

Taunton Deane Borough Council

Council Meeting - 16 February 2010

Part I

To deal with written questions to and receive recommendations to the Council from the Executive.

(i) Councillor Slattery

(a) Gambling Act 2005 – Revised Statement of Principles

The Gambling Act 2005 places a duty on all Licensing Authorities to produce a Statement of Principles (also known as the Gambling Policy).

Each Licensing Authority is required to review this policy document at least every three years and take into account the views of those representing the holders of existing licences and certificates, local residents, businesses and the Police.

Taunton Deane's 2007 Statement of Principles has recently been updated in accordance with the Statutory Guidance issued by the Gambling Commission and widespread consultations have been undertaken. A copy of the final document is appended to this report for the information of Members.

It is **recommended** that the revised Statement of Principles be approved.

(b) Fees and Charges 2010/2011

The Executive has given consideration to the proposed fees and charges for 2010/2011 for the following services:-

- Cemeteries and Crematorium – It is intended to increase the main cremation fee by £14 to £550. It was estimated that this would generate additional income of £30,800. Other fees will largely increase by 2.6%;
- Waste Services - For the emptying of garden waste bins, the fee is proposed to increase from £35 to £42.50;
- Land Charges – No increase is proposed;
- Housing – It is proposed to increase all charges by 2.5%. It was estimated that this would generate additional income of £31,000. Council housing

rents will be set early in 2010 when the Housing Subsidy has been determined by the Department for Communities and Local Government;

- Licensing – Although many of the Licensing fees are set nationally, it is intended to raise local fees to generate a further £2,215.

The results of previous public consultation events “Your Council, Your Views” have clearly indicated that the public prefer to see increases in fees and charges, rather than in Council Tax, as a way for the Council to raise income. Therefore, where possible, fees have been increased to take these views into account. The Corporate Scrutiny Committee also considered this matter at its meeting on 26 November 2009.

It is therefore **recommended** that the fees and charges for 2010/2011 in respect of Cemeteries and Crematorium, Waste Services, Housing and Licensing be agreed.

(ii) Councillor Mrs Wilson

Corporate Strategy 2010-2013

As well as providing direction for the Council, the Corporate Strategy contains the Council’s Vision, Business Principles and Core Values and describes the key outcomes that the Council intends to achieve in the community over the next three years. A copy is attached to this report as an appendix.

Four new Corporate Aims (Priorities) are included in the Strategy to replace the Council’s ETCHED (Economy, Transport, Crime, Healthy Living, Environment and Delivery) aims. These new aims are:-

- Tackling Deprivation and Sustainable Community Development;
- Regeneration (economic development and housing growth);
- Affordable Housing; and
- Climate Change.

These aims are all directly related to the growth agenda and, as a result, an amendment has been made to the Council’s Vision to reflect the importance of the growth agenda and the possibilities that it will provide. The Vision now reads:-

“Taunton Deane will be recognised nationally as a place that is developing in a sustainable way, securing a better life and future for its people, businesses and communities”.

Supporting the Corporate Aims are nine Corporate Objectives and a number of key activities.

In preparing the new Strategy, a 'Profile of Services' exercise has been undertaken to determine what Taunton Deane's future priorities should be. This has helped shape the restructure of the Council.

Themes and Service Areas will need to work closely together to deliver the corporate aims. It is intended to closely monitor performance against the Strategy in order to understand how effective the Council is in delivering the aims and objectives.

The Strategy provides an important lead-in for budget setting and service planning activities. If approved by Members, the Strategy will be subject to public consultation in Spring 2010 to establish whether the right key activities have been chosen and whether there are any alternative suggestions.

The Corporate Scrutiny Committee has considered the Corporate Strategy on three separate occasions since last October and has contributed widely to its new format.

It is therefore **recommended** that the Corporate Strategy 2010-2013 be adopted.

(iii) Councillor Henley

(a) Minimum Revenue Provision

Before the start of each financial year, the Council is required to determine the basis on which it will make provision from revenue for the repayment of borrowing undertaken for the purpose of financing capital expenditure.

This annual provision, known as Minimum Revenue Provision (MRP), is designed to ensure that authorities make prudent provision to cover the ongoing costs of their borrowing.

In 2008, the Government became less prescriptive offering Councils a number of options for calculating MRP. For the financial year 2009/2010, the Council determined to calculate MRP as follows:-

- for supported borrowing, 4% on outstanding debt; and
- for unsupported borrowing, the debt associated with asset divided by the estimated useful life of the asset.

At its recent meeting, the Executive decided that this option should be continued for the 2010/2011 financial year.

It is **recommended** that the basis of calculating the Minimum Revenue Provision in 2009/2010 be retained for 2010/2011.

(b) Core Council Review – Independent Review of Deane DLO

The Executive has recently considered an independent review of options for the future of services provided by Deane DLO undertaken by the company Turner and Townsend PLC.

Full Council approved an alternative approach to completing the Core Council Review in April 2009 which included the commissioning of independent external expertise to advise on Theme 3 of the Core Council Review – to develop options for the future of services provided by Deane DLO.

Turner and Townsend PLC was appointed to carry out the review after a rigorous procurement and selection process. The company's report, which has been circulated to all Members, set out the work that has been undertaken to establish the feasibility of six main options:-

- Outsourcing – Where the Council contracts with a private sector company to provide services on the Council's behalf. Under this option, staff would transfer to the private sector provider under their current terms and conditions;
- Joint Venture – Where the Council forms a new organisation with a private sector partner to deliver services. Under this option, staff would also transfer to the private sector provider under their current terms and conditions;
- Shared Service – Where the Council joins with other local authorities or public sector partners to deliver services;
- Lead Authority – Where the Council transfers activities to another Local Authority who deliver services on the Council's behalf. Alternatively, other Local Authorities could transfer services to the Council to provide services on their behalf;
- Internal Transformation – Where the Council invests in services to achieve large scale improvements and efficiency; and
- As Is – Where services continue as now and were subject to continuing financial pressure requires annual incremental change.

Turner and Townsend have recommended that the Council follows a detailed procurement process with full outsourcing to a private sector supplier as the preferred way forward.

In recommending outsourcing, Turner and Townsend are proposing an implementation process which provides scope to implement the potential alternatives of joint venture or internal transformation, if the business case for outsourcing does not meet the Council's requirements.

Turner and Townsend have carried out extensive consultation with a variety of different groups, including Deane DLO Managers and staff, UNISON, elected Members, other Local Authorities and potential private sector partners.

Formal consultation on Turner and Townsend's report began on 13 January 2010 and ended on 5 February 2010 and a resume of the responses received has already been circulated to Members.

All options, except 'As Is', have one-off cost implications for implementation and details are provided in the consultant's report. In the case of the recommended outsourcing option, the one-off cost would be up to £200,000, with an implementation timescale of 12 months from a decision by Members. Currently, these one-off costs could be found from the General Fund, Housing Revenue Account and Deane DLO Reserve funds.

Turner and Townsend have also advised that one-off costs for implementing alternative options of joint venture and internal transformation would be up to £300,000 and £600,000 respectively.

The potential annual savings arising from the recommended outsourcing was estimated at £278,000, which would be achieved within 24–36 months of a decision by Members to pursue the outsource option.

The above figures and timescales are indicative and are likely to change through a full procurement process and business case.

The Section 151 Officer has verified that the financial information and assumptions used up to this stage by Turner and Townsend are sound and that any formal sign up to an outsource arrangement in future will need to be subject to Member approval of the business case emerging from a full procurement process.

The approach proposed by Turner and Townsend did give scope for Members to select an alternative option if the business case for the recommended outsource option did not meet the Council's requirements and this was reflected in the following recommendations.

It is therefore **recommended** that:-

- (a) the consultants' recommended approach, starting from the position that full outsourcing is the preferred way forward for Deane DLO services be approved;
- (b) the further development of internal transformation as a benchmark comparison option, to be presented to Members alongside the results from (a) for further scrutiny and final decision be approved; and
- (c) a sum of £225,000 (£113,000 from the Housing Revenue Account Reserve; £84,000 from the General Fund Reserve; and £28,000 from the Deane DLO Reserve) to pursue the approach outlined in (a) and (b) above and to recognise the potential requirement for further implementation funds, the amount being dependent on the option ultimately agreed by Members, be also approved.

(c) General Fund Revenue Estimates 2010/2011

The Executive has considered its final 2010/2011 budget proposals. It contains details on:-

- (i) the General Fund Revenue Budget proposals for 2010/2011, including the proposed Council Tax increase and the Prudential Indicators;
- (ii) draft figures on the predicted financial position of the Council for the following four years.

The Corporate Scrutiny Committee has also considered the draft budget proposals at its meeting on 21 January 2010. The Committee made a number of comments on some of the proposed savings and new initiatives and requested the Executive to take these views into account.

The Council Tax calculation and formal tax setting resolution is to be considered separately. The proposed budget for Taunton Deane will result in a Band D Council Tax of £135.19, an increase of £3.30 (2.5%) on 2009/2010. This represents an increase of six pence per week. The Band D taxpayer will, therefore, receive all the services provided by the Council in 2010/2011 at a cost of £2.59 per week.

It is a requirement for the Council to prepare not only budgets for the following financial year but to also provide indicative figures into future years. The Medium Term Financial Plan provides an indication of the expected budget gap going forward into 2011/2012 and beyond and a summary of this position was submitted.

