

Ref: Cabinet 14.11.06
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3 November 2006

To: Members of the Cabinet:

Councillor F.J. Smith (Chairman) (Leader of the Council);
Councillor Tricia Gibbs (Portfolio Holder for Community Engagement & Rural Affairs);
Councillor T.W. Hone (Portfolio Holder for Finance);
Councillor I.J. Knighton (Portfolio Holder for Leisure & E-Government);
Councillor Mrs L.A. Needham (Portfolio Holder for Waste and Environment);
Councillor R.A.C. Thake (Portfolio Holder for Planning and Transport);
Councillor Sarah Wren (Portfolio Holder for Housing & Environmental Health);
Councillor A.D. Young (Portfolio Holder for Policy).

Distributed to other Members on request.

You are invited to attend a

MEETING OF THE CABINET

to be held in

**COUNCIL CHAMBER, COUNCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY**

on

TUESDAY, 14 NOVEMBER 2006, at 7.30p.m.

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

ITEM	PAGE
1. APOLOGIES FOR ABSENCE	-
2. MINUTES To take as read and approve as a true record the Minutes of the meeting of Cabinet held on 17 October 2006.	-
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business that they wish to be discussed by the Cabinet at the end of either Part I or Part II business set out in the agenda. They must state the circumstances that they consider justify the business being considered as a matter of urgency. The Chairman will decide whether the item(s) raised will be considered.	-
4. DECLARATIONS OF INTEREST To receive from Members of the Cabinet any Declarations of Interest in respect of any business set out in the agenda. Members should either declare a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared. Members declaring a prejudicial interest should leave the room and not seek to influence the decision during that particular item.	-
5. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public. At the time of preparing the agenda no requests to speak had been received. Any public participation received within the agreed time scale will be notified to Members as soon as practicable.	-
6. ITEMS REFERRED FROM COMMITTEES 6a: Referral from Licensing & Appeals Committee – 24 October 2006 – Gambling Act 2005: Proposed Statement of Licensing Principles	 1
7. REGIONAL AND STRATEGIC PLANNING ISSUES REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL <i>To inform Cabinet of the current positions regarding:</i> <ul style="list-style-type: none">• <i>West of the A1(M) at Stevenage & Stevenage LDD;</i>• <i>The draft East of England Plan;</i>• <i>Growth Area Liaison for the Luton conurbation;</i>• <i>Luton & Dunstable Northern Bypasses;</i>• <i>London Luton Airport and Stansted Airport.</i>	53
8. PROCUREMENT OF DIGITAL PRINTING EQUIPMENT REPORT OF THE STRATEGIC DIRECTOR OF CUSTOMER SERVICES <i>To seek approval for a proposed waiver of Standing Orders for the procurement of digital printing equipment via a single supplier, in connection with Section 8.1 Contract Standing Orders: Exceptions to tendering procedures.</i>	57

- 9. REVENUE BUDGET 2006/07 – SECOND QUARTERLY MONITORING REPORT (APRIL – SEPTEMBER 2006)** 63
REPORT OF THE STRATEGIC DIRECTOR OF FINANCIAL & REGULATORY SERVICES
- To consider the Second Quarterly Revenue Budget 2006/07 Monitoring Report (April – September 2006).*
- 10. DISPOSAL OF LAND AT POCKET PARK, DARK LANE, SANDON** 79
REPORT OF THE HEAD OF FINANCIAL SERVICES
- To consider declaring as surplus to requirements an area of land adjacent to 27 Dark Lane, Sandon and, if so, to dispose of the site to North Herts Homes Ltd (NHH) at a discounted value.*
- 11. THE 2006 REVIEW OF THE CORPORATE PLAN 2005-2015** 85
REPORT OF THE HEAD OF POLICY, PARTNERSHIPS & PERFORMANCE AND THE CHIEF EXECUTIVE
- To consider the 2006 review of the Corporate Plan, and to seek a resolution from Cabinet to refer the revised Plan to Council for adoption.*
- [Please note that the “Our Action” Section of Appendix 2 to the report will be TO FOLLOW]***
- 12. DISABILITY EQUALITY SCHEME** 111
REPORT OF THE HEAD OF POLICY, PARTNERSHIPS & PERFORMANCE
- To consider a proposed Disability Equality Scheme (DES) for recommendation to Council, in order to comply with the requirements of the Disability Discrimination Act 1995, as amended by the Disability Discrimination Act 2005.*

Future meetings of the Cabinet will take place on:

19 December 2006

2007

16 January 2007

30 January 2007

27 February 2007

27 March 2007

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**TITLE OF REPORT: REFERRAL FROM LICENSING & APPEALS COMMITTEE –
24 OCTOBER 2006 – GAMBLING ACT 2005 – PROPOSED STATEMENT OF
LICENSING PRINCIPLES**

*The following is an extract from the Draft Minutes of the Licensing & Appeals
Committee meeting held on 24 October 2006.*

6. GAMBLING ACT 2005 – PROPOSED STATEMENT OF LICENSING PRINCIPLES

The Licensing & Enforcement Officer (East) presented a report seeking the Committee's endorsement of the Council's proposed Statement of Licensing Principles in respect of powers its under the Gambling Act 2005, prior to consideration of the Statement by Cabinet on 14 November 2006 and Council on 14 December 2006. The following appendices were submitted with the report:

Appendix A – Final Draft Statement of Licensing Principles;

Appendix C – Comments received during consultation, including recommendations.

The Committee noted that Appendix B to the report – List of Consultees – had been withdrawn from the agenda.

The Licensing & Enforcement Officer (East) advised that the Gambling Act 2005 transferred the overall regulation of gambling to the Gambling Commission, with the local authority acting as licensing authority and having responsibility for a variety of licensing functions in respect of gambling. It was a requirement of the Gambling Act 2005 that a Statement of Principles must be adopted by Council and published by 31 January 2007. This Statement of Principles would take effect from 31 January 2007 (the first appointed day), with licensing authorities able to accept advance applications from 30th April 2007.

The Licensing & Enforcement Officer (East) commented that the Act provided grandfather rights for existing licensed premises to safeguard their transition to the new regime in a similar manner as the provisions of the Licensing Act 2003. In addition, continuation rights allowed businesses to continue trading if their applications were received in time, but not processed by the licensing authority prior to 1 September 2007 (second appointed day) when the Act took effect. It was envisaged that by encouraging responsible licensing through the Statement of Principles, the Licensing Authority would not need to interfere with well-managed premises. Whilst the Licensing Authority would not be over regulating premises, it would have the power to protect the interests of residents by requiring licensed premises to have regard to the Statement of Principles and National Guidance from the Gambling Commission.

The Committee noted that the Statement of Principles must support the Gambling Act 2005 and always promote the three licensing objectives specified in the Act, namely:

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime,
- (b) ensuring that gambling is conducted in a fair and open way; and
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

Members asked a number of questions in relation to the report, which were answered by the Licensing & Enforcement Officer (East) and the Senior Lawyer.

The Committee agreed that the Statement of Licensing Principles be amended as follows:

- Re-wording of Paragraph 6.2 (final bullet point), which read “the circumstances of the complainant in so much as the affect could have a different meaning for different types of premises”.
- Replacement of the word “compliance” with “enforcement” in the final sentence of Paragraph 10.7.
- Alteration of the Scheme of Delegation, such that consideration of the “cancellation of licensed premises gaming machine permits” be a matter reserved to the Licensing Sub-Committee, rather than Officers.
- Addition to the Scheme of Delegation of “Applications for new licensed premises gaming machine permits for 3 or more machines”, and that consideration of all such applications be a matter reserved to the Licensing Sub-Committee.

RESOLVED: That the proposed Statement of Licensing Principles in respect of the Gambling Act 2005, as attached at Appendix A to the report, as amended, and including the results of the public consultation exercise (attached at Appendix C to the report), be supported.

RECOMMENDED TO CABINET: That the proposed Statement of Licensing Principles in respect of the Gambling Act 2005, as attached at Appendix A to the report, as amended, and including the proposed delegation of functions to the Licensing & Appeals Committee/Sub-Committee and Officers, be recommended to Council for adoption.

REASON FOR DECISION: As required by the Secretary of State, to ensure that the Statement of Licensing Principles is adopted by the Council by no later than the deadline date of 3 January 2007.

The following is the report considered by the Licensing & Appeals Committee at its meeting held on 24 October 2006.

[Note: the version of Appendix A – Gambling Act 2005: Statement of Licensing Principles – attached to the report incorporates the amendments made by the Licensing & Appeals Committee]

TITLE OF REPORT: GAMBLING ACT 2005 - PROPOSED STATEMENT OF LICENSING PRINCIPLES

REPORT OF THE STRATEGIC DIRECTOR OF FINANCIAL AND REGULATORY SERVICES

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek the Licensing and Appeals Committee's endorsement of the Gambling Act 2005 Statement of Principles.

2. FORWARD PLAN

- 2.1 This report contains a recommendation on a key decision that was first notified in the Forward Plan in July 2006.

3. BACKGROUND

- 3.1 The licensing of gambling was previously regulated by the Gaming Board for Great Britain, with the local authority regulating Small Society Lotteries through a registration scheme. The Gambling Act 2005 transfers the overall regulation of gambling to the Gambling Commission, with the local authority acting as licensing authority and having responsibility for a variety of licensing functions in respect of gambling. Committee is requested to refer to **Appendix A of this report**, (draft Statement of Principles, Paragraph 11 of Part A).
- 3.2 It is a requirement of the Gambling Act 2005 that a Statement of Principles must be adopted by Council and published by 3rd January 2007. This Statement of Principles will take effect from 31 January 2007 (the first appointed day), with licensing authorities able to accept advance applications from 30th April 2007.
- 3.3 The Statement seeks to strike a balance between residents' and licence holders interests and outlines the Council's expectations of licence holders in promoting the licensing objectives (see 5.4). The Statement is attached as **Appendix A of this report** and has been developed through a consultation process with internal and external stakeholders and the general public (**originally attached as Appendix B of this report, but since withdrawn**).
- 3.4 Unlike the Licensing Act 2003, the Gambling Act 2005 is unlikely to result in longer licensing hours as hours for premises such as betting offices will be restricted by the Act. The Council, however, needs to ensure that issues covered by the licensing objectives do not impact adversely on the lives of individual residents, or the community in general.

- 3.5 The Act provides grandfather rights for existing licensed premises to safeguard their transition to the new regime in a similar manner as the provisions of the Licensing Act 2003. In addition, continuation rights allow businesses to continue trading if their applications are received in time, but not processed by the licensing authority prior to 1st September 2007 (second appointed day) when the Act takes effect. It is envisaged that by encouraging responsible licensing through the Statement of Principles the Licensing Authority will not need to interfere with well-managed premises. Whilst the Licensing Authority will not be over regulating premises, it will have the power to protect the interests of residents by requiring licensed premises to have regard to the Statement of Principles and National Guidance from the Gambling Commission.
- 3.6 The expectation of the Licensing Authority is that every effort will be made to ensure that regulation is policy led rather than reactive. The Statement of Principles is a three-year statement (initially published 3 January 2007), however, the Council have a duty to review it from time to time if there is reason to do so.
- 3.7 Failure to effectively manage the new regime from the outset will make it very difficult to redress problems once they occur. Given this, a significant amount of education by way of trade forums, licensing surgeries and guidance notes will be undertaken. Training will also be provided to members of the Licensing and Appeals Committee and relevant officers.

4. APPROACH TO THE STATEMENT OF PRINCIPLES

- 4.1 The development of the Statement of Principles has been based upon a recommended national template published by LACORS (Local Authorities Coordinators of Regulatory Services), with consideration given to the Statements of Principles from neighbouring licensing authorities from within the Herts & Beds Licensing Group.
- 4.2 Extensive consultation was undertaken both externally and internally with further details given in section 7.
- 4.3 Officers have attempted to balance the risks of legal challenge to the Statement of Principles with the need to protect residential interest and amenities. The suggested Statement of Principles is in accordance with the Gambling Act 2005 and the Guidance issued by the Gambling Commission. It is of paramount importance that the Statement of Principles does not depart from the law or Guidance.
- 4.4 The Licensing and Appeals Committee will only be determining applications where:-
- a representation that has not been deemed frivolous, vexatious or non-influential has been received and is not withdrawn; or
 - the Licensing Authority proposes to attach or exclude a condition on a licence (the Act refers to mandatory and default Conditions that may be issued by the Secretary of State. The licensing authority may exclude default conditions where appropriate); or

- an application for a review has been made and approved; or
- the Licensing Authority has requested a review.

All other applications can be automatically granted by Officers under delegated powers under a Scheme of Delegation proposed for adoption by Council.

- 4.5 At this stage, the Regulations and Statutory Instruments that will determine the exact requirements of the application process (including application forms, advertising and consultation) are due to be published by central Government by the end of November 2006. These will form part of the Council's Statement of Principles once published.
- 4.6 Key priorities in developing the Statement of Principles are the protection of residents' interests and the freedom of opportunity for businesses. These will be promoted through high standards of operation, effective management of premises and a holistic approach to the management of the local economy, including enforcement provisions.

5. LEGAL IMPLICATIONS

- 5.1 The Act requires the Licensing Authority to publish a three year Statement of Principles which should be reviewed from time-to-time if necessary. In preparing the Statement of Principles, the Licensing Authority must consult:

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

- 5.2 The Act specifies that a Licensing Authority shall aim to permit the use of premises for gambling in so far as the authority think it:

- in accordance with any relevant code of practice under Section 24 of the Act
- in accordance with any relevant guidance issued by the Gambling Commission under Section 25 of the Act
- reasonably consistent with the licensing objectives (subject to the above)
- in accordance with the Statement of Licensing Principles (subject to the above)

- 5.3 The Licensing Authority may only depart from the Statement of Principles on an individual application where it is necessary to promote the licensing objectives and to comply with the requirements of 5.2 above. Departing from the Statement of Principles for any other reason may expose the Licensing Authority to the possibility of a legal challenge.

- 5.4 The Statement of Principles must support the Gambling Act 2005 and always promote the three licensing objectives specified in the Act:
- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime,
 - b) ensuring that gambling is conducted in a fair and open way; and
 - c) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.5 It is important to note that unless a relevant representation is received, an application must be granted subject to the requirements of the Act. If a relevant representation is received, the application will be determined by a Licensing and Appeals Sub-Committee. Applications should be considered on individual merit. The decision to grant or refuse the application will be made after taking into account the requirements of 5.2 above, and the applicant's ability to promote the three licensing objectives.

6. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

- 6.1 The Government has indicated that they expect the new licensing regime to be self-financing and are currently undertaking a fees consultation process with a view to publishing the fees structure later in the year.
- 6.2 The administration and enforcement of the new regime will be undertaken by the existing Licensing and Enforcement Team using the existing software and stationary.

7. CONSULTATION WITH EXTERNAL AND INTERNAL STAKEHOLDERS

- 7.1 The Licensing Authority have consulted with statutory consultees as defined in the Act and listed in 5.1 above. The consultation period ran from 1st August 2006 to 30th September 2006.
- 7.2 The list of consultees is attached as **Appendix B of this report (withdrawn)**.
- 7.3 A schedule of comments received and the action taken in respect of these comments is attached as **Appendix C of this report**. **Appendix A of this report** is the final draft of the Statement of Principles and includes any amendments where it is stated that a comment has been incorporated.
- 7.4 During the consultation process, comments were made concerning the lack of knowledge amongst the trade and the public in respect of the new regulations and that guidance on the definitions would be useful. The Statement of Principles is not the place to address this issue which will be dealt with once the remaining Regulations and Statutory Instruments are published in accordance with 4.5 above.

8. RECOMMENDATIONS

- 8.1 That the proposed Statement of Licensing Principles in respect of the Gambling Act 2005, as attached at Appendix A to the report, and including the results of the public consultation exercise (attached at Appendix C to the report), be supported.
- 8.2 That Cabinet be requested to recommend to Council that the proposed Statement of Licensing Principles in respect of the Gambling Act 2005, as attached at Appendix A to the report, and including the proposed delegation of functions to the Licensing & Appeals Committee/Sub-Committee and Officers, be adopted.

9. REASONS FOR RECOMMENDATIONS

- 9.1 Licensing Authorities are required by Order of the Secretary of State to publish their Statement of Principles by 3rd January 2007. Council is recommended to adopt the Statement of Principles in December 2006.
- 9.2 From 30th April 2007 advance applications can be made under the Gambling Act 2005 in accordance with the Regulations, Gambling Commission Guidance and Statement of Principles. Publishing the Statement of Principles by 3rd January 2007 allows applicants to have regard to it whilst completing their applications, and gives the Licensing Authority time to prepare for the receipt of the applications.

10. ALTERNATIVE OPTIONS CONSIDERED

- 10.1 There are no alternative options other than a Statement of Principles that may differ in content and extent. The proposed Statement of Principles, whilst being comprehensive, aims to strike a balance between the minimum legal requirements and being overly prescriptive and open to challenge.

11. APPENDICES

- 11.1 Appendix A - Final Draft Statement of Principles
- 11.2 Appendix B – List of Consultees - **WITHDRAWN**
- 11.3 Appendix C – Comments received during Consultation, including Recommendations

12. CONTACT OFFICERS

- 12.1 Andy Godman, Head of Housing and Environmental Health, 01462 474293
- 12.2 Giovanna Silverio, Licensing and Enforcement Manager, 01462 474478

13. BACKGROUND PAPERS

- 13.1 Gambling Act 2005
- 13.2 Gambling Commission Guidance to licensing authorities dated April 2006

The Gambling Act 2005

**NORTH HERTFORDSHIRE DISTRICT
COUNCIL**

Statement of Principles

(DRAFT)

Consultation Period: 1 August 2006 – 30 September 2006

Comments to be received by 30 September 2006

Comments to be sent to:

**Mrs G Silverio
Licensing & Enforcement Manager
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
SG6 3JF
Tel: 01462 474478
Email: giovanna.silverio@north-herts.gov.uk
Fax: 01462 474546**

North Hertfordshire District Council
Draft Statement of Principles

INDEX

Part A

1 Introduction and Background

- 1.1 The District of North Hertfordshire
- 1.2 Permitting the use of premises
- 1.3 Definition of gambling
- 1.4 Licensing objectives
- 1.5 Definition of "Guidance"

2 About this Statement of Principles

- 2.1 Statement of Principles
- 2.2 Premises licences
- 2.3 Preparation of Statement of Principles
- 2.4 Adoption of the Statement of Principles

3 Consultation

- 3.1 Consultation
- 3.2 Determination of Statement of Principles
- 3.3 Availability of draft Statement of Principles
- 3.4 Considering applications on their own merits
- 3.5 Comments

4 General principles

- 4.1 Statement
- 4.2 Determination of Licence
- 4.3 Control of licensed premises
- 4.4 Conditions
- 4.5 Other mechanisms
- 4.6 Discrimination

5 Responsible Authorities

- 5.1 Protection of children advisory authority
- 5.2 Designation of local safeguarding children board
- 5.3 Contact details

6 Interested parties

- 6.1 Definition
- 6.2 Principles to be applied
- 6.3 Associations and other bodies.
- 6.4 Elected bodies.
- 6.5 Councillors

7 Types of licence

- 7.1 Types of Licence
- 7.2 Licensable Premise and permits
- 7.3 Relationship with planning policies

8 Legislation

9 Exchange of information

- 9.1 Functions
- 9.2 Principles
- 9.3 Disclosure of details

10 Enforcement

- 10.1 Statement
- 10.2 Principles
- 10.3 Risk based inspections
- 10.4 Compliance
- 10.5 Better Regulation Executive
- 10.6 Concordat
- 10.7 Practise
- 10.8 Partnerships

11 North Hertfordshire District Council Functions

- 11.1 Functions
- 11.2 Remote gambling
- 11.3 Delegation of decisions

12 Fees

13 Information for Applicant's

14 Declaration

Part B

1. Premise licences

- 1.1 General Principles
- 1.2 Preventing gambling from being associated with crime and disorder
- 1.3 Ensuring gambling is conducted in a fair and open way
- 1.4 Protecting children and other vulnerable persons from harm
- 1.5 Access to gambling by children and young people
- 1.6 Vulnerable persons
- 1.7 Conditions
- 1.8 Door supervisors

2. Adult Gaming Centres

3. Family Entertainment centres

4. Casinos

- 4.1 No casino resolution
- 4.2 Casinos and competitive bidding
- 4.3 Betting machines
- 4.4 Credit

5. Bingo Premises

6. Betting Premises

- 6.1 Betting machines
- 6.2 Credit

7. Tracks

8. Travelling Fairs

9. Small Society Lotteries

10. Provisional statements

11. Reviews

Part C

Permits, Temporary and Occasional Use Notice

- 1. Unlicensed Family Entertainment Centre (FEC's) Gaming Machine Permits**
- 2. Alcohol licensed premises Gaming Machine Permits**
- 3. Prize Gaming permits**
- 4. Club Gaming and Club Machines permits**
- 5. Temporary Use Notices**
- 6. Occasional Use Notices**

Appendix A

Plan of district

Appendix B

List of consultees

Appendix C

Table of Delegation

Appendix D

Glossary of terms

Appendix E

Draft proposals for gaming machines

Part A

1. Introduction and Background

1.1 North Hertfordshire District Council is situated in the County of Hertfordshire, which contains ten District Councils. The Council area has a population of 116,908 (the 2001 Census) making it one of the largest districts in the County in terms of population. The Council area is made up of four central residential and commercial centres. There are three historic towns (Baldock, Hitchin and Royston) and Letchworth, the first Garden City. North Hertfordshire's attractive environment consists of not only these four established towns, but over 30 rural parishes with their many villages and hamlets. These areas and the Council's boundary are shown in the map at Appendix A.

1.2 North Hertfordshire District Council is the Licensing Authority under the Gambling Act 2005 ("the Act") for the North Hertfordshire District. The Act brings significant changes to the way gambling premises are regulated and repeals the following legislation:

- Betting, Gaming and Lotteries Act 1963;
- Gaming Act 1968;
- Lotteries and Amusements Act 1976

This will result in the Licensing Authority becoming responsible for additional functions in relation to the licensing of gambling.

