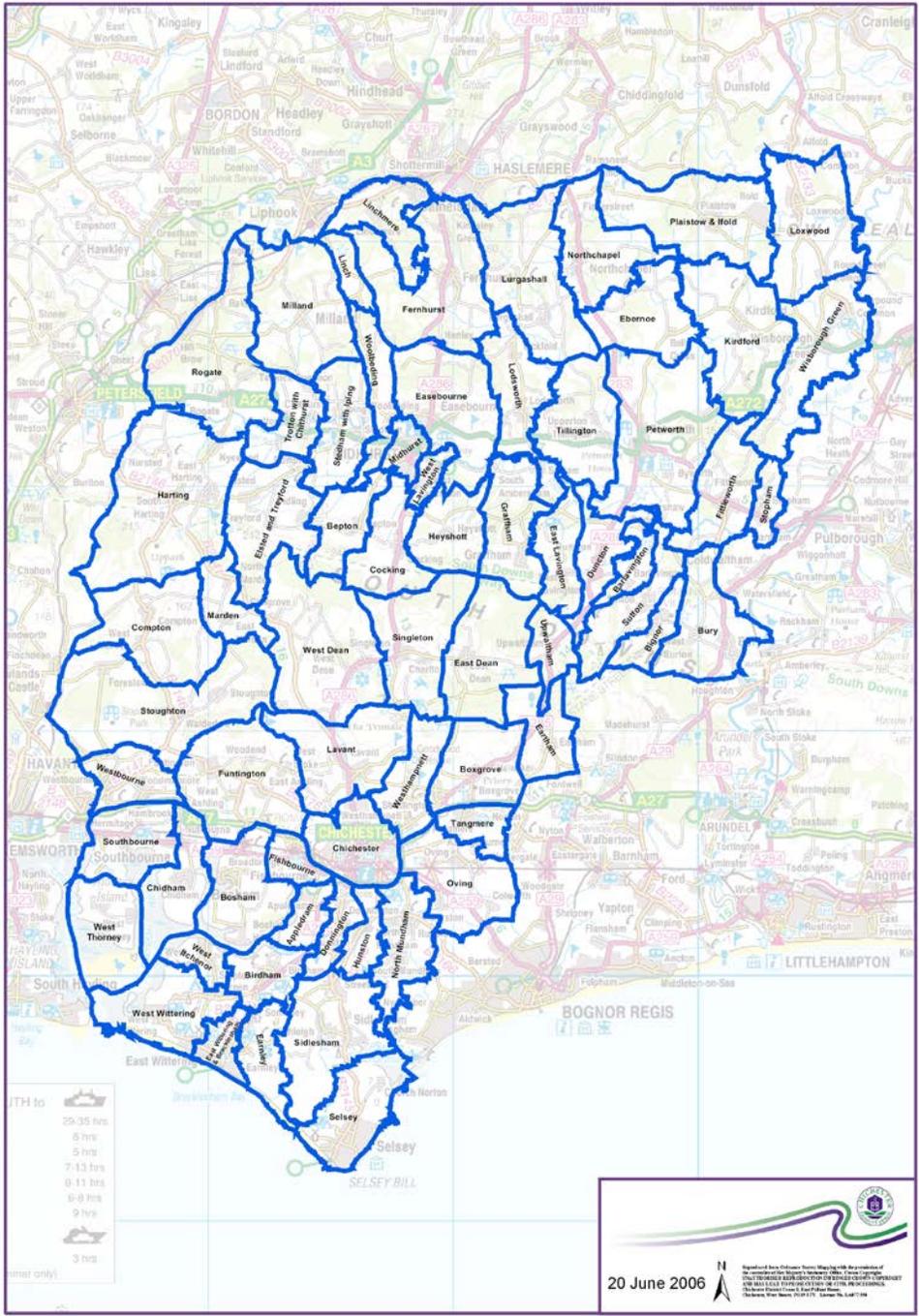
26.4 In considering whether a place falls within the definition of "a set of premises", the Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

26.5 This Authority is likely to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

27. Occasional Use Notices:

- 27.1 The intention of Occasional Use Notices is to permit licensed betting operators with appropriate permission from the Commission, to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature. The Occasional Use Notice must be served by a person who is responsible for administration of events on the track or by an occupier of a track.
- 27.2 The Authority has very little discretion as regards these notices, except for ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Authority will, however, consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. A 'track' includes horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place, or is intended to take place. Land therefore which has a number of uses, one of which fulfils the definition of a track, can qualify for the Occasional Use Notice provisions (for example agricultural land upon which a point-to-point meeting takes place).
- 27.3 Betting operators cannot provide gaming machines at tracks by virtue of an Occasional Use Notice.

APPENDIX A – PLAN OF THE CHICHESTER DISTRICT COUNCIL AREA



APPENDIX B – CONSULTEES ON DRAFT STATEMENT

Mrs Jane Hotchkiss, Director of Growth and Place, Chichester District Council
All Divisional Managers at Chichester District Council
District Councillors of Chichester District Council
City, Town and Parish Councils within the Chichester district
Responsible Authorities as specified at Appendix C
Mr Andy Isaacs, Compliance Manager, Gambling Commission
Adults' Services, West Sussex County Council
Holders of existing permissions granted under the Gambling Act 2005
Community Safety Partnership (CSP)
Chichester Chamber of Commerce and Industry (CCCI)
British Amusement Catering Trade Association (BACTA)
Association of British Bookmakers (ABB)
Bingo Association
National Casino Forum
Hospice Lotteries Association
Lotteries Council
Remote Gambling Association (RGA)
The Racecourse Association Limited
British Horse Racing Authority (BHA)
British Beer and Pub Association (BBPA)
GambleAware
GamCare
Gamblers Anonymous
Citizens Advice Bureau
Churches Together in Sussex

APPENDIX C – RESPONSIBLE AUTHORITY DETAILS

Development Management (*premises outside of the South Downs National Park*)

Head of Planning Services, Development Management, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 534734 - Fax: 01243 534563 - Email: dcplanning@chichester.gov.uk - Website: www.chichester.gov.uk

South Downs National Park Authority (*premises inside the South Downs National Park*)

South Downs National Park Authority, c/o Head of Planning Services, Development Management, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 534734 - Fax: 01243 534563 - Email: dcplanning@chichester.gov.uk - Website: www.chichester.gov.uk and <http://www.southdowns.gov.uk/>

Environmental Protection Team

Environmental Protection Manager, Environmental Protection Team, Development Management, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 785166 ext. 4598 - Fax: 01243 776766 - Email: environmentalprotect@chichester.gov.uk - Website: www.chichester.gov.uk

Gambling Commission

Victoria Square House, Victoria Square, Birmingham, B2 4BP - Tel: 0121 230 6666 - Fax: 0121 230 6720 - Email: info@gamblingcommission.gov.uk - Website: www.gamblingcommission.gov.uk

HM Revenue and Customs (HMRC)

Excise Processing Teams, BX9 1GL, United Kingdom - Tel: 0300 322 7072 Option 7 - Email: nrubetting&gaming@hmrc.gsi.gov.uk - Website: www.hmrc.gov.uk

Licensing Authority

Licensing Manager, Licensing Team, Growth & Place, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY - Tel: 01243 785166 - Fax: 01243 776766 - Email: licensing@chichester.gov.uk - Website: www.chichester.gov.uk

West Sussex Local Safeguarding Children Board Partnership

West Sussex Local Safeguarding Children Board, c/o Children's Safeguarding Unit, Room 24, Durban House, Bognor Regis, West Sussex, PO22 9RE - Tel: 03302 223337 - Email: cpu.team@westsussex.qcsx.gov.uk - Website: www.westsussex.gov.uk

Sussex Police

Chief Officer of Sussex Police, c/o Licensing Officer, Sussex Police, Centenary House, Durrington Lane, Worthing, West Sussex, BN13 2PQ - Tel: 0845 60 70 999 or 101 - Fax: 01243 843637 - Email: WS_Licensing_WOR@sussex.pnn.police.uk - Website: www.sussex.police.uk

West Sussex Fire and Rescue Service

Business Fire Safety, West Sussex Fire & Rescue Service, Centenary House, 1st Floor West Wing Rooms 236 & 245, Durrington Lane, Worthing, West Sussex, BN13 2QB - Tel: 0330 222 3333 - Email: businessfiresafety@westsussex.gov.uk - Website: www.westsussex.gov.uk

APPENDIX D – SUMMARY OF GAMING MACHINE CATEGORIES AND ENTITLEMENTS

Category of machine	Maximum stake	Maximum prize
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D - Non-money prize	30p	£8
D - Non-money prize (crane grab machines only)	£1	£50
D - Money prize	10p	£5
D - Combined money and non-money prize	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 only)	20p	£20 (of which no more than £10 may be a money prize)

* With option of maximum £20,000 linked progressive jackpot on premises basis only

This page is intentionally left blank

Chichester District Council

CABINET

2 November 2021

Financial Strategy and Plan 2022-23 to 2026-27

1. Contacts

Report Author:

Helen Belenger, Divisional Manager Financial Services,
Telephone: 01243 521045 E-mail: hbelenger@chichester.gov.uk

Cabinet Member:

Peter Wilding - Cabinet Member for Corporate Services
Telephone: 01428 707324 E-mail: pwilding@chichester.gov.uk

2. Executive Summary

This report provides an update to the Council's Financial Strategy and the 5 year Financial Model, which underpins the Council's financial planning for the medium term forecasts, in preparation for the forthcoming financial year's budget. All of which aids the mitigation of the risk in terms of the financial resilience of the Council.

This approach enables the identification of any funding gaps at an early stage to ensure that intervention is undertaken in a considered and measured way, thereby adhering to the Council's key financial objectives under its Corporate Plan and protecting services to the community.

The strategy takes into account the Council's Recovery Actions Plans and the Future Services Framework following the response to the pandemic.

The key recommendations from this report will help to formulate the 2022-23 budget and the level of Council Tax which will be considered by Cabinet and Council in February and March 2022 respectively.

3. Recommendation

3.1 That the Cabinet considers and recommends to Council:

- a) The key financial principles and actions set out in appendix 1 of the 5 year Financial Strategy report are approved.
- b) That having considered the recommendations of the Corporate Governance and Audit Committee, the Minimum Level of Reserves remains set at £4m.
- c) That the current 5 year Financial Model detailed in appendix 2 (Part 2) and the Resources Statement in appendix 3 to the Financial Strategy report be noted.

4. Background

- 4.1 In preparation for the annual budget process the Council's Financial Strategy and the 5 year Financial Model, including the key financial principles are reviewed. This is in order to take account of financial pressures, saving plans and the key assumptions being used for future years' forecasts.
- 4.2 The annual budget for revenue spending for 2021-22 and the rolling 5 year capital and asset replacement programmes were approved by full Council on 2 March 2021. The budget incorporated the first year of the efficiency savings identified in the Future Services Framework as approved in July 2020.
- 4.3 As a result of the financial impact of the pandemic, the budget was set using the General Fund Reserves to help balance its finances; the first time in many years. This was in line with the approach approved by Council last summer along with the Future Services Framework. The use of the framework will gradually return the Council to a balanced financial position without using reserves over the medium term, thereby protecting valuable public services in the interim.
- 4.4 To cope with the Financial Impact of COVID report to the July 2020 Council estimated a draw against reserves for 2020-21 of over £8m. However, based on the in-year monitoring and action taken, this estimate was reduced to £3m, especially following specific Government COVID support and the introduction of compensation scheme for authority's that lost income from sales, fees and charges. This meant at outturn the £3m allocated from the general fund reserve was not required. The £8m has been allocated to aid a return to a balanced budget over the medium term.

5. Outcomes to be Achieved

- 5.1 The purpose of this report is to set out the current position of the 5 year Financial Model, taking into account the impact of the pandemic, the recovery plan actions, corporate priorities, budget pressures expected in future financial years and also includes forecasts of future Government funding. This report also considers the Financial Strategy and actions necessary to return the Council to a balanced financial position over the medium term.
- 5.2 The application of the key financial principles that should be applied over the short to medium term will be used to underpin the annual spending report in February 2022 to set the 2022-23 budget and Council Tax requirement. This will help the Council to deliver its Corporate Plan objectives by having a sound financial position that aims to be balanced over the medium term and enable investment in priority services.

6. Proposal

- 6.1 The Financial Strategy (Appendix 1) sets out the current financial position, the challenges and uncertainties faced by the Council, and the guiding principles to be used to address the issues identified and the actions required; whilst adhering to the key financial principles. Whilst the key financial principles are unchanged the document has been updated to the current narrative and action(s) required.
- 6.2 The 5 year Financial Model (Appendix 2) is a medium term forecast of the financial position of the Council, which has been updated to reflect current assumptions; which

includes Government funding, council tax projections, as well as projected costs and previous planned efficiencies. It also contains the second of the three year programme of efficiency savings to be adopted to address the budget deficit as a result of Covid-19 impact, taking into account any changes required from previous assumptions taking into account the achievements against those built into the 2021-22 approved budget.

- 6.3 It should be noted that the model reflects a high level forecast of the potential financial position of the Council over the medium term, using known changes, plus a lot of assumptions using information available at this time. Therefore as we are in a period of a high degree of uncertainty, this makes the strategic forecasting very difficult.
- 6.4 Any new proposals linked to the Council's corporate plan objectives will be firmed up during the budget process and reported as part of the budget report to Cabinet in February 2022.
- 6.5 It will be necessary to use reserves to help balance the budget in the medium term, whilst the efficiencies and policy options under the Future Services Framework are implemented over the short to medium period. This approach is to take into account that the scale of the reductions will be challenging for officers to implement and adopt into their services, so the process needs to be carefully managed.
- 6.6 The model reflects 75% of the proposed savings and policy options to allow some flexibility in the implementation of the proposals as some are aspirational, relate to income generation opportunities, or are to an extent outside of the Council's direct control. Ultimately being prudent in the model will help to mitigate some of the risk that the required savings will not be realised.
- 6.7 The model will also take in account known cost pressures which the Council has no choice in budgeting for; some of which will impact not only the current year but the budget for 2022-23 and beyond i.e. pay award for 2021-22, higher NI costs along with market premia to address high demand skill shortages (HGV drivers), rising fuel and utility costs.
- 6.8 The Fair Funding Review and the localisation of Business Rates (BR) have again been delayed by the Government with no detail as to when these reviews will impact the local government financial settlement. Expectation is that some of these changes will not occur in this Parliament, and that the settlement issued in December 2021 may be a multi-year settlement, however, this has yet to be formally confirmed. The delay in resetting the Baseline for Business Rates continues to be good news, as the Council continues to benefit from the growth achieved so far. The anticipated impact of the Baseline reset is that the Council will retain approximately £1.5m less per annum under this funding regime change. The exact timing of this change is currently unknown; so it has been assumed in the model that this change may occur from 2023-24. Potentially the provisional local government settlement for 2022-23 announced in December may give an indication of the timing of this change.
- 6.9 The key assumptions for inflation for pay, prices, and pensions etc. are set out in appendix 1 Para 3.a based on current expectations.

- 6.10 Appendix 3 sets out the current level of reserves, anticipated receipts including asset sales and grant funding, and the commitments against these reserves. The uncommitted balance represents the potential funds available for the council to invest in new schemes. The forecast now excludes any future capital receipts, ensuring that this approach is comparable to the treatment of the New Homes Bonus (NHB), and in line with the key financial principles. Under the current regime £0.404m is expected for NHB in 2022-23 relating to a legacy payment for new homes added to the tax base for 2019-20. However, for 2020-21 and 2021-22, grant was awarded for 1 year only rather than for 4 years (i.e. legacy payments). It is still unclear if any NHB grant will be received for 2022-23 or be superseded by an alternative funding regime.
- 6.11 Taking into the current spending plans of the Council and the use of the Future Services Framework's approach to work towards a balanced budget in the medium term, which is consistent with the decisions taken in 2020 and 2021. The Corporate Governance and Audit Committee have recommended to Cabinet that the Minimum Level of Reserves to cover unexpected expenditure or loss of income on the current spending plans remains at £4m.

7. Alternatives Considered

- 7.1 The Financial Strategy is a vital tool that aids financial planning and helps to identify when remedial action is required at an early stage to ensure the Council sets a balanced budget. Even with all the uncertainty and pressure faced by the Council in the current health crisis and the impact on the economy this legal requirement still has to be met.
- 7.2 Various alternatives exist within the strategy and the 5 year plan. Reserves can be used to support the revenue budget as currently is the case. However, this is not sustainable in the long term as any deficit will need to be addressed. It is currently anticipated that the budget reductions from stage 1 and 2 of the Future Services Framework may be sufficient to address the anticipated funding gap due to the impact of Covid-19. However, while these are being implemented reserves will still be required to balance the budget, which reduces the level of uncommitted reserves available. Ultimately long term use of reserves to support the revenue budget would be contrary to the financial principle of using non-recurring income, such as NHB, to fund recurring expenditure. Full Council approved this approach of balancing the budget over the medium term, and using reserves to assist in the intervening years so that vital front line services could be protected.
- 7.3 Although the financial model will assume certain levels of Council Tax increases, it will be for the Council to determine the appropriate level annually. For 2022-23 the Council Tax levels will be recommended by Cabinet at their February 2022 meeting for Council to consider at their March 2022 meeting. The model currently assumes we will increase Council Tax by £5 per annum, or less than 10 pence per week.

8. Resource and Legal Implications

- 8.1 The Financial 5 year Model helps the Council to financially plan and set a balanced budget each year, which is a legal requirement. The modelling assists with identifying funding gaps early in order to plan ahead to address the issues in a measured way rather than reactive.

8.2 The 2021-22 budget required £2.099m from reserves to balance the budget, and it's anticipated over the medium term the Council will continue to require to use reserves to balance the budget in line with £8m approved by Council. In the longer term continued of the use of reserves is unsustainable; so this position will need to be addressed under phase 3 of the Future Services Framework.

9. Consultation

9.1 Due to the significant impact the pandemic had and continues to have on the financial resilience of the Council, both Cabinet and all opposition Group Leaders have monthly meetings, including regular financial updates, with the Strategic Leadership Team.

9.2 As part of the work under stage 3 of the Future Services Framework, all members were invited to a workshop about the financial position of the council and the approach for this phase. A second workshop has been held for with Cabinet, and a separate session with all opposition Group Leaders. Further workshops and briefings will be arranged for all members, Cabinet and political group leaders to determine the way forward in the medium term. This work will enable all members to consider their service priorities, in preparation for any further changes required once there is more clarity and certainty in the Government's funding of local government services.

9.3 The Corporate Governance and Audit Committee (CG&AC) considered this report at their meeting on 25 October. Due to the timing of the Committee a verbal update will be given to Cabinet on the outcome of their review and any recommendations made.

9.4 As part of the annual budget setting, a Budget Briefing Task & Finish Group comprising of 3 members from both the Overview and Scrutiny Committee and CG&AC will take place in December/January to consider the major variances of the proposed budget for 2022-23, which will have been informed from the forecasts from within the 5 year Financial Model, the Resources Statement and hopefully the provisional local government funding settlement for 2022-23.

10. Community Impact and Corporate Risks

10.1 The Financial Strategy and 5 Year Financial Model helps the Council to manage the strategic risk of financial resilience. However, there remains a great deal of uncertainty in the medium term including future changes in local government funding, the ongoing impact on the economy from the global pandemic along with supply chain issues in the wider economy which have an impact of service costs. The 5 year model reflects the picture based on a number of assumptions, as it is not possible to predict with absolute certainty the Council's budget position over this period, which is why the model is revisited frequently.

10.2 The impact on the Council's discretionary income streams due to the effect of the pandemic illustrates the reliance on income generating services to fund Council services. The Model has taken into account the ongoing behavioural changes due to the pandemic is expected to have on some income streams such as car parking.

10.3 In order to manage financial risk the Council set in 2021 its minimum level of reserves at £4m. Appendix 3 identifies the total level of reserves held, as at 31 March 2021. After taking account of anticipated new receipts and commitments, including

the capital programme and earmarked reserves for specific purposes, £8m allocated for COVID-19, and a contingency for the LEP funding agreement for Southern Gateway, the Council still has available reserves of £10.177m (£4m minimum balance plus £6.177m uncommitted), which is adequate to address any shortfall as necessary, and demonstrates that the current capital programme is fully funded.

10.4 There is also a risk in relation to service delivery and support to the community impacting the Council due to the budget pressures experienced by other local authorities and voluntary organisations now and in the future.

11. Other Implications

	Yes	No
Crime and Disorder		✓
Biodiversity and Climate Change Mitigation		✓
Human Rights and Equality Impact		✓
Safeguarding and Early Help		✓
General Data Protection Regulations (GDPR)		✓
Health and Wellbeing		✓

12. Appendices

12.1 Appendix 1 – Financial Strategy and Medium Term Financial Plan for 2022-2023 to 2026-27

12.2 Appendix 2 – Five-Year Financial Model (Part 2)

12.3 Appendix 3 – Statement of Resources

13. Background Papers

13.1 None

|Financial Strategy

Introduction

The Council's Corporate Plan 2018-2021 was last approved by Council on 23 January 2018. The plan sets out the Council's priorities that represent the challenges and opportunities facing the District Council over the medium term. Due to the impact of the pandemic the expected update of the Corporate Plan has had to be delayed until early 2022.

In response to the impact of this global event on the demand for council's services and the significant financial impact which was set out in the 'Financial Impact of Covid-19' report to Council June 2020, along with the Emergency Action Plan. Following on from this a Recovery Action Plan was developed, under 4 thematic areas of Community and Housing, Economic, Planning, Health and Environmental Protection and Organisational Recovery Plans. To address the impact on the financial position of the council, the Future Services Framework (FSF) was approved to aid the decision making and action required to work towards a balanced budget over the medium term.

The Financial Model reflects the work undertaken so far on the Future Services Framework in respect of the first two of the three staged approach approved by Council, namely:

- **Stage 1 - Efficiency and Effectiveness.** This stage challenges how we provide our services to ensure they are both efficient and effective. Senior Officers were tasked to undertake an efficiency review to identify cost savings and opportunities to maximise income. These reviews do not impact on service delivery and can largely be dealt with by management under delegated authority (see Stage 2).
- **Stage 2 - Policy Options.** This stage considers the policy options stemming from the efficiency review that may have an impact to the community, are not in accordance with existing policy, or require capital investment and therefore require a member decision prior to adoption.
- **Stage 3 – Service prioritisation.** This stage would prioritise all discretionary services. In the event that stages 1 and 2 were insufficient to balance the budget or if members wanted to reprioritise resources, this would provide a framework to allocate the resources available.