These figures have been prepared on the assumption of a 2.5% increase in Council Tax each year, including 2011/2012. However, the Medium Term Financial Plan also assumes that Government support will be hit hard in the next 3-year financial settlement, due to the overall state of the economy and pressures on Government spending and debt. The Council is therefore planning on the basis of a 10% reduction in 2011/2012 followed by a further 5% reduction in 2012/2013. A clearer idea of funding prospects is likely in the latter part of 2010.

The estimated expenses chargeable to the non-parished area of Taunton in 2010/2011 amounts to £47,050, an increase of 50% on the Band D equivalent, and this forms part of the total net expenditure of the Council. The precept in 2009/2010 was £30,620. The proposed increase incorporates enhanced funding for youth initiatives in the Taunton Unparished Area.

As part of the Prudential Code for Capital Finance there is a requirement for Full Council to approve the indicators as set out in the report to the Executive. These were important as they detailed the expected borrowing requirement for both the General Fund and the Housing Revenue Account. They also set the operational boundaries for both the borrowing/investment levels and interest rate exposures for the Council.

The Council's Section 151 Officer has a duty to comment, as part of the budget setting process on the robustness of the budget and the adequacy of reserves. In her response, Maggie Hammond has stated that she believes the Council's reserves

to be adequate and the budget estimates used in preparing the 2010/2011 budget to be as robust as possible.

It is therefore **recommended** that the budget for General Fund services for 2010/2011 as outlined in the report to the Executive be agreed and that:-

- (a) the transfer for any potential underspend in 2009/2010 back to General Fund reserves be agreed;
- (b) the proposed 2010/2011 budget, being Authority expenditure of £14,050,480 and Special Expenses of £47,050 be agreed in accordance with the Local Government Act 1992;
- (c) the predicted General Fund Reserve balance at 31 March 2010 of £1,419,000 be noted;
- (d) the forecast budget position within the Medium Term Financial Plan be noted; and
- (e) the Prudential Indicators for 2010/2011 as set out in the report be agreed.

(d) Capital Programme 2010/2011 Onwards and revisions to the 2009/2010 Programme

The Executive has also considered the proposed General Fund (GF) and Housing Account (HRA) Capital Programmes for the period 2010/2011 to 2014/2015.

For the General Fund the existing resources available are £65,000. It is likely however that some future capital receipts will arise from the sale of the existing Nursery site in Mount Street, Taunton.

Given these currently constrained resources the Executive proposes to approve no new one-off schemes. However, recurring capital schemes would be funded by a revenue contribution to capital.

For all Housing schemes, both GF and HRA, the estimated resources available for 2010/2011 amount to £6,547,000. The proposed capital programmes include expenditure in 2010/2011 totalling £6,154,000. The projected unallocated resources of £393,000 are proposed to be carried forward to support the Housing Capital Programme in future years.

The Corporate Scrutiny Committee has considered the draft programme and made no formal suggestions for any changes to the programme. The Housing Tenants Forum has also considered the draft Housing capital programme.

For both the GF and HRA any new schemes, which emerge during the lifespan of the programmes, will be funded through existing unallocated resources or through new resources, such as new capital receipts.

At its meeting on 2 February 2010, a revised Capital Programme budget for 2009/2010 was also submitted.

The original budget for the year for the General Fund Capital Programme was £1,954,930. It is now proposed to increase this budget to £3,161,310 to take account of decisions made before Christmas relating to the new Building Control IT System (Acolaid) and in respect of proposed investment in new play and youth facilities. The figure also includes slippage on various schemes from 2008/2009.

The HRA Capital Programme's original budget for 2009/2010 totalled £5,555,000. It is proposed to increase this budget to £6,724,000 due entirely to slippage on the various schemes from the previous financial year. This did not affect the overall cumulative expenditure – it is a timing difference between financial years.

It is therefore **recommended** that:-

- (1) the General Fund and Housing Revenue Account Capital Programmes for 2010/2011 be agreed;
- (2) The revised 2009/2010 General Fund Capital Programme budget of £3,161,550 be approved; and
- (3) The revised 2009/2010 Housing Revenue Account Capital Programme budget be also approved.

(e) Council Tax Setting 2010/2011

The Council is required to make an annual determination, which sets its gross expenditure and gross income (including the Housing Revenue Account and balances brought forward), with the difference as its budget requirement. This determination is set out in the resolution.

The estimated expenses chargeable to the non-parished area of Taunton in 2010/2011 amounts to £47,047 and this forms part of the total net expenditure of the Council. Details of the Parish Precepts levied and the appropriate Council Tax at Band D have also been received.

The estimated balance on the Council Tax Collection Fund is a deficit of £1,248,350. Taunton Deane's share of this amounts to £130,210 and this is reflected in the revenue estimates.

The Council's budget requirement is £14,512,850 including draft Parish Precepts and non-parished Special Expenses. This amount is then reduced by the amount notified in respect of Taunton Deane's Revenue Support Grant (RSG) amounting to £1,105,826 and the Non Domestic Rates Distribution (NDR) from the national pool, amounting to £7,615,394.

The net amount, having taken the collection fund position into account, of £5,921,840 is used to calculate the Council Tax at Band D, reflecting the Parish Precepts by dividing it by the total of the Council Tax Base as approved by the Executive on 13 January 2010.

The Council Tax for the Borough (excluding Parish Precepts and Special Expenses for the non-parished area) is £135.19, an increase of £3.30 (2.5%) compared to the 2009/2010 Council Tax. The total Council Tax, including the County Council, Police and Fire Authorities precepts is still subject to confirmation.

It is therefore **recommended** that subject to final determination including the Council Tax for Somerset County Council, Police and Fire Authorities, which is to be advised:-

(The format of the Council Tax setting resolution which the Council must approve has been previously agreed between the Local Government Association and the then Department of the Environment, Transport and Regions and the following recommendations follow that format.)

That it be noted that at its meeting on 13 January 2010 the Executive calculated the following amounts for the year 2010/2011 in accordance with the regulations made under Section 33(5) of the Local Government Finance Act 1992 (as amended):-

- (1) 40,384.49 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its Council Tax Base for the year.

(2)

Ash Priors	76.05	Neroche	255.85
Ashbrittle	97.07	North Curry	742.96
Bathealton	84.57	Norton Fitzwarren	826.06
Bishops Hull	1,072.38	Nynehead	156.55
Bishops Lydeard / Cothelstone	1,937.47	Oake	333.46
Bradford on Tone	283.61	Otterford	168.39
Burrowbridge	204.78	Pitminster	459.04
Cheddon Fitzpaine	648.71	Ruishton/ Thornfalcon	615.34
Chipstable	124.72	Sampfurd Arundel	131.90
Churchstanton	331.27	Staplegrove	714.77
Combe Florey	122.01	Stawley	131.00

Comeytrowe	2,086.27	Stoke St Gregory	387.38
Corfe	134.15	Stoke St Mary	206.72
Creech St Michael	950.07	Taunton	16,087.45
Durston	59.02	Trull	1,025.28
Fitzhead	121.87	Wellington	4,631.59
Halse	144.75	Wellington (Without)	304.46
Hatch Beauchamp	261.29	West Bagborough	163.62
Kingston St Mary	446.32	West Buckland	446.17
Langford Budville	238.40	West Hatch	143.28
Lydeard St Lawrence/ Tolland	200.64	West Monkton	1,115.05
Milverton	600.46	Wiveliscombe	1,112.28

being the amounts calculated by the Council, in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items related.

- (3) That the following amounts be calculated by the Council for the year 2010/2011 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:-
- (a) £79,952,444 being the aggregate of the amounts which the Council estimated for the items set out in Section 32(2)(a) of the Act.
(Gross Expenditure including amount required for working balance).
- (b) £65,439,594 being the aggregate of the amounts which the Council estimated for the items set out in Section 32(3)(a) to (c) of the Act.
(Gross Income including reserves to be used to meet Gross Expenditure).
- (c) £14,512,850 being the amount by which the aggregate at (a) above exceeded the aggregate at (b) above, calculated by the Council in accordance with Section 32(4) of the Act, as its budget requirement for the year.

(d) £8,591,010

being the aggregate of the sums which the Council estimated would be payable for the year into its General Fund in respect of redistributed Non-Domestic Rates, Revenue Support Grant, additional grant or SSA reduction grant (increased by the amount of the sums which the Council estimated would be transferred in the year from its Collection Fund to its General Fund in accordance with Section 97(3) of the Local Government Finance Act 1988 (*Council Tax Surplus*) and increased by the amount of any sum which the Council estimated would be transferred from its Collection Fund to its General Fund pursuant to the Collection Fund (Community Charge) directions under Section 98(4) of the Local Government Finance Act 1988 made on 7 February 1994 (*Community Charge Surplus*).

(e) £146.64

$$\frac{(c) - (d)}{9.2.1(1)} = \frac{14,512,850 - 8,591,010}{40,384.49}$$

being the amount calculated at (c) above less the amount at (d) above, all divided by the amount at 9.2.1(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year. (*Average Council Tax at Band D for Borough including Parish Precepts and Special Expenses*).

(f) £462,370

being the aggregate amount of all special items referred to in Section 34(1) of the Act. (*Parish Precepts and Special Expenses*).

(g) £135.19

$$\frac{(e) - (f)}{(1) \text{ above}} = \frac{146.64 - 462,370}{40,384.49}$$

being the amount at (e) above less the result given by dividing the amount at (f) above by the amount at (1) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items related. (*Council Tax at Band D for Borough Excluding Parish Precepts and Special Expenses*).