1.3 The definition of "gambling" is defined by the Act as gaming, betting, or taking part in a lottery:

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

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

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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

- 1.5 All references to the “Guidance” in this document relate to the Gambling Commission’s Guidance for Local Authorities published in April 2006.

2. About this Statement of Principles

- 2.1 The Act requires the Licensing Authority to prepare and publish a “Statement of Principles” that sets out the principles that the Licensing Authority will apply to promote the Licensing Objectives when making decisions on applications made under the Act.. This Statement of Principles must be published at least every three years. The Statement of Principles must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must then be re-published. This Statement of Principles fully supports North Hertfordshire District Council’s vision of:

“making North Herts a vibrant place to live, work and prosper”.

- 2.2 The Licensing Authority will not have regard to demand when deciding whether or not to grant a premises licence. Having regard to section 153 of the Act the Licensing Authority is aware that it should aim to permit the use of premises for gambling in so far as it thinks it:

- (i) in accordance with any relevant code of practice issued by the Gambling Commission;
- (ii) in accordance with any relevant guidance issued by the Gambling Commission; and
- (iii) reasonably consistent with the licensing objectives ; and
- (iv) in accordance with the Licensing Authority’s statement of principles.

- 2.3 This draft Statement of Principles has been prepared having regard to the provisions of the Guidance and the licensing objectives of the Act. It is intended to be a discussion document leading to adoption by the Licensing Authority of a formal Statement of Principles, after having due regard to any responses from those consulted on this draft Statement of Principles.

- 2.3.1 This Statement of Principles has been drafted at a time when a number of regulations, licence conditions and codes of practice have not yet been published, or are currently under consultation. This Statement of Principles may need to be amended to reflect the requirements of such documents when published.

- 2.4 The Statement of Principles will come into effect on the date of adoption by the Licensing Authority and will be reviewed as necessary, and at least every three years from the date of adoption.

- 2.5 The Statement of Principles must be published by 3 January 2007. The first appointed day is 31 January 2007. The date of acceptance for advance applications is currently 30 April 2007.

3. Consultation

- 3.1. The consultation took place between 1 August 2006 and 30 September 2006 and the Licensing Authority followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector. These documents are available via:

<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>

<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

The Gambling Act requires that the following parties be consulted by Licensing Authorities:

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

The Licensing Authority consulted widely upon this statement of principles. A list of the persons we consulted is provided at Appendix B.

- 3.2 In determining the Statement of Principles, the Licensing Authority must have regard to the Guidance and give appropriate weight to the views of those it has consulted. In determining what weight to give particular representations the factors to be taken into account will include;
- Who is making the representation (what is their expertise or interest);
 - What their motivation may be for their views;
 - How many other people have expressed the same or similar views;
 - How far the representations relate to matters that the Licensing Authority has included in its Statement of Principles;
 - Licensing Authorities can only consider matters within the scope of the Guidance, Act and Codes of Practice.
- 3.3 The formal Statement of Principles will be available on North Hertfordshire District Council's website and in public libraries.
- 3.4 It should be noted that this Statement of Principles does not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each will be considered on its own merits and according to the statutory requirements of the Act.

- 3.5 The full list of comments made and the consideration given by the Licensing Authority will be available by request to:

Licensing & Enforcement Manager,
North Hertfordshire District Council,
Council Offices, Gernon Road, Letchworth Garden City, Hertfordshire, SG6 3JF.

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

Licensing & Enforcement Manager
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

E-mail: giovanna.silverio@north-herts.gov.uk

4. General principles

- 4.1. Nothing in this Statement of Principles will:-

- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits;

Or

- Override the right of any person to make representations on any application, or seek a review of a licence or permit where they are permitted to do so under the Act.

The starting point in determining applications will be to grant the application without conditions. Conditions will only be considered where they are necessary, and any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the risks involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

- 4.2 All applicants for Premises Licences are encouraged to set out how they will promote the licensing objectives, as specified in section 1.4 above, and what measures they intend to employ to ensure compliance with them. When determining an application to grant a Premises Licence or review a Premises Licence, regard will be taken amongst other things to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will be decided on its merits.

Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

4.3 Licensing is about the control of licensed premises, and premises with permits, temporary use notices, occasional use notices or other exemptions within the provisions of the Act. Where permitted by the Act, conditions may be attached to authorisations that will cover matters that are within the control of individual licensees. Conditions may be incorporated because they are mandatory or default conditions imposed by the Secretary of State, because they are incorporated by the Act itself, or because they are imposed in the individual case by the licensing authority.

4.4. When considering any conditions to be attached to licences or permits, the Licensing Authority will focus amongst other things on the licensing objectives, and on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

The Secretary of State may by regulation provide for specified conditions to be attached to a premises licence as either “mandatory” or “default” conditions.

4.5. The Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:

- (a) Planning controls;
- (b) Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
- (c) Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
- (d) The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.

4.6 The Licensing Authority in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination.

5. Responsible Authorities

5.1 The Licensing 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 Licensing Authority’s area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

- 5.2. In accordance with the Guidance this Licensing Authority designates the Hertfordshire Local Safeguarding Children Board for this purpose.
- 5.3 The contact details of all the Responsible Authorities under the Act are available via the Council's website at: www.north-herts.gov.uk

There is no obligation on Responsible Authorities to respond to applications for premises licences if they do not wish to do so.

6. Interested parties

- 6.1. Only interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:

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

- 6.2. The Licensing 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 as follows.

Each case will be decided upon its merits. This Licensing Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Guidance. These may include amongst others;

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- The circumstances of the complainant in relation to the type of premises they occupy (different types of premises may be affected differently depending on the nature of them)
e.g. a private residence, a school, or a home for vulnerable persons.

- 6.3. The Gambling Commission has recommended that the Licensing Authority state that interested parties include bodies such as trade associations, trade unions, and residents and tenants' associations. In other cases, the Licensing Authority will probably wish to satisfy themselves on a case by case basis, and possibly

request written evidence, that a person does represent an interested party. For example, a school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

- 6.4. Interested parties can be persons who are democratically elected such as Councillors and MP's. Where appropriate this will include county, parish and town councillors. Other than these persons, the Licensing Authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorities 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.
- 6.5. If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department at North Hertfordshire District Council, Council Offices, Gernon Road, Letchworth Garden City, SG6 3JF
- 6.6. Interested parties should relate their objection to the specific application, rather than to gambling as a whole. Representations will be concerned with one of more of the Licensing Objectives, as specified in section 1.4 above.

7. Licences

- 7.1. This document sets out the policies that the Council will apply when making decisions upon applications or notifications made for;
 - Premises Licences;
 - Temporary Use Notices;
 - Occasional Use Notices;
 - Permits as required under the Act;
 - Registrations as required under the Act
- 7.2. This Statement of Principles relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely;
 - Casinos;
 - Bingo Premises;
 - Betting premises;
 - Tracks;
 - Adult Gaming Centres;
 - Family Entertainment Centres;
 - Club Gaming Permits;
 - Prize Gaming and Prize Gaming Permits;
 - Temporary Use Notices;
 - Registration of Small Society Lotteries

- 7.3 An applicant can apply for a “provisional statement” if the building is not complete or if he does not yet have a right to occupy it. Such an application is, however, a separate and distinct process to the granting of planning permission or building control approval.
- 7.4 When determining an application for a premises licence, the Licensing Authority cannot take into account “irrelevant matters” such as the likelihood of the applicant obtaining planning permission or building control approval.

8. Legislation

- 8.1. In undertaking its licensing function under the Act, the Licensing Authority is also bound by other legislation, including:-
- (a) Section 17 of the Crime and Disorder Act 1988;
 - (b) Human Rights Act 1998;
 - (c) The Race Relations Act 1976 (as amended);

However, the Statement of Principles is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators, including, for example, the Health and Safety at Work Act 1974.

9. Exchange of Information

- 9.1. In fulfilling its functions and obligations under the Act the Licensing Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Licensing Authority’s existing policies. Data subjects can access information if a request is made in writing.
- 9.2. The principle that the Licensing 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 the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Licensing Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 9.3. The Licensing Authority will seek to assist the Gambling Commission by providing information within its possession provided that this does not infringe confidentiality. Any sensitive information will be given particular consideration.
- 9.4 Details of those persons making representations will be made available to applicants to allow for their preparation or negotiation for a hearing. In the event of a hearing being held, these will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

10. Enforcement

- 10.1. Licensing Authorities are required by regulation under the Act to state the principles to be applied by the Licensing 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.
- 10.2. In line with the Guidance and the North Hertfordshire District Council Environmental Health Enforcement policy, the Licensing Authority's principles are that it 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
- The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 10.3 The Licensing Authority will also, as recommended by the Guidance, adopt a risk-based inspection programme. Premises will be assessed and those that are well managed and maintained will not require the same number of inspections as problem or high-risk premises. In determining the level of risk the Licensing Authority would be interested to hear from persons who have an opinion on what criteria should be used to identify the level of risk.
- 10.4. The main enforcement and compliance role for the Licensing Authority in terms of the Act will be to ensure compliance with the Premises Licences and other permissions that it authorises. The Gambling Commission will be the enforcement body for Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 10.5. The Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 10.6. The Licensing Authority has an Environmental Health/Licensing Enforcement Policy and is a signatory to the Enforcement Concordat and will follow the

principles set out in it. The concordat is based around the principles of consistency, transparency and proportionality.

- 10.7. The Licensing Authority intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the District for unlicensed premises. This Licensing Authority understands that the Gambling Commission will be responsible for enforcement as regards unlicensed premises.
- 10.8. The Licensing Authority will seek to work actively with the Responsible Authorities in enforcing licensing legislation and intends to establish protocols with the Responsible Authorities on enforcement issues to ensure an efficient deployment of police and council officers.
- 10.9 The Licensing Authority recognises that gambling facility providers may have a number of premises within its district. In order to ensure that compliance issues are efficiently resolved, operators may give to the Licensing Authority a named contact who could be a senior individual. This individual will act as the point of contact in the event that queries or issues arise.

11. Licensing Authority Functions

- 11.1. Licensing Authorities are required under the Act to:
 - Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
 - Issue Provisional Statements;
 - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - Issue Club Machine Permits to commercial clubs
 - Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
 - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
 - Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
 - Register small society lotteries below prescribed thresholds

- Issue Prize Gaming Permits
 - Receive and endorse Temporary Use Notices
 - Receive Occasional Use Notices
 - Provide information to the Gambling Commission regarding details of licences issued (see section 9 above)
 - Maintain registers of the permits and licences that are issued under these functions
 - Enforcement of legislation in relation to premises
- 11.2. It should be noted that licensing authorities will not be involved in licensing remote gambling. This will fall to the Gambling Commission via Operator Licences. The Gambling Commission will also issue personal licences.
- 11.3. Some decisions that are delegated to the Licensing Committee may be further delegated to a sub – committee of the Licensing Committee who may arrange for them to be taken by an officer of the licensing authority. A summary of proposed permitted delegations is at Appendix C.

12. Fees

Regulations from the Secretary of State are awaited. Once issued these will form part of this Statement of Principles.

13. Information for Applicants

Regulations from the Secretary of State are awaited. Once issued these will form part of this Statement of Principles.

14. Declaration

In producing the final licensing Statement of Principles, the Licensing Authority declares that it has had regard to the licensing objectives of the Act, the Guidance, and any responses from those consulted on the Statement of Principles.

PART B

1. PREMISES LICENCES

1.1 General Principles

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

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

- (i) in accordance with any relevant code of practice issued by the Gambling Commission;
- (ii) in accordance with any relevant guidance issued by the Gambling Commission;
- (iii) reasonably consistent with the licensing objectives; and in accordance with the authority's Statement of Principles

Definition of premises

A premises is defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises. The Gambling Commission states in its Guidance for local authorities, it "will always be a question of fact in the circumstances." The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. The Licensing Authority takes particular note of the Gambling Commission's Guidance for local authorities which states that ,in considering applications for multiple licences for a building or those for a specific part of the building to be licensed, "entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area." The Licensing Authority will also take note of the Gambling Commission's Guidance to local authorities that: "Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed)."

Location

The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises licences but that considerations in terms of the licensing objectives can

Should any specific policy be decided upon as regards areas where gambling premises should not be located, this Statement of Principles will be updated. It should be noted that any such policy does not preclude any application being

made and each application will be decided on its merits, with the onus upon the applicant to show how the concerns can be addressed.

Duplication with other regulatory regimes

The Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning control. In considering applications for premises licences, this Licensing Authority will not consider whether the premises are likely to be awarded planning or building consent

Licensing objectives

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

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

The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.

The Licensing Authority will need to consider questions raised by the location of Gambling premises when formulating its Statement of Principles; when receiving relevant representations to an application; when dealing with applications as a responsible authority in its own right; and when considering applications before it. It should be noted that, unlike the Licensing Act, the Gambling Act does not include a specific licensing objective relating to the prevention of public nuisance. Any nuisance associated with gambling premises should normally be tackled under other relevant laws.

1.3 Ensuring that gambling is conducted in a fair and open way

The Licensing Authority has noted that the Guidance has stated that “Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence. “

The Licensing Authority notes that the Gambling Commission also states “in relating to the licensing tracks the licensing authorities’ role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.”

The Licensing Authority understands that there may be further guidance from the Gambling Commission on this issue which it will have regard to, when available.

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

With limited exceptions the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The Licensing Authority has noted the Guidance which states that “The objective talks of protecting children from being “harmed or exploited by gambling”, that means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

1.5 Access to gambling by children and young people

The Act contains the objective of “protecting children and other vulnerable persons from being harmed or exploited by gambling”. Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:

- Casinos cannot admit anyone under 18 and regional casinos will not be allowed to permit under 18s into the gambling area. (The Glossary includes the types of casino at Appendix D);
- Betting shops cannot admit anyone under 18;
- Bingo clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines;
- Adult Entertainment Centres cannot admit those under 18;
- Family Entertainment Centres and premises with a liquor licence (e.g. pubs) can admit under 18s, but they do not play category C machines, which are restricted to those over 18;
- Clubs with a Club Premises Certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
- Horse and dog tracks can admit under 18s, and they may have access to gambling areas on race days only. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

Licensing authorities should ensure that where category C or above machines are on offer in premises to which children are admitted:

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

A table showing the current draft proposals for the different categories of machine is reproduced at Appendix E.

The Licensing Authority will pay particular attention to any Codes of Practice that the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.

1.6 Vulnerable persons

As regards the term “vulnerable persons”, it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” The Licensing Authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this Statement of Principles will be revised.

1.7 Conditions

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

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures which the Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines and appropriate signage for adult only areas.

There are specific comments made in this regard under each of the licence types below.

The Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively. It is noted that there are conditions, which the Licensing Authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the 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

1.8 Door Supervisors

The Gambling Commission advises in its Guidance that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Act has amended the Security Industry Act and that the Security Industry Authority cannot licence door supervisors at casinos or bingo premises. The Licensing Authority will therefore require door supervisors at these premises to have the following minimal training covered by their training certificates.

a) Role and responsibilities of door supervisors (which includes)

- Appropriate behaviour for door supervisors;
- Civil and criminal law;
- Searching and arrest procedures;
- Drugs awareness;
- Licensing law;
- Equal opportunities and discrimination;
- Health and safety at work;
- Emergency procedures

and

b) Communication skills and conflict management (which includes);

- How to refuse entry and how to eject in way which reduces risk of conflict
- Identifying the types of incident that could happen inside a venue and how to deal with them
- Understanding the law about arrest

Any person working at a casino or Bingo premises will need a current Criminal Record Bureau (CRB) check.

The Licensing Authority will consider a condition in respect of door supervisors if there is evidence from the history of trading at the premises, that the premises can not be adequately supervised from the counter, and that door supervision is necessary and proportionate.

2. ADULT GAMING CENTRES

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

This list is not exhaustive.

As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / help line numbers for organisations such as GamCare.

3. FAMILY ENTERTAINMENT CENTRES

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

This list is not exhaustive.

As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / help line numbers for organisations such as GamCare.

The Licensing Authority will have regard to the Guidance, in respect of any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. CASINOS

4.1 No Casinos resolution

The Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this Statement of Principles with details of that resolution.

4.2 Casinos and competitive bidding

The Licensing Authority is aware that if a Premises Licence for a new style casino (i.e under Section 175 of the Act) in the North Hertfordshire District is considered there are likely to be a number of operators who will want to run the casino. In such situations the Licensing Authority will run a 'competition' under Schedule 9 of the Act and in line with any regulations issued under the Act by the Secretary of State.

4.3 Betting machines

The Licensing Authority is aware that the Guidance states: "Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons."

4.4 Credit

The Licensing Authority has noted that the Guidance states that "section 177 does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no

other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, not make any payment in connection with the machines. Guidance on the further conditions that may apply in relation to such machines will be included in the next version of the guidance”

5. BINGO PREMISES

The Licensing Authority notes that the Guidance states:

- “Licensing authorities will be able to find information about the restrictions that apply in the codes of practice that will be published on the Commission’s website”

and

- “Further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises”

Once this information is available the Licensing Authority will consider its application to premises licences for bingo premises. It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines.

Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

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

6. BETTING PREMISES

6.1 Betting machines

It is noted that the Guidance states: “Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and

the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons.”

6.2 Credit

It has also been noted that the Guidance states: “section 177 does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service provider and does not profit from the arrangement, nor make any payment in connection with the machines.” It is also understood that the Gambling Commission will be placing restrictions and requirements on Operating Licences for betting premises as regards credit and the Licensing Authority will consider the guidance when it is available.

7. TRACKS

7.1 The Licensing Authority is aware that the Gambling Commission may provide further specific guidance as regards tracks. We have taken note of the Guidance which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.

There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this Licensing Authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It 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, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

Appropriate licence conditions may be:

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

- Location of entry;
- Notices / signage;
- Specific opening hours;
- The location of gaming machines

This list is not exhaustive.

As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / help line numbers for organisations such as GamCare.

7.2 The Licensing Authority also notes that, “In the Commission’s view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises”

7.3 Condition on rules being displayed

The Guidance advises that “...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”

7.4 Betting machines

Licensing authorities have a power under the Act, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. The Guidance will be noted in that it states: “In relation to betting premises away from tracks, the Commission is proposing that licensing authorities should take into account the size of the premises and the ability of staff to monitor the use of the machines by vulnerable people when determining the number of machines permitted. Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. Licensing authorities will want to consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.”

8. TRAVELLING FAIRS

It will fall to the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made

available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, 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. The Licensing Authority will work with its neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

9. SMALL SOCIETY LOTTERIES

Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries as defined in the Act. Promoting or facilitating a lottery will fall into 2 categories:

- licensed lotteries (requiring an operating licence from the Gambling Commission); and
- exempt lotteries (including small society lotteries registered with the Licensing Authority)

Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and these are:

- small society lotteries;
- Incidental non-commercial lotteries;
- private lotteries;
- private society lottery;
- work lottery;
- residents' lottery;
- customer lotteries

Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located.

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

The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority.

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

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

The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. No revocations will take place unless the society has been given the opportunity to make representations.

10. PROVISIONAL STATEMENTS

The Licensing Authority notes the Guidance which states that “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority can inspect it fully”. In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage;
or
- (b) which is in the authority’s opinion reflect a change in the operator’s circumstances.

This Licensing Authority has noted the Guidance that a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

11. REVIEWS

Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried out. This will generally be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous or vexatious, or whether it is substantially the same as previous representations or requests for review. Relevant matters will include requests;

- in accordance with any relevant code of practice issued by the Gambling Commission;

- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's Statement of Principles

Representations may include issues relating to the following;

- Use of licensed premises for the sale and distribution of class A drugs and/or the laundering of the proceeds of drugs crimes;
- Use of licensed premises for the sale and distribution of illegal firearms;
- Use of licensed premises for prostitution or the sale of unlawful pornography;
- Use of licensed premises as a base for organised crime activity;
- Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- Use of licensed premises for the sale of smuggled tobacco or goods;
- Use of licensed premises for the sale of stolen goods;

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

PART C

PERMITS, TEMPORARY AND OCCASIONAL USE NOTICES

1. Unlicensed Family Entertainment Centre (FEC's) Gaming Machine Permits

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

Unlicensed FECs, by definition, will not be subject to scrutiny by the Gambling Commission as no operating (or other) licences will be applied for and issued. Licensing authorities might wish to consider asking applicants to demonstrate:

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

The Act states that the Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Guidance also states: "An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. It should be noted that the Licensing Authority cannot attach conditions to this type of permit and that the "statement of principles" only applies to initial applications and not to renewals.

With regard to renewals of these permits, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

2. (Alcohol) Licensed premises gaming machine permits

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;

- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- a premise is used wholly or mainly by children or young persons;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

If a premises wishes to have more than two machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” The Licensing Authority considers that “such matters” will be decided on a case by case basis and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access 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 / help line numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Gaming Centre premises licence. The principle of unlicensed Family Entertainment centres permits is that they should be obtained for premises that are wholly or mainly used for gaming machines.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

The Act states that the Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit The Licensing Authority has not prepared a statement of principles. Should it decide to do so it will include details in a revised version of the Statement of Principles.

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance. It should be noted that there are conditions in the Act with which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

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

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming Machines Permit. [NB A COMMERCIAL CLUB CAN APPLY FOR THE LATTER: SCH 12 PARA 1(2)] The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). The Guidance states 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 permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations." The Guidance also makes it clear that "Before granting the permit the authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18."

The Licensing Authority is aware that: "Licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;

- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police (Gambling Commission's Guidance for Local Authorities 25.21)

It should be noted that there is a 'fast-track' procedure available for premises that hold a Club Premises Certificate under the Licensing Act 2003. As the Gambling Commission's Guidance for local authorities states: "Under the fast track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

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

The club gaming permit has certain conditions, including that in respect of gaming machines no child or young person 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.