Phase 3 of the framework will assist members to shape and determine the types and levels of services to be provided in the future should the financial situation require. Since late summer work has begun on this phase, not only in preparation for the provisional financial settlement expected in December and the outcome of the Government 2021 Spending Review (SR21), but also to consider any changes in service delivery required over the medium term to ensure that the budget is balanced over the medium term. This aim is in line with the Council's key financial principles.

Extract from Approved Corporate Plan (*To be updated to reflect amendments expected to be approved in January 2022*)

The Priorities are to:

- Improve the provision of and access to affordable housing;
- Support our communities;
- Manage our built and natural environments to promote and maintain a positive sense of place;
- Improve and support the local economy to enable appropriate local growth; and,
- Manage the Council's finances prudently and effectively.

Each of these priorities is underpinned by several objectives that set out what the Council aims to achieve. This includes specific objectives with more detailed actions to be undertaken to meet the Council's approved key priorities, including specific measurable targets, where appropriate.

Manage the Council's Finances Prudently and Effectively

The overall Financial Strategy is linked to the specific priority within the Corporate Plan that is to **manage the Council's finances prudently and effectively**; this has three overarching objectives, which are:

1. Ensure prudent use of the Council's resources.

- Ensure the revenue budget and capital programme remain balanced and sustainable over a rolling 5 year period.
- Manage rigorously the Council's risks.
- Have sound governance arrangements in place approved by the Council's external auditors.
- Use of the FSF to determine the provision or service delivery changes for non-statutory services.

2. Provide value for money through efficient and effective service delivery

- Maintain a programme of improvement reviews for our services to ensure that they are delivered effectively and efficiently. These reviews should challenge existing costs, service delivery mechanisms and consider using outside bodies where appropriate.
- Ensure that where the Council has discretion over charging for services, service users should normally bear the full costs except where there are important community considerations.
- Implement an investment strategy to preserve and improve the financial and other resources available to the Council.

3. Maintain low rate of council tax while protecting services.

- Provide services without the use of reserves in the medium term
- Require compensating savings before any new revenue expenditure is approved, including capital expenditure that has revenue consequences.

The use of the Future Services Framework will guide members in their decision making.

- Continue to review the Council's costs in order to find further savings.
- Continue to identify and develop income generating opportunities for the Council.

Approach and Approval Process

Linked to the main financial management objective:

1. The Council maintains a 5 year rolling medium term financial strategy model which is underpinned by the key financial principles.
2. The key financial principles, along with an annual position statement is reported to the Corporate Governance and Audit Committee for their consideration in relation to managing the strategic risk of financial resilience, and considering the minimum level of general fund reserves that should be held. The Committee's recommendations are incorporated into the annual Financial Strategy report, considered by both Cabinet and Council ahead of the budget report for the annual budget and council tax setting required prior to the start of the new financial year.
3. A statement of resources is maintained to identify the current level of reserves, the commitments against those reserves, and therefore the potential funds available for the Council to invest in new schemes.
4. In year quarterly revenue monitoring is undertaken to identify trends and cost pressures which will inform the revenue budget for the forthcoming financial year and beyond. Plus spending on capital and asset replacement projects against the approved programmes.
5. New monthly monitoring of the impact of Covid-19 on the Council is collected by the Government, along with specific data under the Sales, Fees and Charges compensation scheme which aids the Council for some of the loss of discretionary income due to the pandemic and ongoing behavioural change. These aids the Government to consider what financial support continues to be required during this unexpected event.

Under the umbrella of the Financial Strategy are other linked policies and strategies which assist with ensuring the robust financial management of the Council, including the Treasury Management and Investment Strategies and a Capital Strategy. The Capital Strategy gives a high level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of local services and how the risks are managed by the Council. These strategies are updated in light of any legislation changes and good practice as recommended by the Chartered Institute of Public Finance and Accountancy (CIPFA).

The Council maintains a 5 year capital programme linking the available resources directly to corporate priorities and taking into account revenue implications within the 5 year Financial Strategy Model. There is also a 5 year planned programme to replace the assets used by the Council to deliver its services developed from the 25 year Asset Replacement Programme Model. This is updated annually as part of the budget cycle and is in line with the Council's key financial principles; specifically item

3 that assets are maintained/replaced and that the investment is sustainable by not using reserves for ongoing expenditure.

Medium Term Financial Plan

The aim of the plan is to ensure the financial stability and to support council services by regularly reviewing the key financial influences and identifying the associated risks.

1. Current Financial Position

The initial impact of the pandemic on the Council's financial position in 2020-21 was significant, so a staged approach under the Future Services Framework was approved. Under Phases 1 and 2 of the framework, a full efficiency review was undertaken, which identified £2m of savings over a 3 year period (starting with 2021-22), which at the time appeared to be sufficient to balance the budget over the medium term.

For the approved budget for 2021-22 this built in the first year's savings anticipated under the recovery plan amounting to £0.747m along with using £2.099m from reserves to balance the budget. The performance against the Recovery Plan and these planned savings are regularly monitored by the Overview and Scrutiny Committee. To date the savings expected to be achieved by the end of the financial year will exceed the target by just over £180k.

The ongoing financial position remains very uncertain with many income streams still impacted by both Covid and the uncertainty in the economy. In addition the employer's pay offer to Local Government staff of 1.75%, if implemented, will add a cost pressure of £280k in 2021-22 and beyond, as this was not budgeted for. Other pay cost pressures in the model include market premia payments for HGV drivers (£100k p.a.) and the 1.25% increase in employers' National Insurance (£132k p.a.) As part of the preparation for the 2022-23 budget, the pay and some other cost pressures have a certain degree of certainty, whereas others have been identified, but they are still very unclear. This includes the possible introduction of mandatory food waste collections where we have assumed that we would receive 50% funding. This makes the task of strategic financial planning very difficult.

Due to these uncertainties, the priority setting stage of the Future Services Framework has been started over the summer with all the Group Leaders; this exercise will enable members to determine the priorities and allocate resources accordingly, whilst complying with the legal requirement to balance the budget. The policy options included in the model are still yet to be fully considered as part of the FSF policy setting exercise, but if any are considered to be low priority then these items can be excluded from the model. It is intended that the FSF will come back to Council, taking into account the results from the exercise and will inform the strategic financial planning, and hopefully, greater clarity is gained about future Government funding. Ultimately this work will aid the priority decision making of members for future years.

Sometimes under Government policies the business rates retention scheme is impacted, e.g. small business rate relief etc. and to compensate the Council for the loss of this funding source a grant is paid (which is known as a Section 31 grant). The Covid Pandemic had a major impact on the Section 31 grants due to Government support to local businesses during the health crisis.

The approach taken for each of the key financial principles, a position statement and any further actions required, is detailed in Annex A.

The approved 5 year capital and asset renewal programmes totalling £59.427 m currently remains fully funded without the need to borrow from external sources and there is a balance of £6.617m uncommitted resources available for new projects and investment in services, having taken into account £8m allocated by Council in July 2020 to address the COVID 19 impact on the Council's budget.

Appendix 3 of the Strategy report shows the current level of resources and the current commitments. The Council's current approved programmes are available on its website at [Annual budget: Chichester District Council](#).

2. 2022-23 Settlement

The provisional Financial Settlement for 2022-23 is expected to be announced by the Department of Levelling Up, Housing and Communities (MLUHC) in December 2021, following the outcome of the 2021 Spending Review (SR 21) by the Treasury.

Unlike the one year settlement for 2021-22, it is anticipated that the settlement for 2022-23 will be a one year offer. The exact timing of changes in Government funding due to the Fair Funding Review (FFR) and the localisation of business rates impacting future settlements is unknown; expectation is that some parts of the Business Rates scheme may be changed in the next 2 years, but any major changes under the FFR are very uncertain, so it has been assumed in the model that the impact is from 2023-24 based on current intelligence.

The Government set the threshold which would trigger a Council Tax referendum annually. It is likely that for 2022-23 the threshold will be set at 2% (or possibly higher if inflationary pressures are considered) or £5, whichever is greater. This information will be confirmed after the Government's technical consultation on the Local Government Financial Settlement 2022-23 expected in December.

There continues to be economic uncertainty both due to COVID and also the wider world economy for supply issues, and resource/skill issues. Pre-pandemic the Council relied on approximately £18m of income from its fees and charges (pre-Covid) to balance its budget, much of this is discretionary spend or linked to the economy. As highlighted in the last 12 to 18 months these discretionary sources of income have been impacted due to the effect of the pandemic and behavioural change; the effect on some income streams may never recover to pre-pandemic levels e.g. car parks, whereas, others have increased due to higher demand e.g. garden waste collection. This makes it difficult to predict

future income levels from some of the Council's income streams, and whilst the model includes some adjustments for income changes, it remains very uncertain and unpredictable.

3. 5 year Financial Model

The 5 year financial model (appendix 2 of the Strategy report) has been updated to reflect the known changes for the forthcoming year, and forecasts for future years based on information currently available. This has been prepared with a prudent view in relation to service cost pressures and areas of financial risk. In addition the efficiency savings from the COVID recovery action plan have been reviewed and updated as necessary for year 2 of this plan and reflected in the model, still with a 25% contingency to mitigate risk. This model is kept under review so that the Council has time to respond should the situation, and/or government funding be significantly different to that currently assumed.

The main assumptions in model are:

- a. Uplifts for inflation are given in table 1 below. Inflation this year has been quite volatile. CPI started the calendar year at 0.7%, rising to 3% by August. The expectation is that interest rates may need to rise to try to dampen down the inflationary pressure in the economy.

RPI was 1.6% in January, with small increases until April when the rate increased to 3.3%. It has continued to rise each month thereafter with the latest rate for August at 5.4%. It has therefore been extremely difficult in formulating this year's strategy to predict inflation levels for 2022-23 which are reflected in Table 1.

Table 1: Inflation Assumptions

	2022-23	2023-24	2024-25	2025-26	2026-27
Pay	2%	2%	2%	2%	2%
Pension	-1%	0%	0%	0%	0%
General prices	3%	2.75%	2.5%	2%	2%
Income	3%	2.75%	2.5%	2%	2%

It should be noted that whilst these assumptions are used for the strategic modelling, where appropriate within the detailed annual budget exercise, specific inflation assumptions are applied for certain costs such as fuel and utility costs ranging from 5 to 8%.

Fees and charges income are also reviewed to identify those which could achieve an increase higher than the base inflation assumption, in line with the Council's approved Fees and Charges Policy.

The Bank of England Base Rate is currently 0.1% and the picture is far from clear as to what future rates will be. There is expectation that the Base Rate may start to rise due to the inflationary pressures in the economy and worldwide supply problems. The prospect of negative interest rates seems to have receded for now.

- b. Service Cost Pressures have been identified and are set out in appendix 2 to the report. The most significant cost pressure relates to the reduction in income from sales, fees and charges. Whilst the Government have compensated Councils for some of their losses in the current year, the majority of this support was for 2020-21 only and the first quarter of 2021-22. For other costs pressures such as pay awards, including market premia required for specific skills shortages e.g. HGV drivers, planning officers and rises in employer's NI; a prudent estimate of the likely longer term impact has been built into the forecasts.
- c. Saving targets for the second year of the COVID recovery plan (phases 1 & 2), have been reviewed and updated in the Financial Model; this includes any necessary changes to reflect the rephrasing or removal of targets (where appropriate), since the saving targets were first approved as part of the 2021-22 budget cycle. Table 2 sets out the remaining savings targets to be achieved over the £0.747m already built into the approved Base Budget.

Table 2: Remainder of Saving Targets – FSF (Phases 1 & 2)

	2022-23 £'000	2023-24 £'000	2024-25 £'000	2025-26 £'000	2026-27 £'000
Savings or new income streams	(357)	(1,130)	(1,130)	(1,130)	(1,130)
Contingency	89	283	283	283	283
Total	(268)	(848)	(848)	(848)	(848)

- d. The Financial Model has an assumed level of Council Tax increases at £5 per annum rather than 2%; although it is unclear at present whether the £5 increase for low taxing authorities such as Chichester will be allowed. The final decision for the Council tax increase for 2022-23 will be for Council to determine once the final settlement is known.
- e. New Homes Bonus (NHB) is currently not used to support the revenue budget as this would be contrary to the Council's key financial principles. NHB for 2020-21 and 2021-22 was awarded for one year only rather than legacy payments for four years. Current forecasts for 2022-23 include the final payment legacy payment of £0.404m relating to NHB for 2019-20 only. As it is uncertain whether any grant will be paid in 2022-23, due to any Government funding changes as part of the 2021 Spending Review.

Based on the assumptions contained in the model the Council is currently unable to set a balanced budget by the end of year 5 and will need to use reserves while the COVID recovery plan savings are implemented, along with any further assessment of changes required under phase 3 of the Future Services Framework to return to a sustainable position. However, any additional increases in spending or reduction in planned income will exacerbate this position, both in the short and medium term. The Council will need to take action to achieve a

balanced budget over the medium term, and in line with its key financial principles.

Based on current projections in the model the Council will need to use reserves to balance the budget over the medium term; Council approved £8m from the general fund reserve to support the revenue budget.

4. Beyond 2022-23 , the Risks and Opportunities

From 2022-23 there are a number of major changes which may affect the assumptions in the 5 year Financial Model, especially in relation to the external environment, that present further potential financial risks and instability to the Council's finances:

- The Government's Spending Review 2021 (SR21) impacting the settlement for 2022-23 and possibly beyond. The delayed Fair Funding Review which will assess the financial needs for local authorities; the exact timing of this change is unknown. The Business Rates Retention Scheme (BRRS) will also be part of these changes. The 5 year Financial Model assumes that the Council will receive less government funding in the future, as the funding changes are expected to favour higher tier authorities with social care responsibilities.
- It is also unknown whether the New Homes Bonus grant may cease before these reforms, it is anticipated that the Council will receive the final legacy payment for 2019-20 NHB in the 2022-23 settlement of £0.404m. Both 2020-21 and 2021-22 were allocations for one year only so any allocation under the provisional financial settlement for 2022-23 will not be confirmed until the outcome of the SR21.
- New BRRS may offer the opportunity to increase funding gained from the business rate growth in the longer term. However, in the short term there is concern about the resetting of the baseline as the growth achieved to date will be lost.
- The impact on the economy and the demand for services as a result of both COVID and the wider economic uncertainty. This may affect GDP and the outcome of the Spending Review, and consequently the financial settlement for local authorities from 2022-23 onwards. The Council has a high reliance on its fees and charges to balance the budget, especially those that are more volatile in any economic downturn. The experience in the current financial year shows that some income streams such as car parking charges have been badly affected. An assessment for future years has been built into the five year model. This is uncharted territory and only time will tell if the estimates are accurate.
- Receipts from Business Rates in are more difficult to predict because of what may occur in the next 12 to 18 months.

- In the medium term there is still a budgetary risk in relation to the statutory override for the accounting treatment for treasury management investments under IFRS 9. This override, which means losses on certain investments are only recognised if the investment is sold, was given for 5 years until April 2023. Lobbying continues for this adjustment to be made permanent. Due to the impact of COVID, the Council is currently carrying a £0.5 m of potential losses. The Investment Risk reserve currently holds £1.016m to cover this cost, but any new investments will have an impact on the adequacy of this reserve.
- The impact of any funding reductions from other local authorities or funding partners.

5. Conclusion

The Financial Strategy and the 5 year Financial Model have been updated for cost pressures, income reductions, and any known service changes including any motions agreed by Council. It also reflects an anticipated reduction in Government funding from 2023-24 due to the Fair Funding Review and the potential resetting of the Baseline for Business Rates. The timing of both of these major changes to local government is currently unknown.

The Council's reliance on fees and charges to help balance the revenue budget continues to come under pressure as a result of ongoing impact of COVID and behavioural change, plus the uncertainty in the local and national economy. As the Council has to take account of changes in people's behaviour in relation to home working and shopping in the high street, both of which are having an impact on trends for car park income.

The 5 year Financial Model anticipates that the Council is only able to set a balanced budget for 2022-23 through the use of approximately £1.12m of reserves, reducing to a smaller deficit of £0.269m to be funded by reserves at the end of the 5 years. However, this position would only be achieved if the anticipated efficiencies under phases 1 and 2 of the Future Services Framework are delivered. This position does not take into the cost pressures reflected in the model, nor the potential policy options, which ultimately reflects that the phase 3 of the FSF will be imperative to ensure the Council returns to a more sustainable position in its spending plans.

As the Council is legally required to set a balanced annual budget, any shortfall in the short term will need to be considered and addressed in line with the key financial principles and its key corporate plan objective for prudent and effective financial management. The use of reserves to balance the budget is not prudent or sustainable unless there is a carefully managed plan to steer the budget back towards being balanced without the use of reserves. In using the Future Services Framework with the identified recovery plan savings the Council is working towards a balanced budget in the medium term, however, further action may be required due to the uncertainty of future Government funding and some of the saving plans being aspirational. Potentially this may mean that under phase 3 of the Future Services Framework the Council will have to identify the future

changes in its priorities and service delivery to address any estimated budget shortfalls over the medium term.

Key Financial Principles

Linked to the Corporate Plan objectives are the Key Financial Principles that underpin the Council's Financial Planning approach as set out in the table below.

Principle	Narrative	Actions
Key Financial Principles		
1. All key decisions of the Council should relate back to the Corporate Plan.	<p>The Corporate Plan is the driver for our decision making, including the allocation of resources, and sets the Council's work plan. Each year the Corporate Plan is reviewed. The affordability role of finance in the corporate planning process has evolved into an assessment of what resources are required to deliver the emerging Corporate Plan projects, whilst maintaining high quality provision of services wherever possible.</p> <p>So far, major service reductions have been largely avoided. However, with finite resources that are predicted to continue to reduce in the immediate future, the Council may not be able to deliver all of its aspirations whilst maintaining existing services to the current level provided. Members may have to make difficult decisions in the future about service provision and competing priorities.</p>	<p>Regular monitoring and reporting against the COVID recovery plan will be undertaken by officers & reported to members.</p> <p>New and emerging issues and service requirements will be considered by the Strategic Leadership Team (SLT) and members during strategy planning events aided by the Future Services Framework as approved by Council on 21 July 2020.</p>
2. Ensure the revenue budget and capital programme remain balanced and sustainable over a rolling 5 year period.	<p>There is a legal requirement to set a balanced revenue budget and ensure the capital programme is fully resourced. As a result of the continued reduction in Government funding, the Council has needed to take action in order to balance the revenue budget without drawing on general reserves, except where necessary in response to exceptional circumstances e.g. a pandemic.</p> <p>The Statement of Resource Allocation demonstrates that the capital programme remains affordable. In July 2020 Council agreed to set the minimum level of General Fund reserves at £4m, and to release £8m to address the financial pressure caused by COVID. Whilst the intention is to set a balanced budget over the medium term, this finite resource remains available to support revenue while the COVID recovery plan is implemented.</p>	<p>The 5 year financial model will continue to be monitored and updated, cabinet and all Group Leaders are given regular briefings on this throughout the year. The other political groups of the council are also briefed on the current financial situation as part of the recovery plan along with regular review by the Overview and Scrutiny Committee. Senior managers will continue to monitor the delivery of the COVID Recovery Plan under the</p>

Principle	Narrative	Actions
	<p>The 5 year financial risk model will be updated and reported to Cabinet in November with the forecast of the budget for the next five years.</p> <p>The Corporate Governance and Audit Committee (CGAC) will consider the appropriateness of the minimum level of reserves at their autumn meeting, with their recommendations being made to the next Cabinet meeting.</p> <p>Future Government funding is uncertain with the expected changes and timing of the Fair Funding Review, and the localisation of Business Rates unknown. Plus the impact of the Spending Review for 2021 (SR21). The financial settlement for 2022-23 is expected to be a multi-year allocation.</p>	<p>Future Services Framework.</p> <p>Budget monitoring for revenue and capital schemes is completed quarterly by budget managers, and reported to all members on the Modern.gov website.</p> <p>To consider future Government funding in light of the fair funding review. This will impact future settlements, although the exact timing for this change is unknown, along with the resetting of the Baseline for Business Rates.</p> <p>Any funding gap based on current projections will need to be considered by SLT and members to ensure that an action plan is agreed.</p>
<p>3. Over the next five years return the Council to a position of non-dependency on reserves.</p>	<p>It is essential that the Council strives to return to a position of balancing its budget without the need to rely on reserves. However, in order to protect public services, Council has agreed to a phased approach to delivering the COVID Recovery Plan while using reserves to assist in the intervening years. Such an approach is only sustainable while projections indicate that a balanced position will be achieved over the medium term, and that there are sufficient uncommitted reserves to support such an approach. The 5 year model indicates that just over £8m of reserves will be required, and this has been reflected in the Resources Statement.</p> <p>Appropriate funding needs to be built into the revenue and capital budgets, taking into account the whole life cost of the assets. With reserves being largely committed, the revenue budget will need to make an appropriate contribution to reserves to fund any future capital commitments.</p>	<p>To keep under review the COVID Recovery plan, and the availability of reserves. These need to be considered regularly in the context of the 5 year model with the aim to achieve a balanced budget without use of reserves by 2026-27.</p> <p>To build future demands for recurring expenditure into the 5 year Financial Model, and thereby into any potential savings target.</p> <p>To avoid funding recurring</p>