(h)

Ash Priors	135.19	Neroche	149.07
Ashbrittle	147.55	North Curry	157.40
Bathealton	142.28	Norton Fitzwarren	164.15
Bishops Hull	153.84	Nynehead	157.55
Bishops Lydeard / Cothelstone	152.10	Oake	149.43
Bradford on Tone	154.58	Otterford	135.19
Burrowbridge	158.47	Pitminster	151.57
Cheddon Fitzpaine	144.44	Ruishton/ Thornfalcon	156.32
Chipstable	149.22	Sampford Arundel	168.85
Churchstanton	158.19	Staplegrove	149.18
Combe Florey	148.30	Stawley	153.51
Comeytrove	147.17	Stoke St Gregory	150.68
Corfe	146.37	Stoke St Mary	149.74
Creech St Michael	153.35	Taunton	138.11
Durston	135.19	Trull	148.85
Fitzhead	166.86	Wellington	151.72
Halse	147.28	Wellington (Without)	151.28
Hatch Beauchamp	152.41	West Bagborough	147.41
Kingston St Mary	148.63	West Buckland	153.12
Langford Budville	151.97	West Hatch	150.06
Lydeard St Lawrence / Tolland	151.14	West Monkton	161.90
Milverton	154.34	Wiveliscombe	153.17

being the amounts given by adding to the amount at (g) above, the amounts of the

special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at (2) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items related. (*Council Taxes at Band D for Borough, Parish and Special Expenses*).

(i) See overleaf

being the amounts given by multiplying the amounts at (h) above by the number which, in proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which is that proportion applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands. (Council Tax for Individual Parishes and the Borough)

(a)

2010/11 by Parish by Band at 2.5%

Shaded figures represent indicative data only

Valuation Band	A	B	C	D	E	F	G	H
Ash Priors	90.13	105.15	120.17	135.19	165.23	195.27	225.32	270.38
Ashbrittle	98.37	114.76	131.16	147.55	180.34	213.13	245.92	295.11
Bathealton	94.86	110.67	126.48	142.28	173.90	205.52	237.14	284.57
Bishops Hull	102.56	119.65	136.75	153.84	188.03	222.21	256.40	307.68
Bishops Lydeard/Cothelstone	101.40	118.30	135.20	152.10	185.90	219.69	253.49	304.19
Bradford on Tone	103.06	120.23	137.41	154.58	188.93	223.29	257.64	309.17
Burrowbridge	105.65	123.26	140.87	158.47	193.69	228.91	264.12	316.95
Cheddon Fitzpaine	96.29	112.34	128.39	144.44	176.54	208.63	240.73	288.88
Chipstable	99.48	116.06	132.64	149.22	182.38	215.54	248.70	298.44
Churchstanton	105.46	123.04	140.62	158.19	193.35	228.50	263.65	316.39
Combe Florey	98.87	115.35	131.83	148.30	181.26	214.22	247.17	296.61
Comeytrowe	98.12	114.47	130.82	147.17	179.88	212.58	245.29	294.35
Corfe	97.58	113.84	130.11	146.37	178.90	211.43	243.95	292.74
Creech St Michael	102.23	119.27	136.31	153.35	187.42	221.50	255.58	306.69
Durston	90.13	105.15	120.17	135.19	165.23	195.27	225.32	270.38
Fitzhead	111.24	129.78	148.32	166.86	203.94	241.02	278.10	333.72
Halse	98.19	114.55	130.92	147.28	180.01	212.74	245.47	294.56
Hatch Beauchamp	101.61	118.54	135.48	152.41	186.28	220.15	254.02	304.82
Kingston St Mary	99.09	115.60	132.12	148.63	181.66	214.69	247.72	297.27
Langford Budville	101.31	118.20	135.08	151.97	185.74	219.51	253.28	303.94
Lydeard St Lawrence/Tolland	100.76	117.55	134.35	151.14	184.73	218.31	251.90	302.28
Milverton	102.89	120.04	137.19	154.34	188.64	222.94	257.24	308.68
Neroche	99.38	115.94	132.50	149.07	182.19	215.32	248.44	298.13
North Curry	104.93	122.42	139.91	157.40	192.38	227.35	262.33	314.80
Norton Fitzwarren	109.43	127.67	145.91	164.15	200.63	237.11	273.58	328.30
Nynehead	105.03	122.54	140.04	157.55	192.56	227.57	262.58	315.09
Oake	99.62	116.23	132.83	149.43	182.64	215.85	249.06	298.87
Otterford	90.13	105.15	120.17	135.19	165.23	195.27	225.32	270.38
Pitminster	101.05	117.89	134.73	151.57	185.25	218.94	252.62	303.14

(iv) Councillor Hazel Prior-Sankey

(a) Housing Revenue Account, Revenue Estimates and Rent Levels and Deane Helpline for the 2010/2011 Financial Year

The Executive has given consideration to the proposed Housing Revenue Account (HRA) for the 2010/2011 Financial Year which shows a working balance of £2,545,800. It also includes details of the proposed new rent charges for the year where a 3.1% increase has been recommended and it also provides information on the Deane Helpline Trading Account.

The Corporate Scrutiny Committee considered the 2010/2011 draft budget at its meeting on 21 January 2010 where no formal recommendations to change the HRA budget were made.

The Tenants Forum has also considered the report.

It is therefore **recommended** that the Housing Revenue Account budget for 2010/2011 be agreed.

(b) Digital Compliance : Deane Helpline

At its meeting on 9 February 2010, the Executive looked at a proposal to allocate sufficient capital investment for the supply of new equipment in order to ensure that all Lifeline equipment operated by the Deane Helpline is digitally compliant.

Although all sheltered housing schemes were upgraded from analogue to digital approximately 10 years ago, it was estimated that approximately 173 individual properties (hard-wire schemes or dispersed alarms) within Taunton Deane require upgrading.

The work to convert to digital will include the installation of new helplines and the removal of obsolete equipment from hardwire schemes and every effort will be made to ensure that the service to customers is not disrupted.

The Executive has agreed that a capital allocation of £35,000 to this project from existing revenue resources should be approved.

It is **recommended** that this change to the capital programme be agreed.



Gambling Act 2005

Draft Statement of Principles

Should you have any comments regarding this draft Statement of Principles then please send them by letter to:

Taunton Deane Borough Council
Licensing Unit
The Deane House
Belvedere Road
Taunton
TA1 1HE

Or:

Via email to licensing@tauntondeane.gov.uk.

By fax to 01823 356564

If you need any information in this document translated into another language or in Braille, large print, audiotape, or CD please telephone us on 01823 356343 or e-mail us at licensing@tauntondeane.gov.uk

Taunton Deane Borough Council
Draft Statement of Principles
INDEX

Part A - Overview

	Page
1. Introduction	5
2. Licensing Objectives	6
3. Declaration	6
4. General Principles	6
5. Responsible Authorities	7
6. Interested Parties	7
7. Exchange of Information	8
8. Enforcement	9
9. Licensing Authority Functions	9
10. Legislation	10

Part B – Premises Licences

11. General Principles	11
11.1 Location	11
11.2 Duplication with other regulatory regimes	12
11.3 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime	12
11.4 Ensuring that gambling is conducted in a fair and open way	12
11.5 Protecting children and other vulnerable persons from being harmed or exploited by gambling	12
11.6 Conditions	13
11.7 Door Supervisors	14
12. Adult Gaming Centres	14
13. (Licensed) Family Entertainment Centres	15
14. Casinos	16
14.1 Casinos and competitive bidding	16
14.2 Betting machines	16
14.3 Credit	16
15. Bingo premises	16
16. Betting Premises	17
16.1 Betting machines	17
16.2 Credit	17
17. Tracks	17
18. Travelling Fairs	18
19. Provisional Statements	19

Part C - Permits/Temporary & Occasional Use Notices

20. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits)	20
	Page
21. (Alcohol) Licensed premises gaming machine permits	21
22. Prize Gaming Permits - (Statement of Principles on Permits)	21
23. Club Gaming and Club Machines Permits	22
24. Temporary Use Notices	23
25. Occasional Use Notices	23

Part D – Decision making, complaints and reviews

26. Decision Making	24
26.1 Committee Terms of Reference	24
26.2 Allocation of Decision Making Responsibilities	24
27. Complaints against Licensed Premises	24
28. Reviews	24
29. Further Information	25
Appendix A – Responsible Authorities details	27
Appendix B – Table of Delegations of Licensing Functions	28
Appendix C - Glossary of terms	29
Appendix D – Map of Taunton Deane Borough Council area	30

The sections highlighted in the shaded boxes are either quotes from the Act, accompanying Statutory Guidance, or comments from the Council.

These comments are included for information purposes only and will not form part of the Council's final Statement of Principles.

PART A - OVERVIEW

1. Introduction

- 1.1 Taunton Deane is a mixed urban and rural district in Somerset covering approximately 178 square miles and with a population of over 100,000 (2001 census). The area encompasses the fertile vale of the River Tone to the centre and is bounded by Exmoor National Park to the West, the Quantock Hills to the North, the Blackdown Hills to the South and the Somerset Levels to the East.

There are approximately 45,000 dwellings and 4,000 businesses within the borough. The main urban areas are Taunton, the County Town, and Wellington. The remainder of the area is a mixture of villages and farmland. The population of Taunton is 60,400 and Wellington 12,200. Taunton Deane is not densely populated, there are approximately 2.2 people per hectare, although there are concentrations of housing in some areas.