5. Temporary Use Notices (TUN's)

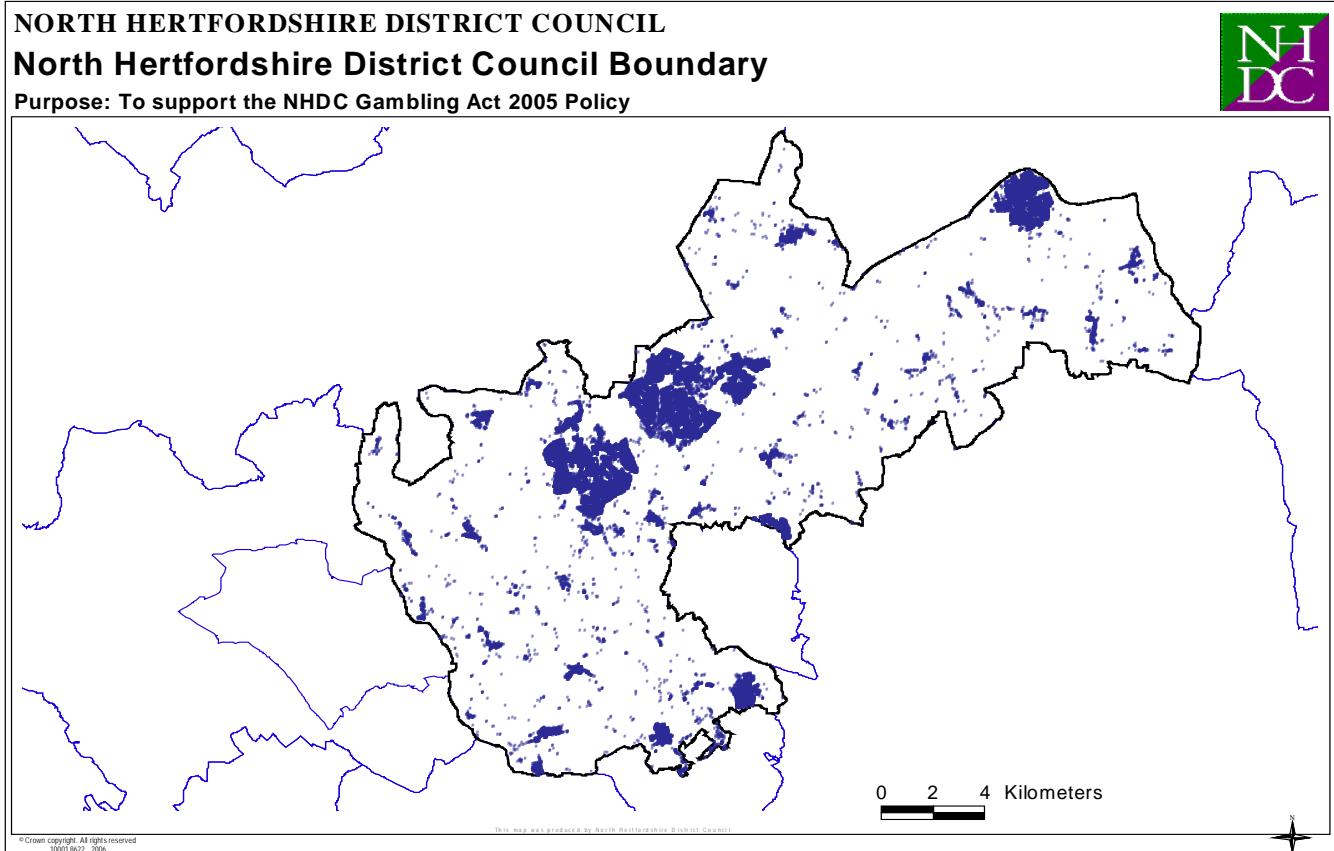
TUN's allow the holder of an operating licence to temporarily use a set of premises for gambling where there is no premises licence in place. A set of premises can be subject to TUN's for up to 21 days in any 12 month period. There are a number of statutory limits as regards TUN's.

The definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act, "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Licensing Authority will need to look at, amongst other things, the ownership, occupation and control of the premises. For example, an exhibition centre may cover one set of premises. This compares to a shopping centre which may cover different sets of premises as it may be occupied and controlled by different people.

6. Occasional Use Notices

This notice allows for betting on a track without the need for a premises licence on 8 days or less in a calendar year. The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to avail his/herself of the notice.

APPENDIX A



APPENDIX B

The Act suggests the following consultees;

- **Chief of Police**
- **One or more persons who appear to represent the interests of persons carrying on Gambling businesses**
- **One or more persons who represent the interests of persons likely to be affected by the exercise of the authorities functions under this Act**

The Licensing Authority consulted the following;

Responsible Authorities

Chief of police

Customs and Excise

Environmental Health, North Hertfordshire District Council

Hertfordshire Fire and Rescue Service

Health and Safety Executive

Planning Department, North Hertfordshire District Council

Hertfordshire Safeguarding Children Board

The Gambling Commission

Others

All premises licence and club premises certificate holders.

Association of British Bookmakers

BACTA (British amusement catering trade association) representing pay to

Bingo Association

British casino association

Centre for study of gambling

Citizens Advice bureau

Existing Casino, FEC, Bingo, Betting Shops, Lottery Licence holders.

Faith groups in North Hertfordshire

Gambling Commission

Gamcare

HCC SOCIAL SERVICES

Local residents via, chairs of the residents associations

Local solicitors

Magistrates Court

National Lottery Commission

Ncvcco (National Council of voluntary child care organisations)

Neighbouring local authorities.

NHDC Economic Development Unit

NHDC Community Safety Unit

NHDC Legal Services

NHDC Human Resources.

Parish and Town Councils.

Remote Gambling Association

The chairs of the Chamber of Commerce.

play leisure industry

Trade Union Congress

APPENDIX C

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting – when appropriate			X (to be approved by Executive Council)
Application for premises licenses		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits		X	
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Applications for new licensed premises gaming machine permits for 3 or more machines		X	

APPENDIX D
Glossary of Terms

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

the Act:	The Gambling Act 2005
Applications:	Applications for licenses and permits as defined in section 7.2
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Council:	North Hertfordshire District Council
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by North Hertfordshire District Council
District:	The area of Hertfordshire administered by North Hertfordshire District Council (Map appended at Appendix A)
Gambling Commission	The body corporate established under section 20 Gambling Act 2005
Interested Party:	For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the North Hertfordshire District Council 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; c) Represents persons who satisfy a) or b) above.
the Licensing Authority	North Hertfordshire District Council acting in its capacity as the licensing authority under section 2 Gambling Act 2005
Licensing Objectives:	As defined in section 1.1
Licenses:	As defined in section 7.1
Mandatory Conditions:	Means a specified condition provided by regulations to be attached to a licence
Notifications:	Means notification of temporary and occasional use notices
Premises:	Any place, including a vehicle, vessel or moveable structure
Regulations:	Regulations made under the Gambling Act 2005
Responsible Authority:	For the purposes of the Act, the following are responsible authorities in relation to premises: 1. The North Hertfordshire District Council in whose are the premises are wholly or mainly situated (North Hertfordshire District Council); 2. Planning Authority North Hertfordshire District Council 3. Environmental Health North Hertfordshire District Council 4. The Gambling Commission; 5. Hertfordshire Constabulary; 6. Hertfordshire Fire & Rescue Service; 7. Hertfordshire Safeguarding Children Board; 8. HM Customs and Excise
Regional casino	One allowed minimum 5000 square metres offering casino games, bingo, betting and up to 1250 category A and B1 machines
Large casino	No more than eight allowed. Minimum of 1500 square metres, offering casino games, bingo and betting and up to 150 category B1 machines
Small casino	No more than eight allowed. Minimum of 750 square metres offering casino games, betting and up to 80 category B1 machines

APPENDIX E

Current draft proposals for gaming machines

Category of machine	Maximum stake	Maximum prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize

Summary of Responses to Gambling Act 2005 Statement of Principles Consultation

Consultee	Observations	Comment / Action Taken	Amendments to Statement of Principles
The Association of British Bookmakers	Request for clarification of policy on door supervision.	Agreed that our position needs clarification	New Paragraph incorporated
	Request for clarification of policy on gambling machine numbers	Adequately covered in draft Statement	None
	Request for clarification of policy on premises licence transfers	Suggested amendment is too prescriptive	None
	Suggestion of a requirement for one single point of contact for betting office businesses with several premises in the District	Agreed that the principle is useful but should be optional not a requirement and should be extended to all premises	New Paragraph incorporated
Ashwell School PTA	No further comment; request to be kept informed	No further action necessary; all consultees will be provided with the final Statement of Principles	None
Westmill Community Association	No comments, however, some specific questions relating to door supervision requirements and fundraising raffles	Response to questions sent	None
The Queen Mother Theatre	No comments, however, some specific questions relating to monthly and quarterly raffles/draws (small society lotteries)	Response to questions sent	None
Weston Village Hall	No comments, however, some specific questions relating to non-commercial gambling for fundraising purposes ie race nights, tombolas, etc.	Response to questions sent	None
East of England Faiths Council	General comments in relation to gambling and Faith Groups. Request that Council pass a 'no casino resolution'.	No further action necessary. Comments will be provided to Council if they consider a 'no casino resolution'.	None
Hertfordshire Fire & Rescue Service	No comments, however, hope to continue the joint working undertaken currently on the Licensing Act 2003.	Comments noted; partnership working will continue to be encouraged	None
Friends of Roysia School	No comments	No further action necessary	None
Ickleford Parish Council	No comments, however, a request that new guidelines are produced. Specific question asked.	Specific guidance notes will be produced for each type of licence/permit. Surgeries and seminars will also be arranged. Response to question sent.	None
Chartridge Conference Company	No comments	No further action necessary	None
GamCare	Various requested inclusions	Each request considered, however, each request was either adequately covered already or would be too prescriptive.	None
Codicote Peace Memorial Hall	Comments in relation to exemptions for small non-profit making clubs	The Act already provides for some exemptions and the Licensing Authority have no power to extend these.	None

Summary of Responses to Gambling Act 2005 Statement of Principles Consultation

Consultee	Observations	Comment / Action Taken	Amendments to Statement of Principles
Enterprise Inns	Welcome the decision to base the draft on the LACORS template.	No further action necessary	None
	Request for clarification of policy on gambling machine numbers	Adequately covered in draft Statement	None
	Request for clarification of policy on gambling machine siting	Suggested amendment is too prescriptive, however, Statement does refer to all applications being determined on individual merit	None
	Request for separate guidance on transitional arrangements for gaming machines in licensed premises	Specific guidance notes will be produced for each type of licence/permit. Surgeries and seminars will also be arranged.	None
Letchworth Garden City Bowls Club	Comments in relation to exemptions for small non-profit making clubs	The Act already provides for some exemptions and the Licensing Authority have no power to extend these.	None
Letchworth Corner Sports Club	No comments	No further action necessary	None
Gambling Commission	No comments	No further action necessary	None
British Amusement Catering Trades Association	Comments that Gambling Commission Codes of Practice should address many concerns and that Mandatory and default Conditions should be sufficient	Comments noted, however, each application is judged on individual merit following the Statement of Principles	None
	Comment that current regulations work and that Licensing Authorities should not over-regulate	Comments noted, however, each application is judged on individual merit following the Statement of Principles	None
	Request that section 153 of the Act should be highlighted in the Statement of Principles	Agreed that the principle of section 153 should be included in our Statement of Principles	New Paragraph incorporated
	Comments relating to location only becoming a factor in an application where a breach of the licensing objectives would occur	Comments noted, however, each application is judged on individual merit following the Statement of Principles	None
	Comments relating to the 'need' to impose conditions	Comments noted, however, each application is judged on individual merit following the Statement of Principles	None
	Comments relating to demand not be a relevant factor	Agree, however, adequately covered in draft Statement	None
	Comments on gambling machine numbers and reasons for restrictions	Agree, however, adequately covered in draft Statement	None
	Request for clarification of policy on door supervision.	Agreed that our position needs clarification	New Paragraph incorporated

TITLE OF REPORT: REFERRAL FROM BALDOCK & DISTRICT COMMITTEE – 6 NOVEMBER 2006 – MINUTES: DISPOSAL OF LAND ADJACENT TO 27 DARK LANE, SANDON

The following is an extract from the Draft Minutes of the Baldock & District Committee meeting held on 6 November 2006.

57. MINUTES

When considering the Minutes of the meeting held on 25 September 2006, the Committee agreed that they were a true record of the proceedings. However, concerns were expressed about issues that had arisen subsequent to that meeting in relation to the proposed disposal of land adjacent to 27 Dark Lane, Sandon (Minute 47 refers).

As the Councillor for Weston & Sandon Ward (in which the site is located), Councillor S.K. Jarvis expressed his surprise that a report had not been presented to tonight's meeting on this matter as it had been established that another potential site was available in Sandon. This information was the subject of a report to be considered by the Cabinet at its meeting on 14 November 2006 and a public meeting in Sandon on 25 November 2006. Councillor Jarvis also stated that it would be inappropriate for the Cabinet to make a decision with regard to this piece of land until the outcome of the public meeting in Sandon was known.

RESOLVED: That the Minutes of the meeting held on 25 September 2006 be approved as a true record of the proceedings and signed by the Chairman.

RECOMMENDED TO CABINET:

- (1) That the decision on disposal of the land adjacent to 27 Dark Lane, Sandon be deferred until after the public meeting in Sandon had taken place, to allow the residents of the village to express their views on the proposals;
- (2) In light of the identification on an alternative site for the development of affordable housing in the village, that a report be brought back to the meeting of this Committee to be held on 4 December 2006, to allow the Committee to comment on the proposals.

REASONS FOR DECISIONS: To allow all stakeholders sufficient opportunity to provide input on proposals prior to Cabinet taking a decision on the disposal of land.

TITLE OF REPORT: REGIONAL AND STRATEGIC PLANNING ISSUES

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL
PORTFOLIO HOLDER: COUNCILLOR R. A. C. THAKE

1. SUMMARY

- 1.1 To inform Members of the current positions regarding:
- West of the A1(M) at Stevenage and Stevenage Local Development Documents;
 - The draft East of England Plan;
 - Growth Area Liaison for the Luton conurbation;
 - Luton & Dunstable Northern Bypasses;
 - London Luton Airport and Stansted Airport.

2. FORWARD PLAN

- 2.1 This report to Cabinet is included within the Forward Plan.

3. BACKGROUND

- 3.1 Members will be aware of, and familiar with, many of the issues surrounding the significant strategic planning issues referred to in paragraph 1.1 above. This report is intended to provide Members with the current positions on these strategic planning matters.

4. ISSUES

4.1 **West of the A1(M) at Stevenage**

- 4.2 There is nothing further to report since the last meeting of Cabinet. The current deadline for submitting either a “bilateral” planning agreement or a unilateral planning obligation is 20 November 2006. At the time of writing, it looks almost certain the West Stevenage Consortium will follow the latter course. If this turns out to be the case, the Council will have an opportunity to comment on the submitted unilateral document, and such comments will be taken into account by the Secretary of State prior to making any decision on the outstanding planning application for 3,600 dwellings and associated development.

4.3 **The Draft East Of England Plan**

4.4 The latest information is that the Proposed Changes on the draft East of England Plan will now be published by government in mid-December, rather than sometime in November as originally intended. EERA has now scheduled a member seminar on the Proposed Changes for 18 Jan 2007, with the meeting of RPP originally scheduled for that day being postponed to 8 March 2007. The March RPP meeting will agree EERA's response to the Proposed Changes.

4.5 The most recent meeting of EERA's Regional Planning Panel took place on 26th October 2006 in Cambridge. Perhaps the key item on the agenda was a report on the Implementation Framework for the Plan. Members were asked to endorse a revised set of components, together constituting the Implementation Framework. One of these is an Investment Strategy, which would address the priorities for action and funding. This would be in the form of a "contract" between government and the various funding agencies covering the essential actions and investment needed to deliver the Plan.

4.6 In short this is the reaction to the Panel's failure to support Policy IMP2 in the draft Plan. It is a matter of fact that there is still no direct link between the growth proposed and the provision of associated infrastructure, and hence the implications for the growth agenda of failure to provide key infrastructure remain unclear. RPP concluded that this would need to be monitored through the Annual Monitoring Report process.

4.7 On the morning of the RPP meeting, a seminar on gypsy / traveller issues was held. It was very much an introductory session, given that EERA is of course progressing a single-issue review of the RSS, focussing on this topic. Consultants have now been appointed to assess the consistency of the various investigations into need undertaken in various parts of the region, and to identify options for the allocation of identified need for additional sites, possibly on a district-by-district basis.

4.8 A further seminar is planned for 7th December 2006, where the options, possible policies and distribution of pitches across the region will be discussed. The consultants will presumably have prepared at least a draft report by that date.

4.9 **Growth Area Liaison for Luton/Dunstable/Houghton Regis**

4.10 The next meeting of the Officer Liaison Group is on 2 November 2006. I will report any items of interest orally.

4.11 **Luton & Dunstable Northern Bypasses**

4.12 There is nothing to report this month on either of the proposed bypasses.

4.13 **London Luton Airport / Stansted Airport**

4.14 There is nothing further to report on these issues this month.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications directly arising from this report.

6. FINANCIAL AND RISK IMPLICATIONS

6.1 There are no new financial or risk implications arising from the contents of this report. The West Stevenage Consortium has undertaken to pay the Council's legal costs in respect of the preparation of revised S106 agreement. £54,600 has been earmarked from the planning delivery grant to fund consultancy advice on strategic planning issues. £23,000 was carried forward to address issues arising from Luton Airport development, of which £16,800 has been committed.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

7.1 There are no new HR or equalities implications arising from the contents of this report with the exception of the additional work associated with the reformulation of the legal agreement and appraisal of the Inspector's report and Secretary of State's decision. Adjustments may need to be made to the Service Plan to accommodate specific work associated with the Secretary of State's decision.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

8.1 Councillor Thake has been kept fully informed on all the matters set out above.

9. RECOMMENDATIONS

9.1 That the contents of this report be noted.

10. REASONS FOR RECOMMENDATIONS

10.1 To ensure that Cabinet is aware of current developments.

11. ALTERNATIVE OPTIONS CONSIDERED

11.1 There have been no alternative options considered.

12. CONTACT OFFICERS

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13. BACKGROUND PAPERS

- 13.1 None other than published documents.

TITLE OF REPORT: PROCUREMENT OF DIGITAL PRINTING EQUIPMENT

THE STRATEGIC DIRECTOR OF CUSTOMER SERVICES
PORTFOLIO HOLDER: COUNCILLOR I. KNIGHTON

1. SUMMARY

- 1.1 To gain Cabinet's approval for a proposed waiver of standing orders for the procurement of digital printing equipment via a single supplier in connection with section 8.1 Contract Standing Orders: Exceptions to tendering procedures.

2. FORWARD PLAN

- 2.1 This report does appear in the Forward Plan and does contain a recommendation on a key decision as the maximum procurement value for the life time of the contract (three years) is estimated to be £175,000 including all lease, use and maintenance costs.

3. BACKGROUND

- 3.1 The service improvement plan for the Council's Document Centre (DC), approved by Cabinet on 18th October 2005, includes the establishment of a single supply and maintenance contract for desk top digital printers and photocopiers. Within the objectives of the service improvement plan, it was estimated that this would deliver a cost saving of £5,000 on equipment leasing and £30,000 in the cost of digital printing across the Council over 3 years.
- 3.2 The initial action within digital printing was to replace/upgrade the DC's high volume copying/printing machines. This was carried out through competitive tender. In December 2005, the current supplier was appointed via an Office of Government Commerce (OGC) framework agreement. The company was chosen as they offered best value and are a manufacturer (not a dealer), able to offer enhanced technical support. They also supplied equipment fully compatible with the existing software in use within the DC, ensuring there were no additional unbudgeted costs or loss of service. This procurement has generated a net saving of £30,000 over the 3 years of the new contract, secured as a permanent annual budget saving within the DC of £10,000.

4. ISSUES

- 4.1 An independent digital printing consultancy firm, The Digital Office, were engaged to review our current use of desk top printers and photocopiers in order to recommend improvements in efficiency and secure cost savings. The consultants have generated our technical requirements and will continue to act as the Council's quality assurance in relation to the proposed contract. The cost savings and efficiencies are identified

within their report. Costs are based on our knowledge of the discount levels available under the OGC framework agreement with the proposed single supplier.

- 4.2 The estimated contract value exceeds the ceiling of the EU procurement directives. If the Council did not take advantage of a pre-tendered framework agreement we would be required to undertake a full procurement process involving a notice in the Official Journal of the European Communities (OJEU) and expressions of interest from any interested parties. This would be costly and time consuming.
- 4.3 The OGC contract proposed is fully pre-tendered and compliant with EU procurement directives. The Council will benefit from large contract size, associated security, discount levels and enhanced service without the significant costs of conducting its own tendering process.
- 4.4 It would be possible to source equipment from two alternative suppliers under the same OGC framework, however their equipment would be incompatible with the software and equipment already in use within the DC and would not allow us to develop a single infrastructure. This equipment was already selected as the most cost effective and technically able to meet our requirements through competitive tender.
- 4.5 Replacing the Council's desk top printers under a managed sales and service agreement will deliver IT department efficiencies, releasing staff from the on-going maintenance, installation and re-leasing of this equipment. These activities are included within the lower cost per print charge.
- 4.6 The OGC contract will allow the installation of colour printing across the authority at low cost, improving our corporate image.
- 4.7 Installing a single digital printing technology will eliminate the requirement for multiple invoices for use across the Council. The Document Centre will manage this centrally and all actual printing costs will be recharged based on use via the software included within the contract.

5. LEGAL IMPLICATIONS

- 5.1 The contract value is in excess of £50,000 and the Council will join a framework contract pre-tendered by the Office of Government Commerce, this must be approved by the Head of Legal and Democratic Services (18.1 Contract Standing Orders).
- 5.2 The current EU threshold over which EU Directives apply is a total contract value of £153,376 (Appendix A - Contract Standing Orders). The framework agreement recommended to the Council has been pre-tendered by the OGC and is therefore fully compliant with these regulations.
- 5.3 The Council's Contract Standing orders and tendering procedures 'will not apply to a contract for which the Director is responsible, in conjunction with the Strategic Director of Finance, agrees it is appropriate to invite tenders or quotations via the Office of Government Buying Solutions' (section 8.1 Contract Standing Orders).