Principle	Narrative	Actions
	<p>Base budgets incorporate repairs and maintenance to council buildings, thereby removing dependency on reserves for what is a recurring revenue cost. Similarly, other recurring items still funded from reserves must be built into future revenue budgets.</p> <p>The capital accountant co-ordinates a full review of the existing asset base of the council with divisional and service managers to identify and assess the need to reinvest in our existing essential assets. This is updated annually to ensure the current asset base remains affordable over the long term.</p>	<p>expenditure from reserves as a key financial principle.</p>
<p>4. In order to maintain a balanced budget in a climate of reduced funding, savings in the revenue budget or external funding will need to be identified before any new revenue expenditure, including capital expenditure that has revenue consequences, or any reduction in planned income is approved.</p>	<p>The Council needs to have certainty about capital and revenue funding before entering into new commitments. This will require robust project management processes to ensure the full consequences of embarking on particular projects are known and understood from the outset for both revenue and capital. The whole life costs of the project must be considered.</p> <p>Where projects are dependent on match funding, the funding partner may impose certain conditions. The Council needs to clearly understand what those conditions are and their possible financial consequences. Projects should only proceed once all funding has been secured, and the conditions have been assessed and evaluated. The relevant service should also consider, in advance, any costs that may arise at the end of the project and prepare an exit strategy so that the full consequences are known in advance. Whole life costing should be used. Copies of all funding agreements should be copied to the Financial Services Division to ensure all possible future liabilities are considered and documentation retained.</p> <p>Where new spending priorities or income reduction are to be introduced into the revenue budget, corresponding savings or additional income / funding will need to be identified.</p>	<p>All Project Initiation Documents (PIDs) are to be based on whole life costs, and include an exit strategy.</p> <p>New investment proposals should be linked to the Corporate Plan, and assessed to ensure they represent for value for money.</p> <p>Phase 3 of the Future Services Framework Phase 3 aid members in their choices and decision making to determine service and funding priorities in the future in order to return to a balanced revenue budget.</p>

Principle	Narrative	Actions
<p>5. Review costs in response to changes in service demands.</p>	<p>The call upon council services is fluctuating more during a period of economic and financial uncertainty. Whilst short-term variances in demand can be accommodated, any longer term trends, i.e. beyond one year, will require the Council to respond by redirecting its resources in line with changes in demand. This is a key principle as future changes in demand on services are bound to occur.</p> <p>Prioritising the Council's services will enable scarce resources to be directed to areas of need and priority over the medium term.</p>	<p>Essential services that experience an increase in demand will be recognised and supported. However, where there is an on-going reduction in demand beyond one year resources should be reviewed in order to realign resource allocation.</p>
<p>6. Where the Council has discretion over charging for services, consideration needs to be given as to the extent to which service users should bear the costs, and the proportion, if any, that should be met by Council Tax.</p>	<p>The Council has limited discretion to set fees and charges for some services. Clearly, the setting of charges should have regard to community needs for those services as well as affordability. Traditionally, many fees and charges have increased in line with inflation. The Council has a Fees & Charges Policy. This requires services that have discretion to charge do so in an attempt to at least break even, unless there is a clear approved policy reason for not doing so. The underlying principle is that the service user should pay the full cost of the services received. The approach for fees and charges setting being in line with the Council's policy, which is to provide the best overall value for residents, businesses and the community.</p>	<p>Service managers need to consider their fees & charges in advance of the start of each financial year. Any individual services operating at a deficit should aim to break even unless there is an approved policy to support their on-going subsidy. This should be based on the whole cost of delivering the service, including use of assets. Under the policy some services will be charged at a commercial rate, whereas others may be subsidised to encourage their use.</p>
<p>7. Continue to review the Council's costs in order to find further savings.</p>	<p>The Council has already achieved significant savings over recent years. However, the Council will continue to seek further efficiencies to help free up resources, ensure services are as efficient and effective as possible and support the community. The focus is to ensure services are delivered to an appropriate standard at a competitive unit cost.</p> <p>Council agreed the COVID Recovery Plan in July 2020. This tasked officers to identify efficiency savings as the first stage in a three stage programme to address the budget position. The outcome of the first and second stage</p>	<p>The challenge now is to implement the savings that have been identified. This will be achieved through the governance arrangements that Council also approved in July 2020, with the Organisational Recovery Group having immediate oversight, reporting into the Leader and Chief</p>

Principle	Narrative	Actions
	<p>informed the budget set for 2021-22 building in savings targets for the next 3 years in the 5 year Model.</p> <p>Aside from formal service reviews, service managers should normally be considering the best and most cost effective procurement methods in their service areas.</p>	<p>Executive and monitored by Overview and Scrutiny and Cabinet.</p> <p>Phase 3 of the Future Services Framework will be used to formulate future spending plans over the medium term.</p>
<p>8. Match Council Tax increases to a realistic and affordable base budget.</p>	<p>The objective is to limit increases in Council Tax to modest and affordable levels over the next 5 years, whilst accepting that such an objective may be impacted by national government policy.</p> <p>For 2021-22 district councils were permitted to raise their council tax by the higher of the 2% or £5, which aids those with a low tax base. In effect this rule change has permitted this council, since it has one of the lowest Council Tax levels, to increase its Council Tax by £5.</p> <p>The Government will confirm what rules will apply for 2022-23 in early December.</p>	<p>Assumptions are made in the 5 year financial strategy model for council tax increases. The model will be updated as necessary once the Government's criteria is known.</p>
<p>9. Budgets should be pooled with other service providers to achieve more effective and cost efficient outcomes for the community.</p>	<p>It is likely that in future the Council will become more involved in new ways of working, including greater partnership working, devolved budgets and pooling resources with other agencies. It is important that strategic objectives and community outcomes are agreed from the outset when partnerships are formed so that the achievement of results can be measured and reported to members to ensure public funds are being used in the most efficient way to achieve greatest impact for the community.</p>	<p>Where appropriate we should commission services with other service providers and pool our budgets to provide more effective and efficient outcomes for the customer.</p>
<p>10. New Homes Bonus (NHB) This should be allocated annually, and only committed once received.</p>	<p>The NHB is not ring-fenced, and as such the Council can choose how it wants to use this source of funding, although the previous coalition Government pointed out that it expected it to be used to help "reward" communities that have taken housing growth. Furthermore, the Government also stated that it expects councils to consult with their communities on its use, and in areas where there is a national park as the</p>	<p>The NHB is to be reserved for community and other uses after it has been received. It remains important, however, to allocate this funding taking into account the legal requirement to set a balanced</p>

Principle	Narrative	Actions
	<p>planning authority, to also consult with the park authority.</p> <p>The funding is paid as a grant in respect of each new domestic dwelling coming into the tax base (net of any long term empty properties) of the whole District, including the area within the National Park. The amount paid is based on the national average council tax, and used to be paid for the following four years. This changed for 2020-21 and 2021-22 when the grant was reduced to a one year grant only. This grant is paid for development that exceeds a baseline set at 0.4% of the Council Tax Base, and is split 20% to the County Council and 80% to the Housing authority, i.e. CDC. A final legacy payment for NHB relating to 2019-20 of £0.404m (under the current arrangements) is anticipated in 2022-23. Whilst grant would be expected for 2022-23 the situation is far from certain until the outcome of SR21 is known.</p> <p>The view remains that NHB may be adjusted further or even abolished altogether. It should not, therefore, be relied upon long term to resolve our budget position, and should only be committed after it is received.</p> <p>In previous years the Council have not used the NHB to assist in balancing our revenue budget, and have instead used this source of funding to help reward communities by funding one off projects.</p>	<p>budget for the council. As such this will be reviewed annually.</p> <p>The grants and concessions panel review the use of NHB, along with other grant funding that the Council makes available to individuals and groups.</p>

Principle	Narrative	Actions
<p>11. Localisation of Business Rates. We should review the decision to pool our business rates annually after receipt of the government draft settlement to ensure that the Council is in the best possible financial position.</p>	<p>For 2021-22 the same authorities that made up the 2020-21 pool did not operate a pool due to the risks and uncertainty that COVID brought to the level of business rates.</p> <p>Some of the authorities in West Sussex are considering having a pool in 2022-23. In order to maximise the gain to the County as a whole, several districts will not form part of the pool, including Chichester District Council (CDC). However, all West Sussex authorities are currently able to benefit from the pool gains.</p> <p>(Authorities that do not form a pool are protected by individual government “safety nets” while those in a pool are not).</p>	<p>The business case for pooling shall be reviewed annually taking into account the potential risk associated with being in a pool.</p>
<p>Resources and Capital Programme Principles</p>		
<p>1. Capital receipts, reserves and interest on investments (other than property and multi bond investments) will primarily be available for new investment of a non-recurring nature, thereby minimising the overall financial risk. Income earned from property investments, both directly owned and managed property, and the Local Authority Property Fund, together with mixed asset bonds, can be used to support revenue as the</p>	<p>This is a long-established principle whereby non-recurring resources are used to meet non-recurring expenditure. The revenue budget is no longer reliant on reserves. Interest receipts are, with the exception of property related income and mixed asset bonds, diverted to support the capital programme.</p>	<p>Temporary sources of funding should not be relied upon to fund recurring revenue costs. Budget managers embarking on new projects that involve temporary funding must design an exit strategy from the outset to ensure the council is not left with unfunded costs at the end of the funding stream.</p>

Principle	Narrative	Actions
<p>income streams earned are much less volatile.</p>		
<p>2. Ensure that a sufficient level of reserves are maintained, as informed by the Financial Strategy, so that the Council can remain flexible and is able to respond to a changing local government environment.</p>	<p>The objective is to offer resilience against the unexpected and provide resources for new initiatives including one-off costs to assist with reshaping the organisation.</p> <p>The Capital Programme is an estimate of the capital schemes' likely cost and the funding resources likely to be available to meet that need. This is always subject to amendment if, for example, a scheme cost is higher than anticipated or an anticipated capital receipt is less than expected. The capital programme is by its nature constantly changing and the resource position will be continuously monitored to ensure it remains affordable. The Resources Statement reflects the current level of reserves, anticipated receipts, and commitments, and this is updated alongside the 5 year financial plan.</p>	<p>Routine monitoring of the capital schemes and the overall resources position will continue to ensure the capital programme remains affordable.</p> <p>All earmarked reserves will be reviewed annually with service managers to ensure that they remain relevant and essential, otherwise the funds should be returned to available balances.</p>

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

Council Resource Position as at October 2021 (Projected)

Period 2021/22 to 2026/27

	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
	£m	£m	£m	£m	£m	£m
Reserves at April 2021	66.908					
Less commitments:						
Insurance Fund	-0.266					
Provision for one off redundancies	-0.014					
Minimum level of reserves	-4.000					
Other earmarked funding						
Reserve commitments - Revenue	<u>-26.374</u>	-30.654				
COVID-19 Recovery report - Support to revenue account		-8.000				
Less contingent liability:						
LEP Grant		-5.000	-5.000			

Available Resources - Beginning of Year	23.254	5.165	4.544	4.867	5.407	6.377
New Resources						
Asset Sales (96%) (*)	0.000	0.000	0.000	0.000	0.000	0.000
Interest on investments (excluding property & all external funds)	0.279	0.285	0.325	0.328	0.286	0.280
NHBS 2021/22	1.461	0.000	0.000	0.000	0.000	0.000
Lower Tier Support Grant 2021/22	0.096	0.000	0.000	0.000	0.000	0.000
Revenue contribution to Asset Replacement Fund	1.512	1.512	1.512	1.512	1.512	1.512
Revenue contribution to Reserves 2020/21	0.000	0.000	0.000	0.000	0.000	0.000
External income due to support capital programme (incl CIL)	13.232	6.629	2.169	4.245	4.550	1.350
Interest on repayment of SLM advance	0.225	0.222	0.218	0.215	0.225	0.000
Sub Total - New Resources	16.805	8.648	4.224	6.300	6.573	3.142
Resources Applied						
Current Capital Projects	-29.391	-8.014	-2.411	-4.474	-4.550	-1.350
Current Asset Replacements	-5.503	-1.255	-1.490	-1.286	-1.053	-1.992
Sub Total - Resources Applied	-34.894	-9.269	-3.901	-5.760	-5.603	-3.342
Available Resources - End of Year	5.165	4.544	4.867	5.407	6.377	6.177

Note: The table above includes New Homes Bonus Grant (NHBG) up to and including 2021/22 and Lower Tier Support Grant for 2021/22. Any grant received from 2022/23 will therefore increase the level of Uncommitted Resources.

NHBG Balance Beginning of Year	15.735	10.813	10.563	10.563	10.563	10.563
Less Transfer to NHB Grants Fund	-0.250	-0.250	0.000	0.000	0.000	0.000
Revised NHBG Balance Beginning of Year	15.485	10.563	10.563	10.563	10.563	10.563
NHBG New Resources						
NHBS Grant 2021/22	1.461	0.000	0.000	0.000	0.000	0.000
Lower Tier Support Grant 2021/22	0.096	0.000	0.000	0.000	0.000	0.000
Sub Total - NHBG New Resources	1.557	0.000	0.000	0.000	0.000	0.000
NHBG Resources Applied						
Current Capital Projects	-5.989	0.000	0.000	0.000	0.000	0.000
Reserve Commitments - Revenue	-0.240	0.000	0.000	0.000	0.000	0.000
Sub Total - NHBG Resources Applied	-6.229	0.000	0.000	0.000	0.000	0.000
NHBG Available Resources - End of Year	10.813	10.563	10.563	10.563	10.563	10.563

This page is intentionally left blank

Chichester District Council

THE CABINET

2 November 2021

Funding for Voluntary Action Arun and Chichester

1. Contacts

Report Author

David Hyland - Community Engagement Manager

Telephone: 01243 534864 E-mail: dhyland@chichester.gov.uk

Cabinet Member

Roy Briscoe - Cabinet Member for Community Services and Culture

Telephone: 07877 070591 E-mail: rbriscoe@chichester.gov.uk

2. Recommendation

- 2.1 That the Cabinet recommends to Council the continuation of funding to Voluntary Action Arun and Chichester for the provision of infrastructure support to the voluntary and community groups and charities in Chichester District as set out in para 5.2 below.**
- 2.2 That the Cabinet delegates authority to the Director of Housing and Communities, following consultation with the Cabinet Member for Community Services, to agree a service specification and signing of a three-year funding agreement and delegates to the Grants and Concessions Panel the annual monitoring of performance.**

3. Background

- 3.1 Chichester District Council (CDC) recognises the importance of a successful and resilient voluntary and community sector made up of charities, social enterprises and community groups that support residents, particularly those who are more vulnerable. CDC has historically funded support to ensure that the organisational and development needs of the sector are met. This is achieved by funding the local 'infrastructure support' organisation.
- 3.2 In the Chichester District, the service is delivered by Voluntary Action Arun and Chichester (VAAC). VAAC is a registered charity managed by a Board of local Trustees. VAAC was formed in 2012 following a merger of the voluntary and community sector support organisations that served Arun and Chichester. VAAC is a membership organisation led by and answerable to local groups. They currently have 160 member organisations from Chichester District, and a further 106 members who work across Chichester and Arun Districts. Their regular bulletins are circulated to a much wider audience.
- 3.3 The service is currently under a funding agreement that ends in March 2022. This was a three year agreement which has seen significant changes and challenges for the voluntary and community sector. Many local member groups received

support from VAAC to respond to the consequences of the Covid19 pandemic, with impacts to service demand, staff and volunteers, and income. VAAC's different services are normally provided on an outreach basis, through one-to-one sessions, telephone advice, a training programme, network meetings and online support. Support was offered throughout lockdowns via virtual options but in person options are now reintroduced.

- 3.4 During lockdown, VAAC were part of the WSCC COVID weekly meetings and worked closely with the local community hub, offered support to local aid groups and people wanting to volunteer. They have networked with others to identify opportunities to coordinate to better help people – e.g. emergency food access. There has been much closer working between CDC and VAAC in the Covid response. Their performance supporting groups and volunteers in Chichester District is monitored quarterly, with an annual report presented to the Grants and Concessions Panel (GCP). The GCP has been satisfied with performance historically and throughout the current funding period, most recently at the meeting of January 2021.

4. Outcomes to be Achieved

- 4.1 Continued support for the key 'infrastructure' needs of the voluntary and community sector in the Chichester District. The three year grant funding is intended to ensure the service can plan, in challenging times, to respond to increasingly diverse demand and ensure the continued availability of:
- Governance advice – so that groups are able to manage themselves in accordance with appropriate guidance and the District is well-served by confident, well run organisations.
 - Volunteer recruitment assistance – the value of volunteering is recognised, that people interested in finding opportunities are helped to find vacancies and groups are supported to advertise and create local opportunities.
 - Training –delivered in response to the needs of local groups, also providing opportunities to gain expertise in new areas.
 - Fundraising guidance – groups are successful in attracting funding to support their services from a range of different sources and are able to adapt to new opportunities.
 - Networking and peer support opportunities for similar local organisations - groups are strengthened through mutual support. Partnership working is facilitated to avoid duplication and share knowledge.
- 4.2 Funding for VAAC comes from a range of sources and the commitment of CDC is seen as valuable in securing the commitment of funding from other partners.

5. Proposal

- 5.1 Under the current contract, CDC contributes £47,600 'core funding' to VAAC. Arun District Council also funds the service and has confirmed their intention to continue their support (Agreement expires March 2025, value £51,373 in 2021/22). WSCC have, since 2019, funded an Alliance formed of VAAC and their three equivalents across West Sussex. This funding is also up for renewal, but demonstrable local support for the services is key to securing this further contribution.

- 5.2 It is proposed that funding of £51,000 (maintaining the current value of the funding plus an inflation allowance) is confirmed to VAAC for a period of up to three years. A Funding Agreement will again be offered and provide a monitoring framework for both regular review with officers and annual reporting to the GCP.

6. Alternatives Considered

- 6.1 Funding for this support could be discontinued, however the voluntary and community sector face increasing demand to sustain or increase the services they provide to the local community. Fundamentally the infrastructure support provided is essential to the “health” of the sector which has seen significant pressure during the pandemic, and is support that might otherwise be expected from CDC.
- 6.2 Historically a number of mechanisms for funding this service have been followed, including receiving funding from WSCC to locally fund a service. The current arrangement allows for clear monitoring regarding how this Council’s money is used for service delivery in the District.
- 6.3 Given the value over the next three years, commissioning a service has been discounted. VAAC is a membership organisation made up of a significant proportion of the voluntary and community sector operating within the District. VAAC is separately funded by Arun District and West Sussex County Councils to deliver complimentary services, and is therefore uniquely placed to continue delivery of this service.

7. Resource and Legal Implications

- 7.1 Funding for the service of £51,000 per annum is within base budget with an inflationary increase for 2022/23 (subject to the Council’s approval of the budget in March 2022). Annual renewal of the funding would be subject to Council’s approval of the budget.
- 7.2 Monitoring arrangements for this funding would continue within existing resources, and reporting to the GCP forms part of the annual work of the Panel.

8. Consultation

- 8.1 The GCP has received annual reports regarding the performance of VAAC and have historically been supportive of their work and activities, most notably at the January 2021 meeting where the activities of VAAC during the pandemic were summarised. A version of this report has been considered at the GCP of 21 October 2021 and their recommendation will be verbally updated to Cabinet.

9. Community Impact and Corporate Risks

- 9.1 WSCC is yet to make a formal decision about the allocation of their funds for voluntary and community sector infrastructure support, but an award to the Alliance is predicated on the existence of the local delivery organisations (including VAAC). This Council’s funding commitment will support local community and voluntary organisations who are then able to help residents to make a difference in their communities.

- 9.2 The impact on the community is deemed to be positive as support will be provided to voluntary organisations to continue their work.

10. Other Implications

Are there any implications for the following? If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime and Disorder		X
Climate Change and Biodiversity		X
Human Rights and Equality Impact Positive - Within the current funding period, VAAC have undertaken work to identify underrepresented communities and any emerging community groups that have not previously accessed their services.	X	
Safeguarding and Early Help Positive - part of the role of the service to support training in Safeguarding for local community groups and charities	X	
General Data Protection Regulations (GDPR) Funding Agreement will cover responsibilities under GDPR	X	
Health and Wellbeing Positive - support and guidance from a trusted organisation will have a positive impact on the health and wellbeing of many groups' beneficiaries	X	
Other		

11. Appendices

11.1 None

12. Background Papers

12.1 None

Chichester District Council

The Cabinet

2 November 2021

2021-22 Treasury Management half-yearly update report

1. Contacts

Report Author:

Mark Catlow – Group Accountant, Financial Services
E-mail: mcatlow@chichester.gov.uk

Cabinet Member:

Peter Wilding - Cabinet Member for Finance, Corporate Services and Revenues and Benefits. Telephone: 01428 707324 E-mail: pwilding@chichester.gov.uk

2. Executive Summary

This report provides a summary of the Council’s Treasury activities for the first half of 2021-22. It contains a summary of the Council’s internal and external investments, confirms that the Council’s Treasury strategy was complied with and looks ahead to proposals to update the regulatory framework covering Treasury activities.

3. Recommendation

3.1 Cabinet is requested to consider the Treasury activity summarised in this report.

4. Background

4.1 This report provides Cabinet with a summary of treasury management activity and regulatory developments for the year to date. The Council’s Corporate Governance and Audit Committee considered this report on 25 October 2021 and a verbal update will be given to Cabinet if necessary.

4.2 The Authority’s treasury management strategy for 2021/22 was approved by Council in March 2021. The Authority continues to invest in line with this policy and the investment position at 30 September 2021 shown below.

Table 1: Treasury Management Summary

Investments £000	Balance 31/03/2021	Movement	Balance 30/9/2021
Short term Investments	49,500	(19,500)	30,000
Money Market Funds	5,000	45,650	50,650
Total liquid investments	54,500	26,150	80,650

Long term Investments			
Pooled Funds – External	24,000	-	24,000
Pooled funds – Local Authority	10,000	-	10,000
Property fund			
Total investments	88,500	26,150	114,650

Note: the figures in the table above exclude any movements in Fair value.