- 1.2 The Council became the Licensing Authority under the Gambling Act 2005. This resulted in it becoming responsible for granting premises licences and permissions in Taunton Deane in respect of:-

1. Casinos;
2. Bingo Premises;
3. Betting Premises;
4. Tracks;
5. Adult Gaming Centres;
6. Family Entertainment Centres;
7. Club Gaming Permits;
8. Prize Gaming and Prize Gaming Permits;
9. Temporary Use Notices;
10. Registration of small society lotteries

- 1.3 The Gambling Act 2005 requires the Council by January 2010 to amend the existing statement and then publish a "Statement of Principles" that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

- 1.4 This "Statement of Principles" has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act 2005.

- 1.5 Our consultation will take place between 12 July 2009 and 4 October 2009 with final comments being accepted up to the 6 October 2009. We shall be following the Cabinet Office Guidance on consultations by the public sector prior to adoption of the final Statement of Principles.

- 1.6 The Act requires that Licensing Authorities carry out consultation of their proposed principles and that all of the following parties are consulted:

- The Chief Officer of Police.
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the Authority's area.
- 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.

- 1.7 In addition to the above, the following will also be consulted: a range of organisations including voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, Primary Care Trust and advocacy organisations such as the Citizen's Advice Bureau. There will also be consultation with other local government related services and local businesses who are, or will be, holders of a premises licence.
- 1.8 The list of persons to be consulted is deliberately wide. This will enable the Licensing Authority to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the licensing policy statement.
- 1.9 The formal Statement of Principles once agreed by the Council will be available on Taunton Deane Borough Council's website and in Taunton Deane libraries.
- 1.10 This version of the statement of principles will come into effect on the 31 January 2010 and will be reviewed as necessary, and at least every three years from the date of adoption.

2. Licensing Objectives

- 2.1 The Gambling Act 2005 requires that the Council carries out its various licensing functions with a view to promoting the following three licensing objectives:-
- 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;**
 - 2. Ensuring that gambling is carried out in a fair and open way;**
 - 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

3. Declaration

- 3.1 In producing this final policy statement, this Licensing Authority declares that it will have regard to the licensing objectives of the Act, the Guidance issued by the Gambling Commission, and any responses from those consulted on the draft policy statement.

4. General Principles

- 4.1 Nothing in this Statement of Policy will:-
1. 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
 2. 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.
- 4.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
1. In accordance with any relevant code of practice issued by the Gambling Commission;
 2. In accordance with any relevant guidance issued by the Gambling Commission;
 3. Reasonably consistent with the licensing objectives; and
 4. In accordance with the authority's statement of principles.
- 4.3 The Gambling Commission's Guidance for local authorities provides that "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.

- 4.4 The Licensing Authority, in carrying out its functions, will not duplicate existing legislation and regulatory regimes that already place obligations on employers and operators.
- 4.5 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 4.6 The starting point in determining applications will be to grant the application without conditions. Conditions will only be considered where they are needed to meet the requirements of the licensing objectives, and any conditions applied 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 either mandatory/default conditions or other legislation.
- 4.7 The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

5. Responsible Authorities

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

- 5.1 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose.
- 5.2 The details of the Responsible Authorities under the Gambling Act 2005 are shown at Appendix A.

6. Interested Parties

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

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

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

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

6.1 The licensing authority will apply the following principles in determining an interested party:

1. Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
2. The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
3. Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

6.2 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 unit whose details are given at the end of this document.

7. Exchange of Information

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

7.1 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes that the provisions of 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 local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

8. Enforcement

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

The Gambling Commission's Guidance for local authorities does provide some information about compliance and enforcement, but it is subject to a separate consultation exercise, which will take place in the summer of 2006 with a final document being issued in December 2006.

- 8.1 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and it will endeavour to be:
1. **Proportionate:** regulators should only intervene when necessary and remedies should be appropriate to the risk posed, and costs identified and minimised;
 2. **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 3. **Consistent:** rules and standards must be joined up and implemented fairly;
 4. **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
 5. **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 8.2 This licensing authority has also, as recommended by the Gambling Commission's Guidance for local authorities, adopted a risk-based inspection programme. LACORS is working with the Gambling Commission to produce a risk model for premises licences and this authority will consider that model once it is made available.
- 8.3 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions that it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but will be notified to the Gambling Commission.
- 8.4 This licensing authority will keep itself informed of developments as regards the work of the Better Regulation Executive (or any body subsequently taking over its role) in its consideration of the regulatory functions of local authorities.
- 8.5 The Licensing Authority will seek to work actively with the police in enforcing licensing legislation and intends to establish protocols with the Avon and Somerset Constabulary, Somerset Fire and Rescue Service, and other Council bodies such as Environmental Health, Trading Standards and Child Protection on enforcement issues to ensure an efficient deployment of officers.
- 8.6 Bearing in mind the principle of transparency, this Licensing Authority's enforcement policy and joint protocol will be available upon request from the Licensing Unit.

9. Licensing Authority functions

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*;
- Issue *Provisional Statements*;

- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue *Club Machine Permits* to *Commercial Clubs*;
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register *small society lotteries* below prescribed thresholds;
- Issue *Prize Gaming Permits*;
- Receive and Endorse *Temporary Use Notices*;
- Receive *Occasional Use Notices*;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- Maintain registers of the permits and licences that are issued under these functions.

9.1 Local licensing authorities will not be involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

10. Legislation

10.1 In undertaking its licensing function under the Gambling Act 2005, the Council is also bound by other legislation, including:-

1. Section 17 of the Crime and Disorder Act 1988;
2. Human Rights Act 1998;
3. Health and Safety at Work Etc Act 1974;
4. Environmental Protection Act 1990;
5. The Anti-Social Behaviour Act 2003 (as amended);
6. The Race Relations Act 1976 (as amended);
7. Licensing Act 2003

PART B

PREMISES LICENCES

11. General Principles

A "premises" is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This licensing authority takes note of the Gambling Commission's Guidance for local authorities which states that:

- licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that 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.
- 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). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

It should be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission 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. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

11.1 Location

11.1.1 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. 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 potential concerns can be overcome.

11.2 Duplication with other regulatory regimes

11.2.1 This licensing authority will seek to avoid duplication with other statutory/regulatory systems, including planning, wherever possible. This authority will not consider whether a licence applicant is likely to be awarded planning permission or building regulations approval, in its consideration of an application. It will however, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

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

11.3.1 This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime, this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable, such as the provision of door supervisors. This 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, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

11.3.2 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officers and Avon and Somerset Constabulary before making a formal application.

11.3.3 In considering licence applications, the Local Authority will particularly take into account the following:

1. The design and layout of the premises;
2. The training given to staff in crime prevention measures appropriate to those premises;
3. Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
4. Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
5. The likelihood of any violence, public order or policing problem if the licence is granted.

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

11.4.1 The Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks, which is explained in more detail in the 'tracks' section below.

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

- 11.5.1 The Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as a restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas, etc.
- 11.5.2 This licensing authority will also make itself aware of Codes of Practice issued by the Gambling Commission regarding this licensing objective, in relation to specific premises such as casinos.
- 11.5.3 As regards the term "vulnerable persons" the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future, this policy statement will be updated.

11.6 Conditions

- 11.6.1 Any conditions attached to licences will be proportionate and will be:
1. Relevant to the need to make the proposed building suitable as a gambling facility;
 2. Directly related to the premises and the type of licence applied for;
 3. Fairly and reasonably related to the scale and type of premises; and
 4. Reasonable in all other respects.
- 11.6.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas, etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.
- 11.6.3 This licensing authority will also consider specific measures which may be required for buildings subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 11.6.4 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
1. 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;
 2. Only adults are admitted to the area where these machines are located;
 3. Access to the area where the machines are located is supervised;
 4. The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 5. At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

11.6.6 It is noted that there are certain conditions which the licensing authority cannot attach to premises licences. These include:

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

11.7 Door Supervisors

11.7.1 The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. However, door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA).

11.7.2 In view of the above, this Licensing Authority has specific requirements for door supervisors working at casinos or bingo premises, in that they will be qualified to the SIA standard. This requirement is consistent with the standards set by the Gambling Commission for door supervisors, and is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

11.7.3 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances/machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

12. Adult Gaming Centres

Adult gaming centres (AGC's) were a new category of premises introduced by the Act. No one under the age of 18 is permitted to enter an AGC and persons operating an AGC must hold a gaming machines general operating licence from the Gambling Commission and must seek a premises licence from the Licensing Authority. They will be able to make category B, C and D gaming machines available to their customers.

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

12.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

1. Proof of age schemes
2. CCTV
3. Supervision of entrances/machine areas
4. Physical separation of areas
5. Location of entry
6. Notices/signage
7. Specific opening hours
8. Self-barring schemes
9. Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

13. Licensed Family Entertainment Centres

The Act created two classes of family entertainment centre (FEC). Licensed FECs provide category C and D machines and require a premises licence. Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.

Children and young persons are permitted to enter an FEC and may play on the category D machines. They are not permitted to play on the category C machines and there must be a clear segregation between the two types of machine, so that children do not have access to category C machines.

- 13.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 13.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:
1. CCTV
 2. Supervision of entrances/machine areas
 3. Physical separation of areas
 4. Location of entry
 5. Notices/signage
 6. Specific opening hours
 7. Self-barring schemes
 8. Provision of information leaflets/helpline numbers for organisations such as GamCare.
 9. Measures/training for staff on how to deal with suspected truant school children on the premises

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

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

14. Casinos

This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by Full Council.