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 The estimated maximum possible lease cost of the proposed equipment under the framework contract is £77,000 over 3 years. This equates to the Council's current leasing budget costs for photocopiers £50,000 (over 3 years) and desk top printer lease costs worth £27,000 (over 3 years).
- 6.2 The bulk of the cost of printing relates to toner and maintenance, these costs will be significantly reduced, typically from 1.5 pence per page to 0.40 pence per page as soon as the new equipment is installed. The maximum estimated cost of use across the Council for the 3 year contract is £120,000. Initial minimum savings of at least £10,000 a year are anticipated on these costs across the Council.
- 6.3 The framework agreement will be due for re-negotiation by the OGC in 28/02/07. After which point we will be able to take advantage of any further reductions in cost. After the end of our 3 year contract we will be free to take another view on the best digital printing solution across the whole of the Council.
- 6.4 If we do not progress with the single supplier chosen we will end up with incompatible software, additional installation, maintenance and procurement costs.
- 6.5 The equipment to be supplied is available from a other suppliers who are not part of the OGC framework proposed. Should this single, large manufacturer experience any difficulties, the Council would be able to enter into an alternative arrangement with another supplier for on-going service and maintenance.
- 6.6 The new equipment once installed will enable the Council to review where its printing costs are so that they can continually be reduced.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 The appointment of the recommended supplier via the framework agreement will ensure that officer time is most productively spent on ensuring the correct solution is implemented speedily for the Council.
- 7.2 Full training and support is included within the framework contract.
- 7.3 The use of a single supplier for all photocopying, printing and Document Centre software will ensure economies of scale and full compatibility to exploit the opportunities to manage the production of printed paper to ensure it is always carried out in the most effective way for all staff.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 8.1 The recommended contract has been pre-tendered by the Office of Government Commerce and the contract entered into will be part of their framework.

9. RECOMMENDATIONS

That Cabinet

- 9.1 Approve a waiver of standing orders to progress with a single supplier via an OGC framework agreement for the reasons stated.

10. REASONS FOR RECOMMENDATIONS

- 10.1 To ensure the Council can commence the project without incurring unnecessary additional expense in procurement whilst securing cashable and non-cashable savings.
- 10.2 To ensure that the Council meets the requirements of the EU procurement Directives through an OGC contract.
- 10.3 To ensure the Council builds on its existing investment in digital printing technology that has already secured an annual budget saving of £10,000 in the Document Centre.

11. ALTERNATIVE OPTIONS CONSIDERED

- 11.1 Full procurement exercise

Whilst following standing orders it is estimated that a full procurement exercise would cost in excess of £16,000 in officer time and administration costs. Given that well established framework agreements are in place that cover much larger supply contracts and discounts than a District Council could achieve on its own the use of a framework agreement within local government would offer better value and full compliance with EU procurement directives.

- 11.2 Shortlist of key suppliers from framework agreements

Whilst it is important to ensure that we get the best possible price we have already proven through competitive tender in the Document Centre, that the single framework contract offers exceptional value for money and complete compatibility with our existing investment in high speed copiers and high volume colour copiers. Other suppliers' software will not be compatible with that we are already committed to.

12. CONTACT OFFICERS

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13. BACKGROUND PAPERS

- 13.1 Printing/Photocopying Consultancy Survey - The Digital Office September 2006
Reprographics Review and Service Improvement Plan - Cabinet Report 18th
October 2005
Document Centre Service Improvement Plan 2005-2008

TITLE OF REPORT: REVENUE BUDGET 2006/07 – SECOND QUARTERLY MONITORING REPORT (APRIL - SEPTEMBER 2006)

REPORT OF THE STRATEGIC DIRECTOR OF FINANCE & REGULATORY SERVICES
PORTFOLIO HOLDER: COUNCILLOR T.W. HONE

1. SUMMARY

- 1.1 The purpose of the report is to inform the Cabinet of the summary position on income and expenditure for the period April to September 2006 for the General Fund and the Council's only remaining trading account, Careline.
- 1.2 This report will highlight only significant variances to Members and includes the progress of any carry forwards requested by officers for inclusion in the 2006/07 accounts, which are not projected to be spent, within this financial year.
- 1.3 The report also highlights savings and growth agreed by Members as part of the Service and Financial Planning process, which are not projected to be spent or saved, within the financial year.
- 1.4 This report will update Members on the progress of the vacancy control saving which is included within the General Fund budgets.

2. FORWARD PLAN

- 2.1 This report does contain a recommendation on a key decision and was first notified to the public in the Forward Plan in August 2006.

3. BACKGROUND

- 3.1 Members approved the General Fund 2006/07 estimates in February 2006 and approved General Fund net expenditure of £16.860 million. In addition to the 2006/07 original budget, (on which the Council Tax increase of 4.5% was based on), Members approved carry forward budgets of £128k (28th February 2005) and £644k (27th June 2006). The carry forward budgets total for 2006/07 is £772k.
- 3.2 In June, Members approved the 2005/06 Statement of Accounts, including the 2005/06 actual spend on the General Fund. Budget reductions for 2006/07 onwards were identified as part of the 2005/06 outturn and Members approved reductions in 2006/07 General Fund expenditure of £373k.
- 3.3 Members have also approved changes to General fund budgets that have arisen as a result of Cabinet reports. At the June Cabinet, Members agreed to underwrite the potential loss of up to £31k on the reduction in markets rents for the Tuesday and Saturday markets, the increase in spend of £31k has not yet been included in General

Fund budgets. At the July Cabinet, Members approved an increase in General Fund expenditure that arose as a result of the improvement works at Letchworth Leisure Centre, totalling £83.3k.

- 3.4 In September Members approved the 1st Quarter Monitoring report, the net expenditure on General Fund projected for the year end was £17.439 million, an increase of £96k over the working budget. The increase in net expenditure included a projected reduction in parking income of £124k. However, Members were advised that the year on year effect of all the net adverse variances highlighted in the report was actually a reduction of £104k on next years General Fund expenditure. The 1st quarter monitoring report projected a General Fund balance of £2.219million as at 31st March 2007.

4. ISSUES

General Fund – Income and Expenditure

- 4.1 The projected net expenditure on the General fund is now estimated to be £17.686million, this is an increase of £247k on the working budget of £17.439million, (the working budget includes carry forwards and any directorate virements).

There are a number of key changes to the General Fund expenditure these are detailed below in table 1 with explanations, together with the request for budget approval.

Table 1-Significant changes to the General Fund

Expenditure/ Income	Variance £'000	Explanation	Saving in 2007/08
Markets-Fees & Charges	+64.0	2006/07 Market income budget was reduced based on the 2005/06 outturn (June 2006, £14k). Members also approved in June, reduced market pitch scheme, which was intended to increase the number of pitches occupied and increase the level of income. (Hitchin Tuesday market increased by 6% and Saturday by 15%). The projected income loss is based on the scheme being in place August to January. The cost of the scheme for 6 months is estimated to be £37k, which is higher than the £31k for 6 months approved by Cabinet on the 27 th June 2006. (The cost of implementing the reduced scheme for a full 12 months is estimated to be a loss of £74k.). A further calculation has been carried out to estimate the likely income loss if the scheme had not been introduced, this was estimated to be £27k. This loss is estimated to be on-going in future years. April 2005 Hitchin stall utilisation for Tuesday and Saturday was 7.6% higher than in April 2006, (excluding casuals). An update will be reported back to Cabinet in December. There is an advertising budget of £24k to promote markets across the District.	+30.0

Expenditure/ Income	Variance £'000	Explanation	Saving in 2007/08 onwards
Fly Tipping on Farm Land	30.0cr	The budget of £35k was approved 2005/06 growth, however this budget has under spent. Information flyers have been sent to Parish Council's only £2k has been spent to date and the number of enquiries are low. It is anticipated that the spend for the rest of the year is estimated to be £3k. This budget could be reduced by £30k in 2007/08 onwards based on current trends. There is a risk that the reduced budget could be exceeded, however this is not in line with current trends. This potential budget saving will be included within the December report of service and financial savings options for Member approval.	
Graffiti budget	15.0cr	The budget of £45k (£15k staff to administer the scheme and £30k value of works.) is likely to under spend by £15k based on current trends (£5k works spent to date). Furthermore, some costs have been recovered from third parties. The level of projected spend (£15k) is not commensurate with the cost of staffing and from 2007/08 onwards a reduced level of activity can be managed from existing resources, resulting in a £30k saving for 2007/08. This potential budget saving will be included within the December report of service and financial savings options for Member approval.	
Cost of Democracy 2006/07 saving	+50.0	Members approved a £50k saving from Cost of Democracy. The Area Governance report will report back to Cabinet, identifying how the saving can be achieved. However, the saving is unlikely to be made in 2006/07.	
Off Street Parking Charges & permits	+99.0	At the 1 st quarter, parking income was reported to be down by £95k, of which £65k related to the charges being introduced in May and June and not the anticipated April start. Charges were increased by an average of 40% in total, however increases varied from 17% to 67%, depending on the level of stay. Analysis of the April to September income shows that the number of tickets are down by 40,000 for the same period in 2005/06. Furthermore the average ticket price has not increased by 40%. For the period July to September (when all price increases came into force), prices increased on average by 27.58%. Further work is being carried out to establish where this loss is on-going and the effect on future years budgets.	
Office Accommodation - maintenance	+15.0	Members approved at the 1 st quarter an increase in repair costs of £46k (which included essential works to the boilers at the Town Hall of £18k). A further £15k is required to progress works to the Town Lodge post room and Document image processing (DIP) facility.	

Expenditure/ Income	Variance £'000	Explanation	Saving in 2007/08 onwards
Office Accommodation- Other hired services	+19.0	The review of the viability of Baldock Town hall for community or commercial use arose as a key action from the Baldock Town Centre strategy. Although it explores the future of a Council asset the cost of the review cannot be treated as a capital item and therefore has to be funded from revenue.	
Concessionary Fares	+83.0	The concessionary fares methodology of payment to bus operators has changed to reimbursement based on usage. Early indications from consultants advising on the new arrangements are that NHDC's contribution will increase. The projected outturn figure may change as more usage information is gathered by the consultant from the operators. The cost of Concessionary fares scheme was recognised as a risk as part of the 2006/07 General Fund budget setting process and this risk has now materialised and will impact on future years budgets. The cost of the scheme is estimated to be 13% higher in 2007/08 rather than the previously estimated 5%, negotiations are still ongoing.	+158
Public Transport- Subsidised Bus Routes	24.0cr	Hertfordshire County Council (HCC) had initially indicated a higher increase in costs as a result of the renewal of bus contracts. This increase has failed to materialise and impact is a reduction in the subsidised bus routes budget. Members will be aware that this service is a savings option contained with the service and financial planning process for 2007/08. (SG20). The reduction in costs and reduction to base of £24k for future years will reduce the savings option by the same amount. Members are advised that the savings option will be reduced by £24k on a full year basis.	24.0cr
Other variances	14.0cr	Other variances across directorates	145.0cr
Total increase in General Fund Expenditure	+247.0		+19.0

4.2

The total increase in General Fund expenditure is £247k for 2006/07, these variances have been investigated to determine whether they are of a one off nature, or whether they impact on future years spend. The impact of the variances on the 2007/08 budget are a reduction in expenditure or an increase in balances of £19k. However included within this is a 2007/08 one off saving of £61k (included within 'other variances across directorates'). The saving of £61k relates to the delay in the roll out of compost bins across the district to flats (3,500 bins), this is dealt with in more detail in paragraph 4.15.

- 4.3 Included within the 2007/08 budget adjustments are savings relating to reduced CCTV costs. Members were advised at the 1st quarter of savings of £28kcr on CCTV as a result of lower control room costs, the saving is now projected to be £33k an increase of a further £5k. At that time officers did not know the effect on future years budgets. A review of costs has determined future years savings of £35k, (included in 'other variances' for 2007/08).
- 4.4 Members are asked to note the increase to the 2007/08 budget of £19k identified in table 1, of which £61k reduction is a one off saving in 2007/08. There is an increase in expenditure of £80k from 2008/09 onwards. This excludes any adjustment to future years parking income budgets, which are currently being reviewed.
- 4.5 At the Cabinet meeting held on the 14th October 2006, Members resolved that 'the request for a revenue budget to be established for minor remedial works to the Public Conveniences at Howard Park and Gardens, estimated at £10,000, be deferred and considered in conjunction with the half yearly report on the Revenue Budget, due to be submitted to the next Cabinet meeting on 14 November 2006'. In view of the overspend currently projected on the General Fund for 2006/07, Members are asked to recommend that officers review existing budgets to fund the additional £10k and report back to Members as part of the next budget monitoring report in February 2007.

Trading Accounts-Income and Expenditure

- 4.6 The one remaining trading account, Careline, has a 2006/07 projected deficit of £31k, an increase of £9k over the working budget of £22k deficit.
- 4.7 Members will be aware that at the 1st quarter a request for two additional staff to help meet the target for critical calls answered by Careline within 60 seconds was approved. This increased Careline expenditure by £14.5k in 2006/07, (part year cost).
- 4.8 At the 2nd quarter Careline costs are projected to increase by a further £14k to pay for sickness and absence cover within the unit. The additional cost of the staff has been partly offset by an on-going review of income. Income is projected to increase by a further £5k. Members are asked to approve the additional cost of £9k which is an additional cost to the General Fund and is contained within 'other variances' in Table 1 paragraph 4.1. A strategic priorities fund bid of £5k has been approved by Corporate Management Team to fund an investigation and preparation of proposals for the most appropriate and cost effective method of operating the Careline service in future.

Carry Forward Budgets

- 4.9 There are a total of £772k carry forward budgets of which £295k relates to Area Committee and visioning budgets.
- 4.10 The carry forward budgets are given a traffic light code to signify whether there is a problem with spending or completing the project. Budgets at amber or red status are detailed in Table 2.

Table 2-Carry Forward budgets at Amber or Red Status

Carry Forward	Amber/ Red	Budget £'000	Reported under/ over spend	Explanation
E Market Place	A	5.9	0	At the 1 st quarter Members were advised that, the software could not be installed until the Council's financial ledger, (INTEGRA) has had the latest upgrade installed. The order for the upgrade work has been placed and is awaiting a delivery time from the supplier. It is envisaged that the upgrade on INTEGRA will be implemented in 2006/07.
Environmental Improvement Grants	A	6.8	2.5cr	At the 1 st quarter Members were advised that some schemes were unlikely to be completed by September. One scheme was not started and an under spend of £2.5k has been included on the General Fund for the 2 nd quarter.
Luton Airport	A	23.0	0	At the 1 st quarter Members were advised that costs of £16k have been spent on retaining consultants to assess Luton Airport phase One, on the planning application which is due to be submitted in 2007. No further costs may be spent in 2006/07, as phase two; the public enquiry, which will require further engagement of consultants, may not commence until after April 2007.
CCTV Equipment & Repairs	R	7.0	7.0cr	As a result of a reduction in control room costs (see paragraph 4.3), this carry forward budget is not required and the budget under spend has been included in the 2 nd quarter General Fund projected outturn.
Total		42.7	9.5cr	

- 4.11 The carry forwards include Area Committee budgets which are committed but not yet spent. As at the 30th September £90.9k of the £295k had been paid.

2006/07 Savings

- 4.12 The Savings and Growth budgets are also given a traffic light code to signify whether there is a problem with spending or saving the budget. At the 1st quarter, four savings options were at red status and four at amber status. Budgets at amber or red status are detailed in Table 3 below.

Table 3-Savings Budgets at Amber or Red Status

Savings Option	Amber / Red	Budget £'000	Reported under/ over spend	Explanation
Cost of Democracy savings option	R	50.0	+50.0	As reported at the 1 st quarter further work is being carried out on this option and the Area Governance Report will be presented at the December Cabinet. However any savings options implemented are unlikely to generate a saving in 2006/07.
Transfer of Hitchin Town Hall to a third party	R	29.0	+29.0	As reported at the 1 st quarter further work is being carried out on this option. The additional cost has been added to the 1 st quarter General Fund projection and a similar sum has been assumed for 2007/08. It is envisaged that the transfer should take place by September 2007.
Transfer of Bancroft Hall to a third party	R	2.7	+2.7	As reported at the 1 st quarter further work is being carried out on this option. The additional cost has been added to the 1 st quarter General Fund projection. It is envisaged that the transfer should take place by March 2007.
Increase in Parking Charges by an average of 40%	R	353.0	+177.0	At the 1 st quarter an underachievement of £82k was reported, excluding parking permits, (see also table 1). This was partly due to the introduction of increased parking charges in May and June. However a review of income to date has shown that the average ticket price has not increased by 40% on average but by 22% in Royston, 26% in Letchworth and 31% in Hitchin for the period July to September. Further monitoring of income is being carried out to determine whether ticket prices will increase for the rest of the year or whether a reduction in the base is required for 2007/08. the situation is exacerbated by a number of machine break-ins resulting in the loss of income.
Increase in Parking Season Tickets by an average of 40%	A	46.0	+16.0	At the 1 st quarter an underachievement of £13k was reported, this was because the increased charges were not introduced until the end of May. A further £3k loss has been projected at the 2 nd quarter, however, this budget will be monitored closely to determine whether a base adjustment is required for 2007/08.

Savings Option	Amber / Red	Budget £'000	Reported under/ over spend	Explanation
Overnight Parking Charges	R	13.7	See parking charges	This savings option was not implemented and has therefore impacted on the amount of off street parking income collected. The reduction in income is include within the parking charges losses of £177k.
Burial charges increased by 5%.	A	15.0	+9.0	Burial income is currently projected to be lower by £9k on the original budget. This budget will require close monitoring to identify whether income increases for second half of the year. This may impact on 2007/08 savings option put forward to increase burial income by 24%.
Charging for pre-application advice	R	20.0	+10.0	At the 1 st quarter the underachievement of £10k was reported. Members were told that fees would be introduced in September to coincide with the introduction of the s106 Supplementary Planning Document (SPD) due to be approved by Cabinet on 12 September. However the charges are now to be implemented on the 2 nd November.
Income from the Gambling Act	A	10.0	0	As reported at the 1 st quarter the legislation for the Gambling Act, (including pricing structure), has yet to be published. At present it is not possible to confirm that this saving will be achieved . If legislation is delayed the savings option may not be achieved in 2006/7.
Other Savings options	G	890.2	0	All other savings options are at green status.
Total		1429.6	+293.7	

- 4.13 The underachievement of savings options is £293.7k or 20% of the total for 2006/07, however, £193k or 13.5% relates to parking savings options. Officers will be assessing the October and November parking income to determine whether parking income has increased more than for the period June to September. This will determine the likely impact the reduced parking savings will have on future years budgets.

2006/07 Growth

- 4.14 At the 1st quarter there was one growth bid at red and two at amber status. Budgets at amber or red status are detailed in Table 4.

Table 4-Growth Budgets at Amber or Red Status

Savings Option	Amber / Red	Budget £'000	Reported under/ over spend	Explanation
Enforcement of Licensing Act	R	8.0	8.0cr	This underspend was reported at the 1 st quarter. The anticipated work load has not materialised and the staffing budget will not be spent. This growth bid will be 'returned' and offered as a saving in 2007/8. The growth bid in 2006/07 has contributed towards the vacancy control target.
Extension of Compost Scheme	A	381.0	104.0cr	In June, Members were advised that the growth bid for extending the compost scheme by 20,000 bins is now estimated to be 16,500 for 2006/07. The remaining 3,500 bins (relating to flats) are not likely to be rolled out until the building of a new processing plant, (which is now likely to happen in 2007/08). It is understood that planning permission has not yet been granted for the new plant enabling kitchen waste to be taken. The saving relates to £57k for the 3,500 bins and £47k for the start in May rather than April for the remaining 16,500 bins.
Private Sector Stock Survey	R	35.0	+8.9	At the 1 st quarter Members were advised the actual cost may be £20k higher than originally estimated. However the actual stock condition survey costs were £8.9k higher than estimated. The shortfall has been funded from under spends elsewhere.
Revenue implications of capital programme for 5 additional CCTV cameras	R	15.0	15.0cr	At the 1 st quarter Members were advised that a new partner was coming on board to share the CCTV control room costs, which should see a fall in costs. (see also paragraph 4.3). The reduction in control room has materialised and the growth bid is no longer required and has been reported as an under spend at the 2 nd quarter.
Other Growth Budgets	G	157.0	0	All other growth bids are at green status
Total		596.0	118.1cr	

- 4.15 Growth bid expenditure is projected to be £118.1k or 19.8.% under spent on the original total of £596k for 2006/07. The extension to the composting scheme impacts on future years budgets. To date the required processing plant has yet to receive planning permission and the current estimate for putting the 3,500 bins to flats into circulation is September 2007. This should result in a £23.5k saving in 2007/08, plus a further £37.7k in net income (recycling credits less processing costs), for the period April to August. When the processing plant is in use, the Council will not benefit from the net surplus of recycling credits less processing costs for composting. This reduction had already been factored into the 2007/08 budget.

Vacancy Control

- 4.16 As part of the 2006/07 General Fund budget setting, the vacancy control target was increased from £250k to £350k. To date the target has been exceeded by £79k. this will be used to fund the Strategic Priorities Fund (up to a total of £100k), as the Council no longer budgets for this expenditure.

Strategic Priorities Fund

- 4.17 One of the carry forward budgets was £100k for strategic priorities fund, which was funded from vacancy control in 2005/06. All bids should be of a one off nature and may arise as a result of an FSR and ideally be of an invest to save nature. CMT are tasked with scrutinising bids and allocating funds. In the second quarter there were bids of £57.47k approved.

Effect of 2006/07 Net Expenditure on the General Fund Balance at 31st March 2007

- 4.18 The General Fund balance as at 31st March 2007 is estimated to be £1.972million as detailed below in Table 5. This is £247k lower than the £2.219million reported to Members as part of the 1st quarterly monitoring report, however the 2007/08 General Fund budget has decreased by a further £62k.