5. 2021-22 Treasury Summary

- 5.1 Recovery from coronavirus pandemic continued to dominate the first half of the financial year and the Government's support for businesses and Local Government is reflected in the Council's cash balances. As residual balances on the various national support schemes are settled, officers expect cash balances to fall over the next twelve months by around £30m.
- 5.2 Twelve-month CPI inflation rose from 2.0% in July to 3.2% in August, slightly above the expected level (3.0%) and a further increase to above 4% is likely in the near term, owing largely to developments in energy and goods prices. Whilst the Bank of England held Bank Rate at 0.1% throughout the period some modest tightening of monetary policy is now felt likely and officers are factoring this into Treasury decisions where necessary.
- 5.3 Identifying suitable and sufficient investment counterparties has been and will continue to be a challenge, although the latest credit analysis from Arlingclose has increased maximum duration for some UK banks from 35 to 100 days which will help. Despite this, there is still much uncertainty around the ultimate extent of losses banks and building societies will suffer due to the pandemic and, as a result, additional Money Market Fund accounts were opened to provide more options for diversified liquidity investment.
- 5.4 During the first six months of 2021-22 officers implemented the 'comply or explain' Ethical, Social and Governance investment approach required by the Council's current Treasury Strategy. All investments made during the first half of the year have been with institutions that either are Local Authorities, Central Government or who had signed the United Nations principles for responsible investment and banking.
- 5.5 The Council's external pooled fund investments remained at £34m through the period, and by August had they recovered much of the pandemic related losses in value, although market losses during September meant a closing carried loss of £823k (a gain of £545k since 1 April). Income remains very stable at 4% per annum overall, or £1.36m pa.
- 5.6 Officers expect make a new £3m investment in quarter 3 2021-22 in the CCLA diversified income fund. This fund has a medium term investment horizon (3 yrs. +) and is actively managed to provide income and capital growth over this period. The Fund follows a responsible investment policy which excludes investment in certain sectors including tobacco, adult entertainment, gambling, high interest lending, armaments and in companies materially exposed to fossil fuel extraction, oil and gas production and refining.

6. Other Non-Treasury Holdings and Activity

- 6.1 Although not classed as treasury management activity, the CIPFA Code requires the Authority to report on investments held for policy reasons outside of normal treasury management.
- 6.2 The Authority continues to hold approximately £13.6m of investments in directly owned property, unchanged from the value established at 31 March 2021.
- 6.3 As we continue with the recovery stage and transition toward a post Brexit and Covid19 commercial property market, it remains difficult to determine the long term impact on our investment portfolio with any certainty or tangible evidence to support it. That being said, some property sectors have proved to be more robust than others with high demand for industrial premises for example. This is dependent on the continued relaxation of restrictions and ongoing support to businesses by Government. With the furlough scheme now ended there is added risk to the financial viability of some of our tenants.
- 6.4 The anticipated challenges to the commercial property market have been mitigated to some extent by the continued Government support packages and grant funding. Nonetheless, downward pressure on rents and increased risk of tenant default continue, with investment yields needing to reflect the added risk to future income streams and will ultimately result in lower capital values.
- 6.5 Presently two of the Council's Investment Properties have a market value that is less than the original purchase price. In aggregate the carried loss on these two properties is £752k, representing 14% of the original investment cost of £5,258k. Putting this into context, the income received annual from our investment properties is around £1m per annum and any carried gains or losses are only crystallised as and when the Council disposes of the property. At present, the Council has no need to, or intention of, disposing of these commercial investments.

7. Compliance Report

- 7.1 How treasury activity complied with the main 2021-22 treasury limits is disclosed at appendix C. There are no exceptions for the reporting period although a verbal update will be provided for one indicator.

8. Other Developments

- 8.1 This section updates Cabinet on relevant developments since the last report in earlier this year.

Investments in external funds

- 8.2 Officers monitor longer term cash projections to identify if longer term, higher yielding investments are possible.

New Codes and Regulations

8.3 The attention of MHCLG, CIPFA and the UK's Debt Management Office is squarely focussed on non-Traditional treasury activity, or those investments made for:

- Commercial purposes, being non-financial assets held primarily for financial returns; and,
- Service purposes, which include regeneration or local infrastructure investments

8.4 There are additional reporting requirements proposed for the 2022-23 CIPFA Treasury Code which, if adopted, will expand the scale and scope of Treasury reporting. As the current consultation for these proposals is not due to conclude until November 2021, it is possible that the 2022/23 Treasury and Investment strategy, due to be considered by Cabinet in February 2022, will need further amendment and updates as 2022 progresses.

9. Estimates of 2021/22 income

9.1 The Authority's 2021/22 budget was set against the economic backdrop described above and in appendix E. A modest tightening of monetary policy is now felt likely and the 2022-23 income budget is likely to reflect an increase in Bank Rate partway through the financial year.

9.2 The figures in table 2 for external pooled funds are based on announced dividends to the end of the period, some of which will not be received until a month or two later.

9.3 The forecasts are simple extrapolations based on year to date returns. The actual income will ultimately depend on many factors including but not limited to the extent of the pandemic's economic impact, the fund's sectoral asset allocation, securities held/bought/sold and, in the case of equities, the enforced or voluntary dividend cuts or deferral.

Table 2: Income by investment type to end of September 2021

	To date	Full year Estimate	Budget	Comments
LAPF	£186k <i>Note 1</i>	£372k	£347k	On track
Pooled Funds	£498k <i>Note 1</i>	£997k	£786k	Caution is needed with the forecast at this early stage. The budget for 21-22 expected a modest reduction in income due to the effect of the pandemic on corporate dividends and distributions and it may be this effect has not yet filtered through.
Internal Funds	£12k <i>Note 2</i>	£30k	£35k	The budget assumed a rate of return just below 0.1% and actual returns are below this at present.

Note 1: The actual figure is adjusted for announced dividends due 30 September 2021

Note 2: The actual figure is adjusted for unwound accruals of £7.4k for 2020-21 financial year

10. Alternatives Considered

10.1 None

11. Resource and Legal Implications

11.1 The Council is required by the Accounts and Audit Regulations to comply with CIPFA's Code of Practice for Treasury Management and the Prudential Code for Capital Finance.

12. Consultation

12.1 Not relevant.

13. Community impact and corporate risks

13.1 Not relevant

14. Other Implications

	Yes	No
Crime and Disorder		X
Climate Change and Biodiversity		X
Human Rights and Equality Impact		X
Safeguarding and Early Help		X
General Data Protection Regulations (GDPR)		X
Health and Wellbeing		X
Other		X

15. Appendices

A - Movements in Fund fair values and income – Pooled Funds

B - Benchmarking indicators

C - Compliance report

D - Non Treasury investments

E – Outlook for the remainder of 2021-22

16. Background Papers

16.1 None.

Appendix A: Movements in Fund fair values and income – Pooled Funds

Exhibit A1: Performance in 21-22

STRATEGIC POOLED FUND PORTFOLIO				CHICHESTER				From:	31/03/2021	To:	30/09/2021
FUND NAME	ASSET CLASS	No of Units Held in Period	Current Value £	Capital Growth £	Dividends Earned £	Holding Period (yrs)	Capital Return	Income Return	Total Return	Volatility	
AEGON (KAMES) DIVERSIFIED MONTHLY INCOME FUND	MULTI ASSET	4,418,978	4,788,404	-14,888	124,770	0.5	-0.31%	2.60%	2.29%	4.2%	
CCLA - LAMIT PROPERTY FUND	PROPERTY	3,268,201	9,997,100	549,385	186,781	0.5	5.81%	1.98%	7.79%	4.5%	
M&G STRATEGIC CORPORATE BOND FUND	BOND	355,988	4,044,020	-3,168	49,803	0.5	-0.08%	1.23%	1.15%	2.3%	
NINETY ONE (INVESTEC) DIVERSIFIED INCOME FUND	MULTI ASSET	4,771,540	4,775,834	-122,800	105,127	0.5	-2.51%	2.15%	-0.36%	1.9%	
SCHRODER INCOME MAXIMISER FUND	EQUITY - UK	11,187,364	4,470,471	130,027	173,427	0.5	3.00%	4.00%	6.99%	8.7%	
THREADNEEDLE STERLING SHORT-DATED CORPORATE BOND FUND	BOND	2,180,373	2,356,111	-7,657	16,290	0.5	-0.32%	0.69%	0.37%	1.0%	
THREADNEEDLE STRATEGIC BOND FUND	BOND	2,578,812	2,744,887	14,699	29,231	0.5	0.54%	1.07%	1.61%	1.2%	
GRAND TOTAL			33,176,827	545,597	685,427	0.5	1.67%	2.10%	3.77%	2.6%	

Unrealised capital loss since purchase: -823,216 Annualised income return: 4.23%

Page 124

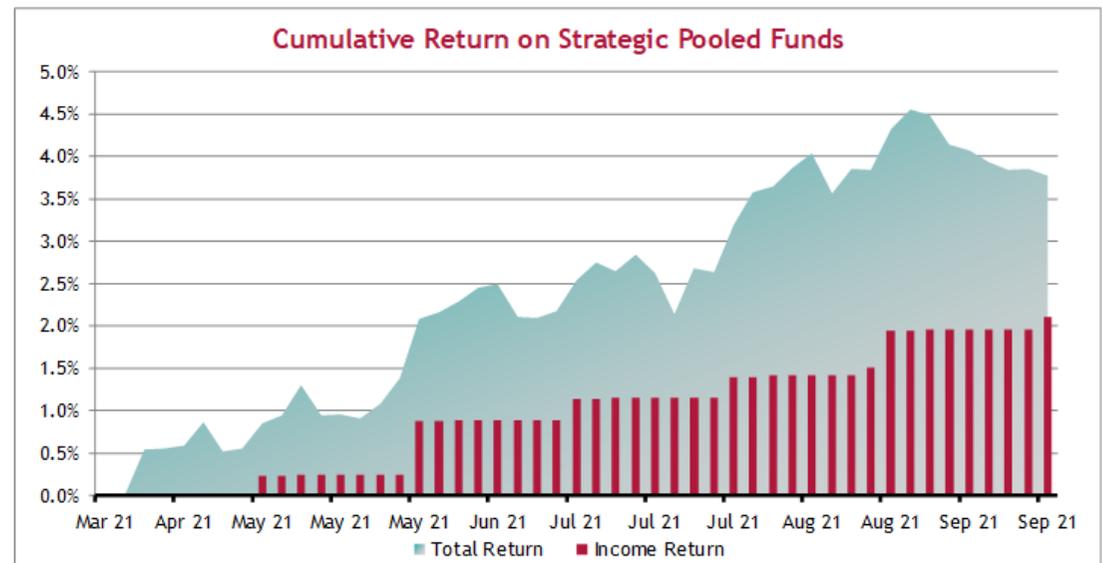
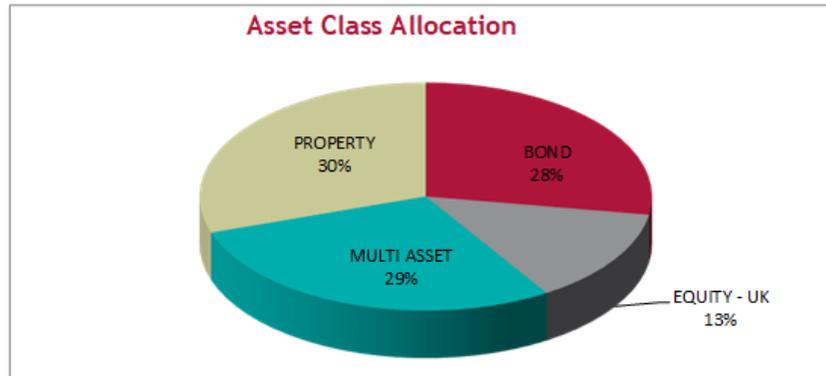
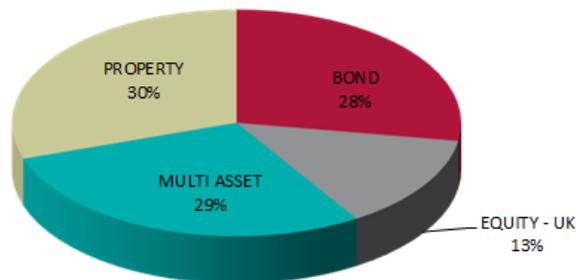


Exhibit A2: Performance since Purchase

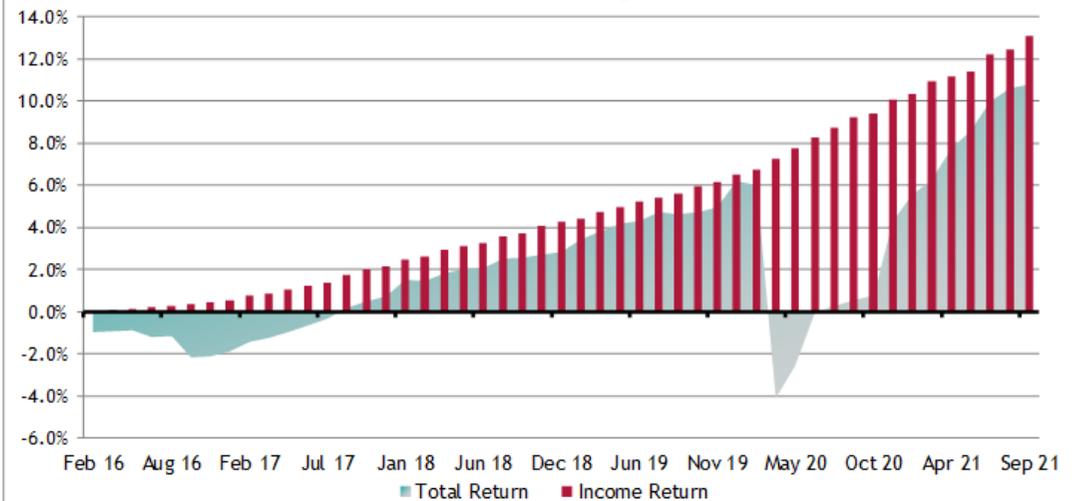
STRATEGIC POOLED FUND PORTFOLIO				CHICHESTER			From:	29/02/2016	To:	30/09/2021
FUND NAME	ASSET CLASS	No of Units Held in Period	Current Value £	Capital Growth £	Dividends Earned £	Holding Period (yrs)	Capital Return	Income Return	Total Return	Volatility
AEGON (KAMES) DIVERSIFIED MONTHLY INCOME FUND	MULTI ASSET	4,418,978	4,788,404	-211,596	406,378	1.8	-4.23%	8.13%	3.90%	9.7%
CCLA - LAMIT PROPERTY FUND	PROPERTY	3,268,201	9,997,100	-2,901	2,237,955	5.3	-0.03%	22.38%	22.35%	3.4%
M&G OPTIMAL INCOME FUND	BOND	1,101,193	0	11,150	126,837	2.6	0.68%	7.69%	8.36%	2.4%
M&G STRATEGIC CORPORATE BOND FUND	BOND	356,976	4,044,020	44,020	197,625	1.8	1.10%	4.93%	6.02%	6.1%
NINETY ONE (INVESTEC) DIVERSIFIED INCOME FUND	MULTI ASSET	4,771,540	4,775,834	-224,166	740,885	3.7	-4.48%	14.82%	10.33%	4.7%
SCHRODER INCOME MAXIMISER FUND	EQUITY - UK	11,187,364	4,470,471	-529,529	544,786	1.8	-10.59%	10.90%	0.31%	12.1%
THREADNEEDLE STERLING SHORT-DATED CORPORATE BOND FUND	BOND	2,180,373	2,356,111	6,111	79,129	1.9	0.26%	3.37%	3.63%	2.7%
THREADNEEDLE STRATEGIC BOND FUND	BOND	2,578,812	2,744,887	94,887	324,414	4.4	3.58%	12.24%	15.82%	4.8%
GRAND TOTAL			33,176,827	-812,024	4,658,009	3.3	-2.28%	13.06%	10.78%	4.6%

Unrealised capital loss since purchase: -823,216 Annualised income return: 3.76%

Asset Class Allocation



Cumulative Return on Strategic Pooled Funds



Appendix B: Treasury Management – Benchmarking indicators

Return

Measure	Qtr 3 20-21	Qtr. 4 20-21	Qtr 1 21-22	Qtr. 2 21-22	Non-met districts Q4 average	Rating
Internal investment return %	0.12	0.11	0.08	0.05	0.08	GREEN
External funds – income return %	4.13	4.40	4.27	4.35	4.20	GREEN
External funds – capital gains/losses %	-4.93	9.56	7.29	8.45	9.28	GREEN
Total treasury Investments – income return %	1.55	1.72	1.39	1.31	1.20	GREEN

As the unrealised loss on the Council's external funds is now less than the Council's risk reserve for fair value losses, the score has been updated to Green.

Security

	Average Credit Score Time weighted (lower = better)	Average Credit Rating Time weighted	Bail-in exposure (lower = better)	
31 March 2021	4.54	A+	27%	
30 September 2021	4.76	A+	69% **	TBC
Similar Local Authorities	4.57	A+	69%	

** Officers are checking the calculation of this figure and will provide a verbal update at Cabinet. The increase in the proportion of funds exposed to bail-in appears to be as a result of the greater use of Money Market Funds in 2021/22. These funds are very diversified and the bail-in risk for individual banks is very low

Liquidity

	7 day liquidity	100 day liquidity	Average maturity	
31 March 2021	11%	33%	103 days	
30 September 2021	49%	62%	29 days	GREEN
Similar Local Authorities	48%	65%	32 days	

The liquidity measure used is a value weighted average. At 31 March 2021 the Council has a greater proportion of fixed duration investments with Local Authorities which are now invested in short term money markets.

Appendix C – Compliance report

Compliance with investment limits

Sector	Time limit	Counterparty limit	Sector limit	Complied/Exception Ref
The UK Government	25 years	Unlimited	n/a	Complied
Local authorities & other government entities	10 years	£5m	Unlimited	Complied
Secured investments	10 years	£5m	Unlimited	Complied
Banks (unsecured)	13 months	£3m	Unlimited	Complied
Building societies (unsecured)	13 months	£3m	£5m	Complied
Money market funds	n/a	£5m or 0.5% of fund value	Unlimited	Complied
Strategic pooled funds (excluding LAPF)	n/a	£5m	£30m	Complied
Strategic pooled funds (CCLA - LAPF)	n/a	£10m	£10m	Complied
Real estate investment trusts	n/a	£2m	£4m	Complied
Other investments	2 years	£3m	£5m	Complied

Interest rate exposure

This indicator is set to control the Authority's exposure to interest rate risk.

To measure this, the council calculates the effect of a 1% change in interest rates and has set a reportable exception level where the impact of this exceeds 50% of the council's individual counterparty limit (£2.5m).

	31/3/21 Actual	2021/212 Limit	
Upper limit on one-year revenue impact of a 1% change in interest rates	£0.39m	N/A	N/A

This limit is only calculated as at 31 March each year.

Principal Sums Invested for Periods Longer than 364 days

The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The long-term principal sums invested to final maturities beyond the period end were:

	2021/22	2022/23	2023/24
Actual principal invested beyond year end*	£40m	£40m	£40m
Limit on principal invested beyond year end	£60m	£60m	£60m
	Complied	Complied	Complied

* expected figure– assumes £3m invested Q2 and further £3m later in 21-22

Appendix D: Non-Treasury investment indicators

The Council has set the following indicators to measure its exposure to risk associated with non-treasury investments.

Measure	Description	30 September 2021
Commercial income to net service expenditure	This indicator measures the Council's dependence on income from its commercial property investments as a proportion of the net cost of services	This indicator is only calculated and reported as at 31 March each year.
Net operating surplus	This indicator measures the contribution received from the investment portfolio at a net level (income less costs) over time.	This indicator is only calculated and reported as at 31 March each year
Vacancy levels and tenant exposure	Monitoring vacancy levels to ensure the property portfolio is being managed productively.	Voids at 30th September 2021: <ul style="list-style-type: none"> • Industrial 1/15 • Retail 2/26 • Offices 2/8 Total 5/49 = 10.2% (20/21 14.3%)
Exposure to credit default events for loans made	This will measure the Council's exposure to loss through default for non-treasury loans made to third parties	None
Market value of commercial properties	This indicator will track the Council's ability to recover its investment in any commercial investment should the need arise.	See main report section 5

Appendix E

Economic Outlook – Summarised by officers from Arlingclose commentary, September 2021

The medium-term global economic recovery has continued with the reopening of economies and most look set to grow at a decent pace. Recovery in world demand has been more highly concentrated in goods than in services. The UK has continued to benefit from its initial rapid vaccine rollout, which appears to have weakened the link between infections and hospitalisations.

The re-opening the UK economy will result in improved GDP in Q2 and Q3 although the 'pingdemic' in June and July will have restrained activity a little and exacerbated labour shortages. The more upbeat assessment is that GDP will return to its pre-Covid peak by the end of calendar 2021 but will be predicated on the extent and speed with which households and businesses normalise their spending and activity during the remainder of the year.

Inflation rose to 3.2% in August. Alongside the increase in commodity and energy prices, supply and transportation bottlenecks and the boost in prices from the lifting of restrictions, the MPC has acknowledged the potential of CPI rising to around 4% in Q4 2021. However, the transitory factors affecting inflation including the low base effect of 2020 are expected to unwind over time; expectations for medium-term inflation are not elevated.

Arlingclose expects Bank Rate to rise in Q2 2022 and this may be due as much by the Bank's desire to move from emergency levels as by fears of inflationary pressure. Investors have priced in multiple rises in Bank Rate to 1% by 2024. Arlingclose believes the Bank Rate will rise but by a lesser extent than expected by market.

	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24
Official Bank Rate													
Upside risk	0.15	0.15	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
Arlingclose Central Case	0.10	0.10	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Downside risk	0.00	0.00	-0.15	-0.15	-0.15	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40

This page is intentionally left blank

Chichester District Council

THE CABINET

2 November 2021

Business Rates Pool High Street Project

1. Contacts

Cabinet Member:

Tony Dignum – Cabinet Member for Growth, Place and Regeneration
Telephone: 01243 538585 E-mail: tdignum@chichester.gov.uk

Report Author:

Melanie Burgoyne – Economic Development Manager
Telephone: 01243 534511 E-mail: mburgoyne@chichester.gov.uk

2. Recommendation

- 2.1 That Cabinet agrees the release of the Business Rates Pool monies totalling £70,000 for spend on a ‘high street project’.**
- 2.2 That Cabinet agrees to work commencing on the feasibility study for the project as set out in section 4 of the report, using the total fund allocated to this Council.**

3. Background

- 3.1 West Sussex Council Leaders met in July to discuss the use of the remaining funds from the Business Rates Pool. The leaders agreed to make some funding available quickly to help high streets and allocated each District £70,000 to establish an ‘innovative’ high street project.
- 3.2 It is up to each individual District to establish their own project to meet their own needs and the other Districts and Boroughs are at various stages in deciding on how to use their funds. We are aware that one of them is exploring a Pop Up Shops scheme. It is anticipated that via the West Sussex Economy Group meetings, information on projects and their impact will be shared.
- 3.3 There are no conditions attached to the fund in terms of timing but it has been suggested that we should aim to spend within the next 12 months in order to aid the case for any future high street funding bids.