14.1 Casinos and competitive bidding

14.1.1 Where a licensing authority is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005), there are likely to be a number of operators wishing to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with any regulations/codes of practice issued under the Gambling Act 2005.

14.2 Betting machines

14.2.1 This licensing authority will, as per the Gambling Commission's Guidance, 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 people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

14.3 Credit

14.3.1 The Gambling Commission has stated in its Guidance for Local Authorities 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".

15. Bingo premises

Under the previous legislation, two types of bingo could be offered:

- Cash bingo, where the stakes paid made up the cash prizes that were won; or
- Prize bingo, where various forms of prizes were won, not directly related to the stakes paid.

The Gambling Act 2005 abolishes the distinction between these two versions of the game and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize.

15.1 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, the licensing authority will seek to ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;

- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; 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.

15.2 The Gambling Commission intends to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This licensing authority will consider this guidance once it is made available.

16. Betting Premises

A betting premises is where off-course betting, ie betting that takes place other than at a track, takes place, in what is currently known as a licensed betting office. Under the Act, licensing authorities are responsible for issuing and monitoring premises licences for all betting premises. Children and young persons will not be able to enter premises with a betting premises licence, although special rules apply to tracks.

16.1 Betting machines

16.1.1 This licensing authority will, as per the Gambling Commission's Guidance, 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 people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

16.2 Credit

16.2.1 The Gambling Commission's Guidance as detailed in 14.3.1 above applies. It is also understood that the Gambling Commission will be placing restrictions and requirements on Operating Licences for betting premises regarding credit, and this Licensing Authority will consider the guidance when it is available.

17. Tracks

Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the totalisator or tote), and also general betting, often known as "fixed-odds" betting.

Under previous legislation, licensing authorities already held responsibility for licensing dog tracks. The Act continues this responsibility and extends it to other tracks and racecourses.

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

17.2 This authority will therefore expect applicants for premises licences to demonstrate suitable measures to ensure that children do not have access to adult only gaming

facilities. Children and young persons will be permitted to enter track areas where facilities for betting are provided, on days when dog-racing and/or horse racing takes place, but they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

17.3 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

1. Proof of age schemes
2. CCTV
3. Supervision of entrances/machine areas
4. Physical separation of areas
5. Location of entry
6. Notices/signage
7. Specific opening hours
8. Self-barring schemes
9. Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

17.4 This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of betting machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

17.5 The Gambling Commission has advised in its Guidance for local authorities 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."

17.6 This licensing authority accepts the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring"), and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

17.7 This 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, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

18. Travelling Fairs

18.1 It will fall to this 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.

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

19. Provisional Statements

- 19.1 The Gambling Commission's guidance 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 could, if necessary, inspect it fully".
- 19.2 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 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 in the authority's opinion reflect a change in the operator's circumstances.
- 19.3 The Gambling Commission's Guidance states that "A licensing authority should not take into account irrelevant matters..... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

PART C

Permits/Temporary & Occasional Use Notices

20. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

20.1 The Guidance to the Act 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 Family Entertainment Centre, and if the chief officer of police has been consulted on the application..."

20.2 This licensing authority proposes 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.

A licensing authority cannot attach conditions to this type of permit.

20.3 With regard to renewals of these permits, a 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.

20.4 Gaming Machines - The Act does not allow gaming machine applications from premises where children have free access. In view of this, and in order to promote the licensing objectives, this Licensing Authority will not accept any new gaming machine applications or renewal applications from existing gaming machine permit holders in relation to places including the following:

Accommodation Agencies, Art Galleries, Assembly Rooms, Bus Stations, Railway Stations, Cafes, Canteens, Cinemas, Theatres, Schools and Colleges, Youth Clubs, Swimming Pools, Off Licences, Loan Offices, Church Halls, Banks, Car Hire Premises, Employment Agencies, Garden Centres, Hospitals, Museums, Nurseries, Sales Rooms, Showrooms, Surgeries, Hotels, Registered Homes, Garages and Service Stations, Retail Shops and Warehouses, Video Hire/Sale Premises, Shopping Arcades/Centres, Dance Halls/Discotheques, Salons/Hairdressing Premises, Snooker/Billiards and Pool Halls, Taxi and Private Hire Offices and Ranks, Waiting Rooms and Reception Areas, Leisure/Health/Sports/ Community Centres, Restaurants, Take-away Food Premises.

This is not an exhaustive list and the Licensing Authority reserves the right to refuse applications where the licensing objectives are likely to be undermined.

21. 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 2 gaming machines of categories C and/or D. The premises licence holder must notify the Licensing Authority by completing the requisite application form, paying the prescribed fee and also complying with any relevant Code of Practice issued by the Gambling Commission (Section 282). The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- 1 Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- 2 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);
- 3 The premises are mainly used for gaming; or
- 4 An offence under the Gambling Act has been committed on the premises.

- 21.1 If a premises wishes to have more than 2 machines, it must apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor the machines to ensure they are not being used by persons under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/ helpline numbers for organisations such as GamCare.
- 21.2 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with, as an Adult Gaming Centre premises licence.
- 21.3 It should be noted that the licensing authority can decide to grant the application with a lesser number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 21.4 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.

22. Prize Gaming and Prize Gaming Permits

A prize gaming permit is a permit issued by the licensing authority authorising the provision of facilities for gaming with prizes on specified premises.

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

- 22.1 This licensing authority's Statement of Principles is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - and that the gaming offered is within the law.
- 22.2 In making its decision on an application for this type of permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 22.3 The permit holder must comply with certain conditions imposed by the Gambling Act 2005. However, the licensing authority cannot attach any other conditions to a permit. The conditions provided by the Act are that:
- 1 The limits on participation fees, as set out in regulations, must be complied with;
 - 2 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;
 - 3 The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - 4 Participation in the gaming must not entitle the player to take part in any other gambling.

23. 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. 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 only gaming machines (i.e. up to 3 machines of categories B4, C or D).

- 23.1 The Gambling Commission Guidance states: "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."
- 23.2 The Commission Guidance also states that "licensing authorities may only refuse an application on the grounds that:
- 1 The applicant does not fulfil the requirements for a members' or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - 2 The applicant's premises are used wholly or mainly by children and/or young persons;
 - 3 An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - 4 A permit held by the applicant has been cancelled in the previous ten years; or
 - 5 An objection has been lodged by the Commission or the police.
- 23.3 There is also a 'fast-track' procedure available under the Act for premises holding a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the

police, and the grounds upon which an authority can refuse a permit are reduced". Furthermore, the guidance states: "The grounds on which an application under the process may be refused are:

- 1 That the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - 2 That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - 3 That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 23.4 There are statutory conditions on club gaming permits that no child may use 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.

24. Temporary Use Notices

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

- 24.1 There are a number of statutory limits as regards Temporary Use Notices. It falls to the Licensing Authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's Guidance for Local Authorities).

25. Occasional Use Notices

The Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

- 25.1 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. This licensing authority will however consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

PART D DECISION MAKING, COMPLAINTS & REVIEWS

26. Decision Making

26.1 Licensing Committee Terms of Reference

26.1.1 The committee's terms of reference will be set out in the Council's Constitution. The terms of reference will be guided by Regulations issued under the Act, which have not yet been published.

26.2 Allocation of Decision Making Responsibilities

26.2.1 These responsibilities will be set out in the Council's policy. The table shown at Appendix B indicates how the delegation of functions might be allocated.

27. Complaints against licensed premises

27.1 The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

27.2 Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

27.3 This process will not override the right of any interested party to ask that the licensing committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

27.4 When dealing with a complaint about a licensed premises the Licensing Authority will have due regard to the Environmental Health Enforcement Policy.

28. Reviews

28.1 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 decision will be made on the basis of whether the request for the review is relevant to the matters listed below:

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

Requests for reviews will not be considered by the Licensing Authority where:

- The request is frivolous or vexatious;
- It will not cause the authority to consider altering, revoking or suspending the licence; or
- It is substantially the same as previous representations or requests for review.

28.2 The licensing authority can also initiate a review of a licence if it feels it appropriate.

29. Further information

- 29.1 Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:-

Taunton Deane Borough Council
Licensing Unit
The Deane House
Belvedere Road
Taunton
TA1 1HE

Tel: 01823 356343
Fax: 01823 356564
E-mail: licensing@tauntondeane.gov.uk
Website: www.tauntondeane.gov.uk

- 29.2 Information is also available from:-

Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0120 230 6666
Website: www.gamblingcommission.gov.uk

Department of Culture, Media and Sport

2-4 Cockspur Street
London
SW1Y 5DH

Tel: 020 7211 6200
E-mail: Enquires@culture.gov.uk
Website: www.culture.gov.uk

Gamcare: www.gamcare.org.uk

APPENDIX A

RESPONSIBLE AUTHORITIES DETAILS

RESPONSIBLE AUTHORITY	ADDRESS	TELEPHONE NUMBER
Taunton Deane Borough Council (in the capacity of Licensing Authority)	Licensing Unit The Deane House Belvedere Road Taunton TA1 1HE	01823 356343
Avon and Somerset Constabulary	Liquor Licensing Bureau PO Box 2891 Bristol BS2 2AS	0117 945 5154
Somerset Fire and Rescue Service	Chief Fire Officer The Fire Station Lisieux Way Taunton TA1 2LB	01823 273020
Taunton Deane Borough Council Environmental Protection Team	The Deane House Belvedere Road Taunton TA1 1HE	01823 356339
Somerset Local Safeguarding Children Board	Somerset Local Safeguarding Children Board County Hall Taunton TA1 4DY	01823 358098
Taunton Deane Borough Council (Planning Department)	Development Control Manager Planning Department The Deane House Belvedere Road Taunton TA1 1HE	01823 356464
Gambling Commission	Victoria Square House Victoria Square Birmingham B24BP	0121 230 6666
HM Revenue and Customs	Michael Paul House Corporation Street Taunton TA1 4BZ	0845 010 9000