Table 5 Calculation of General Fund Balance at 31st March 2007

	Variance £'000
Balance Brought Forward (1/4/2006)	3,882cr
Projected Net Spend (including Parish Precepts)	18,509
Precept Receipts	16,312cr
Contribution from LSVT reserve	320cr
Contribution to Collection Fund	33
Balance Carried Forward (31/3/2007)	1,972cr

Treasury Management

- 4.19 The Treasury Statement in Appendix A details the activity of the Treasury function in the current financial year for the 2nd quarter until the end of September. The total interest generated from investments is expected to be in the region of £3.43million, this projection is the same as at the 1st quarter and £15k more than the figure in the Original estimates.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications at this stage although Members are reminded of the duty to set a balanced budget and maintain a prudent balance.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 There are no direct financial implications at this stage, members have been advised of any variations from the budgets and of any action taken by officers.

- 6.2 The 2006/07 projected General Fund balance is £247k lower than that reported at quarter 1 and £263k lower than included in the 2007/08-2011/12 budget strategy. The

projected balance of £1.972million exceeds the recommended 5% balance of net General Fund expenditure.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 Although there are no direct human resource implications at this stage care is taken to ensure that where savings proposals or service reviews may effect staff appropriate communication and consultation is provided in line with HR policy.

8. RECOMMENDATIONS

- 8.1 Members are requested to ask any questions which may arise from the report's contents and note this report.
- 8.2 Members are requested to approve the changes to the 2006/07 General Fund budget identified in paragraph 4.1, table 1, of £247k additional expenditure.
- 8.3 Members are requested to approve the increase in expenditure identified in paragraph 4.1, table 1 to the 2007/08 General Fund budget of £19k and thereafter an increase of £80k .
- 8.4 Members are requested to recommend that officers review existing budgets to fund the additional £10k and report back to Members as part of the next budget monitoring report in February 2007, (paragraph 4.5 refers).

9. REASONS FOR RECOMMENDATIONS

- 9.1 Members are able to monitor and request appropriate action of Directorates who do not meet the budget targets set as part of the Service and Financial Planning process.
- 9.2 Changes to the Council's balances are monitored and approved.

10. CONTACT OFFICERS

- 10.1 Clare Fletcher –Accountancy Manager Tel 474470, e-mail [clare.fletcher @north-herts.gov.uk](mailto:clare.fletcher@north-herts.gov.uk)
- 10.2 Contributors – Kerry Shorrocks – Head of Human Resources Tel 474224

Frances Bogie – Head of Legal & Democratic Services Tel 474460

11. BACKGROUND PAPERS

- 11.1 Estimates 2006-07
Statement of Accounts 2005-06
Budget Strategy Report 2006-07

12. APPENDICES

- 12.1 Appendix A - Treasury Management

APPENDIX A

Treasury Management Activity for 2006/07 April - September

1 Introduction

1.1 This Treasury Statement details the activity of the Treasury function in the current financial year for the second quarter until the end of September.

2 Portfolio Position

2.1 Loans Outstanding as at 30/09/06

	Amount £	Average Interest Rate %	Cumulative Rate %
Public Works Loans Board	4,602,548	8.13143	8.9437
Over 1 year	1,000,000	10.125	10.09
“Disregarded” Debt	914,500	5.4394	5.3594
Temporary Loans 364 Days and under	-		
	<u>6,517,048</u>	<u>8.1887</u>	<u>8.5184</u>

2.2 Investments as at 30/09/06

	Amount £	Average Interest Rate %
Managed by NHDC		
Banks	30,000	3.25
Building Societies	11,950,000	4.81
NHDC Total	7,420,000	4.81
Managed by Sterling		
Banks	5,750,000	4.594
Building Societies	24,250,000	4.790
Sterling Total	30,000,000	4.749
Managed by Tradition		
Banks	7,500,000	4.69
Building Societies	22,500,000	4.815
Tradition Total	30,000,000	4.782
TOTAL	<u>71,980,000</u>	<u>4.768</u>

3 Loans Received and Loans Repaid 1st April 2006 to 30th Sept 2006

3.1 Loans Received

No new loans were taken during the period.

3.2 Loans Repaid

Month	AMOUNT £	TERM	LENDER	RATE %
July	68,771	Annuity	PWLB	Various
Sept	30,375	Annuity	PWLB	Various
	<u>99,146</u>			

3.2.1 The total of loans maturing in the year is £396,923. This is made up of £196,923 PWLB and £200,000 of disregarded debt.

4 Interest Paid and Received 1st April 2006 to 30th Sept. 2006

4.1 Interest Paid

4.1.1 The table below details interest paid during the 2nd Quarter.

Lender	Date of Loan	Interest Paid	Int Rate %	Loan O/std 30/09/06
	£			%
PWLB	Various	193,092	Various	4,602,548
LOBO	07/11/91	50,764	10.125	1,000,000
"Disregarded" Debt	18/10/89	24,584	5.4394	914,500
		<u>268,440</u>		<u>6,517,048</u>

4.1.2 The total interest payable during the year is approximately £532,814. This is made up of £385,059 PWLB, £101,250 Lobo and £46,505 disregarded debt.

4.2 Interest Received

4.2.1 The tables below detail the total interest generated from investments placed between 1st April 2006 and the 30th Sept 2006 and average interest rates.

	Interest Accrued to 30 th Sept	Interest Rec'd Sept
NHDC	56,453	199,707
Sterling	513,436	186,998
Tradition	576,114	130,845
Total	<u>1,146,003</u>	<u>517,550</u>

	Ave Int Rate Deals made in 1 st Qrt	Ave Int Rate Deals made in 2 nd Qrt
NHDC	4.57	4.80
Sterling	4.77	4.98
Tradition	5.11	5.17

4.2.2 Sterling compare the average interest rate achieved against the average 3 Month LIBID rate. This was 4.83%

4.2.3 Tradition compare the average interest rate achieved against the average 7 Day Notice rate. This was 4.67%

4.2.4 NHDC manage the day to day cash flow of the Council. Investments are matched to expenditure and are usually for short periods of time. Sterling and Tradition are not constrained in the same way and are able to take advantage of higher rates when they arise.

4.2.5 There was quite a range of average rates of interest for investments made in the second quarter. NHDC were restricted to very short deals to meet cashflow demands which yield lower rates. Interest rates rose during the quarter with the 6 month rate rising from 4.80% to 5.16% and the year rate rising from 5.00% to 5.28%. Rates for shorter periods also rose which has an impact on NHDC deals which are relatively short term and made to meet outstanding commitments. The month rate rose from 4.65% to 4.92%.

- 4.2.6 The total interest generated from investments is expected to be in the region of £3.432M as reported at first quarter. This is an increase on the original estimate of £0.015M. The projected outturn figure will be monitored monthly and reported at the third quarter.
- 4.2.7 Base rate rose to 4.75% in August and it is anticipated to rise again in November. The market has already built this rise into the rates on offer.
- 4.2.8 Despite the increase in interest rates, the estimated interest for 2007/08 could be overstated by £139K. There has been a decrease in balances available to invest in house to meet day to day cashflow and this will mean reducing the level of funds placed by the cash managers to meet the shortfall.

TITLE OF REPORT: DISPOSAL OF LAND AT POCKET PARK, DARK LANE, SANDON

REPORT OF THE HEAD OF FINANCIAL SERVICES
PORTFOLIO HOLDER: COUNCILLOR T.W. HONE

1. SUMMARY

- 1.1 That Cabinet considers declaring as surplus to requirements an area of land adjacent to 27 Dark Lane, Sandon to North Hertfordshire Homes Ltd (NHH).
- 1.2 To seek the Cabinet's agreement that subject to being surplus to requirements the site is disposed of at discounted value to North Hertfordshire Homes Ltd.

2. FORWARD PLAN

- 2.1 This report contains a recommendation on a key decision that was first notified to the public in the forward plan on the 1st September 2006.

3. BACKGROUND

- 3.1 The land was previously used as sewage works prior to the new sewage treatment plant being installed alongside. Since then the site is being used as a pocket park; an enclosed grassed area with trees and bushes and two bench seats. The area of the site is 2,140 sq. metres.
- 3.2 The area has been investigated for existing need by the Authority's officer led Housing Development Group, (rural housing needs survey October 2004), and it has explored options with NHH for their development of part of the site for the provision of affordable housing.
- 3.3 The site is located within the village boundary therefore it is not an exception site. Consideration to be given to the nature of the previous use of the site i.e. former sewerage works site, therefore issues relating to contamination will need to be resolved. Located on the far corner of the site is a small pond area, this has no known use i.e. not used by the new sewerage works adjacent to the site.
- 3.4 The proposal for disposal at discounted value to North Hertfordshire Homes Ltd was put to the Baldock and District Area Committee on the 25th September 2006 as part of the agreed consultation process. The views of the Area Committee are outlined in section 8 of the report.
- 3.5 Issues to be addressed are site history, redevelopment proposal, alternative sites and estimated discount value.

4. ISSUES

- 4.1 The site comprises a pocket park adjoining 27 Dark Lane, Sandon; a small area of grassed land maintained by the Parish Council. Trees and shrubs surround the site with a tracked access between the site and 27 Dark Lane, servicing the properties in 17 to 27 Dark Lane (6 properties). Actual site boundaries, measuring 2,140 sq. m., shown on plan titled 'Land Disposal (Pocket park area), Appendix A.

- 4.2 The October 2004 Housing Needs Survey for Sandon Parish demonstrated a total need within 5 years of 12 one or two-bedroom houses or flats. The proposal by NHH is to build 6 new general needs properties on part of the site, 1,070 sq. m., as follows:
- 2 x two-bedroom 4 person houses
 - 4 x one-bedroom 2 person houses
- (together with associated public areas, car parking spaces and garden area, and an improved smaller pocket park facility on the remainder of the site, 1,070 sq. m)*
- 4.3 The one-bedroom houses will be capable of conversion to two-bedroom 4 person houses in the future. NHH will build the houses to eco-standard 'Very Good', this will include consideration for;
- building orientation
 - solar heat gain design
 - individual wind turbines and if practicable
 - grey water recycling systems.
- 4.4 NHH originally considering three potential sites – land on Dark Lane, land next to the vicarage on Payne End, and a former dairy outside the village envelope. Since that date a further site at Rushden Road, which may be sold privately at below market value, is being considered.
- 4.5 NHH have reported that in planning terms the former dairy site is unacceptable and the land next to the vicarage on Payne End is unaffordable. Negotiations for the Rushden Road site are proceeding and if successful this will provide a similar number of units (6) to that at Dark Lane.
- 4.6 In accordance with the Housing Association Partnership Agreement the nomination agreement between NHDC and NHH for general needs accommodation will be 100% on first lettings and 75% thereafter.
- 4.7 Freehold transfer is proposed at £178,500 (averaging £29,750 per building for 6-plot site, final values to be confirmed). This is £178,500 below the estimated disposal value of £357,000, a 50% discount.

5. LEGAL IMPLICATIONS

- 5.1 Section 25 of the 1988 Local Government Act consents the disposal of land to registered social landlords at less than market value for the development of housing, other than housing for outright sale.
- 5.2 The expansion of the 1 bedroom units to two-bedroom units will occur within the same building footprint (i.e. extending into the roof space), therefore no additional land take will be required. The Council will protect itself from loss of capital value should the remaining pocket park be developed at a later date.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 Current practice with land transfers to RSL's is disposal in a range of £10,000 to £30,000 per residential plot while average values of support towards RSL development in the region is currently £30,000 per plot and rising. Based on current plot values the level of discount/support for the site is £29,750 per dwelling.
- 6.2 Provision has been made in the capital programme for a grant contribution of £180K in addition to any land discount. This grant is to pay for the discounted land, so the total subsidy required for this project will be £357,000.

6.3 If the site were sold at full market value the total sale value would be available for capital purposes. If the site was sold at open market value it is difficult to predict whether RSL's could compete with private developers or be able to fund developments on the site without similar local authority support to that shown in paragraph 6.2.

6.4 Risks identified with the project are that planning consent may be withheld and failure to obtain total funding for the project. Officers at both NHDC and NHH have been working closely on the proposed development to reduce the risk of scheme failure.

7. HUMAN RESOURCE AND EQUALITY IMPLICATIONS

7.1 There are no human resource or equality implications arising from this report.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

8.1 The Council's Asset Disposal Strategy, approved July 2004, sets out that consultation should follow the following process; *"the relevant Ward Members will be consulted on any proposals and consideration be given to wider community consultation. Following consultation a report on the officers recommendations will be presented to the appropriate Area Committee for their views before seeking approval from the relevant delegated Member or Committee"*.

8.2 Project consultation has been undertaken between North Hertfordshire District Council, North Herts Homes, the Rural Housing Enabler (working for the Community Development Agency) and representatives of the Parish Council. The scheme has been produced to meet the needs of both Parish and District, the principles of the proposed scheme have yet to be agreed by all parties.

8.3 The views of the Ward Member and the Baldock and District Area Committee were sought on 25th September 2006. As the Ward Councillor for the area, Councillor S.K. Jarvis acknowledged the need for affordable housing provision in Sandon, but informed the Committee that the land was currently well used by younger children from that part of the village for play. In light of this, Councillor Jarvis stated that he would be reluctant to see the land disposed of as proposed, without being absolutely sure there were no suitable alternative sites in and around the village.

8.4 In response to questions from the Area Committee, the Head of Financial Services stated that NHH had investigated alternative sites in the village, but that none had been suitable for this development. He also drew to the Committee's attention the fact that only half of the current site would be developed for affordable housing, with the rest remaining as a pocket park, maintained by NHH.

8.5 The Area Committee recommended to Cabinet, minute 47, 'that North Hertfordshire Homes Ltd (NHH) be asked to undertake a further review of potential development sites in and around the village of Sandon for the provision of affordable housing, to determine the necessity of the loss of this important community facility; and

That the outcome of the review be brought to a further meeting of the Baldock & District Committee for discussion and comment prior to determination of the proposal for disposal by Cabinet'.

9. RECOMMENDATIONS

- 9.1 That, subject to the other suitable site, at Rushden Road, not being available, the site adjacent to 27 Dark Lane, Sandon, be declared surplus to the Council's requirements.
- 9.2 That, subject to the site being surplus to the Council's requirements, the site adjacent to 27 Dark Lane, Sandon, be disposed of to North Herts Homes Ltd. for the provision of affordable housing and a smaller improved Pocket Park, at a discounted value, subject to further negotiations on final valuations.

10. REASONS FOR RECOMMENDATIONS

- 10.1 The site is capable of development for the provision of 6 affordable houses by the RSL with the Authority benefiting from nomination rights to meet local need.
- 10.2 It is difficult to predict whether RSL's could compete with private developers or be able to fund development on the site that is capable of being sold at open market value without similar local authority support to that planned.
- 10.3 The project provides sustainable development by the improvement and retention of a pocket park and the provision of 6 eco-standard residential units.
- 10.4 Section 25 of the 1988 Local Government Act consents the disposal of land to registered social landlords at less than market value for the development of housing. The discount proposed for the site is within current authority practice.

11. ALTERNATIVE OPTIONS CONSIDERED

- 11.1 Not develop the site for affordable housing but sell for private development by tender.
- 11.2 Not develop the site at all.

12. APPENDICES

- 12.1 Appendix A – Existing site plan of the land adjoining 27 Dark Lane, Sandon.

13. CONTACT OFFICERS

- | | |
|---|-------------|
| 13.1 Finance - Barrie Jones, Head of Financial Services, | Tel. 474243 |
| Legal – Edgar Howard, Assistant Solicitor, | Tel. 474585 |
| Property – Mabel Adjei-Barwuah – Senior Estates Surveyor, | Tel. 474320 |
| Housing – Alan Davey, Housing Strategy & Renewal Officer, | Tel. 474519 |

14. BACKGROUND PAPERS

- 14.1 Estates and Housing Development Group files and minutes.

TITLE OF REPORT: THE 2006 REVIEW OF THE CORPORATE PLAN 2005-2015

REPORT OF THE HEAD OF POLICY, PARTNERSHIPS AND PERFORMANCE AND THE CHIEF EXECUTIVE
PORTFOLIO HOLDER: COUNCILLOR A.D. YOUNG

1. SUMMARY

- 1.1 This report introduces the 2006 review of our Corporate Plan. It sets out relevant background relating to how our first Plan was published in 2005 and why it is necessary to carry out an annual review. The report seeks a resolution from Cabinet to pass the plan to Council for approval.

2. FORWARD PLAN

- 2.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 1st of June 2006.

3. BACKGROUND

- 3.1 Following our Comprehensive Performance Assessment (CPA) in 2004, one of the key improvements suggested to the Council was the publication of a Corporate Plan.
- 3.2 The CPA inspection concluded that, to an external observer, we did not appear to have a clear, ambitious, long term plan for our district. In particular, it was felt that there was no clarity around how we would develop North Herts as a place or series of interconnected communities.
- 3.3 Working with our partners in the Local Strategic Partnership (LSP) we developed a vision for North Hertfordshire which focused on the sense of place. We have used the strapline “Making North Herts a vibrant place to live, work and prosper” to capture the essence of our future aspirations and to communicate the message to our citizens, our partners and ourselves.
- 3.4 We also developed a mission statement to set out how we, ie NHDC, would contribute to the overall vision for the district. We have many partners and it is clear we all need to work together to deliver such an ambitious vision. Therefore, our mission statement sets out our intention “to work collaboratively with our partners to deliver the vision for North Hertfordshire”.
- 3.5 These notions of the vision for North Herts and the mission statement for NHDC were brought together with a set of 6 high level strategic objectives in our first Corporate Plan published in March 2005. The Strategic Objectives are wide-ranging but can be thought of in relation to creating communities that are:

- Sustainable
- Safer
- Healthier
- Equal
- Prosperous
- Satisfied

- 3.6 The vision, mission and strategic objectives are set out in **Appendix 1**.
- 3.7 The strategic objectives provide an anchor for all of our activities. They are used to assess the future actions we commit to and are a key element of the Service and Financial Planning Process where we evaluate our use of resources and prioritise and deprioritise the many activities and actions we deliver day by day.
- 3.8 The Corporate Plan sets out the detail relating to the strategic objectives and includes a number of specific actions, projects, targets, measures of success and performance, timescales and expected outcomes. All of these matters need to be regularly refreshed and updated. This will be done by reviewing the Plan annually and this report covers the first, 2006, annual review.
- 3.9 The Corporate Plan does not and cannot in any practical sense set out every single action the Council takes or is planning to take. It is intended to be a high level strategic document and should avoid becoming embroiled in excessive amounts of detail. However, the 2006 plan does make clearer references and links to other strategies and plans than the original 2005 document. Whilst the plan relates to our ambitions and aspirations as community leader in our locality, it also covers things that we have to do because of statute or regulation. We do not have an entirely free choice in what activities we do or do not carry out.
- 3.10 Actively focused on improving organisational effectiveness including any elements carried forward from the CPA Improvement Plan will form part of our ongoing work relating to Organisational Development
- 3.11 One of the most important things to do is to measure the success of our Plan and the impact of our actions in our communities. This is not an easy task. Success often depends on perception. Do our citizens feel we are doing the right thing? Do people feel our actions are contributing to a safer or healthier community? These perceptions can be measured by regular opinion surveys. We can draw on the results of the triennial Best Value survey which the Government ensures is carried out in all local authorities to provide national performance comparisons. As we are in a survey year the BVPI survey data is now quite old. Perhaps more importantly, we can use the results of our own Districtwide Survey which has been carried out every 2 years since 2002. In the 2006 Review, key results from the Districtwide Survey have been incorporated.
- 3.12 There are, of course, some specifics that can be clearly monitored and measured. When we say we will complete a specific project by a specific time we can say whether we achieved our goal or not. We can also set performance goals at a high level eg. improving the percentage of our performance indicators that are in the top quartile or at a more detailed level, eg. the number of planning applications processed within nationally set timescales. These more specific and detailed measures are regularly monitored by the Performance, Audit and Review Committee.

4. THE 2006 REVIEW

4.1 The draft document is attached as **Appendix 2**.

4.2 Following consideration by Cabinet and then PARC in December in relation to the monitoring arrangements any necessary amendments will be made and the document will then go to full Council as it is a (the) key policy document. The final draft may need to incorporate amendments necessitated as a result of decisions made during the current Service and Financial Planning Process.

4.3 When Council has finalised and approved the document it will be printed and published in the early part of 2007.

4.4 The foundations of the document remain the same. The long term vision for North Herts, the Council's mission statement and the 6 strategic objectives are all as before. There are new actions, measures of success and details of achievements since the Plan was first published last year.

4.5 One key change to the format involves highlighting some clear, simple messages about what we do and what we have achieved, throughout the Plan. As the attached draft has not yet been designed and laid out, it is difficult to present these messages in the text only draft. They are listed below for information and will be inserted at key locations throughout the finalised document.

- We aim to answer 80% of all enquiries with one phone, one e-mail or in one visit to our CSC.
- We will develop a comprehensive green spaces strategy to draw together and direct our work on parks and open spaces.
- We will prioritise our work on environmental issues.
- 95% of our residents say that North Herts is a good place to live and 87% of residents are satisfied with the way the Council runs things.
- We will continue to collect refuse efficiently and effectively.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications arising directly from this report.

6. FINANCIAL AND RISK IMPLICATIONS

6.1 The financial strategy of the Council has been developed to deliver the Council's objectives. Any re-alignment of its budget and reserves to meet changes in the Corporate Plan are carried as part of the Council's Service and Financial Planning process.

6.2 All risks identified in meeting the Council's objectives are registered and monitored as part of its risk management framework.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 As an investor in people, the aim is to maximise the contribution of our people (the most valued and costly resource we have) to enable the achievement of the Corporate Plan objectives. The Council's People Strategy which incorporates the Workforce Development Plan is designed to support the delivery of the Corporate Plan. In addition to this, the emerging Organisational Development Strategy is centred on improving leadership in order to support the delivery of the Council's strategic objectives.

8. CONSULTATION

- 8.1 The results of the 2006 Districtwide Survey have been used to inform this review of the Corporate Plan.
- 8.2 A sub-group of PARC, including the Chairman and Vice-Chairman, has been involved in discussing and drafting the document.