4. Proposal

- 4.1 Officers met to establish ideas at a high level and a ‘long list’ of options was developed, as attached at Appendix 1. This options list was reviewed and considered by the Economic Development Panel at their meeting of 28th September and the Panel were in favour of using the funds to develop the project to enable new Destination Markets at the Cattle Market and/or Little London location, plus lockable ‘pods’ for flexible use.
- 4.2 The funds allocated to this Council would cover the costs of a feasibility study for the above markets, including a secure covered area to enable year round use

and the potential for lockable chalets or 'pods' that could be used in other locations. Should the feasibility study lead to the delivery of a capital project any remaining funds can be directed towards those costs.

5. Outcomes to be Achieved

- 5.1 A project to be delivered which provides additional support to the City Centre in a new form and which could form the evidence for future funding applications for similar projects to support the high street.

6. Alternatives Considered

- 6.1 Do nothing. With funding available this is not considered appropriate.
- 6.2 The option to use the fund across the district was discussed. Officers consider that if the fund is split across the five district 'high streets' it will have limited scope and impact and would not be able to meet the requirement set in respect of an 'innovative' project. It is therefore proposed to focus the fund on the City as the city's high street has been impacted more by the pandemic in terms of shop closures than the high streets in the market towns and currently has the highest percentage of voids compared to the market towns.
- 6.3 Other ideas were considered by the Panel, with Appendix 1 detailing reasons why these are not being recommended to progress.

7. Resource and Legal Implications

- 7.1 If Cabinet agree to the recommendations in this report, resources will be required from a number of service areas within the Growth & Place Directorate. It is anticipated the feasibility study will be completed by 31st March 2022.

8. Community Impact and Corporate Risks

- 8.1 The project will support the objectives of both the Council's Corporate Plan, the Economic Development Strategy and the markets task and finish group.
- 8.2 Consultation with stakeholders including adjacent retailers/occupiers and the BID will be undertaken as part of the feasibility work.

9. Other Implications

	Yes	No
Crime and Disorder		✓
Climate Change		✓
Human Rights and Equality Impact		✓
Safeguarding		✓
Other		✓

10. Appendix

10.1. Appendix 1 – Summary of suggested projects

11. Background Papers - none

This page is intentionally left blank

Appendix 1
Business Rates Pool High Street Project – Summary of Suggested Projects

	Activity	Benefits	Drawbacks/issues
1.	Rent paid on an empty high street premises to enable an 'indoor stalls' space in winter months.	<p>Variety of high street offer</p> <p>Could complement the 'markets' programme</p> <p>Possible link ups with College and University, to reflect an aspiration of the Chichester Vision</p>	<p>Costs in suitable units would be significantly in excess of £70,000, with rent, business rates and utilities/insurance payable, plus basic fit out works.</p> <p>Landlords may not be prepared to agree to a short term let. A meanwhile use could benefit them in terms of their business rates liability but if the premises is a listed building the landlord does not have to pay whilst the premises is empty</p> <p>Possible impact on existing similar offer, such as Drapers Yard.</p>
2.	Rent an empty unit in a high profile location to offer affordable 'pop up' space within to small businesses to have a high street presence in a prominent location.	<p>Possible to combine into Pop-up Shops scheme.</p> <p>Possible link ups with College and University.</p>	<p>Issues as above regarding costs.</p> <p>The funds available would only support this initiative for a short period of time.</p> <p>CDC managing this would need additional resource from current teams.</p>
3.	Use the fund to lease a premises for the purposes of establishing an E-sports café - seeking an operator via a tender process.	<p>Something for the younger demographic with links to the University.</p> <p>Genuinely different use and likely to attract publicity.</p> <p>Strong tie in with Chichester Vision objectives.</p>	<p>Lengthy procurement process and may not bring forward a suitable applicant.</p> <p>If the café isn't viable without the subsidy provided from the business rates pool funds, there will be a high risk of negativity around it closing.</p>

4.	Infrastructure / development costs to enable new 'Destination Markets' at Cattle Market and/ or Little London location. To include possible covered area to enable year round use/ eating area.	Creates something new. Could be used in all high streets. Link with Events Strategy.	Need to ensure the offer compliments and has linkages to the high street.
5.	Lockable chalets or 'pods' for potential use in city centre and other areas, including potentially in car parks and public spaces such as parks.	Could be rented out to start-ups and small businesses to ensure a variety of offer. Whilst needing to be low cost, rental may help recoup some storage/ set up costs. Could be offered to existing businesses in secondary locations/elsewhere in district to help promote their business in a prime location. Potential to link with Events Strategy.	On-going transport, storage and utility/insurance costs to be considered. Need for planning permission unknown and could be additional time and cost factor. Would need to consider how this would work in tandem with existing market agreements and Street Trading controls in the city centre.
6.	Customer incentive scheme – pre-paid gift cards to spend in city centre.	Possibility to link with any Shop Local Campaign at Christmas.	Fund insufficient to give to everyone so there would have to be some sort of competition or random allocation. To avoid conflict with the BID's Chichester gift card, we would propose use of the same card scheme. Not a 'new' idea.
7.	Grants to encourage Inward Investment in High	Viability of high street improved if properties are occupied. Potential to	Possible 'unintended consequences' – ie landlords raising rents or not

	<p>Streets, targeting specific streets/properties.</p> <p>Vacancy rates are higher in the city which is where the focus for this should arguably be but rates in the other towns would be monitored and any longer term properties targeted.</p>	<p>encourage new uses.</p>	<p>reducing rents to sustainable levels.</p> <p>Criteria would need to be very carefully written to encompass a commitment from the applicant eg to take on a minimum lease term of 2 years.</p>
8.	<p>Support to provide a leisure facility/café for families or teenagers/young people in the city centre – consider ideas such as climbing wall/ silent disco</p>	<p>Drives footfall.</p> <p>Provides something unique in the city centre.</p>	<p>Potentially no suitable sites large enough.</p> <p>Rental and other overheads likely to exceed the budget.</p> <p>Resource issues regarding who would run such a facility Unknown how sustainable this would be without the funding.</p>

This page is intentionally left blank

Chichester District Council

Cabinet

2 November 2021

Consultation on bringing Gatwick Airport Northern Runway into use alongside the main runway

1. Contacts

Report Author:

Karen Dower – Principal Planning Officer (Infrastructure Planning)
Telephone: 01243 521049 E-mail: kdower@chichester.gov.uk

Cabinet Member:

Susan Taylor - Cabinet Member for Planning Services
Telephone: 01243 514034 E-mail: sttaylor@chichester.gov.uk

2. Recommendation

- 2.1 That Cabinet endorse the recommended responses to the consultation questions as set out in Appendix 2 to this report regarding bringing Gatwick Airport northern runway into use alongside the main runway.**

3. Background

- 3.1 The Gatwick northern runway which runs parallel to the main runway is currently a standby runway used solely for emergencies when the main runway is unavailable. The owners of Gatwick Airport are now consulting on proposals to bring the existing northern runway to be used for smaller aircraft, into routine use alongside the main runway. Departures would be shared between both runways. All arrivals would continue to use the main runway.
- 3.2 The proposals include the development of supporting infrastructure and facilities including road improvements, the realignment of the existing northern runway, and new pier (aircraft stands), additional parking and hotels and improvements to the existing terminal buildings.
- 3.3 In January 2019, the owners of the Airport undertook a consultation on a Master Plan for expansion of the airport. The Council responded to this consultation following its consideration by Cabinet at its meeting on 8 January 2019. The response agreed by Cabinet is set out at Appendix 1 to this report. The council supported the role that the airport plays within the wider region and the positive contribution it makes to Chichester District. The council was in support of the optimisation of the main runway of the airport but felt that it had insufficient information at that time to give a considered opinion on bringing into use the existing standby runway (the option now being promoted in this consultation), and the council noted the option to safeguard land for a wholly new runway.

- 3.4 This new consultation runs from 9 September to 1 December 2021.
- 3.5 The project is called the Northern Runway Project. The airport states that the new runway is needed as it is anticipated that by 2038 Gatwick's passenger throughput would increase to 75.6 million passengers per annum (mppa) based on the existing runway capacity of 62.4mppa. The level of passenger increase along with the road improvements needed to support it means the project is classified as a Nationally Significant Infrastructure Project and the owners of the Airport will need to apply for a Development Consent Order (DCO) to build and operate it.
- 3.6 Consultation is part of the DCO process, and the feedback received along with technical work and environmental studies will inform the final proposals which will be submitted by the airport's owners to the Planning Inspectorate for its consideration. The Planning Inspectorate will make a recommendation on the application to the Secretary of State for Transport, who in turn will make the decision as to whether to grant consent.
- 3.7 Gatwick Airport was seriously affected by the Covid-19 pandemic and recovery will take time. Whilst the short term outlook remains challenging, the owners state that there is confidence that passenger and airline demand at Gatwick will return to previous levels over the next four to five years and then continue to grow. In 2019 the airport contributed £8.3 billion to the UK economy and supported over 135,000 jobs. With the Northern Runway Project, it is estimated that the airport would be able to recover three times faster from disruption by enabling delayed departures to get away and free up the main runway for arrivals.
- 3.8 It is asserted that the Northern Runway Project will create significant national, regional, and local economic and social benefits and create thousands of new jobs.
- 3.9 Regarding climate change, the owners of the Airport have pledged to reach net zero for direct emissions before 2040, and state that they are on track already to achieve this. However, the direct emissions from the operation of the airport buildings and airside surface transport are only 0.08MtCO₂e, compared to 0.31MtCO₂e for surface transport by passengers to and from the airport and 5.11MtCO₂e from the flights. The airport's EIA prepared for this project predicts that by 2032 implementing the project will have caused total greenhouse gas emissions to have increased by 1.51MtCO₂e compared to not implementing the project, the vast majority of this arising from additional flights. Eliminating the 0.08MtCO₂e direct emissions by 2040 will have little mitigating effect. For context, the whole of Chichester District emitted only 0.65MtCO₂e in 2018 (the baseline year for the EIA).
- 3.10 The consultation documents do not set out the full picture, as presented in the EIA. It means that the airport's physical building infrastructure will be on a path to net zero, but expanding the airport means that it can accommodate more flights and therefore the total greenhouse gas emissions will increase as a result of the additional number of aircraft flights which use carbon derived fuel.

4. Outcomes to be Achieved

- 4.1 Whilst CDC has not been formally invited to make representations on these proposals, it is considered appropriate that the Council submits its views.

4.2 The impacts on Chichester District are relatively limited in the south of the district. However, those parishes in the northern part of the district are within close proximity to Gatwick Airport and currently experience environmental impacts (including noise disturbance) from the operation of the airport, as well as economic benefits. The potential intensification and extension of the use of the airport could have implications for these areas, as well as having a more indirect impact on other parts of the district.

5. Proposal

5.1 That the draft responses in Appendix 2 are submitted to the airport's owners as the Council's formal response to this consultation.

6. Alternatives Considered

6.1 Although the Council could resolve not to formally respond to this consultation, the impact of Gatwick Airport on the environment and wider economy is considered to justify a response.

7. Resource and Legal Implications

7.1 There are not considered to be any significant resource and legal implications arising from this report.

8. Consultation

8.1 This report considers the Council's response to a consultation being undertaken by the owners of Gatwick Airport. The consultation is publicly available for those that wish to participate. There is therefore no need for the recommended response set out in this report to be the subject of consultation by the Council. Comments from the Economic Development and Environmental Protection teams have been included in the report.

9. Community Impact and Corporate Risks

9.1 The potential impacts are set out in the report and specifically within the Appendices and related documents for this consultation.

10. Other Implications

	Yes	No
Crime and Disorder		✓
Climate Change and Biodiversity See paragraph 3.9	✓	
Human Rights and Equality Impact		✓
Safeguarding and Early Help		✓
General Data Protection Regulations (GDPR)		✓
Health and Wellbeing See paragraph 4.1	✓	

Other		✓
-------	--	---

11. Appendices

- 11.1 Appendix 1: Chichester District Council's response to the consultation on the Draft Master Plan in January 2019.
- 11.2 Appendix 2: Chichester District Council's Response to consultation 'Our Northern Runway Proposals – Have Your Say'.

12. Background Papers

- 12.1 [Northern Runway Public Consultation | Gatwick Airport LGW](#)

Recommended response of Chichester District Council to Gatwick Airport Draft Master Plan consultation

- i. This Council continues to be supportive of the role that Gatwick Airport plays within the wider region and the positive contribution it makes to Chichester District.
- ii. The need to ensure that the airport continues to provide sufficient capacity to meet anticipated need is recognised, particularly within the context of national policies that seek to ensure that airports optimise the use of their infrastructure, including runways.
- iii. Accordingly, support is given to the option set out in Scenario 1 of continuing to optimise the capacity of the main runway of the airport.
- iv. With regard to the additional growth options presented, the potential of Scenario 2 for bringing into active use the existing standby runway is acknowledged to have the potential to also be in accordance with existing national policy. Nevertheless, this is likely to require consent from the Secretary of State through the Development Consent Order process. At this stage, insufficient information and evidence is available to fully inform a considered response to this option, particularly the potential noise impact on residents in the northern parishes of Chichester District, the existing infrastructure to the south of the airport and any potential additional need for housing arising in the wider area. Other associated impacts are also unknown e.g. the potential for a deterioration in air quality as a result of increased traffic congestion on local roads. Opportunities to improve links and infrastructure from Chichester District towards Gatwick Airport should be taken, including enhancements to rail services to and from Chichester and improvements to the north-south road network beyond the present focus of the A23/M23 spine.
- v. Scenario 3 which proposes to safeguard land for a wholly new runway is noted. Current government policy is clear that the identified future demand for an additional runway in the south east of England should be provided at Heathrow Airport. In this context, and taking into account the broad planning principle that land should only be safeguarded for future use where there is a reasonable prospect of it coming forward, the justification for this approach is questioned. Furthermore, the absence of any significant evidence to understand the potential impacts arising from this option makes it difficult to comment further at this time. Nevertheless, the reservations expressed in relation to Scenario 2 equally remain relevant to this scenario, as do the need to take opportunities to improve the links and infrastructure from Chichester District towards Gatwick Airport.

This page is intentionally left blank

Gatwick Airport consultation on the Northern Runway Project

Chichester District Council response to consultation

1. Northern Runway proposals: overall

We are proposing to bring the existing Northern Runway into routine use alongside our Main Runway. Enabling dual runway operations and supporting increased passenger numbers at Gatwick would involve other changes, including to airport infrastructure and some surrounding roads. We have included proposals to mitigate the effects of the Northern Runway Project and maximise the benefits, especially to local economic growth and new jobs.

Q1. To what extent do you support or oppose our proposals to bring the existing northern runway into routine use?

Strongly support, Tend to Support, Neither support nor oppose, Tend to oppose, Strongly oppose, Don't know.

Please explain your views

A1: Tend to support, because of the amount of economic regeneration that the proposals will bring to the local economy that has been hit hard by the Covid-19 pandemic. Great care should be taken to ensure that the airport reduces its carbon emissions as quickly as possible, and that it aims to encourage passengers to use public transport rather than private car to access the airport. Every effort should be made to reduce adverse environmental impacts, particularly noise disturbance to local residents in the north of Chichester district.

2. Economic benefits: jobs and skills

Consultation Summary Document: pages 6 to 8

We are proposing a number of measures designed to maximise employment and skills benefits resulting from the Northern Runway Project.

Q2: Do you think we could do anything more – or differently – to maximise local and regional employment and skills benefits?

A2: Gatwick Airport should aim to use businesses in their supply chain that are as local as possible in order to reduce travel distances. Such businesses should have good environmental practices in place, support the circular economy, and be actively engaged in the process to reduce their carbon emissions to net zero.

3. Economic benefits: business and the economy

Consultation Summary Document: pages 6 to 8

We are proposing a number of measures designed to maximise benefits to business and the economy resulting from the Northern Runway Project.

Q3: Do you think we could do anything more – or differently – to maximise benefits to business and the economy?

A3: Gatwick Airport could build or secure homes for affordable rent for its employees so that they can afford to live as close to the airport for work as possible, which would reduce their need for a lengthy commute, supported by staff travel plans.

4. Airport supporting facilities

Consultation Summary Document: pages 10 to 11

We would need to change or relocate some facilities to accommodate the proposed alteration to the existing Northern Runway. Some new, additional facilities would also be needed. These changes would be largely within the current airport boundary.

The current Central Area Recycling Enclosure (CARE) facilities would be relocated. We are considering two potential locations for the CARE.

1. Option 1: to the north of the cargo hall (north east of the proposed Pier 7) Do you think this location is: Appropriate, Inappropriate, Don't Know.
2. Option 2: to the north west of the proposed Pier 7. Do you think this location is: Appropriate, Inappropriate, Don't Know.

Q4: Please explain your views

A4: We have no strong views over a preference.

5. Landscape and ecology

Consultation Summary Document: pages 12 to 13

Our proposals include keeping green space wherever possible, protection of important environmental and community assets, improved landscaping, provision of public open space and footpaths, and the creation of new habitats.

Q5: What are your views on our landscape and ecological proposals?

A5: The landscape and ecological proposals are supported, but should go further than just retention and aim for a maximum net increase. The hotels and offices should consider having green (planted/living) roofs and walls to further enhance the opportunities for biodiversity and carbon dioxide capture. The retention ponds should be future-proofed to cater for scenarios of very heavy and sustained rainfall.

6. Land use: overall

Consultation Summary Document: pages 9 to 19

We have aimed to develop the Northern Runway Project largely within the current footprint of the airport to minimise disruption to our neighbours and make efficient use of our land. Where we are planning to use land temporarily during construction, we are also proposing to restore it to its previous use once construction is complete.

Q6: What are your views on our approach to land use?

A6: The approach to land use would appear to be sensible.

7. Getting to and from the airport: our approach

Consultation Summary Document: pages 14 to 17

Almost half of Gatwick's passengers already use sustainable modes of transport to get to the airport. To support the Northern Runway proposals, our transport strategy aims to continue increasing the overall share of passengers using public transport to get to and from the airport, deliver improvements to local highways and junctions, and encourage greater use of public transport and active modes by our staff.

Q7: Do you think we could do things better, or differently, to ensure all passengers and staff have appropriate choices for accessing the airport?

A7: a staff travel plan would be the best option for staff accessing the airport. Improved signage for passengers by all other modes would also prevent travellers from getting lost and causing more congestion around the airport.

8. Road improvements

Consultation Summary Document: pages 14 to 15

We propose to significantly enhance the roundabouts at North Terminal and South Terminal (including by raising the M23 Spur/ Airport Way to take through-traffic above the existing roundabout) as well as improving Longbridge Roundabout by widening lanes to provide extra capacity. These improvements are necessary even with our strategy to promote the use of public transport and will cater for both airport and general traffic growth.

Q8: What are your views on our proposals to improve local junctions to support airport growth as well as provide capacity for local traffic? Please specify the improvements to which your comments refer.

A8: Improvements to local junctions are supported provided that they would not result in modal switch away from more sustainable forms of transport.

9. Public and sustainable transport

Consultation Summary Document: page 16

Our proposed target of 60% of journeys by sustainable transport to and from the airport by 2030 would be the highest for a major UK airport. We are proposing measures both to encourage public transport use and discourage unnecessary use of private cars by both passengers and staff. For our employees this includes promoting cycling and walking, car sharing and using zero emission vehicles where travelling by car is the only option. This describes our overall approach but there are specific things we propose in some areas, for example around Crawley and Horley.

Q9: What are your views on how our proposals for increasing use of public and sustainable transport apply in your area? Please specify the proposals to which your comments refer and tell us if there are other things we could do that would be relevant to your journeys.

A9: The measures proposed are supported. Construction: managing impacts

Consultation Summary Document: pages 18 to 19

We are committed to being a good and responsible neighbour throughout the construction phase, giving consideration to both the local community and managing the environmental impacts of construction activity. While still to be finalised, we have included indicative details of anticipated construction methods, timings and phasing. These will be refined throughout the Environmental Impact Assessment process, but we will seek to incorporate best practices.

Q10: Are there any particular measures or activities for managing construction impacts that you would like us to consider including in our proposals as construction details are defined?

A10: The proposed approach is supported. Care should be taken to ensure support of the circular economy so that waste can be reduced, and any waste created can be re-used or recycled nearby.

10. Construction: transport

Consultation Summary Document: pages 18 to 19

We are proposing a package of measures to manage construction related traffic following best practice. This includes the routes vehicles take, the time they travel and measures to reduce the number of vehicles by re-using materials on site as much as possible. Our aim is to minimise the impacts of construction on local roads, keeping traffic on the strategic road network wherever possible.

Q11: What are your views on our construction transport proposals?

A11: The proposed approach is supported. Care should be taken to ensure that wheel scrubbers are used, to prevent soil spill onto nearby access and exit points.

11. Managing and mitigation effects: climate change and carbon

Consultation Summary Document: page 23

We are proposing to mitigate increased greenhouse gas emissions associated with the Northern Runway Project with improvements in design and other measures. We are also developing a Carbon and Climate Change Action Plan that will demonstrate how we will continue to reduce carbon emissions from the airport and ensure Gatwick does not compromise the net zero UK carbon target.

Q12: Do you have any comments on our approach or suggestions for specific measures to be incorporated into the Action Plan?

A12: The situation described above does not provide the whole picture. It refers only to construction and the operation of buildings, which represents only a tiny fraction of the true greenhouse gas emissions.

The increase in carbon as a result of the additional flights is equivalent to twice Chichester District's whole emissions. It is possible to argue, as the Environmental Impact Assessment report does, that such an increase does not compromise the UK target, but only because it is less than 1% of UK total emissions. It is however, still a huge increase.

Carbon-offsetting is not a preferred strategy, and should only be a small part of the plan once all other options have been exhausted. The preferred strategy would be improvements in technology for the aircraft, and maximising public transport journeys to and from the airport via non-carbon modes of transport. Water-efficiency and reduction of waste are other areas that need to be considered. There is little mention of creation of on-site renewable energy sources to supply the new buildings at the airport and there does appear to be land available within the airports ownership to explore this, for example ground source heat pumps and water source heat pumps.