APPENDIX B

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

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

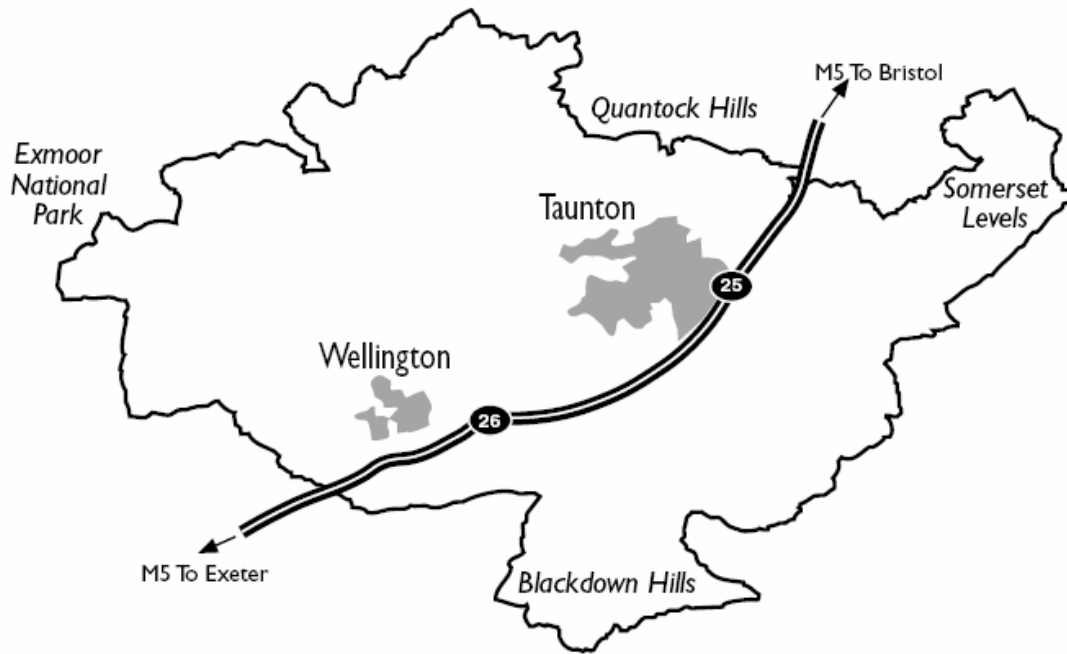
Glossary of Terms

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

Act:	The Gambling Act 2005																											
Betting Machine	A machine which has been designed or adapted for use to bet on future real events, such as horse racing, and used as a substitute for placing a bet over the counter.																											
Code of Practice:	Any relevant code of practice under section 24 of the Gambling Act 2005																											
Council:	Taunton Deane Borough Council																											
Council area:	The area of Taunton Deane administered by Taunton Deane Borough Council (Map appended at Appendix D)																											
DCMS	Department of Culture, Media and Sport																											
Default Condition:	A specified condition provided by regulations to be attached to a licence, unless excluded by Taunton Deane Borough Council																											
Gaming Machine	<table border="1"> <thead> <tr> <th>Category</th> <th>Maximum Stake</th> <th>Maximum Prize</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Unlimited</td> <td>Unlimited</td> </tr> <tr> <td>B1</td> <td>£2</td> <td>£4,000</td> </tr> <tr> <td>B2</td> <td>£100</td> <td>£500</td> </tr> <tr> <td>B3</td> <td>£1</td> <td>£500</td> </tr> <tr> <td>B4</td> <td>£1</td> <td>£250</td> </tr> <tr> <td>C</td> <td>50p</td> <td>£25</td> </tr> <tr> <td>D</td> <td>10p</td> <td>£5 cash</td> </tr> <tr> <td></td> <td>30p when non-monetary prize</td> <td>or £8 non-monetary prize</td> </tr> </tbody> </table>	Category	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	£5 cash		30p when non-monetary prize	or £8 non-monetary prize
Category	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	£5 cash																										
	30p when non-monetary prize	or £8 non-monetary prize																										
Guidance	Guidance issued to Licensing Authorities by the Gambling Commission (April 2006) as required by section 25 of the Gambling Act 2005.																											
LACORS	Local Authorities Co-ordinators of Regulatory Services (http://www.lacors.gov.uk/)																											
Licensing Authority	Taunton Deane Borough Council																											
Mandatory Condition:	A specified condition provided by regulations to be attached to a licence																											
Notifications:	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																											

APPENDIX D

MAP OF TAUNTON DEANE



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Appendix

Taunton Deane Borough Council

Corporate Strategy 2010-2013

Corporate Strategy 2010-2013



Our Vision: Taunton Deane will be recognised nationally as a place that is developing sustainably, securing a better life and future for its people, businesses and communities.

Aims	Objectives	Key Activities	Performance Indicators (in addition to Actions Monitoring)
Tackling Deprivation & Sustainable Community Development	1 Focus on Taunton East, North Taunton & Rural Deprivation	1.1 Community Development Plan by April 2011 1.2 Implementation Plan by September 2011 1.3 Adopt a Total Place approach to delivery 1.4 Staff Volunteering Scheme	1.1, 1.2 & 1.3 Improvement of IMD scores 1.4 Total Volunteer Hours
	2 'One-Stop' advice on Skills, employment and training to most deprived communities	2.1 Deliver Enterprise Gateways & Job Clubs at Taunton East and North Taunton	2.1 Numbers of people referred / back to work
	3 Secure medium term future of North Taunton Partnership and Link Partnership	3.1 Secure funding and develop a Service Level Agreement	3.1 Funding secured
Regeneration (continued overleaf)	4 Facilitate the creation of a leading Green Knowledge Economy	4.1 Economic Development Strategy by April 2010 4.2 Identify innovative projects and deliver during 2010/11 4.3 Increase supply of employment land 4.4 Inward investment and business support	4.1, 4.2 & 4.3 Number of jobs created 4.4 NII70
	5 Facilitate Housing Growth	5.1 Adopted Core Strategy by September 2011 5.2 Urban Extensions Masterplanning - identify proposals by July 2010 5.3 Annual review of SHLAA 5.4 Deliver all forms of housing 5.5 Ensure 5 year supply of housing	5.1, 5.2 & 5.3 NII54 5.4 & 5.5 NII59

Aims

Regeneration
(continued)

Objectives

6 Deliver Infrastructure

Key Activities

- 6.1 Secure funding for Project Taunton
- 6.2 Infrastructure Delivery Plan by Sept 2011
- 6.3 Planning Obligations SPD by Sept 2011
- 6.4 Campaign for improvements to J25 of M5
- 6.5 Redevelop Castle Green during 2010/11
- 6.6 Major transport infrastructure for Wellington to be approved by September 2011

Performance Indicators (in addition to Actions Monitoring)

Affordable
Housing

7 Making Homes More Affordable

- 7.1 Explore all options and understand local housing market by March 2011
- 7.2 Implement actions to increase number of affordable houses by March 2011
- 7.3 Improve housing conditions (public and private sector) by March 2013

7.1 & 7.2 NII55
7.3 NII58 & NII87

Climate
Change

8 Reduce our carbon emissions by 10% by the end of 2010 and secure annual reductions thereafter

8.1 Produce an Action Plan by May 2010 to be followed by implementation. Review on a yearly basis

8.1 Reduce carbon emissions by 10% by end 2010 / NII85 & NII86

9 Work with communities to reduce carbon emissions across the Deane

- 9.1 Work with partners and community to produce a 'energy descent plan' by 2013
- 9.2 Seek external funding to support climate change initiatives

9.1 NII88

Taunton Deane Borough Council.....on TRAC

VISION

Taunton Deane will be recognized nationally as a place that is developing in a sustainable way, securing a better life and future for its people, businesses and communities.

AIM 1: TACKLING DEPRIVATION & SUSTAINABLE COMMUNITY DEVELOPMENT

Vision

Deprivation will be tackled so that disadvantaged communities will have better access to jobs, training and local services

Context & Challenges

Deprivation is calculated using the Indices of Multiple Deprivation – IMD. The IMD analyses performance data relating to income, employment, education, crime, health, access to services and living environment.

IMD data (2007) identifies that overall deprivation is improving across the Deane. We are 204th out of 354 local authorities, where 1 is the worst.

However, deprivation is worsening in certain areas. We now have 6 areas that are classified as being within the 25% most deprived areas in England (an increase from 4 in 2004). We have one area that is within the 10% most deprived areas in England (we had none in 2004). 8% of our population lives in comparatively high deprivation (compared to 5.6% in 2004). The six areas comprising the worst deprivation are:

- Halcon North (Roman Rd)
- Halcon West (Lambrook Rd)
- Lyngford North (Cheddon Rd)
- Lyngford West (Lyngford Rd)
- Pyrland & Rowbarton Central (Dorchester Rd)
- Eastgate South-West (East Reach)

However, deprivation is not confined to Taunton and it can often be hidden from statistical analysis within IMD. Examples of deprivation elsewhere are:

Rural: Fuel Poverty

Rural: Access to broadband and mobile phone networks

North Wellington / Rockwell green: Income & employment

Rural: Access to services and public transport

Over the past few years there has been much effort and resource devoted to tackling deprivation. And yet the problem is worsening at certain locations (both urban and rural). This would suggest that we need a more coordinated and focussed approach to the problem. This has now been recognised by other partners. The Local Strategic Partnership has prioritised this issue. It has provided funding to help support

community development and is now in the process of establishing better connections between strategy and delivery. It is important that the work of the Borough Council aligns itself to this process and provides leadership.

There are a number of factors that will be critical to tackling deprivation:

- Leadership – Political & managerial
- Community engagement – Communities need to be part of the solution
- Partnerships – Forging effective partnerships with public, private, voluntary and community sectors
- Budgets – Channelling investment (aligning and pooling budgets)

At this stage it is considered too early to be committing the Borough Council to specific actions. A bottom-up approach is critical to resolving deprivation. A key objective must therefore be the delivery of a Community Development Plan. This would then inform delivery through an Implementation Plan.

Of direct relevance to tackling deprivation is the delivery of Enterprise Gateways. This work is being led by the Economic Development Unit, and links closely to the emerging Economic Development Strategy. Enterprise Gateways are multi-agency (e.g. Business Link, Job centre+ etc, training providers etc) and act as 'one-stop-shops' to provide business, employment and training advice direct to local communities. They typically provide the following advice:

- Interview skills, job application advice and CV writing
- One to one support and advice to help people become self employed
- Referral to training and personal skill development
- Access to employment

Enterprise Gateways are recognised as best practice from the Business Support Simplification Programme (BERR). There are many successful examples nationwide. We are working to provide Enterprise Gateways in North Taunton, Taunton East & Wellington.

Enterprise gateways (and many other activities that will flow from the Community Development Plan) will naturally be delivered from the community offices at North Taunton and Taunton East. These are staffed by a paid worker (currently absent at Taunton East) and volunteers. These offices are central to tackling deprivation and their continued existence must be a priority objective.

The following objectives and key activities are proposed:

Objective 1

Focus on deprivation within Taunton East (the most deprived area), North Taunton and Rural Deprivation (the hidden problem)

Key Activities

- Work with partners to develop a Community Development Plan by April 2011 involving
 - Data Analysis

- Community engagement
- A vision that will contain elements of economic and community development and regeneration activity
- Deliver an Implementation Plan by September 2011 that will contain details of:
 - Priorities
 - Projects
 - Delivery mechanisms
- Work with partners to adopt a 'Total Place' approach to tackle deprivation
 - Alignment and pooling of budgets
- Develop a TDBC staff volunteering scheme
 - Recruit suitable volunteers
 - Support volunteers / projects

Performance Indicators

Activities 1 & 2

- Actions monitoring
- QoL – Reduction in the proportion of residents who are defined as living in the most deprived super output areas in the country

Activity 3

- Total volunteer hours

Objective 2

Work with partners to deliver 'one-stop' advice on skills, employment and apprenticeships direct to communities suffering most from deprivation

Key Activity

- Deliver Enterprise Gateway (Job Club) at Taunton East, work with partners (Somerset Skills & Learning) to enhance existing delivery of back-to-work skills programme in North Taunton and to develop back-to-work skills programme in Wellington

Performance Indicators

- Actions monitoring
- Numbers referred / back to work

Objective 3

Support the work of key partners: North Taunton Partnership and Link Partnership

Key Activities

- Work with partners to help secure the medium term future of the Priorswood Resource Centre and Link Centre by sourcing appropriate funding to be released within a Service Level Agreement

Performance Indicators

- Actions monitoring
- Local PI – Funding secured against target

AIM 2: REGENERATION

Vision

The regeneration and growth of Taunton Deane will have been planned and successfully managed. Nationally we shall be recognised as a leading 'Green Knowledge Economy'. Businesses will have located to the area to provide jobs in line with housing growth. Homes will have been provided to cater for the needs of an expanding and diverse population within communities that people are proud of

THE ECONOMY

Context & Challenges:

Taunton has reached a watershed in its economic development. The challenges it faces are new and different, and require a highly ambitious approach:

Taunton is a national "Growth Point". To meet this challenge, the local economy has to generate 16,500 new jobs by 2026, nearly 30 per cent more jobs than now in order to support major housing expansion plans. The recession has obviously made this a more challenging task. Taunton has to grow strongly and steadily for the next 15 years, at a time when the economic outlook is highly uncertain.

Public spending will be weak over the next 5-8 years. Taunton is highly exposed to spending cuts, given that 40 per cent of residents work for public sector employers – who also account for 70 per cent of Taunton's high skill, high wage jobs. These impacts are hard to predict. Taunton needs to develop stronger business drivers to compensate for an adverse outlook in the public sector of the local economy.

Prior to the recession, there were concerns over Taunton's economic competitiveness. This is reflected, for example, in the persistent workplace-based earnings gap between Taunton and the rest of the South West and the rest of Britain: 5 per cent and 15 per cent in 2008 respectively. To achieve parity with regional workplace earnings levels 48% of the new jobs created must be high-value high-skill employment within knowledge intensive businesses. Local businesses are of the view that there is a strong need to modernise Taunton's economy. They underlined Taunton's lack of economic dynamism, evident from low levels of inward investment, tourism and high-value consumer services, and mooted the prospect of Taunton becoming a suburban extension of Exeter and Bristol.

In order to become a successful knowledge economy Taunton will need to strengthen the recognised drivers of competitiveness: Skills and talent – universal and generic, graduate and skilled craft/technical/process skills

- Innovation – new products, new processes in all sectors
- Enterprise – new start ups and dynamic, knowledge-intensive small firms
- Infrastructure – marketable employment sites/buildings, sustainable transport, ICT and 21st century 'green economy' energy, water and waste networks
- Finance – new business models and sources for financing projects

Delivery of the emerging Economic Development Strategy (EDS) will be based on *existing* economic development related initiatives – such as the regeneration work of Project Taunton and the University of Somerset project. However, in order to underline Taunton's new contemporary vision and sense of economic ambition, the EDS will also be driven forward by a new 'engine of growth' – dubbed the "Green Knowledge Economy" (GKE). This signals Taunton's intent to fully exploit the new business and job opportunities emerging from the 'green agenda' – tackling climate change (cutting Green House Gas emissions), managing resources more efficiently and responsibly and protecting eco-systems and biodiversity.

The GKE dimension of the EDS will be taken forward through three thematic programmes, which are channels for developing and implementing individual projects. The names and missions of the programmes are:

- **Green and Grow Communities:** *To develop community-based, driven and owned approaches to the green knowledge economy, linking green initiatives (renewable energy, resource conservation and management and sustainable development) with business and employment growth initiatives*
- **Business Development:** *To accelerate business growth and innovation and new enterprise development, particularly in knowledge-intensive sectors of Taunton's economy*
- **Promoting Taunton:** *To establish Taunton as an important destination for inward investment and tourism, at the regional, national and international levels*

Objective 4

Facilitate the creation of a leading Green Knowledge Economy

Key Activities

- An approved Economic Development Strategy by April 2010 that will state the intention to 'green and grow' the local economy
- Work with partners to identify innovative economic development projects that will deliver a Green Knowledge Economy, and to commence delivery during 2010/11
- Identify and promote the delivery of an increased supply of employment land in Taunton
- Promote Taunton as an attractive place to do business and work with businesses wishing to relocate to the area. Work with local businesses to ensure their needs continue to be catered for within Taunton Deane

Performance Indicators

Activities 1, 2 &3

- Actions monitoring
- Local PI – No of jobs created against 1,000pa target

Activity 4

- NI170 – previously developed land that has been derelict form more than 5 years

HOUSING GROWTH

Context & Challenges

Emerging regional plans recognise Taunton as a major focus for growth over the next twenty years. Proposed changes to the Revised Regional Spatial Strategy for the South West identify a requirement for at least 21,800 new homes to be provided over the period 2006 – 2026 with some 18,000 at the Taunton urban area.

New housing development can deliver many benefits. An increased supply of housing can help to meet housing needs and demand, improve affordability and contribute towards us achieving our affordable housing aim. New housing development will help to unlock additional investment in local services and facilities as well as critical infrastructure, the benefits of which will be wide. Accommodating housing growth creates an opportunity to create sustainable, mixed-use urban extensions that are well-integrated with communities and which represent something residents can be proud of.

However, it must be recognised that there are significant challenges:

- The global recession and the downturn in the housing market
- Availability of finance for developers affecting the delivery of schemes
- A shortfall in the supply of ready to develop housing sites
- Fundamentally increasing the rate of delivery in order to meet strategic housing requirements significantly higher than those previously prescribed
- Ensuring developments retain viability whilst contributing towards meeting infrastructure and affordable housing requirements

The Borough Council is leading the preparation of of a number of strategies and plans. This will help to ensure that these challenges are managed successfully:

Core Strategy: This will frame the Council’s planning policy across a series of themes including housing. It will be central to enabling and facilitating housing growth. It will identify strategic housing allocations which will deliver a large proportion of the new homes needed. It will also establish a wider spatial strategy that will outline the approach to accommodating the remainder of the housing growth.

Urban Extensions Masterplanning: Central to meeting challenging growth targets for Taunton is the delivery of two large scale sustainable urban extensions at Monkton Heathfield and Comeytrove. These developments will require detailed masterplanning to ensure that these developments are

- integrated with the existing urban area
- offer an appropriate mix of uses, services and facilities
- deliver a high quality design

Strategic Housing Land Availability Assessment (SHLAA): There is a need to increase the supply of deliverable housing sites ahead of both the Core Strategy and the major urban extensions at Monkton Heathfield and Comeytrove, both of which

are longer term strategic sites. To enable this, we plan to release a number of suitable housing sites in Spring 2010. These sites have been identified by the SHLAA (July 2009). It is anticipated that each will make a contribution towards the requirement to maintain five year supply of deliverable housing sites.

A comprehensive review of the SHLAA will commence in the Spring of 2010. This will help the Council to identify further potential deliverable development sites across the Borough, including identifying any of its own assets which may be available for housing. The SHLAA is developed through the active involvement of the Strategic Housing Partnership, which includes representatives from the Local Authorities as well as the housebuilding industry and Registered Social Landlords. The work of the SHP also involves the development of common LDF housing policies across different planning authorities and the commissioning and updating of different components of the housing evidence base.

Objective 5

Facilitate the provision of new homes to meet the diverse needs of a growing population

Key Activities

- An adopted Core Strategy by September 2011
- Commence work on Urban Extensions Masterplanning and identify strategic deliverables by July 2010
- An annual review of the Strategic Housing Land Availability Assessment
- Utilise council owned land and work pro-actively with developers on other sites to develop all forms of housing
- Ensure a 5 year supply of housing land within Taunton by September 2011

Performance Indicators

Activities 1,2 & 3

- Actions monitoring
- NI154 Net additional homes provided

Activity 4

- NI159 Supply of ready to develop housing sites

INFRASTRUCTURE

Context & Challenges

Expansion of the economy and the development of new housing should not be provided in isolation of essential infrastructure. There are two broad types of infrastructure.

Physical infrastructure includes the following:

- Roads and bridges, including the Third Way and Northern Inner Distributor

- Flood defences and flood related infrastructure e.g. weirs and dams
- Green infrastructure, such as open spaces and country parks
- Public spaces, such as works to enhance the setting of the town centre
- Waste to power initiatives
- District wide energy and waste systems
- IT connectivity (both domestic and commercial)
- Sustainable transport solutions, such as cycleways and public transport

Public service infrastructure includes the following:

- School places
- Doctor's surgeries and health centres
- Libraries
- Provision of policing, fire and rescue, youth services etc to new and expanded communities

The anticipated high levels of future growth place significant pressures on existing communities, their services and facilities. In addition, some of the larger urban extensions and development sites are likely to give rise to significant infrastructure requirements of their own. Development does however provide a major opportunity to ensure that the benefits arising from growth are wide-reaching and benefit the communities of Taunton Deane. It is therefore critical that we have a good understanding of the infrastructure requirements of the Borough over the next 20 years and how they can be realised.

The Single Conversation is the means by which the Homes and Communities Agency (the HCA is the government body with responsibility for housing and regeneration) engage with local authorities and their partners. The HCA has funding available to local authorities which can help to 'unlock' development and remove barriers to delivery, it is therefore important that the Council continues to engage with the Single Conversation process which is partly facilitated by Somerset County Council.

An important component of the Council's Core Strategy will be an Infrastructure Delivery Plan (IDP). The preparation of the IDP will involve a range of partners (e.g. Taunton Growth Board, LSP, developers etc). The IDP will identify critical infrastructure, when it is likely to be required and how it can be delivered, i.e. paid for. A Planning Obligations SPD will then be prepared to develop the approach to collecting planning obligations to fund the necessary infrastructure.

Project Taunton is a small team that was formed in 2004. They help to manage the regeneration of Taunton, bringing together experience from both the public and private sectors. They will play a key role in securing key infrastructure for Taunton Town Centre and the proposed urban extensions. Their coordinating work (e.g. New Growth Point) has been central to securing large sums of Government funding towards key infrastructure projects. They have worked closely with the County Council to help secure Local Transport Plan (LTP) funding, and with the Borough Council to help secure Housing and Planning Delivery Grant (HPDG) funding. Project Taunton is currently funded until March 2011. It is essential that they are funded beyond this date so that they can continue to provide valuable support to the regeneration process.

Work on the preparation of the Economic Development Strategy has identified that Junction 25 (M5) will be a significant barrier to east - west movements within the Taunton Travel to Work Area (TWA). We shall lobby relevant agencies on this issue to get a partnership approach to the delivery of improvements to Junction 25.

Castle Green (text to be developed)

Major housing growth is proposed at Longforth Farm, Wellington. This provides the opportunity to deliver two key pieces of transport infrastructure:

- A new distributor road linking Taunton Road in the east to Station Road in the west. This will act as a Northern Relief Road for Wellington, enabling heavy Goods Vehicles to avoid the town centre and adjoining residential areas
- The opportunity to make provision for a new / reopened railway station to serve Wellington

Both of these proposals have community support and their approval will be actively sought within the Core Strategy

Objective 6

Deliver infrastructure to support the regeneration of both the economy and local communities

Key Activities

- Secure the medium term financial funding for Project Taunton for the period beyond March 2011
- An adopted Infrastructure Delivery Plan by September 2011
- Adopt the Planning Obligations Supplementary Planning Document by September 2011
- Campaign and lobby for improvements to Junction 25
- Begin work on the redevelopment of Castle Green during 2010/11
- Major transport infrastructure for Wellington to be adopted within the LDF by September 2011

Performance Indicators

Activities Monitoring

AIM 3: AFFORDABLE HOUSING

Vision

Everyone will have access to a decent home at a price they can afford, in a place where they want to live and work

Definitions

The clearest definition of affordable housing is in the Government's 2007 Housing Green Paper which contains the aspiration that "everyone should have access to a decent home at a price they can afford, in a place where they want to live and work."

National, Regional & Local Challenges

The national and regional context for affordable housing sets the following key priorities:

- increase housing supply to achieve a better balance between supply and demand
- provide a mix and balance of housing sizes, types and tenures that reflect local needs
- locate housing developments in suitable places, which give easy access to jobs, services and facilities
- achieve well designed, good quality homes that support sustainable communities.

Locally, the Strategic Housing Market Assessment indicated that around 1800 new affordable homes per annum were required in the Taunton Housing Market Area, but this need is far bigger than can be met in any feasible affordable house building programme.

Objective 7: Making Homes More Affordable

Everyone should have access to a decent home at a price they can afford to live in, which is why our Affordable Housing Objective is simply Making Homes More Affordable.

Essentially, Taunton Deane is aiming to make homes more affordable, not just by maximising the delivery of new affordable homes, but also by tackling the affordability of existing homes.

The underlying aims of this objective are to:

- make Taunton Deane a more affordable place to live
- ensure people have sufficient choices of housing
- meet the varied needs of people wanting to live here
- improve housing conditions throughout the Borough
- create homes and communities people are proud of.

Key Activities

In order to make homes more affordable in Taunton Deane we will:

- Explore the full range of affordable housing solutions to meet the diverse needs of communities and to better understand the Taunton Deane housing market by March 2011
- Identify and implement the key actions that will improve our ability to increase the number of affordable homes available in the Borough March 2011
- Improve conditions in the existing private sector and social housing stock where this will make living more affordable by March 2013

These key activities will also involve close and effective collaborative working with a wide range of partner organisations.

Performance Indicators

Activities 1 & 2

- NI155 – Number of affordable homes delivered

Activity 3

- NI158 - Percentage of non decent council homes
- NI187 – Tackling fuel poverty: People receiving income based benefits living in homes with a low energy rating

AIM 4: CLIMATE CHANGE

Vision

Carbon emissions across the Deane will have been reduced through partnership and community action. Local communities will be more resilient to the twin threat of climate change and peak oil

Challenges:

Tackling Climate Change is a huge global, national and local challenge, with far-reaching consequences. There are three main elements of this:

- Reduce carbon emissions to mitigate the extent of global warming and climate change
- Reduce the dependence on oil and oil derivatives to prepare for when the global 'Peak Oil' point is reached, after which the rate of production of oil goes into terminal decline (and the price increases accordingly)
- Help our communities to adapt to Climate Change and Peak Oil by preparing for and managing the risk of increased flooding, warmer weather and more expensive fuels

There is an increasing responsibility for Councils to act as community leaders and place shaper to co-ordinate and lead local partners in tackling Climate Change.

Taunton Deane Borough Council has publicly committed to tackling the causes and impacts of Climate Change as one of its main priorities.

Objective 8

Meet the 10:10 challenge by reducing the Council's carbon emissions by 10% by the end of 2010 and then to achieve year on year reductions thereafter, with the aim of becoming a carbon neutral authority in energy use in the future

Key Activity

- Produce an action plan to reduce carbon emissions for all Council buildings and assets including vehicles by May 2010 and to implement the agreed actions over the following twelve months. Work towards carbon neutrality in energy use by setting future targets and reviewing the action plan on an annual basis

Performance Indicators

- Local PI – 10% reduction in Council's CO2 emissions by 2010 from 2009 baseline
- NI 185 – Reduction in CO2 emissions from LA operations
- NI 188 – Adapting to climate change (process only)

Objective 9

Work with communities to significantly reduce individual carbon emissions across the Taunton Deane area, with measurable achievements by March 2013

Key Activities

- Work with the LSP and local community to produce a 'Community energy descent plan' by the end of 2013 to provide a deliverable action plan to reduce per capita carbon emissions across Taunton Deane
- Actively seek external funding as a Council and in partnership to support Climate Change initiatives

Performance Indicators

- NI 188 – Per capita CO2 emissions in the LA area
- Actions monitoring