9. RECOMMENDATIONS

- 9.1 It is recommended that Cabinet consider, comment on and refer the 2006 Review of the Corporate Plan to Council for approval.
- 9.2 It is also recommended that Cabinet recommend to Council that any required final drafting amendments and other alterations that may be required as a result of the Service and Financial Planning Process be delegated to the Chief Executive, in consultation with the Portfolio Holder for Policy.

10. REASONS FOR RECOMMENDATIONS

- 10.1 The recommendations in Section 9 are made to enable Cabinet to forward a revised Corporate Plan document to Council for approval.
- 10.2 The Council is required to have a suitable high level strategic planning document and no alternative options are available.

11. APPENDICES

- 11.1 Appendix 1 – The Vision, the Mission and Our Strategic Objectives
Appendix 2 – Draft 2006 Review of the Corporate Plan 2005 - 2015

12. CONTACT OFFICERS

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13. BACKGROUND PAPERS

- 13.1 NHDC Corporate Plan 2005-2015
- NHDC Districtwide Survey 2006
- Various Performance and Statistical reports held by the PPP team.

The Vision for North Hertfordshire

Making North Hertfordshire a vibrant place to live, work and prosper.

The Mission for North Hertfordshire District Council

To work collaboratively with our partners and communities to deliver the vision for the district of North Hertfordshire.

Our Strategic Objectives

1. Sustainable Communities

Promoting sustainable development of the district to ensure we deliver adequate affordable housing, protect the environment and conserve the heritage of our historic towns and rural settlements.

2. Safer Communities

Encouraging responsible citizenship and creating safe communities with less crime and less fear of crime.

3. Healthier Communities

Promoting first class leisure and cultural facilities to contribute to healthy living for all of our citizens.

4. Equal Communities

Targeting resources at areas of disadvantage in the district to reduce social exclusion and improve the quality of life for everyone.

5. Prosperous Communities

Creating opportunity for all by promoting sustainable local economic development.

6. Satisfied Communities (originally referred to as listening to our communities)

Ensuring that we listen to our citizens and deliver responsive high quality, value for money, customer focussed services.

DRAFT

**NORTH HERTFORDSHIRE
DISTRICT COUNCIL**

CORPORATE PLAN

2005 – 2015

THE 2006 REVIEW

CONTENTS

Our District

Foreword by the Leader of the Council

Introduction

Our Achievements

Our Vision

Our Strategic Objectives

Our Priorities

Our Actions (to be completed)

Our District

The district of North Hertfordshire is an attractive area in which to live and work. It is located less than 40 miles from central London and has a population of 120,700. There are three historic market towns – Hitchin, Baldock and Royston – plus Letchworth, the world's first Garden City. The remainder of the district is rural, containing numerous established village communities.

In many ways, the district is a very good place to live and work. However, the district does have some small pockets where deprivation index scores are relatively high, and the impact of that deprivation is often heightened by close proximity to more prosperous areas.

The district has major north/south road and rail links. The A1M passes through the district and is a source of some congestion. East/west links are not so well developed, although the recent opening of the long awaited A505 by-pass has removed a major focus of traffic problems from the centre of the historic settlement of Baldock. As residential development could be significant in the near future, it will be important to encourage significant investment in ageing infrastructure.

North Hertfordshire is one of the more culturally diverse districts in Hertfordshire with a minority ethnic population of 10.6%. This comprises communities of African, Asian, Bangladeshi, Caribbean, Chinese, Italian, Pakistani and Polish origin. North Hertfordshire has a higher number of older people than the national average of 24% of the population, 34% of urban households and 43% of rural households include at least one person of retirement age or over.

Employment in the district is centred on distribution, hospitality, financial and business services.

Unemployment has declined over recent years and stood at 1.3% in early 2006, compared with 5.1% in the whole of the United Kingdom. This is a small reduction on the previous year.

The district's workforce is highly educated. A survey in 2000 revealed that 71% of residents had participated in job related training or learning in the previous three years. North Hertfordshire mirrors the County's high education standards. The proportion of students achieving five or more GCSE A* - C grade passes is above the national average (58.5% for North Hertfordshire against 51.19% nationally).

North Hertfordshire has a relatively low crime rate and has no areas with severe or longstanding crime and disorder problems. On the whole, it is one of the safest areas in the county to live, work and visit.

Smaller map than 2005 version

Foreword

By the Leader of the Council

Welcome to the 2006 Review of the District Council's Corporate Plan.

North Herts District Council published its first Corporate Plan in 2005. This high level strategic document set out our ambitions and aspirations for our district for the next 10 years – 2005 through to 2015. We have a clear vision for the area which involves Making North Hertfordshire a vibrant place for people to live, work and prosper. The vision is not just the District Council's vision, it belongs to and was created by all of the partners in our Local Strategic Partnership. The many agencies, organisations and individuals involved in the partnership are all working to achieve this vision for the place we live and work in. I believe we are making great strides towards delivering the vision, although we still have a long way to go. I am very encouraged by the results of our 2006 Districtwide Survey of public opinion where 61% of people feel our vision is a good thing. This compares to 45% answering the same question in 2004. This means we are moving in the right direction.

The Council's Corporate Plan focuses on what we will do to contribute to achieving the vision. We have 6 strategic objectives and again the Districtwide Survey shows that people feel these are important, relevant objectives and that we are being successful in achieving them. There is a detailed section on achievements in the first year of the Corporate Plan later in this document but I want to highlight some very significant successes here.

- In the Autumn of 2005 we successfully completed our largest ever capital project – the construction of a 21st century leisure facility for Royston.
- We have opened our new one stop customer service centre in Letchworth which will in time handle all of our front line enquiries. Our aim is to answer as many enquiries as possible in 1 visit, 1 phone call or 1 e-mail.
- We continue to seek external verification of our high standard of service delivery and have just achieved a Chartermark Award for our Revenues and Benefits service.

The many successes we have had in the past year are reflected in another important statistic from the 2006 Districtwide Survey – 87% of people surveyed are satisfied with the way we deliver our services.

As Leader of the Council it is down to me to ensure that we continue to be successful in the future and I am confident that we can improve still further and provide even better service to the citizens of North Hertfordshire.

F J Smith
Leader of North Hertfordshire District Council

Introduction

When the Council published its first strategic Corporate Plan in 2005, it undertook to regularly review the Plan. This is the first, 2006, review of the Plan.

It is necessary to regularly review the document and the commitments within it because over the 10 year period of the Plan, 2005 – 2015, things will move on. We have completed those actions that in 2005 were seen as short term and are already working on the medium and longer term items.

As we are now into the second year of the Plan, it has been possible to test public opinion on how we are doing and the key results from our 2006 Districtwide Survey of public opinion are an important element of this refreshed document.

There are more detailed sections on how we set our priorities and how we work with our partners. Our actions have been collated into a clearer format setting out what we intend to do, when it will be done and how we will measure performance and success.

We would welcome any comments or suggestions regarding our Plan and communications should be directed to -

Liz Green
Head of Policy, Performance and Partnerships
Liz.green@north-herts.gov.uk
01462 474230

Our Achievements

Whilst there is still much to do, the Council has achieved significant progress in the first full year of the 10-year Corporate Plan.

Recent Audit Commission figures show that NHDC has a higher than average percentage of Best Value Performance Indicators in the top quartile when compared to other authorities with a fair Comprehensive Performance Assessment rating. The Audit Commission has also confirmed that 50% of our performance indicators improved in the financial year 2004/05. Whilst we await external confirmation, we believe that this figure rose to 67% improvement in financial year 2005/06. This is a clear indication of the continuous improvement we believe we are making in all aspects of service delivery.

In relation to our use of resources, we continue to budget prudently, now looking forward 5 years in relation to our medium term financial strategy. We have delivered revenue efficiencies of around £1.5m in each of the last 3 financial years, whilst at the same time making a growth allowance of £500,000 so that we can re-allocate resources to our priority areas. The Council has to make decisions on the level of growth it can afford and for 2007/08 the growth allowance has been reduced to £250,000.

The views and perceptions of our citizens are critical to our success and we have recently conducted our biennial districtwide survey. This is a face to face poll with over 1,000 residents weighted to ensure a good statistical basis in relation to age, gender and ethnicity.

The survey has been in place for 5 years (3 surveys) and therefore we have good comparable data to consider in drawing up our priorities and actions.

The headline satisfaction rate with what the Council does is a very high 87%, although this is a slight fall from the 91% figure of the 2004 survey. Stated dissatisfaction is consequently very low at only 1%. When asked about specific services, almost all satisfaction scores increased.

When we look at specific projects and service improvements that have been completed since the Corporate Plan was first published, there are many notable achievements:

- The lack of a suitable leisure facility in Royston was dealt with by the opening of Royston Leisure Centre in September 2005. This was the Council's largest ever capital project.
- We have engaged in a 3-year partnership arrangement with Anite Public Sector to transform our approach to e-government and customer service.
- We invested £1.5m to modernise and improve the North Herts Leisure Centre in Letchworth.

- We opened a new one stop customer service centre in our main civic offices in Letchworth in September 2006. We are now able to provide a truly modern 21st century level of service to our customers.
- Our Planning Service received Government recognition of its efforts to improve the speed at which we determine planning applications. Our planning standards authority designation was removed.
- We achieved Level 3 of the Equality Standard for Public Authorities.
- We published and began to implement our social inclusion and rural strategies.
- We collected 99.5% of the Council tax due in the financial year 2005/06. This is amongst the highest performance in England.
- The Council was awarded a Chartermark for its Revenues and Benefits and retained the Chartermark for the third time in relation to Building Control Services.

The Vision for North Hertfordshire

MAKING

NORTH HERTFORDSHIRE

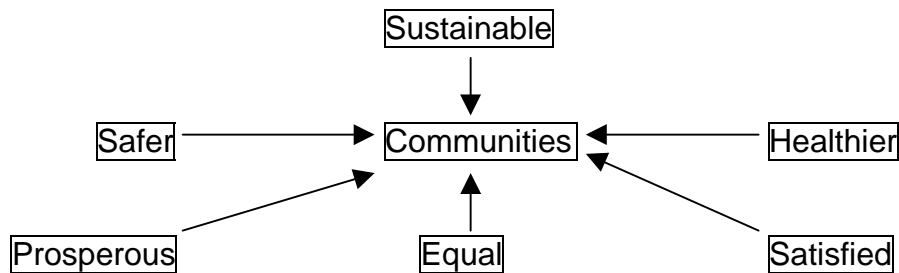
A VIBRANT PLACE

TO LIVE, WORK AND PROSPER

This is the vision for our District. This is not solely the Council's vision, it is the Local Strategic Partnership's vision. The partnership developed the vision statement in 2004 and this is used to communicate with our citizens and other partners. It encapsulates what the Partnership sees as the future for our district.

In many ways the district is already a good place to live and work. Although we do have pockets of deprivation, in general we are well placed in relation to the big issues that matter most to people. We have relatively low crime, it is a healthy place to live, education is good and unemployment is low. However, members of the partnership and the District Council in their role as community leaders want to do more for our communities.

In this Corporate Plan we have 6 areas of focus. These broad strategic objectives are intended to create communities that are sustainable, safer, healthier, prosperous, equal and in terms of service delivery, satisfied. The Strategic Objectives provide a framework and focus for the District Council's contribution to making the vision for the area a reality



This focus on communities chimes with some expected themes in the current review of local government being led by Sir Michael Lyons.

The full text of each Strategic Objective is set out in the following table.

<p>Safer Communities</p> <p>Encouraging responsible citizenship and creating safe communities with less crime and less fear of crime.</p>
<p>Sustainable Communities</p> <p>Promoting sustainable development of the district to ensure we deliver adequate affordable housing, protect the environment and conserve the heritage of our historic towns and rural settlements.</p>
<p>Healthier Communities</p> <p>Promoting first class leisure and cultural facilities to contribute to healthy living for all of our citizens.</p>
<p>Prosperous Communities</p> <p>Creating opportunity for all by promoting sustainable local economic development.</p>
<p>Equal Communities</p> <p>Targeting resources at areas of disadvantage in the district to reduce social exclusion and improve the quality of life for everyone.</p>
<p>Satisfied Communities</p> <p>Ensuring that we listen to our citizens and deliver responsive high quality, value for money, customer focussed services.</p>

The objectives are wide ranging and cover a number of areas. The following table sets out more detail on what each objective covers.

<u>Sustainable Communities</u> Development Affordable housing The environment Built heritage Waste and recycling Urban/Rural issues	<u>Safer Communities</u> Community Safety Rights and responsibilities Anti-social behaviour Local Democracy Positively engaging young people
<u>Healthier Communities</u> Sport and leisure Health Culture Museums and Galleries Public Halls Children's Play	<u>Equal Communities</u> Social exclusion Anti-Poverty Discrimination Equalities and Diversity Rural strategy
<u>Prosperous Communities</u> Economic development Town Centre issues Business development Sustainable growth Tourism	<u>Satisfied Communities</u> Customer care High quality services Performance and best value Value for money Communications

Safer Communities

North Hertfordshire is one of the safest places in the country to live and work. However, there are still pockets of crime or disorder which can affect the quality of life for some members of the community.

The Council recognises there are two sides to safer communities. Rooting out, punishing and eradicating criminality and anti-social behaviour must be balanced with the creation of a stable society and local communities that work with and for each other and play their part in local democracy and local governance. Emphasising rights and responsibilities with our young people in early education is as important as increasing elector turnout at local and national elections.

Residents rate Safer Communities as our most important strategic objective. 83% of residents surveyed in 2006 felt this was an important issue.

The Council works in partnership with many other local agencies and organisations to produce a Community Safety Strategy every 3 years. The current Community Safety Strategy was published in 2005 and will remain in place until 2008.

Some aspects of crime are reducing well. Burglary is a positive example. However, violent crime and youth disorder and anti-social behaviour are on the rise. The Council will make a strategic assessment of its use of CCTV in order to both deter disturbance and to capture evidence of criminality. We are using more mobile CCTV so that we can target hotspots, particularly in relation to anti-social behaviour. We will continue to pro-actively make use of both Anti-Social Behaviour Orders and Acceptable Behaviour Contracts.

The Council sees community safety and safer communities as much wider than just crime and disorder. Working with colleagues in the fire and rescue service we will continue to promote fire safety. North Herts has a significant number of deliberate primary fires and we will assist with fire safety and arson prevention campaigns.

Creating safer communities is not just about dealing with crime once it occurs, crucially it is about crime prevention and in a relatively low crime area such as North Herts it is about dealing with the fear of crime. Encouraging responsible citizenship and re-engaging all sectors of the community in the democratic process are also priorities. In 2006 we have worked with partners to engage young people in a youth council in Hitchin, 2007 will see the engagement of young people in Letchworth through a youth council and we move on to Royston in 2008.

Sustainable Communities

North Hertfordshire is an attractive place to live and work and the Council wants it to stay that way.

The Council views the creation and maintenance of sustainable local communities as one of its key priorities. In the 2006 Districtwide Survey 79% of respondents felt that our objective of Sustainable Communities with its emphasis on the environment, heritage and housing was important. It was ranked the second most important of our 6 strategic objectives.

We need to ensure that good quality affordable housing is available for the next generation of North Hertfordshire citizens, and that local employment opportunities are available to avoid increasing the level of commuter travelling with its consequent environmental impact. Our transport facilities have numerous problems and the A1M major north/south arterial route has been in need of upgrading and enhancement for many years. Whilst our recycling rates continue to improve we need to do even more to engage our communities in minimising the amount of waste sent to landfill.

The Council understands the critical importance of environmental issues and will explore what it can do locally to reduce our contribution to global warming and climate change. We will consider becoming signatories to the Nottingham Declaration on climate change and look at how we can actively work to deliver against environmental commitments. We will use the new local planning process – the Local Development Framework – in a way that promotes environmental protection and sustainability.

We face significant housing development in the near future. Much of this is likely to be to the West of the A1M. The Council has been consistent in its resistance to this development on our green belt. If the development goes ahead the Council will seek to ensure the creation of cohesive, sustainable communities. North Herts also lies between proposed airport development and expansion at Luton and Stansted. Whilst some development is inevitable, we will continue working to achieve the best possible deal for North Herts which has the least negative environmental impact.

Satisfied Communities

Our citizens and customers matter to us and we are committed to ensuring high quality, value for money services . We aim to continue to reduce our costs and ensure value for money through working with partners and investment in technology.

The 2006 Districtwide Survey tells us that most people are satisfied with the way the Council runs things and that a very large 95% of residents feel that North Herts is a good place to live. Whilst this is good news we want to do more.

In September 2006, we opened our new Customer Service Centre at our main office in Letchworth. We want to answer even more enquiries quickly and get things right first time. Customer satisfaction and the creation of satisfied communities is another of our highest priorities. In the last 12 months we have reviewed our core values and re-focused these around performance and customer care. The values are:

- Aiming to deliver what our customers want
- Delivering high quality services
- Striving to continuously innovate and improve
- Encouraging a listening and learning culture amongst our colleagues
- Promoting equality in service delivery and within our organisation

We want to see more of our performance indicators amongst the best in the country. We will strive to continuously improve both the services we deliver directly and the many services we enable through partnerships and contract arrangements.

Value for money is important and we remain committed to not increasing Council tax, in any year, by more than inflation +2%. We would prefer not to increase charges and Council tax but as our costs increase year on year we have to use increased charges alongside savings and efficiencies to ensure we keep our finances in balance.

We will look at reducing bureaucracy by rationalising the number of meetings we hold whilst alongside that promoting public attendance at meetings. We will also campaign for more people to use their vote in local and other elections.

Equal, Prosperous and Healthier Communities

Equality, prosperity and health are key to the quality of life for all citizens in North Herts. The district is fortunate to be well placed on all indicators used to measure our relative position on these matters. In the 2006 Districtwide Survey, many people indicated these were still very important objectives but creating Sustainable, Safer and Satisfied Communities were felt to be more important.

Although we will no longer attach the highest priority to our objectives of Equal, Prosperous and Healthier Communities they will not be abandoned. We will look for more innovative and creative ways of working with our partners on these issues. We will continue to maintain investment in our leisure contracts as the district council's main contribution to healthier communities. We will also continue to arrange and actively participate in many cultural activities such as our major music festival in Hitchin – Rhythms of the World.

In relation to equal communities, we will continue to try and target resources at pockets of deprivation in the district. We will continue to develop and implement our rural and social inclusion strategies. We will also continue to progress our work on the Equality Standard and firstly achieve Level 4 in 2007 and then aim for Level 5.

Prosperous Communities links directly to our aspiration for communities that are sustainable. As residential development increases we need to strive for increased local employment opportunities. We want to avoid dormitory settlements that lack any sense of a settled, sustainable community. We have produced a business directory and fund a local enterprise agency to encourage creation of new businesses within the district.

Sensitive and appropriate regeneration of our historic town centres remains a priority for the Council. We will continue to develop and implement town centre strategies that achieve this.

Our Priorities

It is difficult, if not impossible, for the Council to focus on all of its objectives at the same time. We have to be realistic and prioritise the work we do and the use we make of our limited resources. The Council must make choices over things it wishes to do now and those things that will be tackled later in the period of a 10-year Corporate Plan. There are many relevant factors in choosing priorities. The local, regional and national policy contexts are all important. Local political aspirations and the views of local people are even more important.

The Districtwide Survey 2006

Every 2 years the Council carries out a districtwide survey of public opinion.

When asked about the Vision for North Herts, 61% of respondents in the 2006 survey agreed that “making North Herts a vibrant place for people to live, work and prosper” will improve life for our residents. This is a significant increase from the 2004 figure of 45% agreement. Only 3% disagreed with the statement providing solid support for the overall strategic direction of the Council and the Local Strategic Partnership.

In relation to the Council’s Strategic Objectives, the survey identifies the following order of importance.

<u>Strategic Objective</u>	<u>% who felt this was important</u>
Safer	83%
Sustainable	79%
Satisfied	76%
Equal	72%
Prosperous	71%
Healthier	66%

In relation to specific services, the survey tells us that refuse collection, parks and open spaces, public car parks, recycling, street cleaning were also identified as important to the public.

Another key statistic in the survey shows that 95% of residents in North Herts are satisfied with their local neighbourhood as a place to live. Whilst this is a very high figure some areas for improvement do emerge around the following:

- improved public transport;
- increased facilities for teenagers
- improved parking facilities

In terms of overall perception, whilst in the main this was very positive the 2006 survey did show that some of respondents felt the Council was too remote and did not offer good value for money.

Political Priorities

Based on the information coming through from the districtwide survey, the Administration at the Council has been able to agree the following detailed set of priorities and high level projects.

Political Direction and Strategic Focus 2007/08

Within our overall strategic objectives in 2007 we will attach the highest priority to:

- Sustainable Communities
- Safer Communities
- Satisfied Communities

This recognises that 3 out of every 4 residents responding to our survey identified these 3 objectives as important.

To do this we will...

- Make it a priority to:
 - Safeguard the environment through the production of our new local planning framework
 - Improve safety through further strategic use of CCTV
 - Introduce enhanced recycling across the district
- Continue to increase efficiency and improve value for money by:
 - Reducing the number of Council committee meetings
 - Selling surplus property
 - Rationalising our office accommodation
- Continue to improve our services to customers by:
 - Extending the range of services available by telephone and through the internet
 - Improve our performance across a wide range of performance indicators
 - Seek financial support to refurbish Howard Gardens – the historic listed gardens in Letchworth.
 - Continuing to encourage and invest in affordable housing programmes

Areas Not Prioritised

Choosing areas to focus on within the overall framework of our 6 strategic objectives does not mean the remaining objectives suddenly become unimportant or irrelevant. We need to look at different ways of delivering

those objectives that we cannot prioritise at present. We may be able to work more with our partners or encourage more private sector involvement.

The strategic objectives of lower priority for 2007 based on the views of our residents are healthier, prosperous and equal communities. Whilst the Council will not look to have significant financial growth in any of these areas, the healthier community objectives does relate to some of the key areas of service the Council provide, including leisure and museum services.

In leisure, the Council has recently tested the efficiency of the service leading to the majority of the services being undertaken by specialist contractors and further resource efficiencies in the short term are unlikely. In relation to museums, the Council has carried out a fundamental review of the service and in 2007 will make a decision related to the level of provision in the future.

Significant expenditure on healthier communities is likely to continue for some time.

Our Actions

In order to deliver the strategic objectives and to progress towards the delivery of the vision for North Hertfordshire, the Council carries out a large number of activities each year.

The appendix to this Plan sets out a number of short term actions for completion in 2007 and also longer term aspirations which will develop over the length of the Plan.

The Council has a number of other strategic plans and these can be viewed on www.north-herts.gov.uk The main documents are:

- Community Strategy
- Community Safety Strategy
- North Herts Homelessness Strategy
- Housing Strategy
- Town Centre Strategies for Hitchin, Baldock and Letchworth
- Customer Care Strategy
- Procurement Strategy
- Local Development Framework
- Fuel Poverty Strategy
- Contaminated Land Strategy
- Car Parking Strategy
- People Strategy

CREATING SAFER COMMUNITIES

	Actions	Related Activity	Timescale
1	We will continue to work with partners to tackle crime and the fear of crime		Throughout the life of the Plan
		Hold 4 meetings of our Responsible Authorities Group	February, June, September and November 2007
		Hold at least 2 environmental action days annually	December 2006 and June 2007
		Pursue the targets in our Community Safety Strategy 2005-2008	Until 2008
		Plan for a further Crime Audit in 2008 and a renewed Community Safety Strategy	31 st December 2007
2	We will review our use of CCTV to ensure we have an effective strategic approach		31 st March 2007
		We will monitor hotspots in relation to low level crime and anti-social behaviour using our mobile CCTV facilities	Throughout the life of the Plan
		We will consider if further investment in CCTV is required and look at options for funding that once we have reviewed our strategic approach	30 th September 2007
3	We will continue to improve communication with our younger residents	We will form a Youth Council in Letchworth	31 st August 2007
		We will form a Youth Council in Royston	30 th November 2007
		We will work with schools to inform young people about both rights and responsibilities relating to, for example, participation in local democracy and the consequences of anti-social behaviour	Various dates throughout 2007
4	We will work with partners to contribute to the developing Children's Agenda	We will work to improve delivery of services for children and young people to meet the 5 outcomes of Every Child Matters	District Children and Young People's Plan will be complete by 31 st March 2007
		We will organise a range of year round children's play and sports activities	Throughout 2007
5	We will review the Council's enforcement activities		31 st March 2007

	Measures of Success	Notes and Links to Other Targets
1	Increase % of people who say they feel very or fairly safe when outside in their local area after dark from xx% in 2006 to xx% in 2009	Local Area Agreement target *
2	Reduce percentage of people surveyed who consider teenagers hanging around on the streets to be a big or fairly big problem in their local area from xx% in 2006 to xx% in 2009	Local Area Agreement target *
3	Reduce percentage of people surveyed who consider people being drunk or rowdy in public spaces to be a big or fairly big problem in their local area from xx% in 2006 to xx% in 2009	Local Area Agreement target *
4	Reduce percentage of people surveyed who consider vandalism, graffiti and other deliberate damage to property or vehicles to be a big or fairly big problem in their local area from xx% in 2006 to xx% in 2009	Local Area Agreement target *
5	A reduction in the total number of offences committed in North Herts	As measured by – a) The British Crime Survey; b) Police local performance indicators

* Awaiting confirmation of 2006 baseline data

CREATING SUSTAINABLE COMMUNITIES

	Actions	Related Activity	Timescale
1	We will safeguard the environment through the production of our new local planning framework		2010 Annual Monitoring Reports in December
2	We will carry out a fundamental service review of local transport arrangements		31 st March 2007
3	We will promote energy efficiency and the use of renewable energy	We will work with housing providers to ensure high standards in new development	Throughout the life of the Plan
		We will rationalise the Councils use of office space by relocation	2010
4	We will carry out a review of the condition of the private sector housing stock		28 th February 2007
5	We will implement a Houses in Multiple Occupation licensing scheme		Ongoing
6	We will seek financial support to refurbish Howard Gardens in Letchworth		31 st March 2007
7	We will revise our Housing Strategy Document and ensure clear linkages with our community strategy		2007
8*	We will aim to ensure that 60% of new development is on previously developed land by 2008/09		Throughout the life of the Plan
9	We will meet our target of enabling 500 new affordable homes by the end of 2008		31 st December 2008
10	We will develop a comprehensive Green Spaces Strategy		31 st December 2007
11	We will increase recycling	We will review our refuse collection service to ensure there are greater opportunities for recycling	30 th September 2007
		We will run targeted communications campaigns to encourage waste minimisation	Throughout 2007
12	We will implement our parking strategy		Throughout the life of this Plan

	Measures of Success	Notes and Links to Other Targets
1	Enabling 500 new affordable homes by 2008	2004/05 – 168 2005/06 - 149
2	Amount of waste recycled/composted to increase from 19.89% in 2004/05 to 31.4% in 2008/09	BVPI 82 (a) and (b) BV84 re total tonnage collected
3	We will meet national targets for BVPI 109 for speed of determination of planning applications a) 60% within 13 weeks b) 65% within 8 weeks c) 80% within 8 weeks	
4	Percentage of homes built on previously developed land to reach 60% by 2008/09	2005/06 – 53.25%

* Significant development on green belt land to the West of the A1M and elsewhere around Stevenage is likely to be imposed on the district so that will be excluded for the purpose of this calculation for this Plan.

CREATING SATISFIED COMMUNITIES

	Actions	Related Activity	Timescale
1	We will continue to improve customer service through our Service@North-Herts programme		
		Improvements to customer services throughout our partnership with Anite Public Sector	Contract to September 2008
		We will introduce more mobile and flexible working tailored to customer needs	Throughout 2007
2	We will look for increased performance on best value performance indicators		Annually
3	We will continually seek to improve efficiency and deliver better value for money		Ongoing
		We will achieve required Gershon efficiency savings	Each budget round
		We will limit Council Tax rises to a maximum of inflation plus 2%	East budget round
		We will rationalise our office accommodation needs by moving all staff to a single site	2010
		We will aim to reduce bureaucracy by reducing the number of committee meetings where appropriate	Civic year 2007 and beyond
4	We will consult extensively with our residents regarding their requirements and views		
		We will carry out a districtwide survey of our residents at least every 2 years	2008 2010 2012 2014
		We will fully participate in the national best value surveys carried out every 3 years	2009 2012
		We will continue to use our community magazine "Outlook" to deliver key messages to our residents	Quarterly
		We will publish our Communications Strategy	31 st March 2007
		We will actively encourage participation in local democracy	Throughout the life of the Plan
5	We will aim to answer 80% of enquiries in 1 visit, 1 e-mail or 1 telephone call		Throughout the life of the Plan

	Measures of Success	Notes and Links to Other Targets
1	We will maintain a general satisfaction level of above 85% as measured by the Council's districtwide survey every 2 years	2002 Districtwide survey – 78% 2004 Districtwide survey – 91% 2006 Districtwide survey – 87% This links to BVPI triennial survey. Note – the survey methods are different producing different results
2	An increase of 2% annually in the number of people voting in district council elections	2005 – 38.45% 2006 – 38.91%
3	An increase of 2% annually in the number of BVPIs in upper quartiles	2004/5 – 27% 2005/6 – available end of December 2006

CREATING EQUAL COMMUNITIES

	Actions	Related Activity	Timescale
1	We will continue to work towards the Equality Standard for Local Government		
		Achieving Level 4 Achieving Level 5	31 st March 2007 31 st March 2008
2	We will implement our social inclusion and rural strategies		In line with agreed timescales
3	We will increase choice for housing applicants by introducing a choice based lettings scheme		31 st March 2009

	Measures of Success	Notes and Links to Other Targets
1	Achieving the Equality Standard requirements on time	

CREATING PROSPEROUS COMMUNITIES

	Actions	Related Activity	Timescale
1	We will continue to encourage the creating of local businesses by working with our local enterprise agency – Stevenage Business Initiative		Ongoing
2	We will encourage improvement and where appropriate regeneration in all of our town centres		
		We will implement our Letchworth Garden City Town Centre Strategy	Adoption of strategy by 31 st March 2007
		We will encourage redevelopment in Hitchin Town Centre in line with the Council's development brief for the area	During 2007
		We will deliver our Town Centre Strategy for Baldock	31 st March 2009
		We will develop a Town Centre Strategy for Royston	31 st December 2007
3	We will continue to work with partners to ensure the provision of appropriate levels of town centre management in our 4 largest settlements		Ongoing

	Measures of Success	Notes and Links to Other Targets
1	Improved public perception of town centres as measured through districtwide surveys	
2	Over the life of this Plan, ie to 2015, a 5% increase in the number of VAT registered businesses	
3	An unemployment rate remaining below 1.5%	2005 – 1.4% 2006 – 1.3%

CREATING HEALTHIER COMMUNITIES

	Actions	Related Activity	Timescale
1	We will work with colleagues in health agencies to promote healthier lifestyles		31 st March 2007
2	We will introduce GP referrals, Cardio-Rehabilitation and Weight Management at all NHDC leisure facilities		Throughout 2007
3	We will support and encourage at least one major arts/cultural event in each of our 5 area committee neighbourhoods each year		
		Hitchin – Rhythms of the World Letchworth – Broadway Gardens Summer Festival Royston – Kite Festival Baldock – Baldock Festival Rural – Great Ashby Community Fun Day	Annually in July Annually in July Annually in August Annually in May Annually in September
4	We will review the Museum Service		31 st March 2007

	Measures of Success	Notes and Links to Other Targets
1	An increase in the % of residents satisfied with sports and leisure facilities as measured by the districtwide survey	
2	Increasing life expectancy	2002 baseline Male 76.8 Female 80.7

TITLE OF REPORT: DISABILITY EQUALITY SCHEME

REPORT OF THE HEAD OF POLICY, PARTNERSHIPS AND PERFORMANCE
PORTFOLIO HOLDER: COUNCILLOR F.J. SMITH

1. SUMMARY

- 1.1 To update the Cabinet on the issues surrounding mandatory legislation enshrined within the Disability Discrimination Act 1995 (DDA), as amended by the DDA 2005, which comes into force on 5th December 2006.
- 1.2 To propose a Disability Equality Scheme (DES) for recommendation to the Cabinet and Council.

2. FORWARD PLAN

- 2.1 This report does contain a recommendation on a key decision and has been referred to in the forward plan on the 17 October 2006

3. BACKGROUND

- 3.1 The Disability Discrimination Act received royal assent in October 1995.
- 3.2 The Act defines a "disabled" person as somebody with a physical or mental disability which has an adverse effect on a person's ability to carry out normal day-to-day activities and that adverse effect is substantial and long-term (in that the disability must last or be expected to last for 12 months). Severe disfigurement is also classed as a disability.

The act protects disabled people in:

- employment
- access to goods, facilities and services, including transport
- the management, buying or renting of land or property
- education

Legal implications of the DDA for service providers and employers

- since December 1996 it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability.
- since October 1999 service providers have had to make "reasonable adjustments" for disabled people, such as providing extra help or making changes to the way they provide their services in order to make them inclusive;
- Since October 2004 service providers have had to make "reasonable adjustments" to the physical features of their premises to overcome physical barriers to access.

(Reasonable adjustments are when a service provider or employer makes adaptations to services or working practices to enable disabled people to use the service at the same level as any other person who does not have a disability)

- 3.3 The Government, through the Disability Rights Task Force published a consultation document "From Exclusion to Inclusion". From this consultation document the government published "Towards Inclusion" detailing how the DDA would be amended with specific dates for compliance.

- 3.4 Cabinet received a report on 21st January 2003 regarding the Authority's Comprehensive Equality Policy, a new framework established to assist local authorities with their mainstreaming of equality issues. The principles of that policy are still relevant and underpin the additional requirements now placed on the Council by amendments to the Disability Discrimination Act, Race Relations Act, Gender Equality Duty etc. The NHDC Comprehensive Equality Standard is now due for revision and will incorporate further amendments to reflect the current legislative requirements.

4. THE DDA 2005 AMENDMENTS

- 4.1 The definition of disability has now been extended to cover people with certain long-term conditions from the point of diagnosis (people with HIV, Multiple sclerosis and cancer are now covered from the point of diagnosis)

- Part 5 allows the Government to set access standards for buses, coaches, trains, trams and taxis. The Government has produced regulations on access standards for rail vehicles (the Rail Vehicle Accessibility Regulations) and these apply to vehicles entering service from 1 January 1999. Access standards for certain buses and coaches which are used on local or scheduled services (the Public Service Vehicles Accessibility Regulations), have applied to new vehicles since the end of 2000.

The Part 5 regulations for the most part comprise highly detailed access design standards which trains, buses, coaches (and, in due course, taxis) must meet in order to comply with this part of the Act. These technical standards deal specifically with aspects of design or operation of the vehicles concerned. The requirements under these standards are different from the duties on transport providers under Part 3. There is, moreover, no right of redress on the part of individual disabled people for breach of these standards, as is the case under Part 3. The 2005 Act amends Part 5, requiring the Secretary of State to set an end date of no later than 2020 by which all rail vehicles will have to comply with Part 5 rail access standards.

- Exemption of councillors removed. This makes it unlawful for a local authority to discriminate against its disabled members when they are carrying out their official business on behalf of the Council.
- Part 3 duties extended to cover functions of public bodies.

- 4.2 The duty to promote disability equality, in a local government context, can be divided into two distinct aspects.

- **General duty**
- **Specific duties**

4.3 The General duty

The DDA 2005 now places a duty on all public authorities, when carrying out their functions, to have due regard to the need to :

- Promote equality of opportunity between disabled persons and other persons
- Eliminate discrimination that is unlawful under the act
- Eliminate harassment of disabled persons that is related to their disabilities
- Promote positive attitudes towards disabled persons
- Encourage participation by disabled persons in public life

- Take steps to take account of disabled person's disabilities, even where that involves treating disabled persons more favourably than other persons.

In practice, this means making sure that the duty is central to the way NHDC carries out any 'function' where disability equality is relevant. As 'functions' are defined as the full range of a public authority's duties and powers it is likely that the general duty will always be relevant.

4.4 **The Specific Duty**

Comes into force on 5th December 2006. It requires that:

- all public authorities should publish a disability equality scheme by no later than 4th December 2006.
- the authority must publish an annual report of progress against implementing this scheme and achievement of targets.
- the authority, and partners, must revise the scheme every three years. All public authorities must produce an accompanying Action Plan demonstrating continuous improvement and responsive to both changes in need and legislation.

4.5 Whilst the North Herts Disability Equality Scheme will not be presented for approval by Council until 14th December, we have it confirmed that since a draft scheme is available for endorsement prior to the required date, this will fully satisfy the Disability Rights Commission's requirement of the Authority.

5. **ISSUES**

5.1 There is a requirement in the Disability Equality Scheme to carry out Impact Assessments. This process has already begun with the development of the Race Equality Scheme and achieving the Equality Standard for Local Government, our target for which is to attain Level 4 by the end of March 2007

5.2 The Corporate Diversity Group and Equality Officer have already included Disability equality considerations within completed and future Impact Assessments. Ten initial Equality Impact Assessments of key services, including community safety and meals on wheels, were selected after consultation with the North Herts Minority Ethnic Forum. The Authority is currently reviewing all front facing services delivered through the Customer Service Centre in order to facilitate increased access at the point of need.

5.3 The production of the Disability Equality Scheme for North Herts has been developed in partnership not only with local groups, organisations and residents, but also with other local authority partners, in order that there can be a uniformity applied to the process.

5.4 The County Diversity Group are still considering the selection of relevant datasets to evidence (a) the baseline from which the Schemes will commence and (b) performance in terms of improving the quality of life for local disabled residents. The countywide discussions have considered the use of data such as

- residents in receipt of Disability Living Allowance (DLA)
- residents identified as having responsibility as a carer
- children diagnosed as having a requirement for special education via statementing

It would of course be preferable were all the local authorities to ensure comparable data could be used in order to facilitate benchmarking. The Disability Rights Commission itself has recognised that this is difficult, since authorities must not quote statistics as absolute and a 'variety of different sources', possibly using local indicators, would be recommended. The Disability Equality Scheme attached as Appendix 1 to this report contains current recommended data, but other sources could be used as the scheme is implemented, evolves and its performance managed.

6. LEGAL IMPLICATIONS

- 6.1 The Disability Discrimination Act 1995 makes it unlawful for those providing goods, facilities or services to the public to treat disabled persons less favourably for a reason related to their disability. The Act also requires reasonable adjustments to be made to premises and services, in order to remove any barriers to access which may be in place.

7. FINANCIAL AND RISK IMPLICATIONS

- 7.1 There are currently no specific budgets for the implementation of the Disability Equality Scheme. However, as this is a statutory requirement, the Council may have to identify resources to carry out the work. No additional funding is required for items such as consultation, the formation of a Disability forum and preliminary training for officers and elected members, which are already contained within base budgets.

- 7.2 However, if further funding is required for specific initiatives as the project progresses then this will be addressed as appropriate through the corporate service and financial planning process.

8. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 8.1 There will be ongoing human resource implications implicit in complying with the Disability Equality Scheme. This will impact across all directorates in terms of both policy development and implementation. It is planned to roll out equality training to all staff to address the new requirements placed on the authority in terms of new legislation on both age and disability.

9. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 9.1 Consultation with external carers, support groups and disabled people has taken place as described in the Disability Equality Scheme attached to this report.

10. RECOMMENDATIONS

- 10.1 That Cabinet notes the amendments to the Disability Discrimination Act 2005.
- 10.2 That Cabinet consider, comment on and refer the Disability Equality Scheme attached as Appendix 1 to Council for approval.

11. REASONS FOR RECOMMENDATIONS

- 11.1 To ensure Cabinet Members are aware of the implications of DDA amendments on both the Council's delivery of services, and that of its partners.

- 11.2 To ensure the Council conforms with the statutory requirement to develop and implement a Disability Equality Scheme by 4th December 2006.

12. APPENDICES

- 12.1 Appendix 1 - Disability Equality Scheme (Draft)

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14. BACKGROUND PAPERS

- 14.1 The duty to promote disability equality; statutory code of practice (DRC)

**A Disability Equality Scheme for
North Hertfordshire District Council
DRAFT**

Foreword

This is North Hertfordshire District Council's first Disability Equality Scheme which forms an integral part of the Council's wider Corporate Equality Scheme. The Corporate Equality Scheme sets out how the Council will promote equal opportunities regardless of race, gender, disability, age, religion/Belief or sexual orientation, in the delivery of its services and employment of staff.

The Council is committed to ensuring disability equality in its service provision and in its responsibility as an employer. This Disability Equality Scheme sets out how we intend to reinforce this commitment. Each set of outcomes and objectives within the Plan will be delivered through a series of underpinning action plans.

- Introduction
- What is a Disability Equality Scheme
- North Herts Disabled Population
- North Herts District Council Disabled staff
- Communicating the Disability Equality Scheme
- North Herts commitment to Disability Equality
- Consultation
- Our Objectives
- Implementation of the Disability Equality Scheme
- Definition of Disability (appendix 1)

Introduction

The Disability Discrimination Act 1995 amended by the Disability Discrimination Act 2005, places a statutory General Duty on all public authorities to promote disability equality. The 2005 Act provides an increasingly robust legislative framework which requires Council's to actively promote disability equality. This means that public authorities must, in carrying out all functions, have due regard to the need to:

- Eliminate unlawful discrimination
- Eliminate unlawful harassment
- Promote equality of opportunity between disabled persons and other persons
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons

NHDC recognises that promoting equality will improve public services for everyone. Our aim, therefore, is to make equality a central part of the way the Council works by putting it at the centre of policy making, service delivery, regulation and enforcement, and employment practice.

What is a Disability Equality Scheme?

The Disability Discrimination Act 2005 imposes a number of specific statutory duties on the Council as a scheduled public authority listed in the Disability Discrimination (Public Authorities Statutory Duties) Regulations 2005. These duties are intended to assist public authorities in meeting the General Duty, in particular by setting out what public authorities should do to plan, deliver and evaluate action to eliminate discrimination and promote equality. The core requirements are:

- The preparation and publication of a Disability Equality Scheme
- Implementation of the Disability Equality Scheme (via an action plan in the scheme)
- Annual reporting

North Herts Disability Equality Scheme meets these requirements and contributes toward our aim of promoting good equalities practices across the district and ensures that we will meet the needs of our disabled customers and employees. This Scheme sets out our overall objectives for improving and addressing disability inequalities and the action plans for delivering improvements to access and services. It will therefore help us to achieve a number of things:

- To meet the requirements of the Disability Discrimination Act and set out our plans to improve disability access to employment and services
- Make sure that we are taking the needs and views of disabled people into account when we design or deliver services, make access improvements or develop policies
- Continuously monitor and improve the ways in which we deliver services to disabled people
- Meeting the principles of the Social Model of Disability.

In addition to the Disability Discrimination Act, this Scheme supports compliance with, the Building Regulations 2000 (including amendments 2003) and the Fire Precautions (workplace) regulations 1997 (as amended 1999). This Scheme also anticipates future disability legislation and recognises that, as a public body, the Council's duties in this area are likely to expand.

North Herts disabled population

As the Department for Work and Pensions (DWP) observe, there is no single or 'gold standard' measure or estimate of disability. As equalities monitoring of disabled people, especially using the Disability Discrimination Act definition, is not widely carried out, we must rely on indicative data. A key challenge for the Council is to establish the diverse range of needs of people who have different types and levels of disability. There is currently a lack of clarity around definition which affects both the presentation and analysis of statistical information in this area. It will therefore be important to develop a much clearer picture of the North Herts community in order to establish a baseline in terms of current performance and to be able to set meaningful, challenging, but realistic performance improvement targets. Some indicative statistics are outlined overleaf.

	Provision of unpaid care*				
		% of people who provide unpaid care			
	All people who provide unpaid care	1-19 hours a week	20-49 hours a week	50 or more hours a week	2001 Population
ENGLAND	4,877,060	68.64%	10.88%	20.48%	49,138,831
EAST REGION	520,209	71.99%	9.50%	18.51%	5,388,140
HERTFORDSHIRE	96,190	75.10%	8.78%	16.12%	1,033,977
Broxbourne	7,923	70.87%	10.10%	19.03%	87,054
Dacorum	13,057	76.17%	8.27%	15.56%	137,799
East Herts	11,482	77.77%	8.24%	14.00%	128,919
Hertsmere	8,890	74.78%	9.18%	16.04%	94,450
North Herts	11,073	75.54%	8.50%	15.96%	116,908*
St Albans	12,249	77.84%	8.18%	13.98%	129,005
Stevenage	7,032	69.14%	9.68%	21.17%	79,715
Three Rivers	8,129	77.39%	8.49%	14.12%	82,848
Watford	6,880	71.79%	10.22%	17.99%	79,726
Welwyn Hatfield	9,475	74.99%	8.34%	16.68%	97,553

* Mid year estimate 2006 population 120,700 (office of national statistics)

Children with a Statement of special Needs

District	B E S			M L D	M S I	P D	P M L		S L C N	S L		S P L		V I
	A S D	D	H I				D	D		D	D	D		
Blank Post Code	6	21	2	8		3			2	4	2			48
Broxbourne District	31	52	9	133		21			50	50	4	9		359
Dacorum District	67	96	15	169		37	1		85	37	29	19		555
East Hertfordshire District	70	46	15	164		52	1		56	67	8	9		488
Hertsmere District	56	74	14	130		29	1		52	40	18	10		424
North Hertfordshire District	85	100	17	171	1	37			72	34	12	5		534
St Albans District	82	64	26	120		39	1		71	51	16	14		484
Stevenage District	80	66	8	112		29			66	46	8	13		428
Three Rivers District	33	49	14	141	1	23			47	45	19	4		376
Watford District	31	57	14	128		30	1		55	47	23	6		392
Welwyn Hatfield District	66	72	14	162		25			28	56	4	4		431
	607	697	148	1438	2	325	5		584	477	143	93		4519

SEN Codes

ASD	Autistic Spectrum Disorder
BESD	Behaviour Emotional and Social Disorder
HI	Hearing Impairment
MLD	Moderate Learning Difficulties
	Multi Sensory
MSI	Impairment
PD	Physical Disability
PMLD	Profound & Multiple Learning Difficulty
	Severe Learning
SLD	Difficulty
	Specific Learning
SPLD	Difficulty
	Visual
VI	Impairment

North Herts staff

The following information demonstrates the extent to which North Herts District Council has a representative workforce in respect to the population of North Herts as a whole:

Disabled employment by the Council:

Gender/Disability

	North Herts Working age(16-64) population 2001 census	North Herts % population
		NHDC Staff
		% NHDC Staff

Gender

Male

36975
49.77

	147
	35.08
Female	
	37312
	50.23
	272
	64.92
Totals	
	74287.00
	100.00

Disability

Disabled men	
	3570
	4.81
	3
	1

Disabled woman	
	3824
	5.15
	11

3

Not disabled

66893

90.05

419

96.66

Totals

74287

100.00

Communicating the Disability Equality Scheme

Disability equality means different things to different people. Disability occurs because barriers hinder disabled people from taking a full part in the community. This is the social model of disability and is defined as;

“the recognition that primarily it is the loss or limitation of opportunities, due to environmental and social barriers, that prevents people who have impairments from participating in society on an equal level with others.”

This Disability Equality Scheme clarifies North Herts Council’s approach to eliminating disability discrimination. It is important that all staff across the Council implement the same approach and form a common understanding of the social model. This Scheme outlines the work that will be needed to develop this common understanding and our approach to customer care and service provision.

A detailed explanation of how the Disability Discrimination Act defines disability can be found in *Appendix 1*.

North Herts Commitment to disability equality

North Herts District Council have developed a long term strategy, the Corporate Plan, which sets out our ambitions and aspirations for our district for ten years, to 2015. We have a clear vision for the area,

which involves making North Hertfordshire 'a vibrant place to live, work and prosper'. The vision does not, however, only belong to the Council; it belongs to, and was created by, all of our partners in the Local Strategic Partnership.

In many ways, North Herts is already a good place to live and work. Although we do have pockets of deprivation, in general we are well placed; we have low levels of crime, it is a healthy place to live, education is good and unemployment is low. But we, and our partners cannot be complacent; we have a duty to fully support our local communities and our six strategic objectives below support this commitment.

Sustainable Communities - promoting sustainable development of the district to ensure we deliver adequate affordable housing, protect the environment and conserve the heritage of our historic towns and rural settlements

Safer Communities - encouraging responsible citizenship and creating safe communities with less crime and less fear of crime

Satisfied Communities - Ensuring that we listen to our citizens and deliver responsive high quality, value for money, customer focused services

Prosperous Communities - creating opportunity for all by promoting sustainable local economic development

Healthier Communities - promoting first class leisure and cultural facilities to contribute to healthy living for all of our citizens

Equal Communities - targeting resources at areas of disadvantage in the district to reduce social exclusion and improve the quality of life for everyone

Consultation

The involvement of disabled people and staff is critical to the success of this Disability Equality Scheme and, therefore, this will be an ongoing activity.

Consultation and involvement in the creation of this scheme

We:

- First published a questionnaire on the council's web page which was live from the 5 June to the 5 July.
- Publicised this questionnaire putting posters up in Headway, MS therapy centre, 3 adult care service centres, Leonard Cheshire home. 6 local libraries.
- Made email contact with Herts Society for the Blind, Herts Hearing Advisory Service, MIND, Angels parent support group, Ups and Downs Parent support group
- Sent out 631 letters through carers in Herts, 55 letters to Parents of disabled children through the Herts Additional Needs Database.
- Posted 25 hard copy questionnaires to private addresses.
- Held a consultation event on the 4th September in the Free Church in Letchworth. To make this a worthwhile exercise we had presentations from Abilitynet A charity that provides computer assessments for disabled people. First Capital Connect this company are responsible for railway stations in North Herts. The County Passenger Transport Unit, who are responsible for bus shelters in the district.
- Had question and answer sessions with the Council's Housing department and the customer service centre.
- Have sent the draft scheme out to 35 identified disabled people and incorporated their replies into the scheme

Our objectives

This Scheme sets out the framework within which NHDC can promote equality for, and prevent discrimination against, disabled people as users of our services, as our employees and members of the community. The following objectives are intended to support and complement this framework:

Objective 1 – We will promote equality for disabled people by:

- Removing barriers to accessibility, particularly in relation to employment and access to services, information and buildings
- Encouraging good practice in the private sector through our procurement strategy
- Ensuring that our equality standards are met when services are carried out by contractors under our procurement rules
- Upholding the Social Model and our guiding principles in our partnership duties

Objective 2 – We will tackle discrimination against disabled people by:

- Promoting positive images of disabled people
- Challenging patronising or discriminating attitudes
- Making the environment as safe as possible for disabled people
- Challenging anti-social behaviour against, or harassment of, disabled people

Objective 3 – We will support disabled people to achieve their full potential by:

- Providing necessary support, assistance and care to disabled people to enable them to lead independent lives
- Supporting the formation of groups, networks and services for disabled people as employees of the Council and as residents
- Supporting disabled people according to their individual need

Objective 4 – We will work in partnership with disabled people by:

- Enabling disabled people's active participation
- Involving disabled people in the changes and improvements we make
- Consulting with disabled people on issues affecting them rather than with people acting on their behalf

Implementation of the Disability Equality Scheme

This Disability Equality Scheme is based on eight core areas which form the action planning framework where we can build standards and focus on the actions that need to be taken. The eight areas are:

- 1. Making sure the Disability Equality Scheme is put into practice**
- 2. Identifying relevant functions and policies**
- 3. Assessing and consulting on the likely impact of proposed policies**
- 4. Monitoring Council policies for adverse impact**
- 5. Communicating the results of assessment, consultation, and monitoring**
- 6. Making sure the public have access to Council buildings, information and services**
- 7. Employment duties – monitoring employment and supporting employees**
- 8. Training staff**

Responsible officers and time scales will not be included until the scheme is ratified by Council.

1. Making sure the Disability Equality Scheme is put into practice

Purpose: To ensure compliance with our duty to promote equality of opportunity for all by ensuring that disability equality is mainstreamed into all policies, functions and procedures of the Council

Objective	Action	Outcome/PI	Responsible Officer Timescale
To implement the Disability Equality Scheme	Prepare action plan(s) to review functions, policies and procedures, and all other elements of the Scheme	Completion of action plan(s) Increased awareness of disability equality across the district	Diversity Steering Group Strategy Officer Equalities
Identification of managers' responsibilities regarding the implementation of the Disability Equality Scheme	The requirement to promote disability equality as part of the generic managers' competencies that they are assessed against	Increased emphasis given to disability equality within all decision making across the Council	DSG & SOE
To provide assistance in the implementation of the Scheme at a corporate level	Guidelines and advice to be developed and disseminated	Increased awareness of disability equality and the implementation of the Disability Equality Scheme	DSG & SOE
Development of a stakeholder panel to support the work of the Diversity Group	Develop a full proposal to establish the panel Liaise with existing consultation groups	Panel created to scrutinise our disability equality work More effective and	DSG & SOE

		responsive disability equality policies and schemes across the Council	
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1. Making sure the Disability Equality Scheme is put into practice - continued

Objective	Action	Outcome/PI	Responsible Officer Timescale
Raise the standard of disability equality across the Council	The Scheme will be reviewed every 3 years	Revised Scheme Continued updates to the Scheme	Annual assessment DSG & SOE
To raise public awareness of the Scheme	Scheme made available via the Council's website and to individual disabled people	Increased awareness of the Council's commitment to eliminate discrimination	December 2006 DSG & SOE
To monitor the implementation of the Scheme	Annual monitoring and reporting of Disability Equality Scheme action plan tasks	Satisfaction across the authority of the progress made under the Scheme The Scheme is revised if necessary	Annual Assessment and progress reported to DSG & SOE

Identifying Relevant Functions and Policies

Purpose: To give appropriate priority to the promotion of disability equality when carrying out functions and policies

Objective	Action	Outcome/PI	Responsible Officer Timescale
To meet the requirements of the Disability Discrimination Act 2005	To review all the functions and policies of the Council according to our duty to promote disability equality (the Scheme)	All functions and policies are reviewed as per the Scheme Application of the Scheme across all departments	December 2006 DSG & SOE

3. Assessing and consulting on the likely impact of proposed policies

Purpose: To determine how policies, functions and procedures affect disabled people (in service delivery and employment) and whether they are having an adverse impact on some groups or individuals

Objective	Action	Outcome/PI	Responsible Officer Timescale
<p>Inform all senior managers of the need to capture data necessary for long term impact to be assessed</p> <p>To ensure that arrangements are made to monitor any adverse impact on the promotion of disability equality</p>	<p>A monitoring form is produced and adopted</p> <p>Ongoing appropriate consultation and an evaluation of their effectiveness in supporting objectives</p>	<p>Data is monitored in a consistent manner throughout the Council</p> <p>Corporate baseline statistics established</p>	<p>December 2006 DSG & SOE</p>
<p>To ensure the consistent use of the monitoring procedure</p>	<p>The monitoring form will be used in conjunction with any applications to the Council for a service, job vacancy, and customer</p>	<p>Service delivery is more able to meet the needs of the service users</p>	<p>December 2006 DSG & SOE</p>

	satisfaction surveys		
Incorporation of Disability Equality Scheme considerations within corporate service planning guidelines	Work toward standardizing service planning guidelines across the Council	Improved service delivery by development of local targets and outcomes within services	DSG & SOE

4. Monitoring Council policies for adverse impact

Purpose: To build disability equality into the policy-making process, and to make that process clear, open and inclusive

Objective	Action	Outcome/PI	Responsible Officer Timescale
To assess the likely impact of proposed policies on the promotion of disability equality	Departments undertake Disability Equality Impact Assessments in line with guidance from the Diversity Group	Qualitative research is provided to identify likely, and existing impact, on disability equality	December 2006 DSG & SOE

<p>Guidelines and training for additional Disability Equality Scheme statements within Disability Equality Impact Assessments</p>	<p>Develop guidelines for drawing out disability equality issues considered as part of the Impact Assessments.</p> <p>Training designed to disseminate this information to officers completing impact assessments</p>	<p>Guidelines developed and training available</p>	<p>April 2007 DSG & SOE</p>
<p>Annual monitoring of adverse impacts identified in Disability Equality Impact Assessments and other feedback mechanisms</p>	<p>Collection of adverse impact information considered by each department across the authority.</p> <p>Compilation of information and consideration of impact on council service delivery</p>	<p>Annual monitoring report to be produced by each head of service</p>	<p>Annual assessment and reporting Overseen by DSG & SOE</p>

5. Communicating the results of assessment, consultation and monitoring
Purpose: To make sure that monitoring, assessment and consultation activities, and their results are clear and plain to our customers and staff

Objective	Action	Outcome/PI	Responsible Officer Timescale
Identification of information needed	Direction given to departments on what information needs to be available in accessible formats for public information	Information made available	December 2006 DSG & SOE
Development of staff guidance on how to produce accessible information	Develop guidelines for departments to follow in producing accessible information	Departmental information easily accessible across the authority	December 2006 DSG & SOE
To identify arrangements for publishing results of assessments, consultations and monitoring	Results are published using a variety of media and formats: internet, intranet, outlook	Publicly available record of progress	DSG & SOE
Development of accessible communication channels	The identification of appropriate communication channels for different community groups and employees undertaken through North Herts various consultation mechanisms	Maintenance and development of communication channels between the public and the council	DSG & SOE

5. Communicating the results of assessment, consultation and monitoring - continued

Objective	Action	Outcome/PI	Responsible Officer Timescale
User satisfaction monitoring	Monitoring of representatives on effectiveness of communication channels and accessibility of information	Increased accessibility of information across the council	December 2006 DSG & SOE
Dissemination of staff guidelines on specific communication needs of disabled people across North Herts	Compilation of information available within the Council on customer care and service needs and production of guidelines disseminated to staff	Staff guidance to increase the accessibility of information for our customers	December 2006 DSG & SOE

6. Making sure the public have access to Council buildings, information, services and functions
Purpose: To ensure that disabled people know about particular services, encourage people to use services and remove the barriers to access so that services are equally available to everyone in the community

Objective	Action	Outcome/PI	Responsible Officer Timescale
To identify service needs of disabled people, and barriers to accessing services	Use consultation and monitoring arrangements and other available means to identify need	Increased satisfaction levels	December 2006 DSG & SOE
To provide information in accessible format	Ensure that all staff who have contact with the public are aware of procedures to accommodate people with language and accessibility needs	A greater take up of service or satisfaction with the service provided, revealed by future consultation	December 2006 DSG & SOE
To continue to comply with all appropriate legislative requirements for building accessibility	Continue existing programme of maintenance for all Council buildings	A more easily accessible built environment	DSG & SOE

for all Council property			
Increase access to services and functions for all people of North Herts	Upgrade the councils web page in line with web accessibility guidance	<p>Increased understanding of access to services by area, facilities, buses and road network etc</p> <p>An increased awareness of the 'pockets' of limited access to Council services</p>	DSG & SOE

Objective 7: Employment duties – monitoring employment and supporting employees

Purpose: Information from monitoring will be used to develop schemes (if required) to lead a workforce that further represents the profile of the communities of North Herts

Objective	Action	Outcome/PI	Responsible Officer Timescale
Annual employment monitoring	Annual reporting and dissemination of employment monitoring information	Produce annual employment trends and develop action plans arising from trend analysis	Annual assessment and reporting HR & SOE

<p>To eliminate any possible discrimination in the workforce</p>	<p>Augment existing monitoring practices by conducting a staff questionnaire on disability</p>	<p>Results used to update workforce representation</p> <p>Publish staff profile annually</p>	<p>Annual assessment and reporting HR & SOE</p>
<p>To identify barriers to access to employment and to work with other public sector agencies to attract disabled people into the recruitment process</p>	<p>Continue existing work to develop new initiatives through continued consultation and scrutiny mechanisms</p>	<p>Improvement and further development of statistical workforce profile information.</p> <p>Publish statistical results in performance reviews</p>	<p>HR & SOE</p>

Objective 7: Employment duties – monitoring employment and supporting employees - continued

Objective	Action	Outcome/PI	Responsible Officer Timescale
To eliminate any possible discrimination in the recruitment and selection process	Augment existing monitoring practices to enable faster statistical analysis	Equality of opportunity throughout the entire recruitment process Leading to an increase in the representation of disabled employees	Annual assessment and reporting HR & SOE
Engage community and consultation groups in the development of approaches for increasing workforce representation	Develop and maintain existing consultation mechanisms to discuss how to improve and increase the representation of disabled employees within the Council	Long-term increase in the number of disabled employees within the Council	HR & SOE

Objective 8: Training staff

Purpose: To provide quality disability equality training to all staff to empower them with the skills and knowledge to implement the disability equality scheme

Objective	Action	Outcome/PI	Responsible Officer Timescale
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<p>To incorporate the requirements of the Disability Equality Scheme into current training programmes</p>	<p>Ensure trainers (external and internal) include where appropriate Disability Awareness training</p> <p>Monitor training programmes</p>	<p>Training reflects the requirements of the Disability Equality Scheme.</p> <p>Annual statistics for disability related training of staff</p>	<p>Learning & development</p>
<p>To ensure that employees have the relevant information about the Scheme commensurate with their post</p>	<p>Managers to cascade information and arrange appropriate training</p>	<p>To raise awareness of the Disability Discriminations Act requirements</p>	<p>DSG & SOE</p>
<p>To ensure that training remains relevant and of a high standard</p>	<p>Develop a robust evaluation system for use within each department</p>	<p>Training continues to meet the needs of employees and remains of a high standard</p>	<p>Learning & development</p>
<p>Continual update and dissemination of staff guidelines on new disability equality legislation</p>	<p>Compilation of existing information available within the Council and production of up-to-date guidelines made available on the intranet</p>	<p>Increased awareness among all employees of legislative requirements. Employees made aware when new legislation is passed</p>	<p>SOE</p>

Appendices

The Disability Discrimination Act DEFINITION OF DISABILITY

What the Act means by disability

Disability is defined as

“A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.”

Explanations of:

Impairment

The definition covers physical and mental impairments. These include:

- physical impairments affecting the senses, such as sight and hearing
- mental impairments including learning disabilities and mental illness (if it is recognised by a respected body of medical opinion)

Substantial

For an effect to be substantial, it must be more than minor.

The following are examples that are likely to be considered substantial:

- inability to see moving traffic clearly enough to cross a road safely
- inability to turn taps or knobs
- inability to remember and relay a simple message correctly.

Long-term

These are effects that

- have lasted at least 12 months

or

- are likely to last at least 12 months

or

- are likely to last for the rest of the life of the person affected

Long-term effects include those which are likely to recur. For example, an effect will be considered to be long-term if it is likely both to recur, and to do so at least once beyond the 12-month period following the first occurrence.

Day-to-day activities

Day-to-day activities are normal activities carried out by most people on a regular basis, and must involve one of the following broad categories

- mobility - moving from place to place
- manual dexterity - for example, use of the hands
- physical co-ordination
- continence
- the ability to lift, carry or move ordinary objects
- speech, hearing or eyesight
- memory, or ability to concentrate, learn or understand
- being able to recognise physical danger

The Government has issued guidance, under the Act, about whether an impairment has a substantial or long-term effect. This guidance does not in itself impose legal obligations on an employer or service provider, but a tribunal or court must when considering a complaint about discrimination take into account any of the guidance which appears to be relevant.

Particular cases or conditions:

Severe disfigurements

The Act's definition treats severe disfigurements as disabilities, although they have no effect on a person's ability to carry out normal day-to-day activities.

If, however, the disfigurement consists of a tattoo which has not been removed, non-medical body piercing, or an object attached through such a piercing, regulations have the effect of ensuring that this would not be treated as a disability.

Impairments helped by treatment or artificial aids

Medication or equipment (such as an artificial limb) which helps an impairment, is not taken into account when considering whether an impairment has a substantial effect.

For example, a person who wears a hearing aid to improve their hearing is considered to have the hearing loss that would exist without the use of the aid. An exception is when people wear glasses or contact lenses - it is the effect on the person's vision, while wearing their glasses or contact lenses, that is considered.

If, however, the treatment is likely to cure the impairment, this should be taken into account in assessing whether the impairment is long-term.

Progressive conditions

The Act covers progressive conditions where impairments are likely to become substantial. Examples of progressive conditions include

- cancer
- HIV infection
- multiple sclerosis
- muscular dystrophy

The Act covers people with these conditions from the moment that there is a noticeable effect on normal day-to-day activities, however slight.

For example, a person with multiple sclerosis would be covered from the time they first developed symptoms that affect their ability to carry out normal day-to-day activities. They would not be covered just because the illness had been diagnosed.

Genetic predispositions

The Act does not cover people with a gene that causes a disability unless they develop the disability. For example, people with the gene that causes Huntington's chorea are not covered if they do not have the condition. People are covered as soon as the first effects on normal day-to-day activities appear.

Past disabilities

The definition covers people who have had a disability in the past. If a person once had a disability which is covered by the Act, they are still protected if they have recovered. This applies even if they recovered before the Act came into force.

Registered disabled people

Any person registered as a disabled person under the Disabled Persons (Employment) Act 1944, or the Disabled Persons (Employment) Act (Northern Ireland) 1945, on both

- 12 January 1995 when the legislation was first introduced into Parliament
- and the date when the employment rights start is covered by the Act for three years

is to be treated as having a disability, for the purposes of the Act, for three years from the latter date. They do not have to prove they meet the new definition of disability for this three year period.

Babies and children under the age of six

It may be difficult to see the effects of an impairment on a baby or young child and thus determine if he or she is disabled. However, a young child with an impairment will be treated as disabled under the Act if someone over the age of six with such an impairment would normally be covered by the Act.

Impairments which are excluded

The following conditions are not to be treated as impairments for the purposes of the Act

- Addiction to or dependency on alcohol, nicotine or any other substance (unless the addiction resulted from the substance being medically prescribed).
- Seasonal allergic rhinitis (e.g. hay fever) except where it aggravates the effect of another condition.
- A tendency to set fires.
- A tendency to steal.
- A tendency to physical or sexual abuse of others.
- Exhibitionism
- Voyeurism