12. Managing and mitigating effects: noise envelope

Consultation Summary Document: page 20

We are proposing to introduce a 'noise envelope' to set limits on noise from future operations at Gatwick. The noise envelope would come into effect at the start of a dual runway operation, giving residents certainty that the noise limits it prescribes would not be exceeded. This envelope would then be tightened in the future, giving residents further certainty that air noise levels would have to be lower than they were in 2019 for the full capacity of the Northern Runway Project to be realised.

Q13: Do you think the proposed noise envelope is: Appropriate, inappropriate, Don't know.

Please explain your answers

A13: The introduction of a noise envelope would seem a reasonable noise mitigation measure. It would seem to give an additional safeguard in addition to noise contours that must already be in place for aircraft movements. A noise envelope would provide noise limits not to be exceeded, however the thresholds and parameters are not provided in this account. It is stated that the noise levels to be set as part of the noise envelope would be lower than they were in 2019, which must be seen as a positive development taken on face value. It would be good to know what penalties would be imposed upon the airport and specific operators if noise limits are exceeded. Also, a thorough complaints procedure should be in place for any resident that wishes to report disturbance and their misgivings thoroughly investigated and reported upon. Further information would be required regarding the noise envelope noise limits in order to make a more considered response to this question.

By appropriate levels being met in Crawley Borough, this in turn would provide appropriate levels for residents to the north of the Chichester District.

13. Managing and mitigating effects: noise mitigation

Consultation Summary Document: pages 20 to 21

In addition to the Noise Envelope, we are proposing other measures to mitigate the noise effects associated with the Northern Runway Project, including an enhanced Noise Insulation Scheme, the noise envelope, a new noise barrier at the western end of the Northern Runway, and noise barriers to support changes to the highway network.

Q14: What are your views on our approach to noise mitigation? Please specify the measures to which your comments refer.

A14: The proposed approach appears to be reasonable. However, only a noise impact assessment would be able to quantify the attenuation to be achieved by the proposed measures. This should be conducted before implementing any of the mitigation measures and thereafter the predictions validated. Only then can an assessment be made if the proposed measures are practicable and be the preferred options. As with Environmental Impact Assessments, other potential mitigation measures should be detailed including their predicted attenuation levels. Only then can meaningful comment be provided.

14. Consultation process

For this consultation we have made details of our proposals available in a number of ways, including in hard copy documents, on our project website, in a virtual exhibition and by providing opportunities to speak to members of the team. We welcome your feedback on how you have found the consultation process.

Q15: Please let us know if you have any comments about the consultation process.

A15: The consultation process appears to be comprehensive.

This page is intentionally left blank

Chichester District Council

CABINET

2 November 2021

Engagement Response to National Highways A259 Chichester to Emsworth Cycling and Walking Route

1. Contacts

Report Author:

Simon Ballard, Environmental Protection Manager,
Tel: 01243 534694 E-mail: sballard@chichester.gov.uk

Cabinet Member:

Penny Plant, Cabinet Member for Environment and Chichester Contract Services,
Tel: 01243 514034 E-mail: pplant@chichester.gov.uk

2. Recommendation

- 2.1. **Having considered the recommendation from Environment Panel (para 8.4), Cabinet is recommended to indicate the Council's support for National Highways' proposed walking and cycling improvements to the A259 Chichester to Emsworth.**

3. Background

- 3.1. An upgraded cycling and walking route along the A259 between Chichester and Emsworth is proposed as part of National Highways (NH) Designated Funds programme. The route is colloquially known as the 'Chemroute'.
- 3.2. Currently, despite being a signed and designated cycle route (the NCN Route 2), it is formed of narrow shared use paths, poor cycle design and has gaps within the cycle infrastructure.
- 3.3. The proposals for the new A259 route seek to improve the safety of cyclists and pedestrians, whilst also maintaining the A259's function as a strategic diversion route for the A27. The specific objectives of the improvements are to:
- Improve safety for cyclists, pedestrians and other road users.
 - Encourage healthy and active modes of travel – in line with the Government's 'Gear Change' vision for cycling and walking.
 - Support the West Sussex Walking and Cycling Strategy and Chichester City Local Cycling and Walking Infrastructure Plan.
 - Maintain the core function of the corridor as a local A road.
- 3.4. NH is working in partnership with West Sussex County Council to develop this project via NH Designated Funds Programme. Subject to successful

outcomes in these early feasibility stages, WSCC will also make a financial contribution towards the improvements.

- 3.5. In 2020, the Department for Transport released updated guidance and good practice for the design of cycle infrastructure in support of the Cycling and Walking Investment Strategy and the Government's vision for cycling and walking. The guidance, known as Local Transport Note 1/20, sets out five principles which represent the essential requirements to achieve more people travelling by cycle or on foot. These principles state that networks and routes should be, coherent, direct, safe, comfortable and attractive.
- 3.6. WSCC and NH public engagement state that, 'The design process has complied with the principles of LTN 1/20 throughout the route, with the aim of creating high-quality and inclusive walking and cycling infrastructure between Chichester and Emsworth. Shared use facilities have been proposed as a last resort only, on sections where physical and operational constraints have determined this.'
- 3.7. The proposals are to improve cycling and walking facilities along the A259 corridor between Chichester and Emsworth through a mixture of infrastructure improvements that include segregated cycling and walking facilities, shared cycling and walking facilities, enhanced crossing points, junction amendments, highways widths alterations, tactile pavements and sections of reduced speed limits. Further descriptive detail is at Appendix 1 and annotated route section plans are at Appendix 2.
- 3.8. Highways constraints on some sections of the route mean that an idealised LTN1/20 design is not possible but, as outlined at para 3.6 above, WSCC and NH state that the design is LTN1/20 compliant.
- 3.9. NH and WSCC have indicated support for the overall scheme is 59%, however, officers are aware of concern in some parts of the community, largely the Chichester and District Cycle Forum (Cycle Forum) and the Bournes Forum Working Group for Chemroute consultation (Fishbourne, Bosham, Chidham and Hambrook and Southbourne Parish Councils). These groups published a joint response which includes alternative designs for parts of the route. Being an engineering project, CDC officers are not qualified to comment on the technical aspects of the proposal, however, officers have sought the view of both WSCC and NH with regards to the alternative proposals and both have confirmed that the highway has inadequate capacity to allow for the alternative design. An NH informed appraisal of the parish councils proposed alternative design is at Appendix 3.

4. Outcomes to be achieved

- 4.1. Overall, the scheme should provide improved walking and cycling infrastructure on the A259 corridor, noting that the design is compromised in places by the available highways' space.

5. Proposal

- 5.1. To consider the NH design proposals and the overall benefit of the scheme against the Environment Panel's resolution (para 8.4) and the concerns as expressed by the communities' representatives in the form of the Chichester and District Cycle Forum (Cycle Forum) and the Bournes Forum Working Group for Chemroute consultation, with the intention of the Council indicating its support for the scheme.

6. Alternatives considered

- 6.1. The first alternative would be not to indicate any Council position for the proposed scheme as the Council has no retained in-house highways engineering expertise and so to leave the design to NH and WSCC as both organisations employ highways engineers. Nevertheless, the route is an important one for Chichester District and, in particular, in the context of the emerging Local Plan where there is likely to be development along the A259 corridor between Chichester and Emsworth. To remain silent would present an ambiguous position on such an important piece of infrastructure and NH have encouraged the Council to state its view and so this 'alternative' is rejected.
- 6.2. A further alternative is to consider that the scheme is so compromised by the shared use sections and is not ambitious enough as the design is constrained to highways land only such that the Council indicates it's non-support for the scheme. Nevertheless, this position would in effect 'throw the baby out with the bath water' and not place adequate value on the many improvements to the corridor that the scheme would bring. Such a position would also risk loss of the £5M investment that the scheme represents. As such this position is also rejected.
- 6.3. The alternative as proposed by the Environment Panel's resolution is to 'broadly support' the scheme with the exception of the shared-use sections of the scheme through the villages. However NH indicate that there is no alternative to shared-use through these sections of the route. Discussions with NH about the Environment Panel's resolution indicate that, if the Council formalises the Panel's resolution as it's response to the scheme, this would pose a significant risk that the scheme does not progress in any form and the £5M funding would be spent outside of Chichester District. NH like to work in partnership with local authorities (LA) and if a LA does not support a scheme then NH do not impose it on the LA. As such this position risks the scheme not progressing in any form.

7. Resource and legal implications

- 7.1. There are no resource or legal implications for the Council.

8. Consultation

- 8.1. NH has engaged with a range of stakeholder groups to inform the development of the design. Earlier this year, two interactive online workshops with key stakeholders were held and an online community engagement exercise via a questionnaire was undertaken. More than 200 responses were recorded, and the feedback and suggestions gathered have been used to inform and refine the preliminary design.
- 8.2. More recently WSCC and NH have carried out a public engagement exercise 22 July 2021 to 23 September 2021 (note NH has confirmed that they will receive the Council's response after the close of the public engagement). The engagement process featured an online portal and two webinars for any interested parties to participate in.
- 8.3. NH has shared with CDC high-level outcomes from the public engagement exercise which are summarised as follows: The total online responses received were 436. For the overall scheme support was 59% and non-support was 34%. The consultation support for the sections of the path are summarised in the Table below:

Chemroute section description:	Supportive consultation responses (%)	Non-supportive consultation responses (%)
Emsworth to Southbourne	53	38
Southbourne to Nutbourne	60	32
Nutbourne to Bosham	60	32
Into Bosham	61	29
Bosham to Fishbourne	61	29
Into Fishbourne	58	32
Fishbourne to Chichester	59	30

- 8.4. The NH A259 proposals were considered by Environment Panel at its meeting on 15 October 2021. The Panel resolved:
- To indicate the Council's broad support for National Highways' proposed walking and cycling improvements to the A259 Chichester to Emsworth scheme with the exception of shared-use proposals through village centres which need further consideration.

9. Community impact and corporate risks

- 9.1. If the proposed scheme, potentially amended to reflect public engagement comments, is delivered then the community will benefit from overall improved walking and cycling facilities along the A259 corridor.
- 9.2. There are corporate reputational risks in supporting the scheme and also in not supporting the proposed scheme. Supporting the scheme might be seen as being in opposition to the view expressed by the parishes and Cycle Forum whereas rejecting the scheme risks avoiding the inward investment and overall improvements in infrastructure that the scheme will bring. Encouraging cycling and walking are key aims of both the Council's

draft for adoption Air Quality Action Plan and the Climate Change Action Plan.

10. Other Implications

	Yes	No
Crime and Disorder		✓
Biodiversity and Climate Change Mitigation Enabling a greater number of journeys to be taken by walking and cycling and the related reduction use of liquid fuelled vehicles both reduce carbon emissions.	✓	
Human Rights and Equality Impact Improvements to highway space should improve walking and road crossing for persons with mobility and or sight issues		✓
Safeguarding and Early Help		✓
General Data Protection Regulations (GDPR)		✓
Health and Wellbeing Active travel and reduced air pollution from less vehicle traffic have mental and physical health co-benefits.	✓	

11. Appendices

- 11.1. Appendix 1: Textual summary of NH proposals as presented on the public engagement webpage.
- 11.2. Appendix 2: Section plans of sections of the A259 Chichester to Emsworth proposed NH improvements to Walking and Cycling Infrastructure.
- 11.3. Appendix 3: NH informed appraisal of the alternative Chemroute design published by Chichester and District Cycle Forum (Cycle Forum), The Bournes Forum Working Group for Chemroute consultation (Fishbourne Parish, Bosham Parish Council, Chidham and Hambrook Parish Council and Southbourne Parish Council).

This page is intentionally left blank

Appendix 1: Textual summary of HE’s proposals as presented on the public engagement webpage (with artists impressions plates removed):

Proposed improvements

The length of the A259 Chichester to Emsworth Route has been divided into sections to help make the proposed improvements easier to interpret. These sections are described below.

EMSWORTH – SOUTHBOURNE

Proposals

- Widening of the existing uncontrolled pedestrian crossing on Main Road, at the junction with Lumley Road and Queen Street, to make it safer for pedestrians and enable cyclists to cross
- Improved crossings at side roads with the installation of flush kerbs, tactiles and using desire lines
- A continuous shared use path, for use by both pedestrians and cyclists, between Emsworth and Southbourne along the northern side of the carriageway as shown in the artist’s impression below
- Relocation of the existing bus stop adjacent to St John’s Church to the east, in order to accommodate the shared use path

Rationale behind the proposal

- Due to the available carriageway and footway space, a shared use path is proposed in this section
- In addition, a shared use path was chosen as pedestrian volumes are low and it enables existing provision to be improved
- On-carriageway cycle lanes have not been proposed along this section due to the safety issues associated with the high vehicle flows of the A259
- Due to the level of infrastructure that would be required to reduce vehicle speeds along this straight section, the introduction of a 20mph zone is not considered feasible

SOUTHBOURNE – NUTBOURNE

Proposals

- A combination of segregated cycle track and shared use path along the north side of the carriageway
- Widening of the Stein Road arm of the A259/The Crescent mini roundabout to provide a new 3m wide crossing island
- Provision of a dropped kerb from Stein Road to provide improved access for cyclists onto the A259 Main Road
- A segregated cycle track along the A259, between the junctions with New Road and School Lane. Space for the track would be created by reallocating carriageway space to ensure the footway width is maintained as shown in the artist’s impression below
- A shared use path between the junctions of School Lane and Broad Road would be provided by widening the existing footway into the carriageway

Rationale behind the proposal

- Due to the available carriageway and footway space, a segregated cycle track is only possible at the proposed points along this section

- Due to the level of infrastructure that would be required to reduce vehicle speeds along this straight section, the introduction of a 20mph zone is not considered feasible

NUTBOURNE – BOSHAM

Proposals

- A combination of segregated cycle track and shared use path along the north side of the carriageway
- A segregated cycle track between the bus stop east of Broad Road and the bus stop west of Drift Lane (350 m) and again east of Drift Lane (370m) before transitioning back to a shared use path west of Cutmill Creek.
- From Cutmill Creek eastwards to the A259/Station Road/Delling Lane roundabout, cyclists would have a choice of shared use path or quiet road routes would be available, as is currently the case. Vegetation clearance from the southern carriageway verge to increase the usable width of the existing shared use path as shown in the artist's impression below
- The track level would be raised to avoid existing surface water flooding issues on the quiet road route
- Reduction in the speed limit from 40mph to 30mph west of Cutmill Creek linking with the proposed 20mph zone within Nutbourne village.

Rationale behind the proposal

- Due to the available carriageway and footway space, a segregated cycle track is only possible at the proposed points along this section
- The route along the southern side of the A259 is retained as an additional route for cyclists
- Due to the nature of the section of route, including relatively few property frontages and high traffic volumes, the speed limit between Cutmill Creek and the approach to the A259 / Station Road / Delling Lane roundabout would be maintained as 60mph.

BOSHAM – FISHBOURNE

Proposals

- A combination of new and enhanced shared use path sections along the north side of the carriageway.
- Realignment of the Station Road arm of the A259/Delling Lane/Station Road roundabout enabling cyclists to cross and to increase visibility.
- Signing of the existing quiet route both east and west of the A259/Delling Lane/Station Road roundabout along Old Bridge Road and Penwarden Way.
- The existing shared use path would be cleared of vegetation creep and widened into the grass verge to create a facility typically of 3.5m width
- Removal of signage denoting the shared use path and cycle route via Chequer Lane with a safer route via Walton Lane signed instead
- On the approach to Hillier Garden Centre, removal of the existing mandatory cycle lanes
- Reallocation of carriageway space to extend the existing shared use path eastwards to Fishbourne, linking with the existing Legionary Trail shared use path
- The 40mph/30mph speed limit transition to be moved 400m westwards from its existing location to a point outside the garden centre.
- The existing speed limit transition point proposed to become the gateway to a 20mph zone for Fishbourne village.

Rationale behind the proposal

- Between Chequer Lane and Fishbourne, a shared use path was chosen as pedestrian volumes are low and it enables existing provision to be improved.

FISHBOURNE – CHICHESTER

Proposals

- Improvements are proposed for both the existing Legionary Trail shared use path routing to the north of the A259 and along the A259 itself to offer alternative route options
- On the A259, the carriageway centreline would be removed within the 20mph zone to encourage lower vehicle speeds
- A new crossing to link the on-carriageway route through the village with the shared use path continuing westwards to Bosham
- Replacement of the right turn lane markings on the Fishbourne Road (West) approach to Salthill Road with surfacing and a physical island to reduce vehicle speeds as shown in the artist's impression below
- Widening of the existing footway to connect with Roman Way to improve facilities for pedestrians and cyclists
- Priority to be given to the Freeland Close arm of the A259 junction
- Fishbourne Road East would be retained as a quiet on-carriageway route for cyclists

Rationale behind the proposal

- Due to available carriageway and footway space a shared use path, improvements to links to the quiet road link are proposed in this section
- Existing traffic flows and reduced vehicle speeds due to visual narrowings and a reduced speed limit also makes this section suitable for on road cycling

Artist's impression of the traffic calming in Fishbourne looking west from the Salthill Road junction.

Alternative Formats:

If you require any of the information for this project in an alternative format, please contact us on 0300 123 5000 or via email at ([External link](mailto:A27DesignatedFunds@highwaysengland.co.uk))A27DesignatedFunds@highwaysengland.co.uk([External link](#)) and we will do our best to assist you. If you are deaf or hard of hearing and have an NGT texting app installed on your computer, laptop or smartphone, you can contact us on 18001 0300 123 5000.

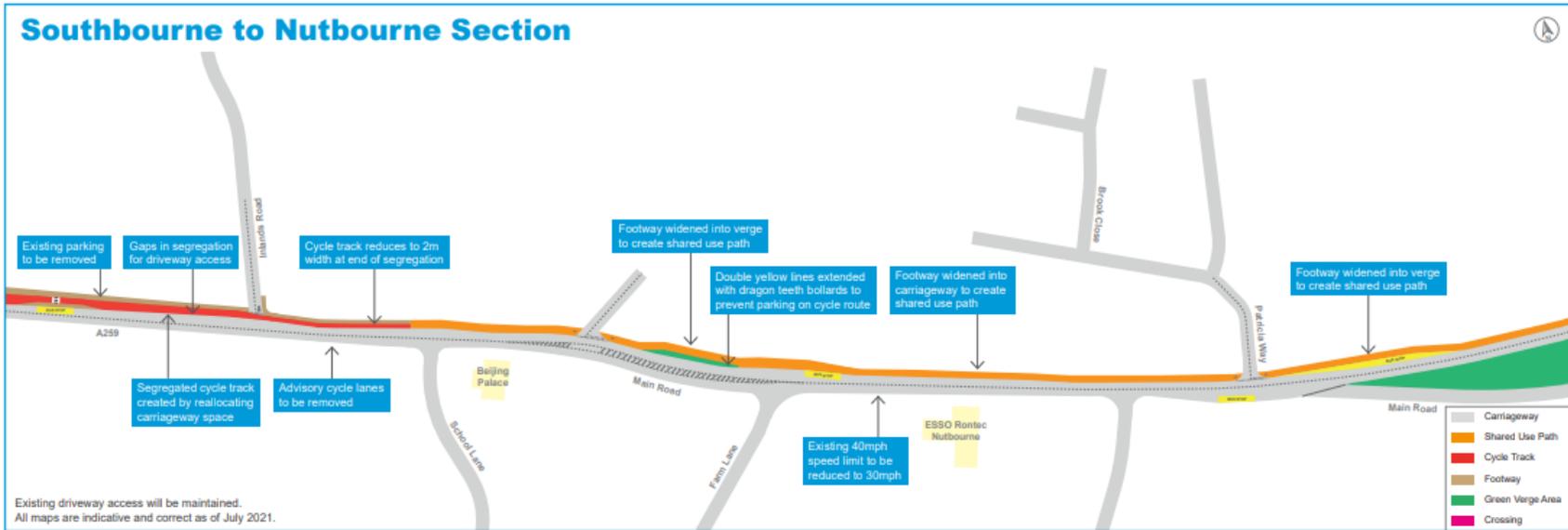
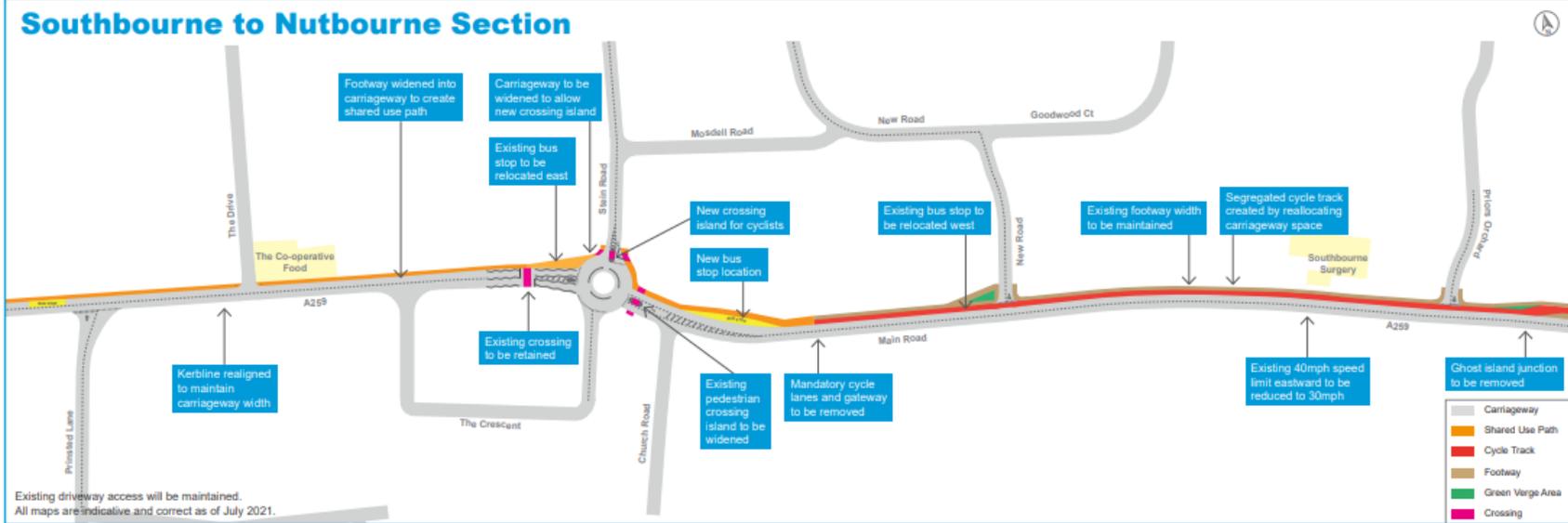
Accessibility statement:

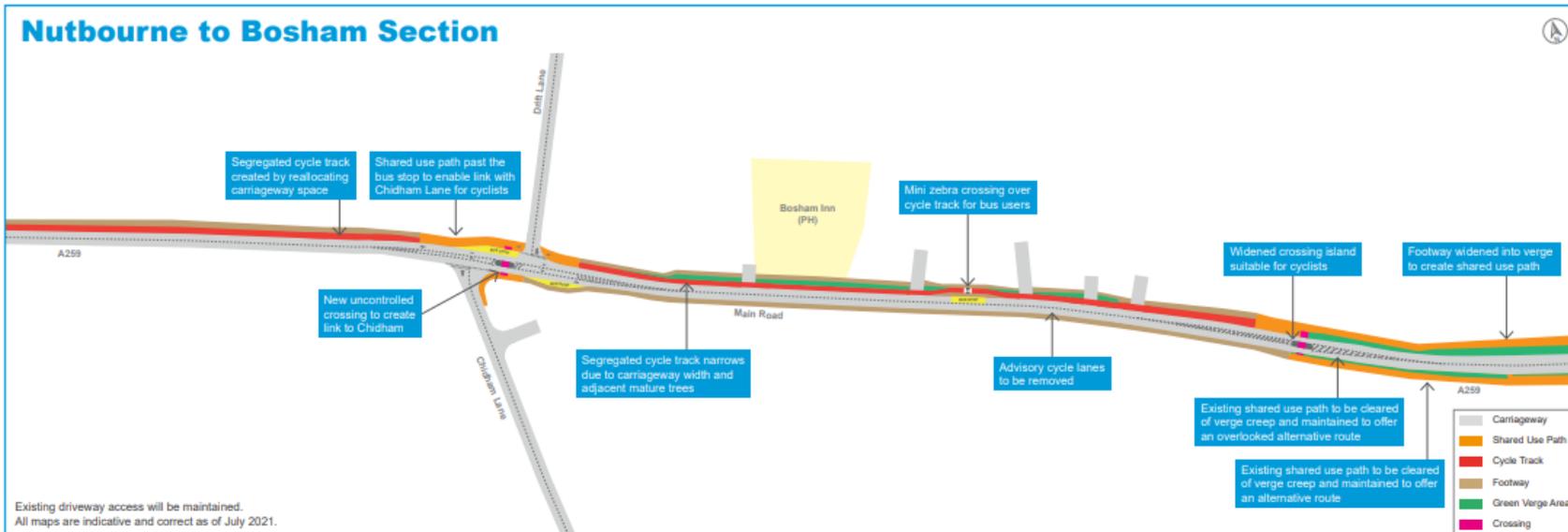
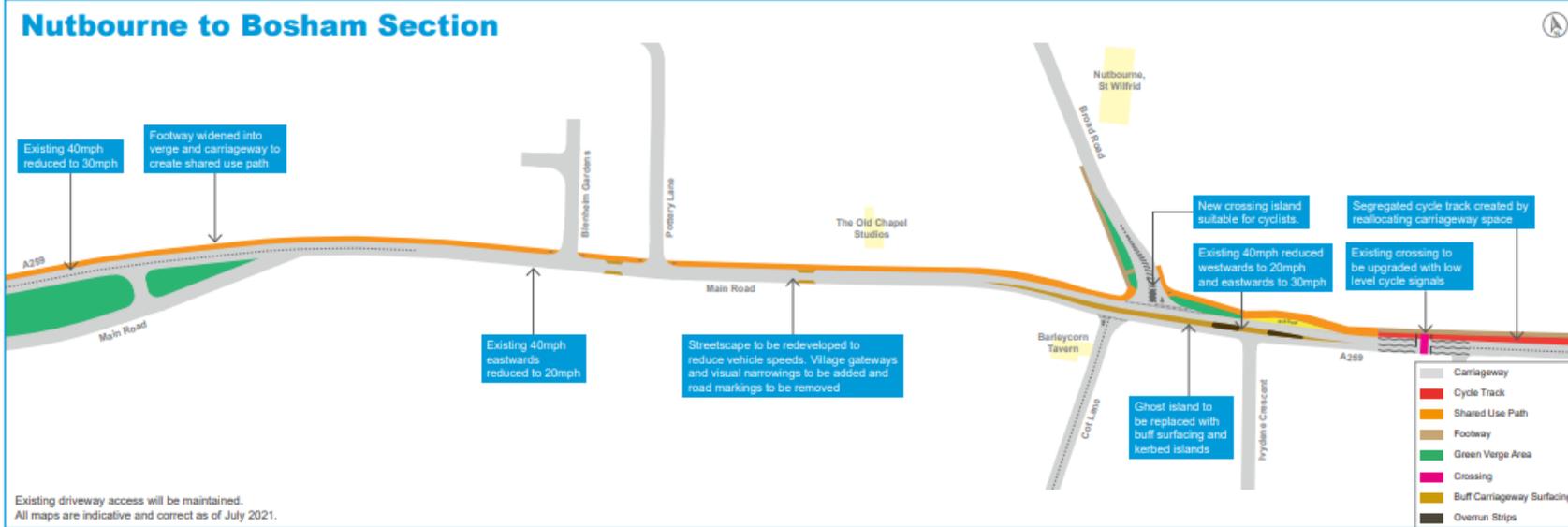
We are committed to making this website accessible, in accordance with the Public Sector Bodies (Websites and Mobile Applications) (No.2) Accessibility Regulations 2018. Please view the West Sussex County Council Accessibility Statement for further details, Information about the accessibility of the Your Voice Engagement Hub can be found by clicking on the Accessibility tab at the bottom of the page.

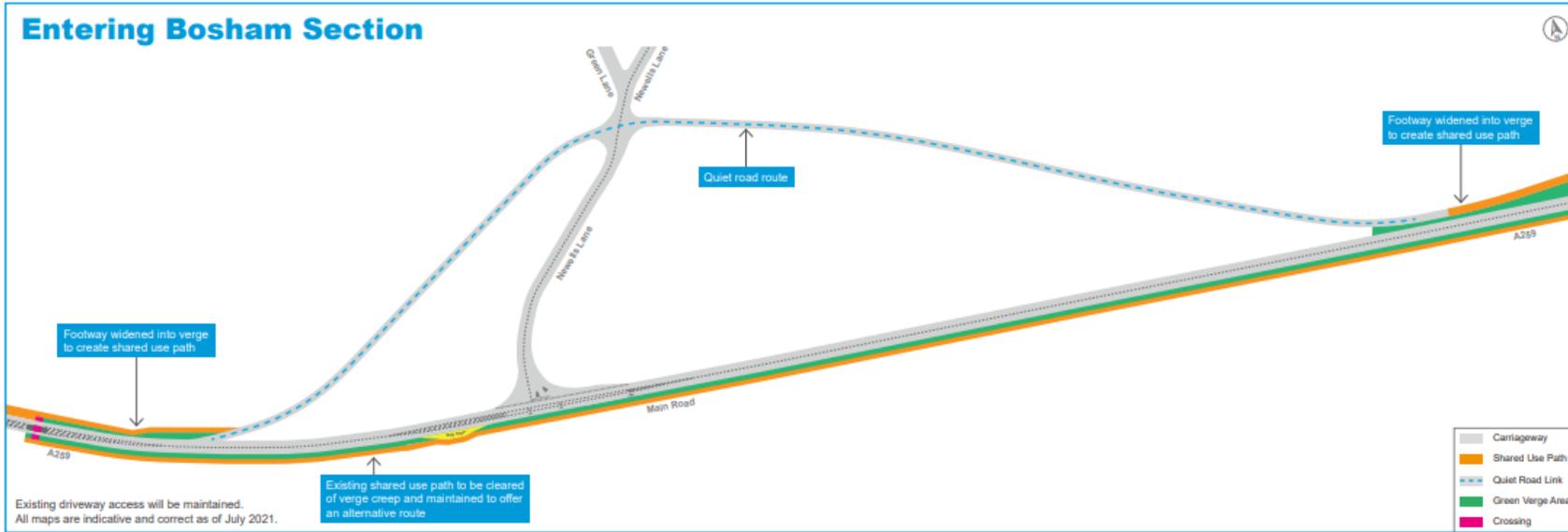
Where it exists, we will provide details of any non-accessible project content which is not full accessible under a heading of Non-accessible content below.

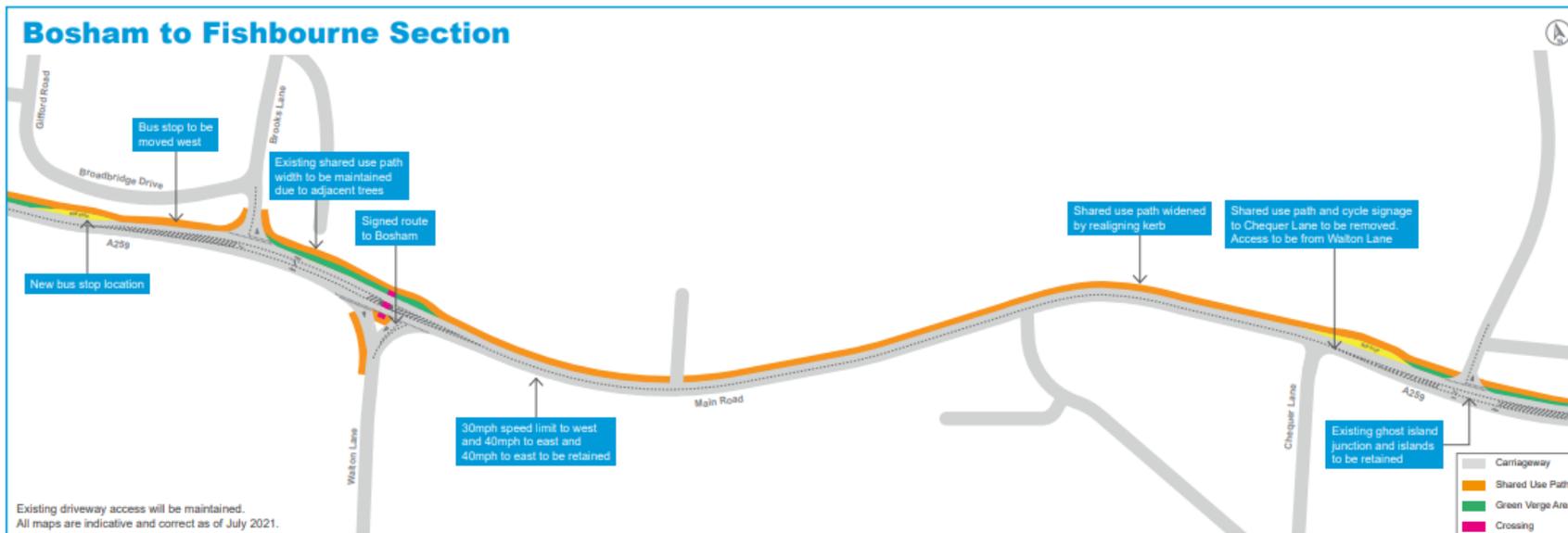
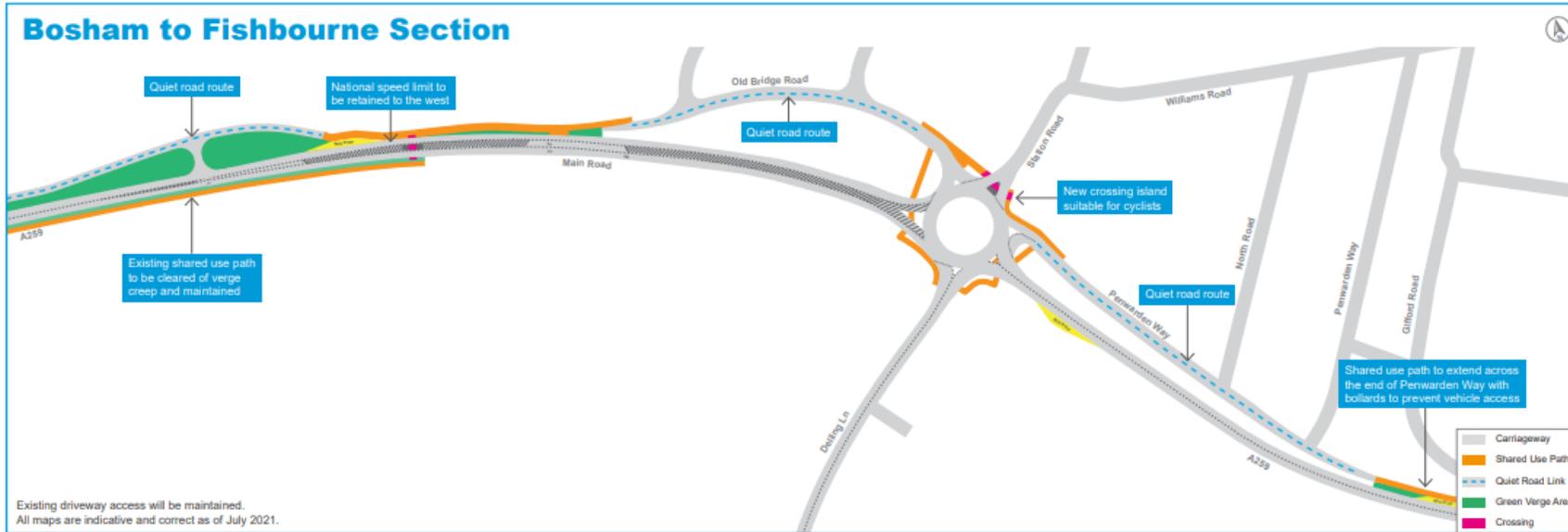
This page is intentionally left blank

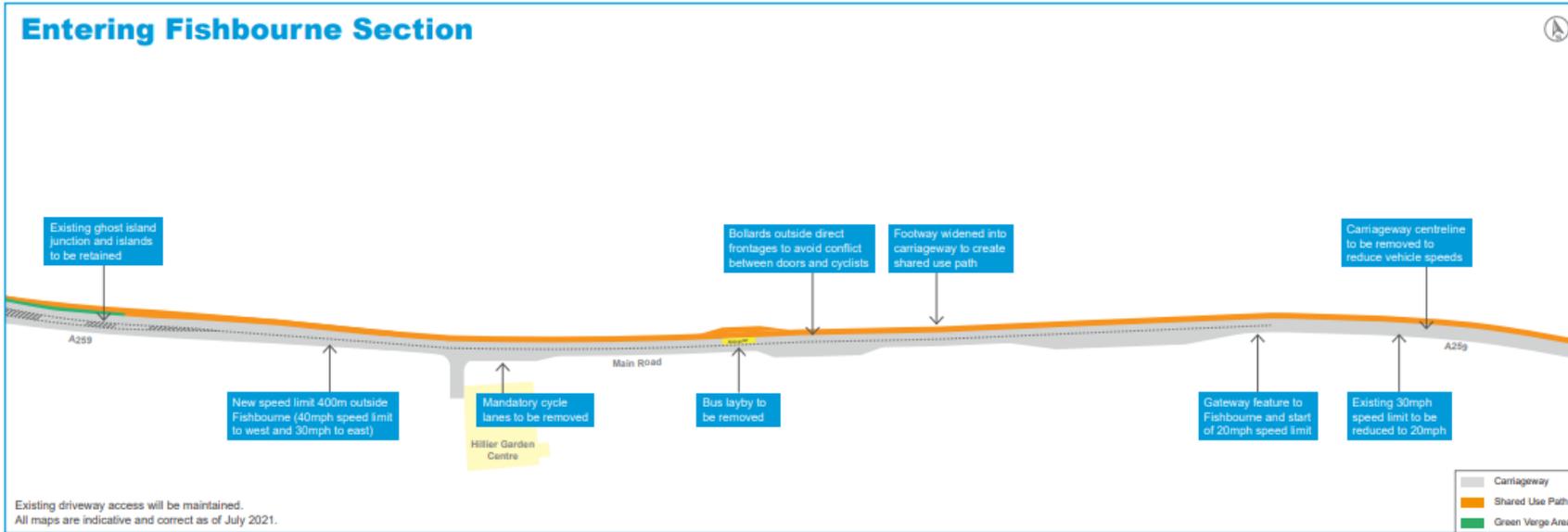
Appendix 2: Section plans of sections of the A259 Chichester to Emsworth proposed HE improvements to Walking and Cycling Infrastructure.

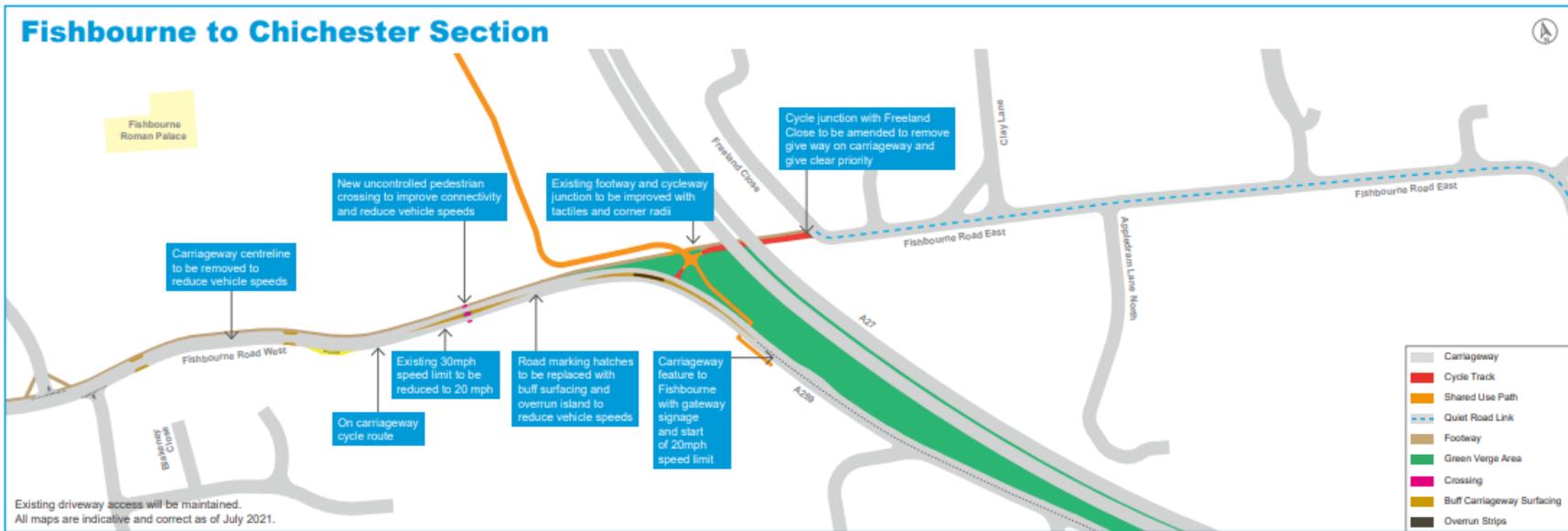
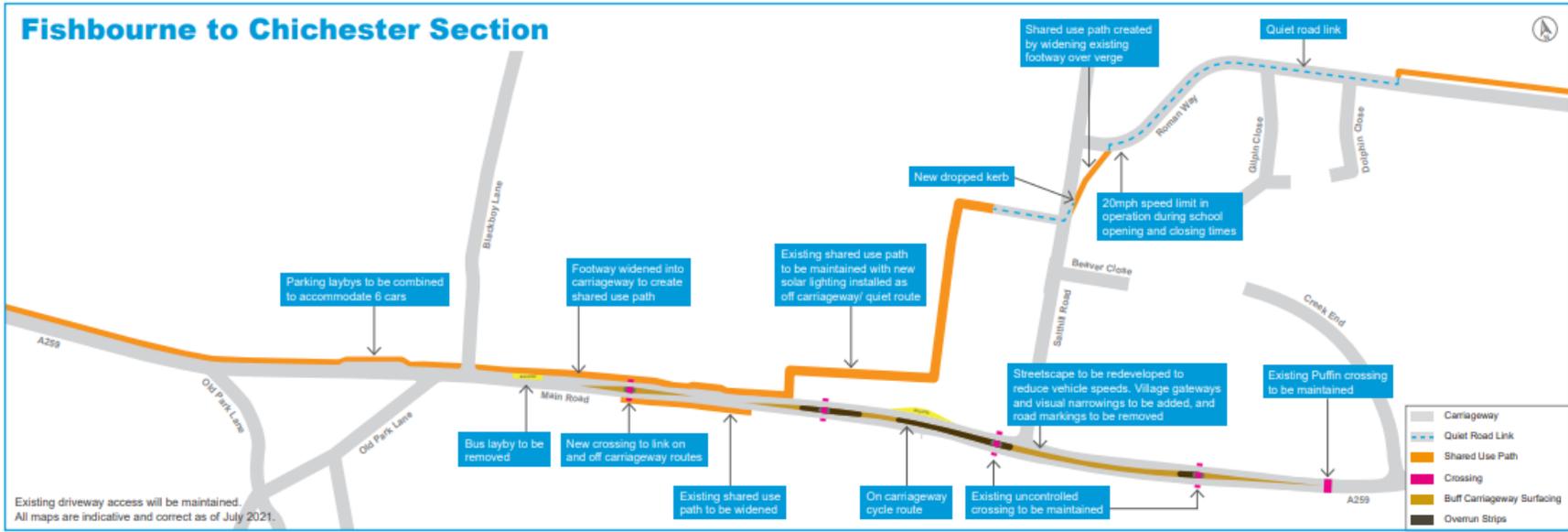












This page is intentionally left blank

Appendix 3: NH and WSCC informed appraisal of the alternative Chemroute design published by Chichester and District Cycle Forum (Cycle Forum), The Bournes Forum Working Group for Chemroute consultation (Fishbourne Parish, Bosham Parish Council, Chidham and Hambrook Parish Council and Southbourne Parish Council:

Cycle Forum et al proposal:	NH commentary:
Create segregated cycle lanes and separate footpaths (with vehicle lanes narrowed to 3.0m	<ul style="list-style-type: none"> • Current cycle lanes often too narrow (1.5m or less) • Wands/armadillos have to be placed on inside of white line • Less suitable for mobility bikes/cargo bikes than shared use path • Risk of cyclists being struck by HGV wing mirrors or being hit from behind • Current traffic flows are c. 13-15,000 per day – so we consider the journey time benefits of cycle lanes far outweighed by the safety benefits of shared use paths • Doesn't leave enough width for footways which comply with Inclusive Mobility
One-way shared use routes where segregation not possible	<ul style="list-style-type: none"> • One-way cycle routes marked on footways cannot be enforced • Would effectively become a 3.0m shared use path • No space for such paths on either side within the highway boundary
Traffic calming and 20mph limit on all narrow sections	<ul style="list-style-type: none"> • The A259 will remain both a heavily trafficked artery for local residents and businesses and a strategic diversion route for the A27 • There are frequent sections where the highway corridor is 11.0m or narrower • Available funding does not allow scope for land acquisition or diversion of underground utilities • The extent of traffic calming required to achieve WSCC's Speed Limit Policy (max. average speeds of 24 mph) is not practical over all narrow sections • All 40mph sections in built up areas proposed for reduction to 30mph

	<ul style="list-style-type: none"> • Hermitage to Southbourne too straight/long to implement 20 mph zone, but scope for smaller zones at both ends would be investigated with WSCC at the next design stage • However, 20 mph zones proposed for Fishbourne and Nutbourne (not proposed in feasibility design)
Cycle priority over side roads and parity with vehicles throughout	<ul style="list-style-type: none"> • Visibility on most side roads does not achieve LTN1/20 guidelines • Without sufficient visibility we cannot give cycles priority over side roads • Safety must always take precedence over ease/directness • Cyclists won't need to stop at all side roads

Key considerations for NH technical team:

Suitability for all – paramount in option appraisal/design

Inclusive Mobility (DfT, 2005) identifies the *minimum acceptable* footway width as 1.5m (2.0m preferred) which allows space for a wheelchair and walker to pass

Hierarchy of users – new Highway Code puts pedestrians at the top

Existing shared use paths within residential areas are common, including **several sections on National Cycle Network Route 2** (e.g. Hythe, Hamble, Rottingdean)

Chichester District Council

Cabinet

2 November 2021

Future Funding for the Community Warden Service

1. Contacts

Report Author:

Pam Bushby, Divisional Manager Communities,
Tel: 01243 534801 E-mail: pbushby@chichester.gov.uk

Cabinet Member:

Roy Briscoe, Cabinet Member for Community Services and Culture
Tel: 07877070591 E-mail: rbriscoe@chichester.gov.uk

2. Recommendation

2.1 That Cabinet agrees to continue to fund 50% of the Community Warden Service and 100% of the Senior Community Warden post for 1 year (as set out in section 7 below), subject to match funding being secured from partners.

2.2 That a review of the service and funding is undertaken during 2022 as set out in para 4.2 below.

3. Background

3.1 The Chichester District Community Warden Service has been in operation since 2005 and currently consists of seven Community Wardens and one Senior Community Warden. They are based and operate in the wards of Chichester East, West, South (part); Selsey North and South; Tangmere and Oving; plus East and West Wittering. The service operates on a partnership basis funded by various local partners. Chichester District Council (CDC) hosts the Service and contributes 50% of the service costs and 100% of the supervisor costs. A Steering Group of all partners provides strategic direction and oversight.

3.2 The Community Warden Service contributes to the corporate priority to "Support our Communities". They provide a visible presence in their areas and support to communities and individuals who are vulnerable. They are closely aligned to CDC's Neighbourhoods and Wellbeing projects supporting residents to become more involved in their communities and become more active. Despite changes to local policing Community Wardens still regularly engage with Police and pass on vital intelligence to support the local Neighbourhood Policing teams. Community wardens provided a lifeline to residents during the pandemic supporting the identification of vulnerable residents and delivering vital food and medications. They continue to support some of these residents in their communities. They are also integral to newly formed multi-agency forums looking at high risk Anti-social behaviour cases and young people at risk of exploitation, their local knowledge and trust from the community ensures they are able to fully participate and contribute to the meetings.

4. Outcomes to be achieved

- 4.1 That funding for the Community wardens continues at current levels for 2022/2023.
- 4.2 That a fundamental review is undertaken in 2022 to ensure the Community Warden Service is delivered in the areas most in need, the service is still fit for purpose and a transparent and equitable funding model is developed that meets 50% of service costs.

5. Proposal

- 5.1 The Community Warden Service has been in operation for 16 years and is very much embedded into the communities in which they operate. They are involved in the development of communities and offer support to voluntary groups in their areas such as The Oving tea party which supports both the elderly and isolated in the area and also a number of Community Watch and support schemes.
- 5.2 Cabinet is recommended to approve the CDC commitment to the Community Warden Service by way of approving, £127,295 50% of the service funding for 1 year together with £48,000 100% of the Senior Community Warden post which includes a 2% uplift for inflationary purposes. Partners have agreed to an annual 2% uplift of their contributions through the Partner Memorandum of Understanding (MOU) which was revised in April 2018 and expires on 31st March 2022. A one year MOU will be put in place for 2022/23 pending the outcome of the review (para 4.2 above)
- 5.3 It is recommended that in future years, from 1st April 2023, the full 50% of funding be sought from partners to include 50% of the Senior Community Warden role and this will be a key aim of the review of the services (para 4.2 above). This proposal was shared with partners at a recent steering group meeting and all partners felt this would be very difficult to put in place for 2022/23 budgets which is why the proposal is to agree funding for 1 year only. Partners were confident they would be able to meet the funding requirement as is for the next financial year. The hope is following the fundamental review a more transparent and equitable funding model will be in place. This will be brought back to Cabinet in 2022.

6. Alternatives that have been considered

- 6.1 There is an option to have no Community Warden Service, however any disinvestment in the service would go against the current trend where neighbouring authorities are investing in the development and implementation of such services. Results from the recent partner survey (Appendix 1) demonstrate the feeling of respondents when asked their views on what the impact would be if the community warden service didn't exist. Some of the comments are quoted in full below:

“Quite frankly, our communities would be poorer without the vital links they make, building bridges and developing community relations as well as supporting the Police and Councils and other agencies. Their frontline working is essential.”

“Increase in anti-social behaviour and low-level crime, loss of local intelligence and knowledge, loss of community confidence, particularly in older residents who would feel less safe.”

“Low-level issues would escalate and there would be no sharing of important knowledge of issues within the community.”

Any significant reduction in the service would have a negative impact on those communities and partners.

7. Resource and Legal Implications

7.1 The projected total annual cost (excluding the Senior Community Warden salary) is £254,592. This is based on a cost per Community Warden of £36,370 which on a 50/50 basis requires a partner contribution of £18,185 per post. Therefore a total partner contribution of £127,295 is required.

7.2 CDC’s proportion of the Community Warden expenditure is already included within the base revenue budget.

7.3 Management overheads of the service are absorbed in an existing management role which ensures that CDC has oversight of the Service and benefits from the positive outcomes achieved by the Service.

7.4 An MOU has been signed by partners and was reviewed in April 2018 to ensure on-going commitment and refresh mutual expectations. It will be reviewed during 2022 as part of the wider service review.

7.5 An uplift in partner contributions (see para 5.3 above) will be pursued for future years with an aim of securing 50% funding for the whole service.

8. Consultation

8.1 An online survey with funding partners was undertaken during August 2021 (Appendix 1) to seek their views on the Community Warden Service. We received 11 responses which was representative of all funding partners.

8.2 All the respondents agreed or strongly agreed that the service provides value for money. Six out of the 11 rated the service overall a 10 and five rated their impact on the community 10. There were some negative comments but all seemed to be from the same respondent and this will be followed up.

8.3 A number of the partners felt that Community Wardens should have enforcement powers namely those for littering and dog fouling. This has been explored previously but as we already have an Environmental Protection Team who have and enforce these powers and considering the risk that the public could lose confidence in Community wardens and see them as just enforcement this has not been taken forward. That said community wardens support our Environmental Protection team in these areas of concern raising awareness locally and undertaking litter picks, reminding the public of their responsibilities and passing on intelligence.

9. Community impact and corporate risks

- 9.1 The corporate risk remains the partial or total withdrawal of funding by one or more partner(s) where no replacement funding can be found which makes one or more warden posts financially unviable. This risk is mitigated by partner agreements to fund for a specified period and to provide a significant notice of withdrawal of funding. The service also holds a reserve to cover salaries for the period of notice and redundancy costs.
- 9.2 Since 2005 Community Wardens have dealt with over 50,000 incidents, the majority of which relate to low level crime and anti-social behaviour, however in the last few years there has been an increase in community based interventions and support for vulnerable people particularly during the pandemic.
- 9.3 Community Wardens provide a visible presence which offers reassurance to those communities. The Senior Community Warden provides a highly visible presence in the City centre and has dealt with a range of issues including cycling and e-scooters in the precinct, engaging with rough sleepers and dealing with ASB. They carry a chiBAC radio so are linked to the shops and can therefore offer a quick time response to incidents.
- 9.4 If funding for the Community Warden Service is not secured the areas in which they currently operate could be further exposed to crime and anti-social behaviour, vulnerable individuals may not be identified and opportunities to refer for support missed. Demand on other CDC services could increase resulting in additional financial cost to CDC.

10. Other implications

	Yes	No
Crime & Disorder: The Community Warden Service has a positive reduction influence of crime and disorder through patrol and prevention education	x	
Climate Change and Biodiversity:		x
Human Rights and Equality Impact: Positive impact in supporting vulnerable people.	x	
Safeguarding and Early Help: Positive impact in identification and referral of issues	x	
General Data Protection Regulations (GDPR): Community Wardens will collect and store personal data for the investigation, prevention and detection of crime. Retention is limited to the timescales related to evidential purposes and will be no longer than 12 months.	x	
Health and Wellbeing Community Wardens support community watch schemes that have a positive impact on vulnerable and elderly residents. They also support corporate projects like dementia friendly communities and social	x	

prescribing.		
--------------	--	--

11. Appendices

11.1 Partner Consultation

12. Background Papers

None

This page is intentionally left blank

Appendix

Community Wardens Partner Feedback Survey

Analysis Report

September 2021

Introduction

The council's Community Safety team carried out a consultation to gather feedback from partner organisations about the Community Wardens service.

Methodology

The survey was issued online, and the link made available to partner organisations via email. Paper copies of the survey were available on request.

This report presents and analyses the results of each survey question. If counts add up to more than the total number of respondents, this is because respondents could select more than one answer.

Agreement and disagreement figures quoted include all those who indicated that they 'agreed/strongly agreed' or 'disagreed/strongly disagreed' with a proposal. If quotes are given, these are answers to questions where respondents could free-type their answers.

The figures throughout the report represent the number of respondents in place of percentages, as percentages can be misleading when a survey response rate is low.

Respondent Profile

There were **11** responses to this survey — **six** were female and **five** were male.

Five respondents were aged between 45 and 54; **three** were aged between 55 and 64; and, **three** were aged over 65.

Ten respondents said they did not have a long-term illness, health problem or disability that limits their daily activities. **One** respondent said they did.

The survey was anonymous, but **ten** respondents chose to tell us which organisation they represented.

Which organisation are you from?	
	Count
Tangmere Parish Council	3
East Wittering & Bracklesham Parish Council	1
Hyde	1
Earnley Parish Council	1
West Wittering Parish Council	1
Home Group	1
Clarion	1
Abri	1

Community Wardens Service

All respondents either agreed (**4**) or strongly agreed (**7**) that the Community Wardens service is valuable. Most respondents agreed (**3**) or strongly agreed (**6**) that the service provides value for money. **One** said neither, and **one** strongly disagreed.

Respondents were asked whether they felt that the Community Wardens should be awarded enforcement powers. **Nine** respondents felt that they should, the remaining **two** were unsure.

Nine felt that the wardens should have the power to enforce dog fouling laws and a further **nine** said they should be able to enforce littering offences. **Six** said they should have the power to request personal information, **four** said they should be able to confiscate alcohol, and **three** said they should be able to confiscate tobacco.

Ten respondents provided comment when asked their views on what the impact would be if the wardens service didn't exist. The comments are quoted in full below:

“Quite frankly, our communities would be poorer without the vital links they make, building bridges and developing community relations as well as supporting the Police and Councils and other agencies. Their frontline working is essential.”

“Increase in anti-social behaviour and low-level crime, loss of local intelligence and knowledge, loss of community confidence, particularly in older residents who would feel less safe.”

“Low-level issues would escalate and there would be no sharing of important knowledge of issues within the community.”

“Increase in litter as they remove fly tipping which is prevalent in the rural parishes. Increase in anti-social behaviour as the wardens work with the youth of the parishes and therefore have built relationships with them and therefore likely know who is causing any problems.”

“The village would be less safe and residents would feel very vulnerable. Currently residents are very supportive of this position and our warden is in great demand. Although a rural seaside village we have the same issues such as drug use, anti-social behaviour, theft, visitor disruption and antagonism regarding the beach and parking in the summer and our residents who are elderly, of which there are many can feel extremely vulnerable at times.”

“ASB would escalate on the estates.”

“So, I said that the service is valuable in the first question, and in theory, I believe it is. In practice though, for Tangmere Parish Council, the service is as close to useless as can be imagined. For reasons that I still don’t understand, we get almost zero coverage. When the wardens are in town, they have a huge impact, but that is like shooting fish in a barrel. There is so much they could/should have done that they hardly can fail to trip over ASB when they do turn out.”

“Increase in ASB.”

“A difficult question to which members of our PC would have different opinions.”

“Further pressure put on the Police and possibly increased crime rates.”

Seven respondents feel that the Community Wardens are in the right areas, **one** said they are not in the right areas, and **three** were unsure. **Five** respondents commented on other places they think the wardens should be. The comments are quoted in full below:

“There is a question to be debated about Chichester North and the growth of Chichester West with Whit.”

“All areas of the district.”

“Graylingwell Estate.”

“Tangmere needs more of their presence than Oving.”

“Not sure.”

Respondents were asked to rate the wardens out of ten (with 1 being the lowest and 10 being the highest) on several criteria relating to: their effectiveness; how much safer they make their areas; ease of contact; and, their impact on the environment.

The table below details all the ratings:

	1	2	3	4	5	6	7	8	9	10
Effectiveness of Community	1	0	0	0	1	1	2	1	0	4

Warden Service										
How much safer do the wardens make their area?	1	0	0	0	1	1	2	0	2	4
How easy is it to contact a warden?	1	0	0	1	0	0	3	0	2	4
The wardens positive impact on the environment	1	0	0	0	0	1	3	0	1	5
Overall warden service	1	0	0	0	1	1	2	0	0	6

Respondents were asked how they felt about their current funding contribution. **Eight** felt it was about right, **one** said it was too much, and **one** said they can no longer fund the service.

When asked how likely they would be able to provide additional funding to ensure the future of the Community Wardens service, **seven** respondents said 'possibly', **one** said 'unlikely', and **two** said it would depend on the level.

Three further comments were received about the Community Wardens service which are quoted in full below:

“Drew is an invaluable member of the local community; it is not overstating the case to say that we would be lost without him.”

“Funding is difficult for all of local government and therefore I cannot say that the Council would be very likely to increase the funding but they would be very sorry indeed to see any change to the service. A sound business case could however be made.”

“Sharing the service with another village inevitably brings up the issue of who get the most value from the service. Another area that has been discussed is whether all wardens have access to a local office.”

Conclusions

- Overall, there is support for the Community Wardens service from partners who largely agreed that the service is valuable and provides value for money.
- Some responses highlighted local issues with the effectiveness of wardens in certain areas.
- There was a strong consensus that wardens should be awarded enforcement powers, particularly in cases involving litter and dog fouling.
- Most partners felt that their current funding contribution to the service is about right.

- Some also felt it was possible they could provide additional funding to secure the future of the Community Wardens service.

This page is intentionally left blank

Chichester District Council

Cabinet

Date 2 November 2021

Priory Park Task & Finish Group

1. Contacts

Report Author:

John Ward – Director of Corporate Services
Telephone: 01243 534805 E-mail: jward@chichester.gov.uk

Cabinet Member:

Alan Sutton - Cabinet Member for Housing, Communications, Licensing and Events
Telephone: 01798 342452 E-mail: asutton@chichester.gov.uk

2. Recommendation

- 2.1 That Cabinet agree to the setting up of a Priory Park Task and Finish Group to address the motion passed by the September Council.**
- 2.2 That Cabinet agree the Terms of Reference of the Task and Finish Group as set out at Appendix B.**

3 Background

The September meeting of Council received a motion from Councillor Richard Plowman as set out in Appendix A. This motion was carried and Cabinet are therefore asked to consider the matters raised by that motion. This includes the setting up of a Task and Finish Group, the draft terms of reference for which are attached at Appendix B.

4 Outcomes to be Achieved

To address the concerns raised by the motion regarding the use of Priory Park, and the subsequent Council resolution that Cabinet consider these matters. Appropriate recommendations from the task and finish group will be considered by Cabinet, and Council if there are financial implications beyond Cabinet's authority.

5 Proposal

- 5.1 It is proposed that the whole of the motion be considered via a Task and Finish Group chaired by the Cabinet Member for Housing, Communications, Licensing and Events, Councillor Alan Sutton.
- 5.2 Since the Council is currently undertaking a priority setting exercise any financial implications that arise from the review will need to be considered alongside the priority setting process. Therefore it is intended that this review be concluded by January 2022 at the latest.

5.3 The Council has also been approached by the City Council to explore the cost associated with the running of Priory Park. Although this work has already commenced it seems appropriate that this is included as it may link to the third paragraph of the Council motion.

6 Alternatives Considered

None. Council have resolved that Cabinet should consider these matters.

7 Resource and Legal Implications

The review will be supported by senior officers from a number of services as set out in the draft terms of reference. Carrying out the review does not of itself create financial implications, but recommendations from the group may. Should that be the case any financial implications will need to be considered as part of the Council's priority setting exercise.

8 Consultation

The motion requires local District Councillors be involved in any changes to the Events Policy. Other recommendations that arise may also give rise to the need for consultation depending on the options proposed.

9 Community Impact and Corporate Risks

None at this stage.

10 Other Implications

	Yes	No
Crime and Disorder		No
Biodiversity and Climate Change Mitigation		No
Human Rights and Equality Impact		No
Safeguarding and Early Help		No
General Data Protection Regulations (GDPR)		No
Health and Wellbeing		No
Other (please specify)		None

11 Appendices

11.1 Appendix A – 21 September 2021 Council Motion.

11.2 Appendix B – Draft Terms of Reference.

12 Background Papers

None

Priory Park: Motion to Full Council 21st September, 2021

Proposer: Councillor Richard Plowman

Seconder: Councillor Martyn Bell

The construction and dismantling of the large stage for the BEL Events in Priory Park on July 30th and 31st caused serious damage to fabric of Park similar to the damage caused by the operation, construction and dismantling of the Ice rink. The weather was a contributing factor but with climate change, this will become more severe and unpredictable.

1. In the light of this and recognising the Events Strategy and Policies for Chichester District 2020-2025 are evolving documents, Council require Cabinet to consider the following addition of a third bullet point is proposed to Page 5 under the heading CDC hire of land to recognise the limitations of Priory Park.

The district has its challenges when it comes to hosting events, the following needs to be recognised in order to manage expectations:

- *CDC Hire of Land*
 - *We have limited number of suitable spaces for events to take place, with the majority of these being in Chichester City Centre*
 - *The largest spaces and most suitable spaces are close to residents and a major tourist destination, both of which impact the number, size and type of events we are able to host*
 - *Priory Park has limitations in terms of access and the dual role as a war memorial making it unsuitable for Headline and large scale feature events involving construction of major temporary buildings or structures which have the potential to damage the fabric of this historic Park.*

2. Council also requests that any Events Policies affected by this addition are reviewed by Officers, The Cabinet Member for Events and local District Council Members.

3. That Cabinet set up a Task and Finish group to look at the operation, management and future of Priory Park particularly given the poor state of the buildings with the exception of Fenwick's Café and the Guildhall.

This page is intentionally left blank

**PRIORY PARK
TERMS OF REFERENCE AND SCOPING**

Review Topic	To Review the operation of Priory Park
Membership (and Chairman)	A cross party working group of no more than seven councillors, Chaired by the Cabinet Member for Housing, Communications, Licensing and Events.
Terms of Reference	<p>To review the operation of Priory Park to address the issues raised at Council on 21 September 2021 by Cllr Plowman's motion. ie to consider:</p> <ul style="list-style-type: none"> • Changes required to the Events Policy, specifically the inclusion of <i>"Priory Park has limitations in terms of access and the dual role as a war memorial making it unsuitable for Headline and large scale feature events involving construction of major temporary buildings or structures which have the potential to damage the fabric of this historic Park."</i> • <i>Any Events Policies affected by this addition [above] are reviewed by Officers, The Cabinet Member for Events and local District Council Members.</i> • <i>To review the operation, management and future of Priory Park particularly given the poor state of the buildings with the exception of Fenwick's Café and the Guildhall.</i> <p>The T&F group to report back to Cabinet.</p>
Scope	<p>To consider and make recommendations on:</p> <ul style="list-style-type: none"> • The Events Policy, including any specific recommendations relevant to Priory Park. • To review the approved capital programme projects including the asset replacement programme, and the repair and maintenance programme relating to buildings within the park, and recommend any proposed alterations to these. • To undertake a review of the operational management of the park, including the request for information received from the City Council.
Outside of Scope / limitations	<ul style="list-style-type: none"> • Recommendations that have significant financial implications on either the Council's revenue or Capital budgets will need to be considered alongside the Future Services Framework priority setting exercise. • Proposals to alter the management arrangements for the park would need to consider any Legal

	implications including but not limited to employment matters.
Review Period	To conclude during 2021/22.
Officer support	Directly supported by: John Ward, Kevin Carter, Victoria McKay, Sarah Peyman, and Laurence Foord. Legal and HR officers as necessary.
Frequency of Meetings	As required.
Report back to	O&S if required by O&S Chairman. Cabinet – January 2022 to coincide with the Future Services Framework. Council if significant financial implications are proposed.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank