

Meeting of West Berkshire District Council

Thursday, 10th December, 2015

Summons and Agenda



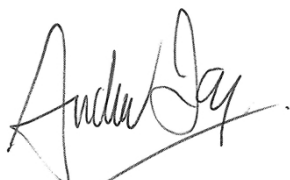
WestBerkshire
C O U N C I L

To: All Members of the Council

You are requested to attend a meeting of
WEST BERKSHIRE DISTRICT COUNCIL
to be held in the
**COUNCIL OFFICES, MARKET STREET,
NEWBURY**

on

Thursday, 10th December, 2015
at 7.00 pm



Andy Day
Head of Strategic Support
West Berkshire District Council

Date of despatch of Agenda: Wednesday, 2 December 2015

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any).

2. **CHAIRMAN'S REMARKS**

The Chairman to report on functions attended since the last meeting and other matters of interest to Members.

3. **PRESENTATION OF THE WEST BERKSHIRE COMMUNITY CHAMPION AWARDS (C2898)**

The Chairman will present the following Community Champion awards for 2015:

- Pat Eastop Junior Citizen of the Year Award;
- Volunteer of the Year;
- Community Group of the Year Award;
- Lifetime Achievement Award.



Agenda - Council to be held on Thursday, 10 December 2015 (continued)

4. MINUTES

The Chairman to sign as a correct record the Minutes of the Extraordinary Council meeting held on 17th September 2015, the Council meeting held on 17th September 2015 and the Extraordinary Council meeting held on 5th November 2015.

5. DECLARATIONS OF INTEREST

To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).

6. PETITIONS

Councillors may present any petition which they have received. These will normally be referred to the appropriate body without discussion.

7. MEMBERSHIP OF COMMITTEES

The Monitoring Officer to advise of any changes to the membership of Committees since the previous Council meeting.

8. LICENSING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Licensing Committee met on 22 September and 10 November 2015. Copies of the Minutes of these meetings can be obtained from Strategic Support or via the [Council's website](#).

9. PERSONNEL COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Personnel Committee met on 5 October 2015. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

10. GOVERNANCE AND ETHICS COMMITTEE

The Council is asked to note that since the last meeting of Council, the Governance and Ethics Committee met on 23 November 2015. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

11. DISTRICT PLANNING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the District Planning Committee has not met. Copies of Minutes of this Committee can be obtained from Strategic Support or via the [Council's website](#).

12. OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

The Council is asked to note that since the last meeting of the Council, the Overview and Scrutiny Management Commission met on 15 September and 1 December 2015. Copies of the Minutes of these meetings can be obtained from Strategic Support or via the [Council's website](#).



Agenda - Council to be held on Thursday, 10 December 2015 (continued)

13. COUNCIL TAX SUPPORT SCHEME 2016/17 (C2931)

For Council to consider and make a decision on proposals to change the Council Tax Support Scheme from 1st April 2016.

14. COUNCIL TAX DISCOUNT ON VACANT PROPERTY (C3064)

To consider changes to Council Tax discounts in the light of the Council's funding pressures.

15. A339/FLEMING ROAD JUNCTION COMPULSORY PURCHASE ORDER (C3061)

To obtain authority from full Council to purchase private land by agreement or by using compulsory purchase powers under the Town and Country Planning Act 1990, the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981 to enable the new junction to be built from the A339 onto Fleming Road (the Scheme)(Appendix C) and to appropriate the land within the Scheme for planning purposes.

16. CHANGES TO THE CONSTITUTION (C3011)

To review and if appropriate amend Part 11 (Contract Rules of Procedure) following a request from the Procurement Board to do so.

17. ACTIVITY TEAM WEST BERKSHIRE FEES AND CHARGES 2016/17 (C2932)

To consider the fees and charges for the 2016/17 Activity Team West Berkshire programme in order to enable the service to competitively advertise and promote activities and maximise advanced books and income.

18. LEISURE CENTRE FEES AND CHARGES 2016 (C2933)

To implement the contractual requirement for an annual price review for 2016 for the leisure contractor to come into effect from 1st January 2016.

19. GAMBLING ACT 2005 (C3050)

To determine a Statement of Licensing Policy on Gambling.

20. PROPOSED MEMBER DEVELOPMENT PROGRAMME 2016/17 (C2930)

To agree the proposed Member Development Programme for 2016/17.

21. NOTICES OF MOTION

- (a) **The following Motion has been submitted in the name of Councillor Billy Drummond:**

Agenda - Council to be held on Thursday, 10 December 2015 (continued)

“That this Council notes that:

Conflicts in the Middle East have created the largest refugee crisis in generations.

Thousands of people have died while seeking sanctuary from the violence this year alone trying to cross the Mediterranean sea; many of them were children.

The United Kingdom has played a leading role as one of the world’s top international donors, supporting refugees in Syria and the surrounding area.

The UN estimates there are over 320,000 people though who live in urgent need of resettlement. Survivors of torture or sexual violence, the very elderly or disabled, there are people who cannot survive in UN refugee camps near in countries surrounding Syria.

The UK has a long and important tradition of offering sanctuary to those who need protection. 100,000 Huguenots, 10,000 Jewish Kindertransport children spared the Nazi concentration camps, 160,000 Poles following the Second World War many of whom had served in the Battle of Britain, the Vietnamese Boat People, the 28,000 Asian Ugandans fleeing Idi Amin and the people who fled the war in Kosovo. This is our proud and decent tradition.

To play its part fully in solving this global crisis the British government must work for durable long term political solutions in the region, lead as a major international donor, and live up to its reputation as a place of sanctuary, integration and protection.

This Council believes:

- That this crisis will be better managed if incoming refugees are accommodated around the whole country;*
- We can best rise to the crisis if a National Welcome and Resettlement Board bringing together local and national government, civil society and business leadership, is created to oversee efforts to resettle refugees and mobilise public support as in times past;*
- Long term political solutions are needed to ease the crisis, but in the mean time we must do what we can;*
- The UK must welcome its fair share of refugees to ease this crisis.*

This Council resolves to:

- Formally express an interest in both the VPR and Gateway programmes to the Home Office, offering to resettle refugees;*
- Write to local housing associations to encourage them to make properties available to resettle refugees;*



Agenda - Council to be held on Thursday, 10 December 2015 (continued)

- *To commit to ensuring that refugees are welcomed in this area and help facilitate this process by coordinating local service provision and coordinating the immense public will to help;*
- *Write to the Prime Minister to assure him that the country stands ready and willing to help at this time of crisis”.*

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



Agenda Item 4.

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

COUNCIL

MINUTES OF THE EXTRAORDINARY MEETING HELD ON THURSDAY, 17 SEPTEMBER 2015

Councillors Present: Steve Ardagh-Walter, Peter Argyle (Chairman), Howard Bairstow, Pamela Bale, Jeremy Bartlett, Jeff Beck, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Roger Croft, Rob Denton-Powell, Lee Dillon, Lynne Doherty, Adrian Edwards, Marcus Franks, James Fredrickson, Dave Goff, Nick Goodes, Manohar Gopal, Paul Hewer, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Anthony Pick, James Podger, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb (Vice-Chairman), Emma Webster and Laszlo Zverko

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Andy Day (Head of Strategic Support), Nathan Gregory (Group Executive (Conservatives)), Peta Stoddart-Crompton (Public Relations Officer), Rachael Wardell (Corporate Director - Communities), Moira Fraser (Democratic and Electoral Services Manager), Jo Reeves (Policy Officer), Jude Thomas (Member Services Officer) and Jo Watt (Member Services Officer), and former Councillors Brian Bedwell, Jeff Brooks, Royce Longton, Joe Mooney and Andrew Rowles

Apologies for inability to attend the meeting: Councillor Richard Crumly, Councillor Billy Drummond, Councillor Sheila Ellison and Councillor Graham Pask

PART I

47. Declarations of Interest

There were no declarations of interest received.

48. Roll of Honorary Aldermen (C3014)

The Council considered Agenda Item 3 which proposed that former Councillors Brian Bedwell, Jeff Brooks, Royce Longton, Joe Mooney and Andrew Rowles be conferred the title of Honorary Alderman in recognition of their eminent service rendered on behalf of the Council and residents of West Berkshire over a period of time.

The Chairman explained that the Local Government Act 1972 made provision for the appointment of former Councillors as Honorary Alderman to recognise the eminent service they provided above and beyond their normal duties. The Honorary Alderman needed to be advocates for their communities and needed to exhibit high standards of conduct and ethics. Members had discussed and agreed to the introduction of the scheme at the September 2011 Council meeting. The two Leaders had met and discussed potential candidates. Following these discussions it had been agreed to offer the title to former Councillors Brian Bedwell, Jeff Brooks, Royce Longton, Joe Mooney and Andrew Rowles who had all accepted.

MOTION: Proposed by Councillor Peter Argyle and seconded by Councillor Emma Webster:

“That the Council confer the title of Honorary Alderman on former Councillor Brian Bedwell.”

COUNCIL - 17 SEPTEMBER 2015 - MINUTES

In proposing former Councillor Bedwell, Councillor Argyle reported that he had selflessly served the community for over 20 years in a dignified manner. Councillor Bedwell had been a personal mentor to him and also a very good friend.

Councillor Webster in seconding the nomination noted that former Councillor Bedwell had been described by a constituent as a 'delight and a gentleman' and he had been a great servant to his residents. His most significant achievement being the redevelopment of the Underwood Road precinct.

Councillor Graham Bridgman described former Councillor Bedwell as a consummate local councillor and a complete gentleman. Councillor Alan Macro noted that former Councillor Bedwell had always treated him very fairly during their electoral battles and that he had served his parish council very well for circa 25 years and that he thoroughly deserved this accolade.

The Motion was put to the meeting and duly **RESOLVED**

Honorary Alderman Bedwell thanked the Council for bestowing the honour on him. He stated that he was overwhelmed and that the bestowing of this title on him was an honour and a privilege. He also commented that he had been fortunate to have worked with many fine Officers and Members during the 22 years he had served on the Council. He thanked all those present for their kind words.

MOTION: Proposed by Councillor Alan Macro and seconded by Councillor Graham Jones:

"That the Council confer the title of Honorary Alderman on former Councillor Jeff Brooks."

In proposing former Councillor Brooks, Councillor Macro noted that former Councillor Brooks had served the people of West Berkshire in many capacities including as a member of the Fire Authority, Berkshire County Council and as a town and district Councillor. He noted that former Councillor Brooks had served his community for over 30 years and continued to do so.

Councillor Jones in seconding the proposal thanked former Councillor Brooks for the eminent service he had provided. He also thanked all other former Councillors present at the meeting for their contribution. In particular he wished to thank former Councillors Bedwell and Mooney for their support over the years.

Councillor Jones stated that although former Councillor Brooks had been his principle adversary for many years they had managed to become good friends. They had traded humour and put downs and as a result he believed it had made Councillor Jones a better Leader.

Councillor Gordon Lundie also thanked all the former Councillors that were present for the commitment and selflessness that they had shown during their years of service. He lamented the loss of some good Councillors following the May election and noted that the Liberal Democrat Group had to some extent been the victim of the fact that nationally they had opted to do the 'right thing' in 2010.

Councillor Lundie stated that he missed the valuable contribution made by Councillor Brooks as well as his passion and incisive mind.

The Motion was put to the meeting and duly **RESOLVED**.

Honorary Alderman Jeff Brooks thanked the Council for conferring the title on him. He commented that he had been re-assured that by accepting the title he would not be precluded from standing for election again in the future should he chose to do so. He stated that this was a massive privilege and he thanked all those that had nominated him for the role.

COUNCIL - 17 SEPTEMBER 2015 - MINUTES

MOTION: Proposed by Councillor Alan Macro and seconded by Councillor Graham Jones:

“That the Council confer the title of Honorary Alderman on former Councillor Royce Longton.”

In proposing former Councillor Longton, Councillor Macro noted that he had been a Councillor for over 20 years and a parish councillor for over 30 years.

Councillor Jones in seconding the proposal thanked former Councillor Longton for the eminent service he had provided. He stated that his curriculum vitae in local government was unequalled in this chamber. Although they had had disagreements, often publicly, he recognised Councillor Longton’s personal integrity and passion.

Councillor Carol Jackson-Doerge stated that former Councillor Longton, who had served as her co-councillor, was known as a maverick in Burghfield. He shared an amazing connection with the residents, kept them well informed, was a true rock and was a much loved member of the community.

The Motion was put to the meeting and duly **RESOLVED**.

Honorary Alderman Royce Longton thanked the Council for conferring the title on him. He stated that it had been a privilege and a pleasure to represent the people of Burghfield. He thanked his fellow Members and staff who had made it a pleasure to be a councillor. He also noted that in West Berkshire, Members of the two political groups had not resorted to personal attacks and he hoped that this working practice would continue.

MOTION: Proposed by Councillor Tony Linden and seconded by Councillor Keith Chopping:

“That the Council confer the title of Honorary Alderman on former Councillor Joe Mooney.”

In proposing former Councillor Mooney, Councillor Linden noted that he had served as a councillor for nearly 26 years. As the Executive Member for Adult Social Care he had been involved in the re-organisation of the service. He had undertaken this role with great humanity and was deeply concerned with the wellbeing of older residents.

Councillor Chopping in seconding the proposal thanked former Councillor Mooney for the eminent service he had provided. He stated that Councillor Mooney was a great mentor, was extremely kind to him when he was first elected and was a great example to new councillors. He was a diligent Ward Member, an assiduous Executive Member and a great credit to the Council.

Councillor Hilary Cole stated that he was a great mentor to her and that he fulfilled his role as the Executive Member for Adult Social Care with great passion. She noted that Councillor Mooney was well respected by employees and that they still asked after him.

The Motion was put to the meeting and duly **RESOLVED**.

Honorary Alderman Joe Mooney thanked the Council for conferring the role on him. He stated that his time as the Portfolio Holder for Adult Social Care was the most fulfilling role that he had undertaken and that he missed this work enormously.

MOTION: Proposed by Councillor Anthony Stansfeld and seconded by Councillor Hilary Cole:

“That the Council confer the title of Honorary Alderman on former Councillor Andrew Rowles.”

COUNCIL - 17 SEPTEMBER 2015 - MINUTES

In proposing former Councillor Rowles, Councillor Stansfeld noted that former Councillor Rowles despite living in Inkpen was well liked and respected in all the villages (Combe, Enborne, Hamstead Marshall, Inkpen, Kintbury, Welford and West Woodhay) within the Kintbury Ward. He had been a huge help to his co-councillor and was always happy to share advice and knowledge.

Councillor Cole in seconding the proposal thanked former Councillor Rowles for the eminent service he had provided. Councillor Cole noted that when chairing planning meetings, Councillor Rowles was always very courteous in his dealings with all Members as well as the public attending the meeting. He worked exceptionally hard and was well respected in his Ward. She described him as a kind and courteous man.

Councillor Jeff Beck commented that he had known Councillor Rowles for more years than he cared to remember. It had been a privilege to work with him and he was a true champion of his residents. He carried out his duties in a calm, resolute manner and always showed great humility.

The Motion was put to the meeting and duly **RESOLVED**.

Honorary Alderman Andrew Rowles thanked the Council for conferring the role on him. He stated that it was a great honour and he thanked Members and Officers for their support over the many years he was a Councillor.

(The meeting commenced at 7.00pm and closed at 8.01pm)

CHAIRMAN

Date of Signature

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

COUNCIL

MINUTES OF THE MEETING HELD ON THURSDAY, 17 SEPTEMBER 2015

Councillors Present: Steve Ardagh-Walter, Peter Argyle (Chairman), Howard Bairstow, Pamela Bale, Jeremy Bartlett, Jeff Beck, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Roger Croft, Rob Denton-Powell, Lee Dillon, Lynne Doherty, Adrian Edwards, Marcus Franks, James Fredrickson, Dave Goff, Nick Goodes, Manohar Gopal, Paul Hewer, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Anthony Pick, James Podger, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb (Vice-Chairman), Emma Webster and Laszlo Zverko

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Andy Day (Head of Strategic Support), Nathan Gregory (Group Executive (Conservatives)) and Rachael Wardell (Corporate Director - Communities), Moira Fraser (Democratic and Electoral Services Manager) and Jo Reeves (Policy Officer), Honorary Aldermen Brian Bedwell, Jeff Brooks, Royce Longton, Joe Mooney and Andrew Rowles

Apologies for inability to attend the meeting: Councillor Richard Crumly, Councillor Billy Drummond, Councillor Sheila Ellison and Councillor Graham Pask

PART I

49. Chairman's Remarks

The Chairman reported that he and the Vice Chairman had attended 43 events to date. In particular he made mention of the fact that he had been able to visit Helen House, his chosen charity, the day before. He was able to see first hand the phenomenal work they were doing with the children and their families in very difficult circumstances.

The Chairman also encouraged all Members to enter the Chairman's quiz which would take place on the 19th November 2015. The event would be used to raise funds for his charity.

The Chairman drew Members' attention to the fact that a Special Council meeting would be held on the 5th November 2015 at St Bartholomew's School to discuss the Housing Site Allocation Development Plan Document.

50. Presentations to Recognise the Service of Former Councillors (C3015)

The Chairman noted that the May 2015 elections brought many changes to West Berkshire Council. The authority gained new fellow Councillors with different skills and fresh ideas but it also lost a number of long-standing, hard working and extremely committed Councillors. He welcomed the former Councillors to the meeting and thanked them for the support and hard work they had given to both the Council and their constituents.

The Chairman presented each of the following former Councillors with a certificate as a token of the Council's gratitude:

COUNCIL - 17 SEPTEMBER 2015 - MINUTES

- Brian Bedwell
- Jeff Brooks
- George Chandler
- Roger Hunneman
- Royce Longton
- Gwen Mason
- Geoff Mayes
- Joe Mooney
- Irene Neill
- Andrew Rowles
- Julian Swift-Hook
- Ieuan Tuck

The Chairman also thanked the following former Members who were unable to attend the meeting:

- David Allen
- John Horton
- David Rendel
- Keith Woodhams

(The meeting was adjourned from 8.10pm to 8.16pm).

51. Minutes

The Minutes of the meetings held on 2 July 2015 and the special meeting on 20 July 2015 were approved as true and correct records and signed by the Chairman subject to the following amendment to the 20th July 2015 minutes:

Item 46 (A339/Fleming Road Junction Compulsory Purchase Order) insert the underlined text *(Councillor Alan Macro declared a personal and prejudicial interest in Agenda Item 4 by virtue of the fact that he was an Officer of an organisation in a negotiation with another company on the site but was not actually involved in the negotiation).*

52. Declarations of Interest

There were no declarations of interest received.

53. Petitions

There were no petitions submitted to the meeting.

54. Public Questions

(a) Question submitted by Dr Tony Vickers to the Leader of the Council:

A question standing in the name of Dr Tony Vickers on the subject of the role of parish and town councils was answered by the Leader of the Council.

A full transcription of the public questions and answers session is available [here](#).

55. Membership of Committees

The Deputy Monitoring Officer advised of the following changes to the membership of Committees since the previous Council meeting:

COUNCIL - 17 SEPTEMBER 2015 - MINUTES

The Membership of the **Governance and Ethics Committee** had been amended post the 02 July decision to merge the Governance and Audit and Standards Committees:

- Steve Ardagh-Walter
 - Jeff Beck
 - Graham Bridgman
 - James Cole
 - Rick Jones
 - Lee Dillon
 - Anthony Pick
 - Quentin Webb
 - Chris Bridges (Non-voting Parish Council representative)
 - Barrie Dickens (Non-voting Parish Council representative)
-
- Sheila Ellison (substitute)
 - Billy Drummond (substitute)
 - Tim Metcalfe (substitute)

Advisory Panel

- Adrian Edwards
- Richard Crumly
- Mollie Lock
- Alan Macro
- Tony Renouf
- Darren Peace

Western Area Planning

Dennis Benneyworth had replaced Jeremy Bartlett as a member on this Committee.
James Fredrickson had replaced Lynne Doherty as a substitute on this Committee

Eastern Area Planning

Sheila Ellison had replaced Rob Denton-Powell as a substitute on this Committee

Appeals Panel

Tony Linden had replaced Richard Crumly as a Member on this Panel

56. Licensing Committee

The Council noted that, since the last meeting, the Licensing Committee had not met.

57. Personnel Committee

The Council noted that, since the last meeting, the Personnel Committee had not met.

58. Governance and Ethics Committee

The Council noted that, since the last meeting, the Governance and Ethics Committee had met on 24 August 2015 and 3 September 2015.

59. District Planning Committee

The Council noted that, since the last meeting, the District Planning Committee had met on 8 July 2015.

60. Overview and Scrutiny Management Commission

The Council noted that, since the last meeting, the Overview and Scrutiny Management Committee had not met.

61. Proposed Boundary Review (C3029)

The Council considered a report (Agenda Item 14) which outlined the processes involved in having an Electoral Review undertaken of the District.

MOTION: Proposed by Councillor Gordon Lundie and seconded by Councillor Graham Jones:

That the Council:

- '1. Seek approval to approaching the Local Government Boundary Commission to undertake an Electoral Review of the District in time for the next District elections in 2019.
2. That the review be undertaken by the Council as opposed to the two Political Groups.'

Councillor Lundie in introducing the item noted that the time had come for a boundary review to be undertaken. As part of the Administration's Manifesto there was a pledge which related to having a boundary review undertaken by the time the next District Council elections were held in May 2019.

The Local Government Boundary Commission (LGBC) would be asked to provide a view on whether any changes were required. The Leader noted that there had been significant growth in housing numbers since the commencement of the Racecourse development and other major sites such as Sandleford would also be developed in the near future. The LGBC would be asked to look at a number of areas including the total number of Councillors, the purpose of Councillors, existing boundaries, the number of wards and the balance between electors and their representatives.

A Members working group would be set up to ascertain the issues the Council would seek to raise with the LGBC.

Councillor Alan Macro stated that his group supported the initiative as it had been a number of years since a review had taken place. He was however concerned that his group's concerns might not be included in the final report. He also noted his group's preference to return to the Committee System and requested that this be factored into the proposals. Councillor Macro asked for clarification on proposed timescales.

Councillor Anthony Pick stated that he would like the review to look at parish council boundaries to ensure that the interests of each parish could be properly considered.

Councillor Graham Jones explained that he had participated in the previous review. He noted that at that time both the Council and the Opposition had submitted proposals and in fact many of the Opposition's proposals had been adopted. While he hoped for unanimity in the response the Liberal Democrats would not be precluded from submitting their own proposal should they wish to do so.

Councillor Lundie stated that the working group would be set up shortly and it was envisaged that they would report back to the December 2015 Council meeting. The proportionality rules would not be applied to the working group and it would therefore be a cross party group although as mentioned by Councillor Jones this work would not prevent the Liberal Democrats from being able to submit a minority report should they wish to do so. The proposal to return to the Committee System would not be supported by the Conservative Group.

COUNCIL - 17 SEPTEMBER 2015 - MINUTES

The Leader reassured Members that the issue of parish boundaries would be considered as set out in paragraph 3.1 (ii) on page 19 of the agenda.

The Motion was put to the meeting and duly **RESOLVED**.

62. Members' Questions

- (a) A question standing in the name of Councillor Alan Macro on the subject of the Shaw House Park and Garden restoration was answered by the Executive Member for Property, Culture, Customer Services, Environmental Health, Trading Standards, Countryside, Cleaner & Greener, Waste.

A full transcription of the Members questions and answers session is available [here](#).

63. Questions and Answers

(The meeting commenced at 8.02 pm and closed at 8.32 pm)

CHAIRMAN

Date of Signature

This page is intentionally left blank

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

COUNCIL

MINUTES OF THE EXTRAORDINARY MEETING HELD ON THURSDAY, 5 NOVEMBER 2015

Councillors Present: Steve Ardagh-Walter, Peter Argyle (Chairman), Howard Bairstow, Pamela Bale, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Roger Croft, Richard Crumly, Rob Denton-Powell, Lee Dillon, Lynne Doherty, Billy Drummond, Adrian Edwards, Marcus Franks, James Fredrickson, Dave Goff, Nick Goodes, Manohar Gopal, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb (Vice-Chairman), Emma Webster and Laszlo Zverko

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Sarah Clarke (Team Leader - Solicitor), Martin Dunscombe (Communications Manager), Nathan Gregory (Group Executive (Conservatives)) and Rachael Wardell (Corporate Director - Communities), Mr Jeff Brooks (Honorary Alderman), Councillor Sheila Ellison, Moira Fraser (Democratic and Electoral Services Manager), Honorary Alderman Royce Longton (Honorary Alderman), Charlene Myers (Democratic Services Officer), Linda Pye (Principal Policy Officer) and Honorary Alderman Andrew Rowles (Honorary Alderman)

Apologies for inability to attend the meeting: Councillor Jeremy Bartlett, Councillor Jeff Beck and Councillor James Podger

Councillor(s) Absent: Councillor Paul Hewer

PART I

64. Declarations of Interest

The Deputy Monitoring Officer announced that in respect of Item 3 (Council Tax Discount for Vacant Property) all Members present at the meeting except Councillors Howard Bairstow and Nick Goodes had completed an Application for a Grant of a Dispensation in relation to "any beneficial interest" in land within the Authority's area." The Monitoring Officer had granted the dispensation to allow all those Members that applied for a dispensation to speak and vote on this item. Councillors Goodes and Bairstow would however not take part in the debate or vote on this item.

Councillor Alan Macro declared an interest in Agenda Item 4, but reported that, as his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

All Members declared that they had been lobbied on Item 4.

65. Council Tax Discount for Vacant Property (C3045)

(All Members present except Councillors Bairstow and Goodes had been granted a dispensation to take part in the debate and vote on this item)

The Council considered a report (Agenda Item 3) which sought to clarify the policy on Council Tax discount for vacant properties as handed down from its meeting on 13th December 2012.

MOTION: Proposed by Councillor Roger Croft and seconded by Councillor Laszlo Zverko:

COUNCIL - 5 NOVEMBER 2015 - MINUTES

That the Council:

“revise the decision from 13th December 2012 so that, with regard to empty and unoccupied property formerly within exemption class "C", it reads as follows - Limiting the duration of exemption class "C" (empty and unoccupied property) to a maximum of 28 days per unoccupied period and allowing 100% relief during that period. The 28 day period free of council tax charges will be allowed when a property is first vacated, after which full council tax will become payable. If the property should become occupied during a period of 6 months commencing from a date of vacation, and is subsequently vacated during that same 6 month period, a further 28 day "free" period will not apply.”

Councillor Roger Croft presented the report which asked Council to clarify the policy regarding rules for Council Tax discount on empty and unoccupied property which had been agreed by Council in December 2012. This need had arisen in response to the identification of the 2012 report's resolutions as being capable of a different interpretation than had been intended.

In December 2012 Council considered a report entitled "Technical Reforms to Council Tax". This report made various recommendations to change council tax discounts for empty properties following the relaxation of various statutory rules and the introduction of local discretion on the extent to which relief was allowed.

The relaxation of statutory rules coincided with a reduction in government grant when council tax benefit was replaced by local council tax reduction schemes. The report's recommendations focused on restriction of relief for vacant property in order to generate additional council tax income. This was a means to bridge the gap between the cost of council tax reduction and the reducing level of Government grant.

All recommendations were adopted by Council as policy to be applied from 1 April 2013.

Recommendation (5) to the report was "Limiting the duration of exemption class c (empty and unoccupied property) to a maximum of four weeks in any six month period and allowing 100% relief during that period".

The reference to a six month period related to the churn on shorter term tenancies – the intention being that, if a property were to be occupied and vacated for a second time before the expiry of a six month period, a further period of discount would not be allowed. However, recent events had indicated that this recommendation might be interpreted as giving longer term empty properties a recurring entitlement to a 28 day period free of council tax every six months. This was never the intention of the recommendation. The purpose of the December 2012 report was to seek the means to generate council tax income rather than to introduce new discounts. Members would have been aware of these factors and it was assumed that they took their decision based on the intention behind the Officer's recommendation.

Council were being asked to revise the text of the recommendation so that it was clear that an additional 28 day free period would not arise at the end of each six month period during which a property remained vacant.

The revised text recommended to Council was as follows:

“Limiting the duration of exemption class C (empty and unoccupied property) to a maximum of 28 days per unoccupied period and allowing 100% relief during that period. The 28 day period free of council tax charges would be allowed when a property was first vacated, after which full council tax would become payable. If the property should become occupied during a period of six months commencing from a date of vacation, and was subsequently vacated during that same six month period, a further 28 day "free" period would not apply.”

COUNCIL - 5 NOVEMBER 2015 - MINUTES

The Motion was put to the meeting and duly **RESOLVED**.

66. **West Berkshire Housing Site Allocations Development Plan Document (DPD): Proposed Submission (C3023)**

(Councillor Alan Macro declared a personal interest in Agenda item 4 by virtue of the fact that he lived opposite one of the sites (THE009) identified as a housing site in the DPD. As his interest was personal and not a prejudicial or disclosable pecuniary interest he determined to take part in the debate and vote on the matter).

(All Members declared that they had been lobbied on this item)

The Council considered a report (Agenda Item 4) concerning the proposed submission version of the West Berkshire Housing Site Allocations Development Plan Document (DPD) and supporting documentation. The report sought to approve these for publication for a 6 week period of public consultation before submission to the Secretary of State for Examination. This was a regulatory stage of the DPD process and required Council resolution.

MOTION: Proposed by Councillor Alan Law and seconded by Councillor Hilary Cole:

“2.1 That Council resolves that:

- (1) The proposed housing allocations and settlement boundary changes in the Newbury and Thatcham spatial area as set out in Table 1 of Appendix A are included within the proposed submission version of the Housing Site Allocations DPD.

2.2 That Council further resolves that:

- (1) The proposed housing allocations and settlement boundary changes in the Eastern spatial area as set out in Table 1 of Appendix A are included within the proposed submission version of the Housing Site Allocations DPD.

2.3 That Council further resolves that:

- (1) The proposed housing allocations and settlement boundary changes in the East Kennet Valley spatial area as set out in Table 1 of Appendix A are included within the proposed submission version of the Housing Site Allocations DPD and that sites for housing within the designated Neighbourhood Area of Stratfield Mortimer are allocated in accordance with the emerging Stratfield Mortimer Neighbourhood Development Plan.

2.4 That Council further resolves that:

- (1) The proposed housing allocations and settlement boundary changes in the North Wessex Downs Area of Outstanding Natural Beauty (AONB) as set out in Table 1 of Appendix A are included within the proposed submission version of the Housing Site Allocations DPD.

2.5 That Council further resolves that:

- (1) New Stocks Farm, Paices Hill, Aldermaston, is included within the proposed submission version of the Housing Site Allocations DPD as a permanent site for Gypsies and Travellers.
- (2) Longcopse Farm, Enborne, is included within the proposed submission version of the Housing Site Allocations DPD as a permanent site for Travelling Showpeople.
- (3) Clappers Farm, Beech Hill, is included within the proposed submission version of the Housing Site Allocations DPD as an area of search for the provision of Gypsy and Traveller accommodation after 2021.

COUNCIL - 5 NOVEMBER 2015 - MINUTES

2.6 That Council further resolves that:

- (1) Policies C1 to C8 on Housing in the Countryside as set out in Appendix C are included within the proposed submission version of the Housing Site Allocations DPD.
- (2) Policy P1 on Parking Standards as set out in Appendix C is included within the proposed submission version of the Housing Site Allocations DPD.

2.7 That Council finally resolves that:

- (1) the West Berkshire Housing Site Allocations Development Plan Document Proposed Submission documents are published in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (2) a period of six weeks from 9 November 2015 to 21 December 2015 is allowed for the receipt of representations on the Housing Site Allocations Development Plan Document Proposed Submission documents in accordance with Regulations 17 and 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and following this
- (3) the Housing Site Allocations Development Plan Document and accompanying documents are submitted to the Secretary of State under Regulation 22 of the Town and Country Planning (Local Plan) (England) Regulations 2012 and
- (4) delegated authority is given to the Head of Planning and Countryside to agree any minor typographical and presentational changes to the proposed submission DPD and supporting documentation before publication.”

Councillor Alan Law in introducing the report stated that an addendum had been circulated to Members which contained some factual amendments to Appendix F. Councillor Law explained that Members were being asked, as elected representatives of the people of West Berkshire as a whole, to consider the Development Plan Document (DPD) and that they should not be considering opinions of narrow sections of the community.

The Council adopted its Core Strategy in July 2012 which set out a housing requirement for the District of 'at least' 10,500 dwellings from 2006-2026. The Core Strategy set out an overall spatial strategy to accommodate this level of housing across the District and in addition it allocated two large strategic sites in Newbury (Newbury Racecourse and Sandford Park).

Whilst the Core Strategy allocated strategic development and set out strategic policies, it only formed one part of the Local Plan. There was therefore a requirement to prepare additional document(s) to allocate non-strategic housing sites across the District and to allocate sites for gypsies, travellers and travelling showpeople. Some policies were also being updated as part of this process, namely those related to development in the countryside and residential parking standards.

The DPD was prepared in a series of stages and information about these would be set out in the Statement of Consultation that would accompany the DPD. This would detail the key issues raised and the Council's response to these issues. The consultations had resulted in a significant number of comments, which had been taken into account in formulating the recommendations in the report.

The Council was required by the National Planning Policy Framework (NPPF) to meet the 'full, objectively assessed needs' of the area and work had been completed on establishing this requirement by undertaking a Strategic Housing Market Assessment

COUNCIL - 5 NOVEMBER 2015 - MINUTES

(SHMA) in partnership with other Berkshire authorities and the Thames Valley Berkshire Local Enterprise Partnership.

The SHMA gave an objectively assessed housing need (OAN) for the District of 665 dwellings per annum between 2013 and 2036. Discussions were now underway about how the number for the Housing Market Area would be distributed, taking into account development opportunities and constraints to development.

This DPD allocated the remainder of the 'at least' 10,500 housing figure from the Core Strategy, with added flexibility in the numbers which included the long term Sandleford Park strategic site and windfalls. This approach meant that the Council was allocating the first part of the objectively assessed housing needs for the District, in the short to medium term. Following the adoption of the HSA DPD, a new Local Plan would be prepared. This would allocate the rest of the new housing requirement for West Berkshire and look longer term to 2036, as well as dealing with other policy issues.

The major part of the DPD was the site allocations for housing. The purpose of the DPD was to allocate smaller (non-strategic in scale and function) extensions to settlements within the settlement hierarchy in accordance with the spatial strategy of the West Berkshire Core Strategy. It was a regulatory requirement that this was in general conformity with the Core Strategy.

27 sites had been included within the DPD as housing allocations and each of these had a policy which set out parameters to guide the future development of the sites. A small number of contingency sites were included to give additional flexibility in case sites did not deliver as expected.

Stratfield Mortimer Parish Council was preparing a Neighbourhood Development Plan (NDP). This would include the allocation of housing for Mortimer in accordance with the Core Strategy. The Council was supporting the preparation of the Stratfield Mortimer NDP.

In addition to the housing allocations, settlement boundaries had been drawn around the developable areas of the housing allocations. In some cases further changes had been made to settlement boundaries in accordance with consistent criteria.

There was a requirement for the Council, as the local planning authority, to identify sites to meet the needs of Gypsies, Travellers and Travelling Showpeople, based on the evidence set out within the Gypsy and Traveller Accommodation Assessment (GTAA). The DPD allocated a site for Gypsies and Travellers at Paices Hill and a site for Travelling Showpeople at Longcopse Farm in Enborne, and a policy was included for each of these allocations.

As already stated, policies to guide housing in the countryside were also included within the DPD. These policies reflected updated national policies and responded to local issues in Berkshire. They had been updated since the preferred options draft to reflect the outcomes of consultation and to reduce some repetition. Once adopted, the policies would replace some of the existing saved policies of the Local Plan.

Revised parking standards for residential development had also been amended following consultation and there were a smaller number of zones.

Subject to Council approval, the DPD would be consulted upon for six weeks, commencing on 9 November 2015. Post the consultation, once the consultation comments had been summarised, the DPD would be submitted to the Secretary of State for independent Examination. The DPD would be independently examined by a Planning Inspector appointed by the Secretary of State. The Inspector's role was to assess whether the plan had been prepared in accordance with the Duty to Cooperate, legal and

COUNCIL - 5 NOVEMBER 2015 - MINUTES

procedural requirements had been met and whether it was sound. If the Inspector concluded that the HSA DPD was sound and met the necessary tests, it could be adopted by Council and would form part of the Local Plan for the District, helping to proactively manage development.

Councillor Law stated that it was vital that the document was adopted a whole.

Councillor Alan Macro stated that he had hoped to move an amendment to remove four of the sites. Sarah Clark explained that the amendment could not be moved as its effect would be to negate the content of the original motion. Councillor Macro stated that although he disputed that the amendment would negate the original motion he reluctantly accepted the reasoning. Councillor Macro accepted the need for more houses but set out his objections to a number of sites.

The Deputy Monitoring Officer explained that if a Member was not present for the whole of a discussion they could speak to an item but not vote on the item. As Councillor Manohar Gopal had arrived after the discussion on this item had started he would not be permitted to vote on this item.

Councillors Graham Pask and Paul Bryant stated that if the Council did not adopt a Local Plan the Council would lose all control over housing numbers.

Councillor Emma Webster stated that while she supported development she would not support development in the wrong place without the necessary infrastructure in place. It was therefore with a heavy heart that she would be voting against the Eastern spatial area and the proposed submission version of the Housing Site Allocations DPD.

Councillor Anthony Pick noted that 84 sites had been put forward for Newbury and through this process the final number had been reduced to six. He therefore had no hesitation in recommending the DPD as proposed for Newbury.

Councillor Croft stated that it was important to have a DPD in place to protect Thatcham from large scale speculative development. The Lower Way site was not perfect but it was the least worst site in Thatcham.

Councillor Pamela Bale stated that she objected to site 002 in Pangbourne and felt that it was not viable in planning terms. She was concerned about the impact the development would have on the North Wessex Downs Area of Outstanding Natural Beauty and that the site was hampered by poor road and pedestrian access. The site was outside the settlement boundary and there was some evidence of protected species on site. There were also issues around waste water. She however recognised the need to have a DPD in place and would therefore be voting in favour of that aspect of the report.

Councillor Garth Simpson stated that he objected to site 045 as he felt that it was not viable in planning terms and it was located in a sensitive landscape. He also felt that site CA006 was also not viable in planning terms as it was in a sensitive landscape, there were no pavements, had a high car dependency and would exacerbate the traffic issues outside St Finian's School. He however recognised the need to have a DPD in place and would therefore be voting in favour of that aspect of the report.

Councillor Anthony Chadley noted that 25% of the objections received during the consultation related to proposed development in his ward. He welcomed the fact that the Pincent's Hill development had now been removed from the DPD. He believed that the saturation point had been reached with regard to congestion on the roads in this area and development would erode the green gaps. He therefore could not vote in favour of the DPD as currently proposed.

COUNCIL - 5 NOVEMBER 2015 - MINUTES

Councillor Graham Bridgman noted that a Neighbourhood Development Plan (NDP) empowered a community in deciding where development should go. He therefore welcomed Mortimer's NDP and the impact that it had on the DPD.

Councillor Tony Linden supported the position taken by his fellow Ward Members and thanked their residents for their contribution to this process.

Councillor Lee Dillon commented that Thatcham had already had more than its fair share of development and that the infrastructure in the town had not kept pace with development. He felt that a period of consolidation was needed for the town.

Councillor Richard Somner stated that sites 0025 and 0026 in Calcot were not viable in planning terms primarily due to the impact on the area and flooding issues. The roads in the area were already congested and that the full impact of the IKEA development was yet to be ascertained. He did however agree that in principle a DPD was needed to ensure that the Council had control over where development would be permitted and he therefore supported its adoption.

Councillor Rick Jones explained that while he noted the opposition to the development in his ward and in the adjacent wards he felt that in the long term the Council would be in a worse position if they failed to maintain a five year land supply. He therefore reluctantly supported the proposals.

Councillor Adrian Edwards reminded residents that they could voice their concerns in the consultation period that would follow and that these objections would be considered by the Inspector during the Examination in Public of the DPD that would follow.

Councillor Marcus Franks stated that it was important to have the DPD in place so that power was not handed to the developers. He also noted that residents would have the opportunity to raise their objections when planning applications for individual sites were submitted.

Councillor Gordon Lundie thanked Councillors Alan Law and Hilary Cole for the work they had done in the preparation of the DPD. He also thanked those members of the public for attending the meeting.

Councillor Mollie Lock noted the hard work involved in the production of the Mortimer NDP. She explained that this group of people had worked very hard to achieve the right to choose where development would take place.

Councillor Billy Drummond commented that Greenham too had had more than its fair share of development.

Councillor Hilary Cole stated that while she had listened to the arguments, in order to remain a planning led authority, the Council had to adopt a DPD. She reiterated that the consultation that the authority had undertaken was not a statutory requirement but that Members were mindful of the views of residents. She thanked the members of staff that had worked hard to produce the documentation. She especially praised the dedicated Planning Policy Team. She felt that the DPD as presented was the right thing for the District as a whole.

Councillor Law thanked Councillors Keith Chopping and Hilary Cole for their hard work. While he accepted that there was opposition to some of the development he noted that the impact of not having a plan in place would be even greater.

RESOLVED that:

"2.1 The proposed housing allocations and settlement boundary changes in the Newbury and Thatcham spatial area as set out in Table 1 of Appendix A be included within the proposed submission version of the Housing Site Allocations DPD.

COUNCIL - 5 NOVEMBER 2015 - MINUTES

For the Motion:

Steve Ardagh-Walter, Peter Argyle (Chairman), Howard Bairstow, Pamela Bale, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Roger Croft, Richard Crumly, Rob Denton-Powell, Lee Dillon, Lynne Doherty, Billy Drummond, Adrian Edwards, Marcus Franks, James Fredrickson, Dave Goff, Nick Goodes, Manohar Gopal, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb (Vice-Chairman), Emma Webster and Laszlo Zverko

Against the Motion:

Lee Dillon, Billy Drummond, Alan Macro, Mollie Lock, Nick Goodes.

Abstained:

Manohar Gopal and Garth Simpson

2.2 (1) The proposed housing allocations and settlement boundary changes in the Eastern spatial area as set out in Table 1 of Appendix A be included within the proposed submission version of the Housing Site Allocations DPD.

For the Motion:

Steve Ardagh-Walter, Peter Argyle (Chairman), Howard Bairstow, Pamela Bale, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Roger Croft, Richard Crumly, Rob Denton-Powell, Lee Dillon, Lynne Doherty, Billy Drummond, Adrian Edwards, Marcus Franks, James Fredrickson, Dave Goff, Nick Goodes, Manohar Gopal, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb (Vice-Chairman), Emma Webster and Laszlo Zverko

Against the Motion:

Lee Dillon, Billy Drummond, Alan Macro, Mollie Lock, Nick Goodes, Emma Webster, Anthony Chadley, Tony Linden, Laszlo Zverko and Richard Somner.

Abstained:

Manohar Gopal.

2.3 (1) The proposed housing allocations and settlement boundary changes in the East Kennet Valley spatial area as set out in Table 1 of Appendix A be included within the proposed submission version of the Housing Site Allocations DPD and that sites for housing within the designated Neighbourhood Area of Stratfield Mortimer be allocated in accordance with the emerging Stratfield Mortimer Neighbourhood Development Plan.

For the Motion:

Steve Ardagh-Walter, Peter Argyle (Chairman), Howard Bairstow, Pamela Bale, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Roger Croft, Richard Crumly, Rob Denton-Powell, Lee Dillon, Lynne Doherty, Billy Drummond, Adrian Edwards, Marcus Franks, James Fredrickson, Dave Goff, Nick Goodes, Manohar Gopal, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Mike Johnston, Graham Jones,

COUNCIL - 5 NOVEMBER 2015 - MINUTES

Rick Jones, Alan Law, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb (Vice-Chairman), Emma Webster and Laszlo Zverko

Against the Motion:

Lee Dillon, Billy Drummond, Alan Macro, Mollie Lock and Carol Jackson-Doerge.

Abstained:

Manohar Gopal, Emma Webster, Anthony Chadley, Tony Linden, Nick Goodes, Laszlo Zverko and Ian Morrin.

2.4 (1) The proposed housing allocations and settlement boundary changes in the North Wessex Downs Area of Outstanding Natural Beauty (AONB) as set out in Table 1 of Appendix A be included within the proposed submission version of the Housing Site Allocations DPD.

For the Motion:

Steve Ardagh-Walter, Peter Argyle (Chairman), Howard Bairstow, Pamela Bale, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Roger Croft, Richard Crumly, Rob Denton-Powell, Lee Dillon, Lynne Doherty, Billy Drummond, Adrian Edwards, Marcus Franks, James Fredrickson, Dave Goff, Nick Goodes, Manohar Gopal, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb (Vice-Chairman), Emma Webster and Laszlo Zverko

Against the Motion:

Lee Dillon, Billy Drummond, Alan Macro, Mollie Lock.

Abstained:

Manohar Gopal, Emma Webster, Anthony Chadley, Tony Linden, Nick Goodes, Laszlo Zverko and Pamela Bale.

2.5 (1) New Stocks Farm, Paices Hill, Aldermaston, be included within the proposed submission version of the Housing Site Allocations DPD as a permanent site for Gypsies and Travellers.

(2) Longcopse Farm, Enborne, be included within the proposed submission version of the Housing Site Allocations DPD as a permanent site for Travelling Showpeople.

(3) Clappers Farm, Beech Hill, be included within the proposed submission version of the Housing Site Allocations DPD as an area of search for the provision of Gypsy and Traveller accommodation after 2021.

For the Motion:

Steve Ardagh-Walter, Peter Argyle (Chairman), Howard Bairstow, Pamela Bale, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Roger Croft, Richard Crumly, Rob Denton-Powell, Lee Dillon, Lynne Doherty, Billy Drummond, Adrian Edwards, Marcus Franks, James Fredrickson, Dave Goff, Nick Goodes, Manohar Gopal, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Mike Johnston, Graham Jones,

COUNCIL - 5 NOVEMBER 2015 - MINUTES

Rick Jones, Alan Law, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb (Vice-Chairman), Emma Webster and Laszlo Zverko

Against the Motion:

Mollie Lock.

Abstained:

Manohar Gopal and Graham Bridgman.

2.6 (1) Policies C1 to C8 on Housing in the Countryside as set out in Appendix C be included within the proposed submission version of the Housing Site Allocations DPD.

For the Motion:

Steve Ardagh-Walter, Peter Argyle (Chairman), Howard Bairstow, Pamela Bale, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Roger Croft, Richard Crumly, Rob Denton-Powell, Lee Dillon, Lynne Doherty, Billy Drummond, Adrian Edwards, Marcus Franks, James Fredrickson, Dave Goff, Nick Goodes, Manohar Gopal, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb (Vice-Chairman), Emma Webster and Laszlo Zverko, Emma Webster and Laszlo Zverko

Against the Motion:

None

Abstained:

Manohar Gopal

2.6 (2) Policy P1 on Parking Standards as set out in Appendix C be included within the proposed submission version of the Housing Site Allocations DPD.

For the Motion:

Steve Ardagh-Walter, Peter Argyle (Chairman), Howard Bairstow, Pamela Bale, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Roger Croft, Richard Crumly, Rob Denton-Powell, Lee Dillon, Lynne Doherty, Billy Drummond, Adrian Edwards, Marcus Franks, James Fredrickson, Dave Goff, Nick Goodes, Manohar Gopal, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb (Vice-Chairman), Emma Webster and Laszlo Zverko

Against the Motion:

Alan Macro

Abstained:

Manohar Gopal

(Councillors Roger Croft and Graham Jones left the meeting at 8.47pm and returned at 8.49pm and therefore did not vote on item 2.7)

COUNCIL - 5 NOVEMBER 2015 - MINUTES

2.7 That Council finally resolves that:

- (1) the West Berkshire Housing Site Allocations Development Plan Document Proposed Submission documents are published in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (2) a period of six weeks from 9 November 2015 to 21 December 2015 is allowed for the receipt of representations on the Housing Site Allocations Development Plan Document Proposed Submission documents in accordance with Regulations 17 and 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and following this
- (3) the Housing Site Allocations Development Plan Document and accompanying documents are submitted to the Secretary of State under Regulation 22 of the Town and Country Planning (Local Plan) (England) Regulations 2012 and
- (4) delegated authority is given to the Head of Planning and Countryside to agree any minor typographical and presentational changes to the proposed submission DPD and supporting documentation before publication.”

For the Motion:

Steve Ardagh-Walter, Peter Argyle (Chairman), Howard Bairstow, Pamela Bale, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Roger Croft, Richard Crumly, Rob Denton-Powell, Lee Dillon, Lynne Doherty, Billy Drummond, Adrian Edwards, Marcus Franks, James Fredrickson, Dave Goff, Nick Goodes, Manohar Gopal, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb (Vice-Chairman), Emma Webster and Laszlo Zverko

Against the Motion:

Lee Dillon, Billy Drummond, Alan Macro, Mollie Lock, Emma Webster, Anthony Chadley and Tony Linden.

Abstained:

Manohar Gopal, Graham Jones and Roger Croft

(The meeting commenced at 6.30pm and closed at 9.05pm)

CHAIRMAN

Date of Signature

This page is intentionally left blank

Council Tax Support Scheme 2016/17

Committee considering report:	Council on 10 December 2015
Portfolio Member:	Councillor Roger Croft
Date Portfolio Member agreed report:	01 November 2015
Report Author:	Bill Blackett
Forward Plan Ref:	C2931

1. Purpose of the Report

- 1.1 For Council to consider and make a decision on proposals to change Council Tax Support Scheme from 1st April 2016

2. Recommendations

- 2.1 The Council Tax Support scheme is amended to reduce the maximum support for working age claimants from 90% to 75% with effect from 1st April 2016.
- 2.2 The Council Tax Support scheme is amended to cap the maximum amount of relief given to working age claimants at that which would apply to a property in council tax band D with effect from 1st April 2016.
- 2.3 The Council Tax Support scheme is amended from 1st April 2016 so that the minimum weekly entitlement for working age claimants is £3. Assessments producing an entitlement of less than £3 per week will become Nil entitlement.
- 2.4 Second Adult Rebate will cease to have effect from 1st April 2016 and all existing entitlements will be cancelled from that date.
- 2.5 A tolerance of £40 per month will be applied to changes in Universal Credit before a change to Council Tax support is required.

3. Implications

- 3.1 **Financial:** Based upon current (October 2015) entitlements the cost reduction arising from each of the above recommendations is:
- | | |
|-----|-------------------------------------------------------------------------------|
| 2.1 | £341,494 |
| 2.2 | £12,854 |
| 2.3 | £18,289 |
| 2.4 | £16,800 |
| 2.5 | Savings will be in costs of administration and cannot be evaluated at present |
- The total value of cost reduction for recommendations 2.1 to 2.4 is £389,437

- 3.2 **Policy:** This report recommends changes with effect from 1st April 2016 to an existing policy
- 3.3 **Personnel:** No implications
- 3.4 **Legal:** Changes to Council Tax Support alongside other changes in welfare benefits will result in some people being financially worse off and there is always the possibility of legal challenge either through established appeal procedures (operation of scheme) or Judicial Review (adoption of policy)
- 3.5 **Risk Management:** The report does identify risks arising from the uncertainty of financial information
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

- 4.1 The report explains the back ground to the scheme, the options which were considered to be available, selection of options on which to consult and the drafting of the recommendation. In drafting the recommendation three possible alternatives were considered:
- (1) Make no change to the existing scheme
 - (2) Adopt a scheme maximising cost savings
 - (3) Adopt a scheme taking savings at a lower level – this is the scheme forming the recommendation

5. Executive Summary - Background

- 5.1 Council Tax support (CTS) is a local scheme which replaced Council Tax Benefit from 1st April 2013 (a national scheme). The scheme provides assistance for those on low income to meet their council tax liabilities. Every billing authority is required to adopt its own scheme and to review that scheme annually.
- 5.2 Government funding for CTS has reduced by just over £1.5m since 2013/14. A declining caseload has had the effect of limiting the impact on scheme costs to an increase of £601.5k.
- 5.3 Legislation requires that pensioners and claimants deemed to be vulnerable are to be no worse off under CTS than they would be under the earlier Council Tax Benefit scheme
- 5.4 Sections 1 to 4 of the Supporting Information report provide more detailed information about caseload, the current scheme and costs.
- 5.5 In common with other council services there is a need to review costs and to seek to make savings. Following a review by officers a number of potential changes to the scheme and indicative levels of cost saving were identified. These are detailed in sections 6 to 16 and Appendix B of the supporting information. These formed the basis of a report to Management Board for a steer as to which options were acceptable and upon which further consultation was to take place.

6. Proposals

- 6.1 Following consideration by Management Board approval was given to consult on a number of specific options to vary the scheme with effect from 1st April 2016:
- (1) Restrict the amount of support to working age claimants to a maximum of either 70% or 75% of their council tax liability
 - (2) Restrict the amount of support for working age claimants to an amount that would be available in respect of a band D property – i.e. limit the amount of support if the claimant's property is in bands "E" to "H"
 - (3) Restrict the amount of support by applying a minimum entitlement of £3 per week - for claimants having an assessed entitlement of less than £3 there would be no support
 - (4) Cease to allow Second Adult rebate
 - (5) A combination of the above options
 - (6) No change to the current scheme
 - (7) Application of a tolerance of £40 per month to changes in Universal Credit before a change to Council Tax support is required.
- 6.2 Consultation took the form of a questionnaire and supporting information sent to every current recipient of Council Tax Support. A questionnaire was also made available on the council's web site. Details of the consultation responses are given in section 21 of the Supporting Information to this report

6.3 The key findings from the consultation process are presented in detail in sections 20 and 21 with a full transcript of text responses being provided at Appendix C. Within the body of the supporting information report the text supplied by CAB and A2 Dominion Housing have been supplied as each of these bodies are able to relate to the bigger picture as they see it through day to day contact. All of these comments have relevance and the appendix should be read in conjunction with both this summary report and the supporting information.

7. Options

7.1 Consideration of the consultation responses produced a ranking as follows with 1 indicating the most preferred option and 7 the least.

Increase the minimum contribution from 10% to 25%	6
Increase the minimum contribution from 10% to 30%	7
Apply a cap to the amount of reduction given by restricting it to the amount for a band D property	2
Only provide reduction where an entitlement of £3 per week or more is assessed.	3
Cease to allow Second Adult Rebate	5
Change the reduction scheme to incorporate a combination of the options shown above	4
Make no change to the existing Council Tax Reduction Scheme	1

8. Key issues

8.1 A number of key issues arise from this process and need to be considered by Members in their decision making. These are covered in the remainder of this section

8.2 Whilst consultation took place with all 7,283 current recipients of support it does need to be borne in mind that this represents only part of our current tax base of 66,845 properties. Some of those consulted (5,283) would not be affected by the changes proposed. Whilst the views expressed are relevant there has to be consideration of the weight to be applied to those views when the Council has to make a decision about savings across the whole range of services.

8.3 The changes proposed affect only the unprotected group of 2,000 working age claimants who are already on low income – hence the need for Council Tax Support. They are the group most affected by the government’s welfare benefit changes.

8.4 The proposals are given with indications of cost savings but it is recognised from the outset that the value of these savings cannot be guaranteed. The welfare reform changes will have an effect on the disposable income of the working age group which, in turn, will impact on the value of council tax reduction assessed for individual cases. The level of income reduction for these cases has proved impossible to predict – even when dealing with a simple example of a known case of a single working age parent with two school age children. The amount of council

tax support will also increase if the council or any of its precepting bodies increases the level of its share of council tax for 2016/17.

9. Conclusion

9.1 Taking account of the above it seems that Council are faced with a choice from within three groupings:

- Maximise the cost reduction for council tax support
- Take some cost savings
- Make no change to the existing scheme

9.2 These groupings are reflected in the table at 18.3 of the supporting information report

9.3 Grouping 1 is not one which officers would recommend as it does have a disproportionate effect on a part of the caseload and, in addition, by introducing a range of different measures makes matters confusing for claimants. This would inevitably introduce an administrative overhead and more challenges to the calculation of entitlement. It is also more likely to lead to difficulty in council tax collection although the extent of this difficulty cannot be quantified.

9.4 Grouping 2 is capable of taking some account of disproportional impacts, can generate a lower level of disincentive to work and demonstrates some acceptance of the value of contribution to the economic vitality of our community. It may be easier to understand thereby reducing the administrative and collection issues raised for option 1

9.5 Grouping 3 would certainly be the most acceptable to claimants but does not generate savings.

9.6 Within the groupings 1 and 2 there are proposals to increase the minimum contribution from working age claimants from 10% to either 25% or 30%. Each of these is a significant increase for those on low incomes. With a decision being made in December and council tax liabilities becoming due in April this gives a very short time for claimants to adjust their budgets. However there is also a need to consider the whole of council funding and the pressures faced across the services the council delivers

9.7 The recommendation from officers is that option 2 is the preferred option and that the degree of change should be kept simple by increasing the minimum contribution to council tax for working age claimants from 10% to 25%. The options to cap support at band D and to apply a minimum entitlement of £3 per week may be adopted or be discarded.

9.8 A further recommendation is for the cessation of second adult rebate with effect from 1st April 2016, this cessation referring to the process rather than to the period of entitlement thereby removing backdated claims from consideration. Although this was not a favoured option from the consultation outcome it is believed that this was a product of the ranking process. Review of the comments shows that very little was said in favour of retention.

9.9 A final recommendation is that the proposal to apply a degree of tolerance to changes in income arising from changes to Universal Credit, a value of £40 was the amount shown to be preferred by those responding to this part of the consultation

10. Appendices

10.1 Appendix A - Supporting Information

10.2 Appendix B – Equalities Impact Assessment – Stage One

10.3 Appendix C – Details of schemes modelled for consideration

10.4 Appendix D – Text of consultation responses

10.5 Appendix E – Equalities Impact Assessment – Stage Two

Council Tax Support Scheme 2016/17 – Supporting Information

1. Introduction/Background

- 1.1 Council Tax Reduction schemes are the means by which billing authorities provide financial assistance to Council Tax payers with limited means to afford Council Tax.
- 1.2 The scheme was introduced on 1st April 2013 to replace Council Tax Benefit and billing authorities are required to consider, each year, whether they wish to replace or revise their scheme. This decision must be made by 31st January.
- 1.3 Schemes must provide protection for pensioners and vulnerable groups, this protection meaning that their maximum entitlement to support must not be restricted and that 100% support is possible. Vulnerable groups are not defined in legislation and it is for each billing authority to identify the members of such groups.
- 1.4 Any decision to replace or to change the current scheme must be subject to effective consultation in order to inform the decision making process.
- 1.5 The report also draws attention to the risks arising from the difficulty in identifying actual savings due to the ongoing changes in the welfare reform agenda of central government.
- 1.6 This supporting information gives details of the existing scheme for 2015/16, claimant volumes and costs. A number of options for change are modelled with guidance as to the likely costs of each proposal. There have to be caveats to the cost/savings supplied as other matters outside our control will impact of scheme costs (see section 19)

2. The current scheme for 2015/16

- 2.1 Pensioners and members of vulnerable groups may receive support up to 100% of their annual Council Tax liability.
- 2.2 Working age claimants, whether working or not, are required to meet a minimum of 10% of their Council Tax liability and support is, therefore, limited to the remaining 90%.
- 2.3 Assessing the level of entitlement is based upon a means test. This takes account of the applicant's income, savings, how much they need to live on, the number of people in the household and their ages, if anyone is sick, disabled or a full-time carer. The calculation of how much they need to live on follows standard figures set by the government for other welfare benefits such as Housing Benefit. The underlying scheme to which this calculation is applied mirrors the scheme which exists for Council Tax Benefit where there is considerable body of experience built up over many years of working with such a scheme. The only variations from the

pre-existing Council Tax Benefit scheme are the limitation of support available to unprotected groups of claimants.

3. Volumes

3.1 At the present time (mid October 2015) the number of claimants in each group is:

Pensioners	3,427
Vulnerable	1,856
Working age (not working)	1,152
Working age (working)	848
Total number of claimants (July 2015)	7,283

4. Scheme cost

4.1 The true cost of the scheme to the Council is difficult to assess accurately because of the way in which government grant support has changed in recent years. Until 2013 Council Tax Benefit was fully funded by government grant but, from 1st April 2013, this funding was reduced by 10% nationally as part of the Government's austerity measures. However individual billing authority shares of this reduced grant were based on their caseload and this council faced a cut of 18% in overall funding. From 2014/15 the amount of grant funding has not been given as a separate and identifiable amount, instead it is rolled into the total figure for Revenue Support Grant which was reduced by 18% in 2014/15 and by a further 27% in 2015/16.

4.2 The best available figures are:

	2013/14 £	2014/15 £	2015/16 £
RSG (before freeze grant)	22,577,613	18,529,256	13,488,340
RSG reduction (%)		18%	27%
CT support (actual)	3,748,800		
CT support (estimated using % reduction in RSG)		3,074,016	2,244,031
Actual CTS granted	7,749,745	6,720,196	6,846,467
Cost of CTS to WBC	4,000,945	3,646,1800	4,602,436

4.3 In addition to this there is a "hidden" cost of Council Tax income lost due to irrecoverable Council Tax debts. The difficulty arises because these various transactions take place over time and it has proved very difficult to identify what precipitates a particular action, for instance:

- (1) did developing arrears lead to an application for Council Tax Reduction; or
- (2) was the applicant in receipt of Council Tax Reduction at the time the arrears accrued; and

- (3) what was the reason for arrears (absconded, bankrupt, etc); and
- (4) are the arrears really irrecoverable or are they subject to a long term payment arrangement (and does the cost of payment processing exceed the value of individual receipts)

4.4 Production of a table to identify the extent to which Council Tax Reduction recipients have been involved in court action would have been ideal but, because of the variable factors given above and also the way in which the data is held, it has not proved been possible to obtain reliable information.

5. Reasons for scheme changes

5.1 In common with all other council services the Council has to identify where savings can be made in order to address the financial challenges it continues to face. Given the cost of Council Tax Reduction it is inevitable that this will need to be reviewed and options for change identified. It is for elected members to consider those options and to make a decision on the extent to which they can or cannot be implemented. Any such decision must take account of the responses to a properly conducted consultation. Failure to carry out proper consultation can lead the scheme open to judicial review – something which has already been experienced by other councils.

6. Options for changes to the scheme

6.1 There are a number of areas where the scheme can be varied in order to reduce costs, the most obvious being:

- (1) Reduce the % of Council Tax liability to be supported for working age claimants
- (2) Cap support at a specific Council Tax property band
- (3) Revise the list of claimant types in the vulnerable group
- (4) Reduce the limit to the amount of capital a claimant can have without affecting the amount of Council Tax Reduction
- (5) Set a minimum weekly amount for Council Tax Reduction, assessed amounts below that level having no entitlement.

6.2 In addition it would be possible to:

- (1) Change the tapers within the calculation process i.e. vary the amount of the reduction in Reduction offered for each additional £ by which the claimant's income exceeds the amount they are deemed to need to live on.
- (2) Reduce the figures used to calculate the amount claimants need to live on i.e. break the existing link to the parameters used for other welfare benefits.
- (3) Cease to allow 2nd Adult Rebate (this is currently allowed in cases where the Council Tax payer is compensated for the loss of Council

Tax discount caused by the presence of the ‘second adult’ in his or her home. A person is a ‘second adult’ if he or she is a non-dependant and typically this will be adult sons, daughters, other relatives or friends living in the claimant’s household on a non-commercial basis.)

- 6.3 All of these changes have the potential to impact on only part of the caseload (47%) as pensioners remain subject to the protection demanded by Government when the new schemes were introduced.

7. The options in detail

- 7.1 The following sections present details of the various options for change which have been identified.

8. Retain the current 2015/16 scheme with no change

- 8.1 This is the simplest option but would deliver no reduction in costs. It was included in the consultation process.

9. Reduce the % of Council Tax liability to be supported for working age claimants

- 9.1 The proposed scheme for 2013, upon which consultation took place, included a requirement for the two unprotected groups to have Reduction limited to 90% of their Council Tax liability. The adopted scheme increased this to 91.5% in the light of additional grant funding made available by the government. This grant funding was not carried forward to 2014 and, for that year, the Reduction offered moved to the original 90% upon which consultation took place.
- 9.2 This is an area which has seen significant variation across different councils with a range from 100% Reduction to 70% Reduction. Within Berkshire the Reduction given in 2015 has been:

Bracknell	91.5%
Slough	80.0%
Reading	85.0%
West Berkshire	90.0%
Windsor and Maidenhead	90.0%
Wokingham	100.0%

- 9.3 Of course, some or all of the above may change as councils consider their schemes for 2016.

10. Apply a minimum amount to successful awards

- 10.1 In their 2014/15 schemes 46 councils have imposed a minimum weekly amount to Council Tax Reduction payment, the actual amount ranging from 50p to £10.00. In Berkshire only Wokingham have adopted this approach and have limited weekly amounts to £3.00. Claimants having a calculated entitlement to Reduction of £2.99 or less per week do not receive Reduction.
- 10.2 It is anticipated that restriction to £3.00 in West Berkshire would reduce overall scheme costs by £9.85k

11. Cap Reduction at a specific Council Tax property band

11.1 Capping Reduction to an amount equal to band "D" Council Tax would reduce the cost of the scheme by an anticipated £34.2k. Claimants having an entitlement to Reduction would continue to receive it but the amount would be limited to the amount they would receive if living in a band "D" property even though the actual band of their property is higher than band "D". A number of claimants would be affected with 10 dropping out of entitlement altogether.

12. Revise the list of claimant types in the vulnerable group

12.1 The current scheme provides for claimants in receipt of specific benefits to be placed into the vulnerable group for calculating their claim entitlements. Those benefits are: Employment Support Allowance (ESA), Disability Living Allowance and Personal Independence Payments. Government prescription requires that we identify vulnerable groups and ensure that they are no worse off under Council Tax Reduction than they would have been when in receipt of Council Tax Benefit. However the definition of vulnerable groups is left to each billing authority.

12.2 Claimants can get ESA if their ability to work is limited by ill health or disability. ESA has two parts, contributory ESA and income-related ESA. Claimants may receive either one of these, or both together, depending on their circumstances

12.3 This option does follow the choices made by other council's in establishing their own schemes. This change would produce an anticipated reduction in scheme costs of £36.5k

12.4 However this change would be controversial in that a group of claimants previously considered vulnerable would cease to be so. For this reason it was not included in the models presented for consultation.

13. Reduce the limit to the amount of capital a claimant can have without affecting the amount of Council Tax Reduction

13.1 Under current schemes this does vary across the country. Many councils have retained the £16,000 limit which was applied under Council Tax Benefit rules. However, some have chosen to reduce this limit with £8,000 and £6,000 being the most common amounts. Within Berkshire, at present, capital limits are:

Bracknell	£16k
Slough	£16K
Reading	£ 6K
West Berkshire	£16K
Windsor and Maidenhead	£16K
Wokingham	£16K

13.2 Modelling the impact of reducing the capital limit to a lower value of £6k has identified that such a change will result in a £23.1k reduction in the cost of Council Tax Reduction and that 40 claimants would cease to have an entitlement to Reduction.

13.3 However, this level of cost reduction does not take account of savings held by claimants passported to us by DWP. The passport is a statement of fact of entitlement and does not disclose details of any capital held. It may therefore be the case that savings and the reduction in scheme cost will be greater than stated.

13.4 Due to incomplete information this option was not put forward as part of the consultation process.

14. Change the tapers within the calculation process i.e. vary the amount of the reduction in support offered for each additional £ by which the claimant’s income exceeds the amount they are deemed to need to live on.

14.1 Under our current scheme the amount of Council Tax Reduction is reduced by 20p in every £ by which the claimant’s income exceeds the amount they are deemed to need to live on. The majority of councils make the same reduction, this being carried over from the previous Council Tax Benefit scheme. There are some exceptions with the range being from 15p in every £ to 30p in every £. Within Berkshire the amounts used have been:

Bracknell	21p
Slough	20p
Reading	20p
West Berkshire	20p
Windsor and Maidenhead	25p
Wokingham	25p

14.2 Changing the amount to 30p would produce an anticipated reduction in scheme costs of £168.3k and 270 claimants would be removed from entitlement to Reduction.

15. Reduce the figures used to calculate the amount claimants need to live on i.e. break the existing link to the parameters used for other welfare benefits.

15.1 This has not been modelled because there are so many variable elements within the calculation process that it would be very difficult to present a coherent summary of the impacts and savings. From the outset the Council Tax Reduction schemes at West Berkshire have continued to use the same parameters as are in place for Housing Benefit. These parameters are set by Government and, in the current drive to cut welfare spending an element of cost reduction will already be achieved by retaining that link. The actual value of this reduction is, however, impossible to predict. From the outset council Tax Reduction was administered following the various parameters in place for Council Tax Benefit as this was in place at the time of the first report to Council in 2012, The Council Tax Benefit parameters replicated, in turn, those in place for Housing Benefit. For the avoidance of doubt this report includes a recommendation to change this reference from Council Tax Benefit to Housing Benefit.

16. Cease to allow 2nd Adult Rebate

16.1 This has been in place for many years, having been part of the earlier Council Tax Benefit scheme and being carried forward into Council Tax Reduction. A number of councils have already reduced or abolished second adult rebate and, within Berkshire, the situation is:

Bracknell	Abolished
Slough	Abolished
Reading	Abolished
West Berkshire	Retained
Windsor and Maidenhead	Retained
Wokingham	Abolished

16.2 Cessation of the scheme would generate a cost reduction of up to £16.8k and all 70 current recipients could be removed from Reduction. However, as the protection for pensioners and vulnerable persons also applies to Second Adult Rebate, it seems likely that the quoted figures will need to be reduced when detailed information for each claim has been reviewed.

16.3 Looking across councils as a whole, published information for 2015/16 schemes indicates that the following have been applied in developing their schemes.

Action	Number of Councils	% of Councils
Savings limit other than £16k	72	22
Second adult rebate reduced or abolished?	190	58
Support restricted to a particular Council Tax band?	75	23
Minimum weekly Council Tax Reduction payment applied	50	15
Taper rate other than 20p in £	19	6
Hardship fund	123	38

16.4 However, this does not necessarily mean that these factors will remain unchanged for their 2016/17 schemes.

17. Options Summary

17.1 The options were considered by Operations/Management Board who recognise that the scheme for 2016/17 needs to be one which is affordable in the light of the Council's own budget constraints. It was also recognised as inevitable that any recommendation will be one which reduces the amount of Council Tax Reduction available to those in unprotected groups. Approval was given to consult on specific options which, in combination lead to 11 possible adjustments to the scheme.

17.2 Details of 11 schemes are given at Appendix C.

17.3 In summary, the impacts of each scheme are:

Scheme	attributes	Working Age Employed	Reduction in scheme cost arising from each change	Working Age Other	Reduction in scheme cost arising from each change	Overall reduction in scheme cost arising from each change
Current Scheme	10% minimum contribution	£591,603	£0	£1,012,458	£0	£0
Scheme 1	add £3 minimum award	£584,205	-£7,398	£1,010,001	-£2,457	-£9,855
Scheme 2	add cap at band D	£585,557	-£6,046	£1,002,895	-£9,563	-£15,609
Scheme 3	Combine all 3	£578,160	-£13,443	£1,000,439	-£12,019	-£25,462
Scheme 4	25% minimum contribution	£440,268	-£151,335	£822,299	-£190,159	-£341,494
Scheme 5	add £3 minimum award	£426,056	-£14,212	£818,222	-£4,077	-£18,289
Scheme 6	add cap at band D	£435,339	-£4,929	£814,374	-£7,925	-£12,854
Scheme 7	Combine all 3	£421,127	-£170,476	£810,297	-£202,161	-£372,637
Scheme 8	30% minimum contribution	£393,749	-£197,854	£760,432	-£252,026	-£449,880
Scheme 9	add £3 minimum award	£381,281	-£12,468	£756,479	-£3,953	-£16,421
Scheme 10	add cap at band D	£389,193	-£4,556	£753,053	-£7,379	-£11,935
Scheme 11	Combine all 3	£376,724	-£214,878	£749,099	-£263,358	-£478,236

18. Risks

- 18.1 All figures relating to caseload volumes and costs are based upon those which are current at the time this report was drafted (mid-October 2015) but have been adjusted to take account of the known change where people will be moving in to pension age group.
- 18.2 There are a number of matters which may, in time, render these figures inaccurate, in particular those changes coming out of the Government's welfare reform agenda and associated expenditure reductions
- 18.3 As welfare benefit incomes are capped or reduced this may increase demand for Council Tax Reduction. However, the extent to which this demand does arise may be reduced if the Council scheme continues to mirror the underlying scheme parameters from the Housing Benefit scheme.
- 18.4 The Chancellor's budget statement in July introduced the living wage. By increasing the income of the low paid group of workers this may change (reduce) the amount of Council Tax Reduction being paid. However other matters, such as a reduction in Tax Credits, would lead to an increase in entitlements and, thereby, in scheme cost.
- 18.5 In addition to the above the amount of Council Tax Reduction paid to claimants is directly linked to the Council Tax levels set by the Council. If, in March 2016, an increase in Council Tax is set by Council, or any of its precepting bodies, this will affect the amount of Council Tax Reduction.
- 18.6 There is also the risk to be borne by claimants who would see receive a lower level of assistance to meet their Council Tax liabilities. This was addressed with the

provision of Exceptional Hardship Payments when the Council established its first Council Tax Reduction scheme in 2013.

- 18.7 Exceptional Hardship Payments sit outside the assessment process for Council Tax Reduction and are administered independently by the Housing Options Team. Applicants complete a detailed application form when they believe that they, or a member of their family, will suffer exceptional hardship if they do not receive assistance. Assessment of the level of assistance which can be given is done on an individual basis and according to the circumstances presented in the application.
- 18.8 During 2014/15 75 households received assistance totalling £18,409 from the Exceptional Hardship Fund. £15,605 (84.8%) was granted to working age applicants i.e. within the group which is affected by the options listed. During the current year £3,708 has been granted to 18 successful applicants. £3,170 (85.5%) has been allowed to claimants in the working age group.
- 18.9 It may be helpful for Council to be able to reflect on the approach being taken by other Berkshire Unitaries both in terms of their current scheme and proposals for 2016. Whilst following the pack is by no means a mandatory regime this knowledge does serve as a useful measure of how closely our own position matches that of others exposed to the economic climate in that part South East region centred around the Thames Valley.

	Current					2016
	Maximum support for working age claimants	Capital limit	Second adult rebate allowed	Taper (reduction in support for each £ by which income increases)	Support capped to the amount of tax for a specific band	Proposed
West Berkshire	90%	£16k	Yes	20p	No	To be decided
Bracknell	91.50%	£16k	No	21p	No	Max 80%
Reading	85%	6k	No	20p	No	Max 80%
Slough	91.50%	£16k	No	20p	Band C	No change
Windsor and Maidenhead	90%	£16k	Yes	25p	No	No change
Wokingham	100%	£16k	No	25p	No	No change

19. The impact of Universal Credit on Council Tax Reduction claim management

- 19.1 On 6 July 2015 Universal Credit was introduced in Newbury Job Centre for new claimants fulfilling DWP eligibility criteria for assistance with living expenses and/or housing costs. Reading Job Centre implemented Universal Credit from September 2015 across all of the geographical area of West Berkshire Council.
- 19.2 Although it is anticipated that claims will initially only be received from those people who are out of work (replacing Job Seekers Allowance), the Council Tax Reduction Scheme should include appropriate wording for the 2016/17 financial year to detail how the Council intend to calculate income received from Universal Credit for all claim types.

- 19.3 Once a household is receiving Universal Credit, they cannot claim other legacy benefits. So, for example, if an out of work person who now receives Universal Credit finds work and would normally claim Working Tax Credits, they will have to remain on Universal Credit and receive payments through this new benefit. In essence they will not receive Working Tax Credits that they would normally have been able to claim, they will instead receive Universal Credit.
- 19.4 Those people who claim Universal Credit in replacement of Job Seekers Allowance will remain entitled to the same amount of Council Tax Reduction that they would have received if they were able to claim Job Seekers Allowance. This is because they will get no more or less income from Universal Credit than they would through Job Seekers Allowance. There will be no additional budget pressures or resource implications for those people who are out of work and claiming help towards their Council Tax.
- 19.5 The list below shows income types which will be incorporated into Universal Credit.
- Working Tax Credits
 - Child Tax Credits
 - Income-based JSA
 - Income related Employment Support Allowance
 - Income Support
 - Housing Benefit
- 19.6 Each of the benefits replaced by Universal Credit is calculated using a claimant's average income. There is a higher likelihood for monthly fluctuation in Universal Credit as DWP intend to calculate each monthly payment according to real time information relating to the claimant's earnings and obtained from HM Revenue and Customs. Income used within the means-tested assessment for Council Tax Reduction may require monthly adjustment for each Universal Credit claimant unless the scheme includes provision for only significant changes in Universal Credit to affect entitlement to Council Tax Reduction.
- 19.7 Monthly fluctuations in Universal Credit can cause corresponding fluctuation in Council Tax Reduction. Delays in receiving notification from DWP of amended awards for Universal Credit as well as statutory instalment notice periods, means that the earliest instalment of Council Tax which will reflect the change could be two months following, by which time Universal Credit may have been revised again. All this will make management of instalment accounts difficult and be confusing for claimants.
- 19.8 Although it is not proposed that the Council should fail to take account of significant changes in household income, the need for regular reassessment of Council Tax instalments can be avoided by including some provision for tolerance of minor changes in Universal Credit entitlement.
- 19.9 This could be achieved by taking an average of the awards of Universal Credit in the two months preceding the claim for Council Tax Reduction, or for the two months following the claim for Council Tax Reduction, where the claim for Universal Credit has only recently been made. This approach could however prove problematic as new claim entitlement cannot be finalised until two months following the claim, meanwhile the Council will be dependant upon the claimant's satisfactory

assessment of a significant change in their rate of Universal Credit which may require reporting to the Council.

- 19.10 The recommendation is for Council Tax Reduction to incorporate the rate of Universal Credit received by a customer on the date they claim Council Tax Reduction or the first award of Universal Credit, depending upon which is the later entitlement start date. This amount will continue to be used in the assessment for Council Tax Reduction until/unless the monthly award of Universal Credit deviates from this figure by a specified amount. This proposed ‘tolerance’ figure for changes in the amount of Universal Credit incorporated within the assessment of Council Tax reduction is suggested to be £40 per month. If Universal Credit differs by more than this amount, the change will be considered sufficiently significant as to prompt reassessment. Otherwise changes to Universal Credit within this level of tolerance are anticipated to prompt changes in the amount of Council Tax payable which are likely to cause customer uncertainty and prove uneconomical for the Council to pursue.

20. Summary of Key Findings from the consultation process

- 20.1 Consultation was carried out by the issue of consultation questions and supporting information to 6,959 persons currently in receipt of council tax reduction. We also added the questionnaire to the Council’s web based consultation finder. The consultation process was drawn to public attention by a news item on the Council’s internet home page and by an article in the local press
- 20.2 Comments were provided on 315 returned feedback forms and 296 on-line responses. 609 of these were from people responding as individuals. 592 (82.7%) individuals stated that they were in receipt of Council Tax Reduction in West Berkshire. 245 respondents stated that they were disabled, 367 forms were received from people who were 65 or older, 137 from people in employment and 585 from people unemployed (This probably includes persons who are retired).
- 20.3 In terms of age groups, the table below shows the number responses by age bandings (where provided):

Age Group	Nos. of Responses
18-24	6
24-34	29
35-44	58
45-54	53
55-64	81
65+	367
Not provided	3

- 20.4 Two returns were from organisations in the area:

The Citizen’s Advice Bureau

A2 Dominion Housing;

- 20.5 Respondents were asked to rank the 7 options in order of preference with '1' being the most preferred option and '7' the least preferred. Many paper responses did not follow this ranking method and, instead, simply identified the one preferred option.
- 20.6 Feedback varied greatly: from positive feedback on options offered, suggestions as to how it could be further developed and / or targeted on households in genuine hardship as well as anxiety about what the impact would be on people as individuals.
- 20.7 A large number of responses were provided by pensioners – a group who are actually unaffected by any of the options offers. Within this group there were a number who did not fully understand the consultation documents and who gave either no or an incomplete response to the options offered. Where possible these respondents have been included in the totals and any text comments are included in the verbatim responses at appendix D.
- 20.8 It should be noted that this was not a quantitative, statistically valid exercise. It was neither the premise, purpose, nor within the capability of the exercise, to determine the overall community's level of support, or views on the proposals.
- 20.9 In order to allow everyone who wished the opportunity to contribute, feedback was not sampled and as such, it is impossible to determine the extent to which they are reflective of the wider population. As a consequence, it is not possible to draw any definitive quantitative conclusions from this exercise, or to place any weight with any degree of confidence on the extent to which the views expressed are representative of those held more widely. The feedback captured therefore should be seen in the context of 'those who responded', rather than pertain to be necessarily reflective of the wider community.
- 20.10 All the responses have been provided verbatim as an appendix to this report. Whilst this summary seeks to distil the key, substantive points made, it should also be read in conjunction with the more detailed verbatim comments to ensure a full, rounded perspective the views and comments are considered.
- 20.11 However the responses from CAB and from A2 Dominion are particularly relevant given the overview that each organisation has of the situation and needs of those in receipt of council reduction and of how that support links to other welfare benefits, accommodation and household expenses. It is, therefore, appropriate to bring them forward to the body of this supporting document.
- 20.12 The comment from CAB is:
- 20.13 The survey was distributed across the bureau and responses were received from all supervisors/senior staff and several experienced caseworkers and volunteers. Option 7 (no change) was unanimously chosen by supervisors, caseworkers and experienced volunteer advisers as the bureau's 1st preferred option. Option 6 (combination) is our 2nd preference - particularly if the combination consisted of option 3 (property band D cap) and 4 (entitlement of £3 per week or more) with possibly 5 (second adult rebate). Option 5 (second adult rebate) is our 3rd preference but we are concerned that it might bring in little revenue for WBC being barely cost effective while possibly causing administrative complications. Option 3 (property band D cap) is our 4th preference. From a sample survey by our "Money Advice" team most of our clients fell in bands A-C. Does this option assume that

residents can readily opt to move from a higher value to a lower value property if they were in financial difficulties: which would seem unrealistic given the shortage of appropriate affordable properties in the area? Option 4 (entitlement of £3 per week or more) is our 5th preference. Perhaps minimum entitlement could be set at £2 per week, not £3. We are concerned that this may affect the lowest paid where every penny counts and therefore it is discriminating against those most in need of support. Not sure how much saving this would generate and calculation costs could be counter-productive. Options 1 and 2 are unanimously considered by the bureau as the least preferred options (6th and 7th respectively). They would seem to be the most unfair, hurting those people most in need/vulnerable. Many residents on JSA and workers on low pay can barely afford the current 10% contribution so how will they afford an increase on the same income? The WBC proposed increases in contribution to 25% and 30% are respectively 2.5 and 3 times what residents are paying currently which are unreasonable percentage increases compared to JSA incomes. Citizens Advice colleagues in York have recently published a report on the impact of the City of York Council implementing a Localised Council Tax Support Scheme requiring all working age claimants to pay at least 30% of their Council Tax bill (from April 2013). York CAB calculated that on average their poorest residents were being asked to pay an additional £4.80 in Council Tax per week. Findings included that half of working age Council Tax Support recipients in York (2858 people) got behind with their payment, were taken to court and received a Liability Order in 2014-2015. In general people were trying to pay their Council Tax but the ways they were paying were concerning and had worrying consequences such as cutting back on essentials (food or fuel) or borrowing from elsewhere. (October 2015 Advice York study “Every Penny Counts The Real Cost of Council Tax Support”). General comments: the CTR consultation does not indicate the level of savings that would be generated by each option and its cost implication. It may be that additional administrative costs of CTR under Universal Credit could be significant but this is not addressed. Cost of housing in West Berkshire is significantly higher than in many UK areas and where housing benefit does not cover rent these residents may already be under severe financial pressure.

20.14 The comment from A2Dominion is:

20.15 Many of our tenants are already under considerable financial strain, and any increase in the amount that they will need to pay towards their council tax will add to this. It is likely that adding further to the potential debt that a tenant has increases the chances of eviction.

20.16 Analysis of the responses shows that the overall ranking of preference for the options to have been as follows:

Council Tax Support Scheme 2016/17 – Supporting Information

	Ranking (1 = most preferred to 7 = least)							Total	Score	Ranking
	1	2	3	4	5	6	7			
Increase the minimum contribution from 10% to 25%	51 (11%)	58 (18%)	54 (17%)	47 (14%)	55 (17%)	105 (32%)	63 (17%)	433	3.70	6
Increase the minimum contribution from 10% to 30%	14 (3%)	31 (10%)	45 (14%)	53 (16%)	31 (9%)	71 (22%)	127 (34%)	372	2.91	7
Apply a cap to the amount of reduction given by restricting it to the amount for a band D property	58 (12%)	66 (20%)	64 (20%)	70 (22%)	76 (23%)	34 (10%)	25 (7%)	393	4.38	2
Only provide reduction where an entitlement of £3 per week or more is assessed.	35 (7%)	80 (25%)	60 (19%)	71 (22%)	79 (24%)	39 (12%)	16 (4%)	380	4.32	3
Cease to allow Second Adult Rebate	25 (5%)	54 (17%)	56 (17%)	63 (19%)	67 (20%)	38 (12%)	65 (18%)	368	3.73	5
Change the reduction scheme to incorporate a combination of the options shown above	42 (9%)	60 (19%)	66 (20%)	51 (16%)	51 (16%)	58 (18%)	42 (11%)	370	4.05	4
Make no change to the existing Council Tax Reduction Scheme	399 (83%)	25 (8%)	25 (8%)	16 (5%)	18 (5%)	20 (6%)	101 (27%)	604	5.51	1

20.17 It is clear that the option finding most favour was to make no change to the existing scheme and that the least favoured option was to increase the minimum contribution from 10% to 30%. The remainder of the options found favour with some respondents and to varying degrees.

21. Universal Credit

21.1 Consultation also took place on the principle of providing a tolerance before changes to Universal Credit prompt a recalculation of Council Tax Reduction entitlement. This is explained in section 19 of the report.

21.2 71 respondents wished to contribute to this part of the consultation although only 69 actually did take part with 60 identifying a level of tolerance to be applied.

21.3 The levels of tolerance considered appropriate were:

Tolerance level	Responses	
£40	30.00%	18
£60	38.33%	23
Other	31.67%	19

21.4 Within the group “Other” the tolerance levels suggested were £10 (2) £20 (3) £50 (4) £80 (1) £100 (1) £150 (1) 15% (1) 5% to 8% (1)

21.5 There were also 5 text responses:

Depending on how old this person was on retirement
 Depends on circumstances and if there are children
 Higher for local nationals employed locally long term - not zero hour contracts
 Not sure at this stage
 Question not understood

21.6 The response to this part of the consultation was very small but both of the options suggested within the consultation have found acceptance.

22. Recommendation

22.1 Consideration of the consultation responses allows us to see how part of our overall population perceive the relative merits of the options upon which we have consulted by ranking them in order of preference. It also allowed respondents to identify whether they believed any particular group would be disproportionately affected and whether any group should be exempt from the changes included in the options

22.2 However, as already been stated, it was not within the premise, purpose or within the capability of the exercise to determine the overall community’s level of support or views on the proposals. When Council is faced with the stark choices of savings or increasing charges across a wide range of services it is inevitable that the burden of these choices will fall upon one or other part of our community. The decision Council makes must take account of the impacts across the whole sphere of our operations and the whole of our population.

22.3 Within the group of recipients of assistance with their council tax there are distinct groups which are subject to the mandatory protection we are required to offer and it may follow that, for the remainder of that group, their share of the cost saving for this service is greater. However, this most affected group is the working age population who are either not working or who are working but on low incomes and with the pressures of single parenthood, high housing costs, zero hour contracts and most likely to be detrimentally affected by the welfare reform agenda of central government.

22.4 Taking account of the above it seems that Council are faced with a choice from within three groupings:

- Maximise the cost reduction for council tax support

- Take some cost savings
- Make no change to the existing scheme

22.5 These groupings are reflected in the table at 18.3

22.6 Grouping 1 is not one which officers would recommend as it does have a disproportionate effect on a part of the caseload and, in addition, by introducing a range of different measures makes matters confusing for claimants. This would inevitably introduce an administrative overhead and more challenges to the calculation of entitlement. It is also more likely to lead to difficulty in council tax collection although the extent of this difficulty cannot be quantified.

22.7 Grouping 2 is capable of taking some account of disproportional impacts, can generate a lower level of disincentive to work and demonstrates some acceptance of the value of contribution to the economic vitality of our community. It may be easier to understand thereby reducing the administrative and collection issues raised for option 1

22.8 Grouping 3 would certainly be the most acceptable to claimants but does not generate savings.

22.9 Within the groupings 1 and 2 there are proposals to increase the minimum contribution from working age claimants from 10% to either 25% or 30%. Each of these is a significant increase for those on low incomes. With decision being made in December and council tax liabilities becoming due in April this gives a very short time for claimants to adjust their budgets. However there is also a need to consider the whole of council funding and the pressures faced across the services the council delivers

22.10 The recommendation from officers is that option 2 is the preferred option and that the degree of change should be kept simple by increasing the minimum contribution to council tax for working age claimants from 10% to 25%. The options to cap support at band D and to apply a minimum entitlement of £3 per week should be discarded.

22.11 A further recommendation is for the cessation of second adult rebate with effect from 1st April 2016, this cessation referring to the process rather than to the period of entitlement thereby removing backdated claims from consideration. Although this was not a favoured option from the consultation outcome it is believed that this was a product of the ranking process. Review of the comments shows that very little was said in favour of retention.

22.12 A final recommendation is that the proposal to apply a degree of tolerance to changes in income arising from changes to Universal Credit, a value of £40 was the amount shown to be preferred by those responding to this part of the consultation

Background Papers:

Consultation response papers held in Customer Services

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only
-

Wards affected:

All wards

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aims:

- P&S – Protect and support those who need it**
- MEC – Become an even more effective Council**

The proposals contained in this report will help to achieve the following Council Strategy priority:

- MEC1 – Become an even more effective Council**

The proposals contained in this report will help to achieve the above Council Strategy aims and priorities by

Officer details:

Name: Bill Blackett
Job Title: Revenues and Benefits Manager
Tel No: 01635 519305
E-mail Address: bblackett@westberks.gov.uk

Appendix B

Equality Impact Assessment – Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage 2, Equality Impact Assessment is required.

Name of policy, strategy or function:	Council Tax Reduction Scheme 2016
Version and release date of item (if applicable):	Version 1 27/10/15
Owner of item being assessed:	Bill Blackett
Name of assessor:	Bill Blackett
Date of assessment:	27/10/15

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
Aims:	Annual review of policy in line with statutory duty to do so
Objectives:	To assist persons on low income to meet their council tax liabilities
Outcomes:	Continued assistance but at a lower level in some cases and at a reduced cost in order to meet budget constraints of the Council

Benefits:	Lower cost to the Council
------------------	----------------------------------

2 Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this.
Working age claimants	Lower level of financial support will impact on disposable income for working age claimants	Scheme is a means tested benefit. The proposals within the report will reduce the amount of assistance from 1 st April 2016

Further Comments relating to the item:

3 Result

Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?	Yes
------------------------------------------------------------------------------------------------------------------------------------------------------------	------------

Please provide an explanation for your answer:

Statutory rules require protection to be given to pensioners and to vulnerable groups. A pensioner and a working age claimant with similar income and domestic circumstances will receive different levels of assistance due to this protection

Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?	Yes
-----------------------------------------------------------------------------------------------------------------------------------------------	------------

Please provide an explanation for your answer:

Given the other impacts of the governments welfare reforms it is inevitable that working age claimants will be adversely affected

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, then you should carry out a Stage 2 Equality Impact Assessment.

If a Stage 2 Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage 2 template.

4 Identify next steps as appropriate:	
Stage Two required	Yes
Owner of Stage Two assessment:	Bill Blackett
Timescale for Stage Two assessment:	Immediate
Stage Two not required:	No

Signed: Bill Blackett

Date: 28 October 2015

Please now forward this completed template to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

Schemes modelled

Parameters for schemes modelled

Current Scheme	10% Minimum Contribution
Scheme 1	10% Minimum Contribution , £3.00 Minimum award
Scheme 2	10% Minimum Contribution, Awards Capped at Band D
Scheme 3	10% Minimum Contribution, £3.00 Minimum Award, Awards Capped at Band D
Scheme 4	20% Minimum Contribution
Scheme 5	20% Minimum Contribution, £3.00 Minimum Award
Scheme 6	20% Minimum Contribution, Awards Capped at Band D
Scheme 7	20% Minimum Contribution, £3.00 Minimum Award, Awards Capped at Band D
Scheme 8	25% Minimum Contribution
Scheme 9	25% Minimum Contribution, £3.00 Minimum Award
Scheme 10	25% Minimum Contribution, Awards Capped at Band D
Scheme 11	25% Minimum Contribution, £3.00 Minimum Award, Awards Capped at Band D
Scheme 12	30% Minimum Contribution
Scheme 13	30% Minimum Contribution, £3.00 Minimum Award
Scheme 14	30% Minimum Contribution, Awards Capped at Band D
Scheme 15	30% Minimum Contribution, £3.00 Minimum Award, Awards Capped at Band D

Costs for each scheme by claim group

Scheme	Working Age Employed	Working Age Other	Vulnerable	Pension Age	Totals
Current Scheme	£591,603.36	£1,012,458.25	£1,918,158.75	£3,274,563.67	£6,796,784.03
Scheme 1	£584,205.99	£1,010,001.99	£1,918,158.75	£3,274,563.67	£6,786,930.40
Scheme 2	£585,557.73	£1,002,895.65	£1,918,158.75	£3,274,563.67	£6,781,175.80
Scheme 3	£578,160.38	£1,000,439.41	£1,918,158.75	£3,274,563.67	£6,771,322.21
Scheme 4	£489,021.90	£885,006.98	£1,918,158.75	£3,274,563.67	£6,566,751.30
Scheme 5	£478,623.75	£882,607.28	£1,918,158.75	£3,274,563.67	£6,553,953.45
Scheme 6	£483,720.87	£876,535.75	£1,918,158.75	£3,274,563.67	£6,552,979.04
Scheme 7	£473,322.66	£874,136.03	£1,918,158.75	£3,274,563.67	£6,540,181.11
Scheme 8	£440,268.17	£822,299.71	£1,918,158.75	£3,274,563.67	£6,455,290.30
Scheme 9	£426,056.37	£818,222.97	£1,918,158.75	£3,274,563.67	£6,437,001.76
Scheme 10	£435,339.22	£814,374.20	£1,918,158.75	£3,274,563.67	£6,442,435.84
Scheme 11	£421,127.44	£810,297.42	£1,918,158.75	£3,274,563.67	£6,424,147.28
Scheme 12	£393,749.99	£760,432.98	£1,918,158.75	£3,274,563.67	£6,346,905.39
Scheme 13	£381,281.23	£756,479.35	£1,918,158.75	£3,274,563.67	£6,330,483.00
Scheme 14	£389,193.19	£753,053.10	£1,918,158.75	£3,274,563.67	£6,334,968.71
Scheme 15	£376,724.41	£749,099.46	£1,918,158.75	£3,274,563.67	£6,318,546.29

Cost reduction for each scheme

Scheme Summary	Savings	Total Estimated Cost
Current Scheme	N/A	£6,796,784.03

Scheme Type	Savings	Total Estimated Cost
Scheme 1	9,853.63	£6,786,930.40
Scheme 2	15,608.23	£6,781,175.80
Scheme 3	25,461.82	£6,771,322.21
Scheme 4	230,032.73	£6,566,751.30
Scheme 5	242,830.58	£6,553,953.45
Scheme 6	243,804.99	£6,552,979.04
Scheme 7	256,602.92	£6,540,181.11
Scheme 8	341,493.73	£6,455,290.30
Scheme 9	359,782.27	£6,437,001.76
Scheme 10	354,348.19	£6,442,435.84
Scheme 11	372,636.75	£6,424,147.28
Scheme 12	449,878.64	£6,346,905.39
Scheme 13	466,301.03	£6,330,483.00
Scheme 14	461,815.32	£6,334,968.71
Scheme 15	479,237.74	£6,318,546.29

Scheme 1 10% Minimum Contribution , £3.00 Minimum award					
All Claims	CTR Scheme				Totals
	A	B	D	E	
	Pension Age	Vulnerable	Working Age Employed	Working Age Other	
Calculated Claim Data					
Number of claims with non-zero awards	3427	1856	848	1152	7283
Total weekly awards	£61,689.90	£36,905.65	£11,199.51	£19,894.53	£129,689.58
Average weekly award	£17.96	£19.77	£11.98	£16.96	£17.50
Adjustment for Rise in Pension Age					
Age					
No. of claims at pension age +/- 3 yrs	301	203	19	68	
Total weekly awards	£5,764.28	£4,051.69	£165.76	£1,122.10	
Average weekly award	£19.15	£19.96	£8.72	£16.50	
No. of claims adjustment for pension age change	49	-11	-3	-35	
Adjusted number of claims	3476	1845	845	1117	7283
Adjusted total weekly awards	£62,628.27	£36,686.10	£11,173.34	£19,316.98	£129,804.68
Adjusted average weekly award	£0.00	£0.00	£0.00	£0.00	£0.00
Total annual CTR Awards	£3,274,563.67	£1,918,158.75	£584,205.99	£1,010,001.99	£6,786,930.40

Scheme 2 10% Minimum Contribution, Awards Capped at Band D						
All Claims	A	CTR Scheme			Totals	
		A	B	D		E
		Pension Age	Vulnerable	Working Age Employed		Working Age Other
Calculated Claim Data						
Number of claims with non-zero awards	3427	1856	935	1175	7393	
Total weekly awards	£61,689.90	£36,905.65	£11,226.25	£19,759.55	£129,581.35	
Average weekly award	£17.96	£19.77	£12.01	£16.85	£17.49	
Adjustment for Rise in Pension Age						
No. of claims at pension age +/- 3 yrs	301	203	19	68		
Total weekly awards	£5,764.28	£4,051.69	£171.38	£1,123.92		
Average weekly award	£19.15	£19.96	£9.02	£16.53		
No. of claims adjustment for pension age change	49	-11	-3	-35		
Adjusted number of claims	3476	1845	932	1140	7393	
Adjusted total weekly awards	£62,628.27	£36,686.10	£11,199.19	£19,181.06	£129,694.62	
Adjusted average weekly award	£0.00	£0.00	£0.00	£0.00	£0.00	
Total annual CTR Awards	£3,274,563.67	£1,918,158.75	£585,557.73	£1,002,895.65	£6,781,175.80	

Scheme 3 10% Minimum Contribution, £3.00 Minimum Award, Awards Capped at Band D					
All Claims	A	CTR Scheme			Totals
	A	B	D	E	
	Pension Age	Vulnerable	Working Age Employed	Working Age Other	
Calculated Claim Data					
Number of claims with non-zero awards	3427	1856	848	1152	7283
Total weekly awards	£61,689.90	£36,905.65	£11,083.89	£19,711.64	£129,391.07
Average weekly award	£17.96	£19.77	£11.85	£16.80	£17.46
Adjustment for Rise in Pension Age					
No. of claims at pension age +/- 3 yrs	301	203	19	68	
Total weekly awards	£5,764.28	£4,051.69	£165.76	£1,122.10	
Average weekly award	£19.15	£19.96	£8.72	£16.50	
No. of claims adjustment for pension age change	49	-11	-3	-35	
Adjusted number of claims	3476	1845	845	1117	7283
Adjusted total weekly awards	£62,628.27	£36,686.10	£11,057.71	£19,134.09	£129,506.16
Adjusted average weekly award	£0.00	£0.00	£0.00	£0.00	£0.00
Total annual CTR Awards	£3,274,563.67	£1,918,158.75	£578,160.38	£1,000,439.41	£6,771,322.21

Scheme 4 20% Minimum Contribution					
All Claims	A	CTR Scheme			Totals
	A	B	D	E	
	Pension Age	Vulnerable	Working Age Employed	Working Age Other	
Calculated Claim Data					
Number of claims with non-zero awards	3427	1856	885	1163	7331
Total weekly awards	£61,689.90	£36,905.65	£9,374.39	£17,432.17	£125,402.11
Average weekly award	£17.96	£19.77	£10.03	£14.86	£16.93
Adjustment for Rise in Pension Age					
No. of claims at pension age +/- 3 yrs	301	203	19	68	
Total weekly awards	£5,764.28	£4,051.69	£136.25	£982.72	
Average weekly award	£19.15	£19.96	£7.17	£14.45	
No. of claims adjustment for pension age change	49	-11	-3	-35	
Adjusted number of claims	3476	1845	882	1128	7331
Adjusted total weekly awards	£62,628.27	£36,686.10	£9,352.88	£16,926.36	£125,593.60
Adjusted average weekly award	£0.00	£0.00	£0.00	£0.00	£0.00
Total annual CTR Awards	£3,274,563.67	£1,918,158.75	£489,021.90	£885,006.98	£6,566,751.30

Scheme 5 20% Minimum Contribution, £3.00 Minimum Award						
All Claims	A	CTR Scheme				Totals
		A	B	D	E	
		Pension Age	Vulnerable	Working Age Employed	Working Age Other	
Calculated Claim Data						
Number of claims with non-zero awards	3427	1856	763	1131	7177	
Total weekly awards	£61,689.90	£36,905.65	£9,174.85	£17,386.11	£125,156.50	
Average weekly award	£17.96	£19.77	£9.81	£14.82	£16.89	
Adjustment for Rise in Pension Age						
No. of claims at pension age +/- 3 yrs	301	203	19	68		
Total weekly awards	£5,764.28	£4,051.69	£132.04	£982.39		
Average weekly award	£19.15	£19.96	£6.95	£14.45		
No. of claims adjustment for pension age change	49	-11	-3	-35		
Adjusted number of claims	3476	1845	760	1096	7177	
Adjusted total weekly awards	£62,628.27	£36,686.10	£9,154.01	£16,880.47	£125,348.84	
Adjusted average weekly award	£0.00	£0.00	£0.00	£0.00	£0.00	
Total annual CTR Awards	£3,274,563.67	£1,918,158.75	£478,623.75	£882,607.28	£6,553,953.45	

Scheme 6 20% Minimum Contribution, Awards Capped at Band D					
All Claims	CTR Scheme				Totals
	A	B	D	E	
	Pension Age	Vulnerable	Working Age Employed	Working Age Other	
Calculated Claim Data					
Number of claims with non-zero awards	3427	1856	885	1163	7331
Total weekly awards	£61,689.90	£36,905.65	£9,273.00	£17,270.16	£125,138.70
Average weekly award	£17.96	£19.77	£9.92	£14.72	£16.89
Adjustment for Rise in Pension Age					
No. of claims at pension age +/- 3 yrs	301	203	19	68	
Total weekly awards	£5,764.28	£4,051.69	£136.25	£982.72	
Average weekly award	£19.15	£19.96	£7.17	£14.45	
No. of claims adjustment for pension age change	49	-11	-3	-35	
Adjusted number of claims	3476	1845	882	1128	7331
Adjusted total weekly awards	£62,628.27	£36,686.10	£9,251.49	£16,764.35	£125,330.20
Adjusted average weekly award	£0.00	£0.00	£0.00	£0.00	£0.00
Total annual CTR Awards	£3,274,563.67	£1,918,158.75	£483,720.87	£876,535.75	£6,552,979.04

Scheme 7 20% Minimum Contribution, £3.00 Minimum Award, Awards Capped at Band D					
All Claims	CTR Scheme				Totals
	A	B	D	E	
	Pension Age	Vulnerable	Working Age Employed	Working Age Other	
Calculated Claim Data					
Number of claims with non-zero awards	3427	1856	763	1131	7177
Total weekly awards	£61,689.90	£36,905.65	£9,073.47	£17,224.09	£124,893.10
Average weekly award	£17.96	£19.77	£9.70	£14.68	£16.86
Adjustment for Rise in Pension Age					
No. of claims at pension age +/- 3 yrs	301	203	19	68	
Total weekly awards	£5,764.28	£4,051.69	£132.04	£982.39	
Average weekly award	£19.15	£19.96	£6.95	£14.45	
No. of claims adjustment for pension age change	49	-11	-3	-35	
Adjusted number of claims	3476	1845	760	1096	7177
Adjusted total weekly awards	£62,628.27	£36,686.10	£9,052.62	£16,718.45	£125,085.43
Adjusted average weekly award	£0.00	£0.00	£0.00	£0.00	£0.00
Total annual CTR Awards	£3,274,563.67	£1,918,158.75	£473,322.66	£874,136.03	£6,540,181.11

Scheme 8 25% Minimum Contribution					
All Claims	CTR Scheme				Totals
	A	B	D	E	
	Pension Age	Vulnerable	Working Age Employed	Working Age Other	
Calculated Claim Data					
Number of claims with non-zero awards	3427	1856	845	1151	7279
Total weekly awards	£61,689.90	£36,905.65	£8,439.34	£16,196.73	£123,231.61
Average weekly award	£17.96	£19.77	£9.03	£13.81	£16.63
Adjustment for Rise in Pension Age					
No. of claims at pension age +/- 3 yrs	301	203	19	68	
Total weekly awards	£5,764.28	£4,051.69	£119.74	£912.53	
Average weekly award	£19.15	£19.96	£6.30	£13.42	
No. of claims adjustment for pension age change	49	-11	-3	-35	
Adjusted number of claims	3476	1845	842	1116	7279
Adjusted total weekly awards	£62,628.27	£36,686.10	£8,420.43	£15,727.04	£123,461.84
Adjusted average weekly award	£0.00	£0.00	£0.00	£0.00	£0.00
Total annual CTR Awards	£3,274,563.67	£1,918,158.75	£440,268.17	£822,299.71	£6,455,290.30

Scheme 9 25% Minimum Contribution, £3.00 Minimum Award						
All Claims	A	CTR Scheme			Totals	
		A	B	D		E
		Pension Age	Vulnerable	Working Age Employed		Working Age Other
Calculated Claim Data						
Number of claims with non-zero awards	3427	1856	695	1105	7083	
Total weekly awards	£61,689.90	£36,905.65	£8,166.94	£16,114.81	£122,877.29	
Average weekly award	£17.96	£19.77	£8.73	£13.74	£16.58	
Adjustment for Rise in Pension Age						
No. of claims at pension age +/- 3 yrs	301	203	19	68		
Total weekly awards	£5,764.28	£4,051.69	£116.01	£904.86		
Average weekly award	£19.15	£19.96	£6.11	£13.31		
No. of claims adjustment for pension age change	49	-11	-3	-35		
Adjusted number of claims	3476	1845	692	1070	7083	
Adjusted total weekly awards	£62,628.27	£36,686.10	£8,148.62	£15,649.07	£123,112.06	
Adjusted average weekly award	£0.00	£0.00	£0.00	£0.00	£0.00	
Total annual CTR Awards	£3,274,563.67	£1,918,158.75	£426,056.37	£818,222.97	£6,437,001.76	

Scheme 10 25% Minimum Contribution, Awards Capped at Band D						
All Claims	A	CTR Scheme			Totals	
		A	B	D		E
		Pension Age	Vulnerable	Working Age Employed		Working Age Other
Calculated Claim Data						
Number of claims with non-zero awards	3427	1856	845	1151	7279	
Total weekly awards	£61,689.90	£36,905.65	£8,345.07	£16,045.15	£122,985.76	
Average weekly award	£17.96	£19.77	£8.93	£13.68	£16.60	
Adjustment for Rise in Pension Age						
No. of claims at pension age +/- 3 yrs	301	203	19	68		
Total weekly awards	£5,764.28	£4,051.69	£119.74	£912.53		
Average weekly award	£19.15	£19.96	£6.30	£13.42		
No. of claims adjustment for pension age change	49	-11	-3	-35		
Adjusted number of claims	3476	1845	842	1116	7279	
Adjusted total weekly awards	£62,628.27	£36,686.10	£8,326.16	£15,575.46	£123,215.99	
Adjusted average weekly award	£0.00	£0.00	£0.00	£0.00	£0.00	
Total annual CTR Awards	£3,274,563.67	£1,918,158.75	£435,339.22	£814,374.20	£6,442,435.84	

Scheme 11 25% Minimum Contribution, £3.00 Minimum Award, Awards Capped at Band D					
All Claims	CTR Scheme				Totals
	A	B	D	E	
	Pension Age	Vulnerable	Working Age Employed	Working Age Other	
Calculated Claim Data					
Number of claims with non-zero awards	3427	1856	695	1105	7083
Total weekly awards	£61,689.90	£36,905.65	£8,072.67	£15,963.23	£122,631.43
Average weekly award	£17.96	£19.77	£8.63	£13.61	£16.55
Adjustment for Rise in Pension Age					
No. of claims at pension age +/- 3 yrs	301	203	19	68	
Total weekly awards	£5,764.28	£4,051.69	£116.01	£904.86	
Average weekly award	£19.15	£19.96	£6.11	£13.31	
No. of claims adjustment for pension age change	49	-11	-3	-35	
Adjusted number of claims	3476	1845	692	1070	7083
Adjusted total weekly awards	£62,628.27	£36,686.10	£8,054.35	£15,497.49	£122,866.20
Adjusted average weekly award	£0.00	£0.00	£0.00	£0.00	£0.00
Total annual CTR Awards	£3,274,563.67	£1,918,158.75	£421,127.44	£810,297.42	£6,424,147.28

Scheme 12 30% Minimum Contribution						
All Claims	A	CTR Scheme				Totals
		A	B	D	E	
		Pension Age	Vulnerable	Working Age Employed	Working Age Other	
Calculated Claim Data						
Number of claims with non-zero awards	3427	1856	807	1139	7229	
Total weekly awards	£61,689.90	£36,905.65	£7,547.37	£14,977.53	£121,120.44	
Average weekly award	£17.96	£19.77	£8.07	£12.77	£16.35	
Adjustment for Rise in Pension Age						
No. of claims at pension age +/- 3 yrs	301	203	19	68		
Total weekly awards	£5,764.28	£4,051.69	£105.31	£842.68		
Average weekly award	£19.15	£19.96	£5.54	£12.39		
No. of claims adjustment for pension age change	49	-11	-3	-35		
Adjusted number of claims	3476	1845	804	1104	7229	
Adjusted total weekly awards	£62,628.27	£36,686.10	£7,530.74	£14,543.80	£121,388.90	
Adjusted average weekly award	£0.00	£0.00	£0.00	£0.00	£0.00	
Total annual CTR Awards	£3,274,563.67	£1,918,158.75	£393,749.99	£760,432.98	£6,346,905.39	

Scheme 13 30% Minimum Contribution, £3.00 Minimum Award					
All Claims	CTR Scheme				Totals
	A	B	D	E	
	Pension Age	Vulnerable	Working Age Employed	Working Age Other	
Calculated Claim Data					
Number of claims with non-zero awards	3427	1856	659	1092	7034
Total weekly awards	£61,689.90	£36,905.65	£7,308.14	£14,899.03	£120,802.71
Average weekly award	£17.96	£19.77	£7.82	£12.70	£16.30
Adjustment for Rise in Pension Age					
No. of claims at pension age +/- 3 yrs	301	203	19	68	
Total weekly awards	£5,764.28	£4,051.69	£100.52	£837.07	
Average weekly award	£19.15	£19.96	£5.29	£12.31	
No. of claims adjustment for pension age change	49	-11	-3	-35	
Adjusted number of claims	3476	1845	656	1057	7034
Adjusted total weekly awards	£62,628.27	£36,686.10	£7,292.26	£14,468.18	£121,074.81
Adjusted average weekly award	£0.00	£0.00	£0.00	£0.00	£0.00
Total annual CTR Awards	£3,274,563.67	£1,918,158.75	£381,281.23	£756,479.35	£6,330,483.00

Scheme 14 30% Minimum Contribution, Awards Capped at Band D					
All Claims	CTR Scheme				Totals
	A	B	D	E	
	Pension Age	Vulnerable	Working Age Employed	Working Age Other	
Calculated Claim Data					
Number of claims with non-zero awards	3427	1856	807	1139	7229
Total weekly awards	£61,689.90	£36,905.65	£7,460.21	£14,836.39	£120,892.14
Average weekly award	£17.96	£19.77	£7.98	£12.65	£16.32
Adjustment for Rise in Pension Age					
No. of claims at pension age +/- 3 yrs	301	203	19	68	
Total weekly awards	£5,764.28	£4,051.69	£105.31	£842.68	
Average weekly award	£19.15	£19.96	£5.54	£12.39	
No. of claims adjustment for pension age change	49	-11	-3	-35	
Adjusted number of claims	3476	1845	804	1104	7229
Adjusted total weekly awards	£62,628.27	£36,686.10	£7,443.59	£14,402.65	£121,160.60
Adjusted average weekly award	£0.00	£0.00	£0.00	£0.00	£0.00
Total annual CTR Awards	£3,274,563.67	£1,918,158.75	£389,193.19	£753,053.10	£6,334,968.71

Scheme 15 30% Minimum Contribution, £3.00 Minimum Award, Awards Capped at Band D					
All Claims	CTR Scheme				Totals
	A	B	D	E	
	Pension Age	Vulnerable	Working Age Employed	Working Age Other	
Calculated Claim Data					
Number of claims with non-zero awards	3427	1856	659	1092	7034
Total weekly awards	£61,689.90	£36,905.65	£7,220.98	£14,757.88	£120,574.41
Average weekly award	£17.96	£19.77	£7.72	£12.58	£16.27
Adjustment for Rise in Pension Age					
No. of claims at pension age +/- 3 yrs	301	203	19	68	
Total weekly awards	£5,764.28	£4,051.69	£100.52	£837.07	
Average weekly award	£19.15	£19.96	£5.29	£12.31	
No. of claims adjustment for pension age change	49	-11	-3	-35	
Adjusted number of claims	3476	1845	656	1057	7034
Adjusted total weekly awards	£62,628.27	£36,686.10	£7,205.11	£14,327.04	£120,846.51
Adjusted average weekly award	£0.00	£0.00	£0.00	£0.00	£0.00
Total annual CTR Awards	£3,274,563.67	£1,918,158.75	£376,724.41	£749,099.46	£6,318,546.29

23. Please explain the reasons for your choice. If you have chosen Option 6, which options would you like to combine?

23.1 Internet responses

- I am deaf and blind and disabled. I can't see any combinations working.
- In need my CTR scheme left alone really as I am disabled. My options to be combined would have to be my choices 2 and 3.
- 4 & 3
- aaaaaaaaaaaaaaa
- zzzzzzzzzzzzzzz
- The survey was distributed across the bureau and responses were received from all supervisors/senior staff and several experienced caseworkers and volunteers. Option 7 (no change) was unanimously chosen by supervisors, caseworkers and experienced volunteer advisers as the bureau's 1st preferred option. Option 6 (combination) is our 2nd preference - particularly if the combination consisted of option 3 (property band D cap) and 4 (entitlement of £3 pw or more) with possibly 5 (second adult rebate). Option 5 (second adult rebate) is our 3rd preference but we are concerned that it might bring in little revenue for WBC being barely cost effective while possibly causing administrative complications. Option 3 (property band D cap) is our 4th preference. From a sample survey by our "Money Advice" team most of our clients fell in bands A-C. Does this option assume that residents can readily opt to move from a higher value to a lower value property if they were in financial difficulties: which would seem unrealistic given the shortage of appropriate affordable properties in the area? Option 4 (entitlement of £3 pw or more) is our 5th preference. Perhaps minimum entitlement could be set at £2 per week, not £3. We are concerned that this may affect the lowest paid where every penny counts and therefore it is discriminating against those most in need of support. Not sure how much saving this would generate and calculation costs could be counter-productive. Options 1 and 2 are unanimously considered by the bureau as the least preferred options (6th and 7th respectively). They would seem to be the most unfair, hurting those people most in need/vulnerable. Many residents on JSA and workers on low pay can barely afford the current 10% contribution so how will they afford an increase on the same income? The WBC proposed increases in contribution to 25% and 30% are respectively 2.5 and 3 times what residents are paying currently which are unreasonable percentage increases compared to JSA incomes. Citizens Advice colleagues in York have recently published a report on the impact of the City of York Council implementing a Localised Council Tax Support Scheme requiring all working age claimants to pay at least 30% of their Council Tax bill (from April 2013). York CAB calculated that on average their poorest residents were being asked to pay an additional £4.80 in Council Tax per week. Findings included that half of working age Council Tax Support recipients in York (2858 people) got behind with their payment, were taken to court and received a Liability Order in 2014-2015. In general people were trying to pay their Council Tax but the ways they were paying were concerning and had worrying consequences such as cutting back on essentials (food or fuel) or borrowing from elsewhere. (October 2015 Advice York study "Every Penny Counts The Real Cost of Council Tax Support"). General comments: the CTR consultation does not indicate the level of savings that would be generated by each option and its cost implication. It may be that additional administrative costs of CTR under Universal Credit could be significant but this is not addressed. Cost of housing in West Berkshire is significantly higher than in many UK areas and where housing benefit does not cover rent these residents may already

be under severe financial pressure.

- I get very little money as I am single. I have not been told anything about Universal Credit scheme. I am very much struggling at the moment. Not fair as I worked over 40 years and I did not ask for the health problems I have.
- I would take with a pinch of salt my 'choices' because I don't class myself because of social 'non-status', that my opinion has any validity - see 11
- Don't know
- I understand that the council have to try and save money - West Berkshire is a notoriously poorly run council with run-away overheads that could very easily be substantially reduced. It is unfair to penalise residents in this area because of such a poorly run council.
- Everybody should make a reasonable financial contribution to the costs of running a local authority.
- Options = 4,3, + 5
- Personal financial hardship for self-employed, hardworking people like us is increasing. Leaving CRT as it is still leaves us in a worse situation taking all into account
- It would be nice to have no requirement for change. If is preferable to limit the maximum rebate rather than increase the contribution.
- It seems to me that the reduction of less than £3 per week is already too costly to administer and therefore the cost/benefit will be greater as a result. £3 per week isn't sufficient to make enough of a difference to a low income to warrant the administration.
- Born before 5\4\53
- Option 6 is far too complicated and then which combination should be chosen arises. Option 1 is straight forward and simplistic, recognises the need to address the deficit without effecting services.
- 1 and 5 It seems fairer this way
- Combine Option 3 (restrict amount to rate for band D) and Option 5 (Cease to allow 2nd adult rebate).
- This would encourage people to consider moving to smaller properties. In the case of large families(even those on benefits) they tend to have a bigger income than small households (either adult "children" now grown and in work or a large income of benefits with more child tax credits). I think this option would be the best choice for people who are on the very lowest incomes and already struggle to pay their bills. Another "bill" for these people will increase debts which many have already accrued due to increasing living costs.
- I think it's okay as it is.

- To attain workable options - common sense. Stop "known con" or "miss-use/abuse" privilege of 2nd adult - a means test comprehensible £3/wk + ongoing. Spreads the burden across the community - on a obtainable target but you must actively enforce all infringements 100% zero tolerance.
- Money needs to be found, but not at the cost of other services. Households with more than one adult should pay the full amount assuming they are working.
- Services are being cut, the poorest being hit and no accountability.
- Fairness
- Personal financial hardship for self employed, hard working people like us is increasing, leaving CRT as it is still leaves us in a worse situation taking all into account
- I haven't choose 6 and simply my reasons are - help increasing contributions as I was struggling to pay my Council Tax without a job
- A cap should be relatively easy to implement. Charges of less than £3 seem insignificant. Reducing the minimum contributions would be unfortunate but can see the need because of the savings required.
- It would be nice to have no requirement for change it is preferable to limit the maximum rebate rather than increase the contribution.
- In the light of forthcoming benefit cuts an increase in Council Tax contributions impact hard.
- Money is very tight in our household as it is. Any change could tip us over the edge. We are just managing at present.
- I chose option 3 as people who live in these houses are normally better off.
- Capping the amount of reduction at Council Tax Band D and cease to allow 2nd adult rebate
- It would cause least hardship
- It seems to me that a reduction of less than £3.00 p.w. is already too costly to administer and therefore the cost/benefit will be greater as a result. £3.00 p.w isn't sufficient to make enough of a difference to a low income to warrant the administration.
- I left full-time employment last April to become my husbands full-time carer. My husband has had Parkinson's Disease for over 20 years and could no longer cope alone. Also he has had colon cancer. The whole process of sorting rent and rates after a lifetime of looking after ourselves was very stressful and took months to sort out, I currently earn £62.10 per week and have had to make a lot of adjustments to our lives. More upheaval will not enhance our circumstances.
- I do not see why a second rebate should apply if the other person lives in the same house and is capable of working.

Council Tax Support Scheme 2016/17 – Supporting Information

- The reason 5 is my choice - any adult living with a couple should contribute to the bills. Reason 2 - everyone should contribute to the Council Tax. Most pensioners contribute out of their pensions.
- This may reduce workload in administration and hopefully only affect people in less financial need.
- I really struggle to balance my budget now (I receive ESA) and so any reduction in the CTR I receive would impact on my ability to afford fuel and food.
- No change for people on benefits. If under occupying then charge something towards c/tax. Be fair towards genuine causes.
- I think the scheme needs to allow for how many people working and living in a property.
- We are already in poverty.
- Options 1, 2 & 3 of my choice or option 6 (choice 1) option 1 (choice 2) & option 5 (choice 3). This will bring in extra monies to the Council without causing too much extra hardship.
- I think a cap to band D property to be the fairest method. If tenants can afford to live in a Band E or above property surely they can afford to contribute to their council tax
- Combine 1 & 7
- Can't afford to pay more than I already pay.
- The system seems to work good enough as it is
- If things change I know I won't be able to pay it and will have to move.
- It seems good the way it is
- Option 6 most preferred. Would appear to be most fair provided options 1,3,4, & 5 are included but that the "wording" is easily understood. It would ensure reserves are protected and cuts to other services would be avoided. As four other options are included contributions in option 1 could be reduced to 10% to 20%
- Working age people should contribute more
- Cap for Band D property, only provide a reduction where entitlement is £3 or more per week. Cease to allow 2nd adult rebate.
- I think it should be worked out more fairly from household to household. I don't think the band always represents the area of people living there.

- Changing the reduction scheme won't help people who are on a low income. Again it would mean going without food or heating for some people and young families.
- Not really sure to be honest, just don't want to be penalised and receive less benefit. All a bit confusing despite examples.
- Stay as it is - protect the poorest. If changes, then people in larger, more expensive property should pay more.
- I hope this will prove to be the fairest option.
- As a pensioner on a low income I feel really I don't have the right to decide on behalf of others. However option 6 would cover all aspects of changes needed and would be a fair way of dealing with the needs of all claimants. I do feel that in some circumstances second adult rebate can be abused as a means of getting more income into a family where needs are already met by other benefits - options 3 and 5
- I'm not really sure of any of it, it all confuses me to an extent so I've chosen on my understanding.
- I am on continuous Pension Credit
- Options 6 and 7 because I believe in fair play for all concerned.
- It's fair
- I am happy with the current CTR scheme and do not see a necessity to change it.
- We chose option 6 as our second least preferred option.
- Don't Know
- I am currently getting by - by the skin of my teeth. Don't put any heating on and eat totally rubbish food, just to survive. Any more pressure and I think suicide would be an option?
- At almost 90 years old none of these changes will affect me, I have made the selection on what I feel is a fair basis for others.
- Families with children should be impacted the least.
- it would seem fairest that the those with the largest houses should be paying more for council tax
- I don't see why an adult living in a house that is over band D should get a discount due to the fact that they live in a large property
- Just personal choice

- Option 5 a 2nd Adult, if earning a decent wage should contribute equally with anyone else. ie pay towards services used or to be used.
- Keep it the same
- By capping the amount of entitlement of the higher band homes, it would save money and not affect those on lower band homes.
- I am used to pay what I am paying now.
- To be fair to people who are getting old but have had their houses for a long time and are now asset rich - cash strapped
- Because I feel it is the fairest way
- I prefer status Quo
- This seems fair
- Combine 3,4 and 5
- Concerned elderly and unemployed would need protecting
- I can afford my present charge any extra would be hard
- The 10% to 25% contribution is a rate that seem's to be the fairest as more Revenue will brought in, and this would be used elsewhere
- I have studied the options and feel these would make to a fair system, I would like to combine options 1-2
- I consider this option to be the fairest as it distributes the burden over the largest number of participants and will, therefore reduce the liability of each.
- Hate the way the poorest have to pay up covers both 1-2 options - typical. all considerations
- I chose option 7 leave things as they are, which seems the fairest way to me.
- Changes need to be made and as I am entitled to a small reduction I have selected the changes which would affect me and my family the least
- Don't Know
- Do not fully understand the proposals so stick to the devil I know

- I am happy with the current CTR scheme and do not see a necessity to change it
- I am currently getting by - by the skin of my teeth. I don't put any heating on and eat totally rubbish food, just to survive. Any more pressure and I think suicide would be an option?
- Filled in on behalf of Mrs Barfte no preferences
- Things are fine as they are
- Don't know
- I think option 3 is fairest
- If you ask me, Council Tax should be scrapped all together, it's unfair, unjust and costly. Option 1 should allow people on low income to choose which option is suitable for their low earnings not the council to choose for them
- Works as it is
- cuts are necessary, I feel my option would assist most people without causing too much hardship.
- My choice for option 3 is because property remains an asset, even if you don't have cash in the bank.
- Savings must be made or other services will continue to suffer. A mix of options 1 and 3 would be my favoured approach.
- I would like to see no change
- Difficult to say
- My income is low therefore I need support
- Increasing to 25% (or 30%) is quite a big jump for people on low income. I feel most people with two adults can afford a bit more. If you live in a house above Band 'D' and lose your job there maybe a time when you need help. If it continues over 6 months you could be expected to move. Combining the entitlement above £3 pw with perhaps second adult might be suitable. Making no change will reduce services in the long-term
- The scheme should remain unchanged as we need to support people on low income.
- A bit of 1, 3 and 4!
- It seems the fairest of all possible options

Council Tax Support Scheme 2016/17 – Supporting Information

- This is very confusing and I am unsure many people will completely understand this. Everyone, overall, will want to pay as little as possible. So whichever option works out best for all - even if this is a contribution of all options.
- More council reduction
- The scheme offers more financial support to claimants living in properties with Council tax bands A to D, since they can potentially receive 100% reduction. Claimants living in properties in Council tax Bands E to H will receive financial help too.
- Money needs to be saved, therefore cuts are inevitable. Option 3 seems fair
- Don't really understand the implications but it seems to me more just and fair that higher earners should have their contributions increased and those below band 6 should remain unaltered - which I hope I have voted for.
- As a single adult trying hard to work and live, cutting CTR would hinder me and lots of others in the same position massively. Council tax is one of my largest household bills and although I understand the pressures on the Government, I have pressure to actually earn enough to live.
- No change means I can plan my outgoings better
- I think the preference I have chosen is appropriate in the resent economic climate and the austerity measures of the present government
- A 30% increase in Council Tax will render many people unable to pay and only result in costly legal action for the Council. I can see that the Council need to consider a change, however, I think 25% for couples and no change for single occupants is more reasonable.
- Everyone should pay something and capping at band D is something I agree with
- I believe option 1 would be more effective because its fair for everyone to have an increase but also it is not a great increase, which shouldn't affect people too much financially.
- Cease to allow 2nd adult rebate. Apply a Cap (3) Only provide reduction...(4)
- This would mean that the need to raise more income would be shared by a larger number of people.
- In general, I believe that the existing plans are fine as they are. I understand that money is an issue and that you the Council have to save money but also the people are important and they need to be thought of.
- There are too many "couples" who are capable of working. As long as they have drugs, children they are fine!
- People who own a property in Council band D or above usually have a higher income. Cease to allow 2nd adult rebate to continue helping single parent families.

- I believe if one has a more expensive or larger property above band D, they should be able to pay a little more for the privilege.
- It is very difficult to try and chose what option I wanted but I am a pensioner and don't get a lot of money as it is so I would like to keep things as they are or try and make sure that I have enough money to survive on. The amount that I pay Council tax now is fair and I can manage this without any
- I would like the scheme to remain as it is. This way I would pay the least amount of Council Tax. It is important/vital for me; as I will not be able to work until I become a pensioner, so I will be receiving half the money a pensioner gets and I would have to pay a larger slice of my income in Council Tax.
- If it isn't broke don't fix it or instead of putting Council Tax up why don't the government just lower the money they give to bums claiming finances from the government. That way they can give it straight to you and you don't waste all your time, money and effort chasing the most unreliable middle men ever!
- As a recipient of CTR I would prefer it not change, for entirely selfish reasons, mainly the fact that it makes a significant % difference to our household bills.
- They are my personal choices
- You must do what is best
- With Benefits being cut, everyone is going to feel the pinch and have less money. So I believe, if it really does have to change, then reduce the £3 entitlement because to most it would not make much difference.
- I'm happy to have minimum contribution increased to 25%
- I feel that council tax payers who can afford to live in larger properties should be able to afford to pay full council tax. They have the option to downsize.
- Those of us who live in rural villages do not see much benefit from the council tax that we do pay. Basically the only service that we do see a regular basis is rubbish collection.
- Combine band D option, second adult rebate option and >£3 award option.
- As a working income family we are able to afford an increase in council tax of 10% and we would be more than happy to pay for this. I don't think it's right the poor pay more when they can't afford it. A better survey would be 'are you happy for council tax to be increased?'
- Need to increase the responsibility of those who are in the best position to afford a little extra. Higher banded properties are more likely to be occupied by those who can afford dig a little deeper.

- It's not clear why there should be a second adult rebate and this should therefore be the first option for the council. However, I believe that the council should look at other ways to reduce its overheads and administrative costs before it looks at reducing benefits or services.
- Contribution needs to be increased a little because Ctax has been frozen for some time. There are a lot of services which would be lost unless everyone makes a minimum contribution. Important to ensure that essential services for elderly & disabled people are allowed to continue. Specifically I believe that the library van and Customer Services section at Savacentre are allowed to continue as they provide an essential lifeline for a number of people.
- Times are tough for everyone - a little higher contribution is necessary from everyone
- If you can afford to live in a band d or above property you should be able to afford to pay a higher proportion to taxes than others
- I presume that sharing the burden of the subsidy among those who pay council tax would be an insignificant rise, but that you need a 1.99% increase to cover other services, and don't want to run a referendum. I'd be in favour of running the referendum and making the case for a CT increase, then spelling out the services that need protection. I'd pay a 10% increase to protect local services for vulnerable local people, although I appreciate that won't be a universal view!
- I feel a change is needed. A combination of Option1, Option 3, Option 4 and Option 5.
- There should be a contribution . The adjustments should be made as simple as possible.
- Many of our tenants are already under considerable financial strain, and any increase in the amount that they will need to pay towards their council tax will add to this. It is likely that adding further to the potential debt that a tenant has increases the chances of eviction.
- Increase the minimum contribution from 10 to 30% and cap amount to a band D property. The weekly contribution would still be less than half the cost of a packet of cigarettes and someone on benefits shouldn't be in a house above band D!
- I feel a 30% contribution should be paid by everyone as the lower paid probably use the facilities more.
- It would be very difficult to enforce.
- I would combine Options 1 (with a minimum contribution of 25%) Option 3 and Option 5. That would mean that people would pay a higher basic amount which, from your figures, don't look unreasonable. With Option 3, it would mean better off people paying relatively more, and there would be no reduction for a second adult under Option 5 and one reduction per household is probably fair. Combining these options would bring in more money, whilst sharing the burden between people of all incomes. It would appear that Option 7 is a non-starter.
- Personally I believe there should be a mix where the finances are protected and where not everyone feels the pinch. If someone living in a band D and above can afford to live at this level then they should not then be allowed to claim extra because of it. Then secondly considering the overall picture the minimum should increase to 20% which is a fair balance between support and paying.

- 1 & 2
- Would prefer a combination of 1, 2 & 4 but at 20% not 25%.
- I would combine the capping of the Band rate with removing entitlements of under £3 a week and the reduction for a second adult. I think it is a fairer scheme if you combine some of the options
- If they are already entitled to a reduction then presumably they are unable to afford to pay more than 10% of C T. Hence it seems unfair to suddenly tell them to pay alot more.
- I have tried to keep it to the fairest options
- 3&5
- A fair and reasonable solution.
- Cannot understand how the second adult rebate can be justified. My wife and I are OAPs aged 67 drawing our state pensions and I still work part-time. We have never claimed any benefits or reductions and pay full council tax. Our philosophy is to budget to meet your civic commitments.
- Cleary the change is necessary but the burden should be shared. It seems reasonable to restrict the reduction available to those living in homes which are valued at the higher end of the council tax scale. Equally 90% seems a dramatic reduction - seeking a contribution of 25% is acceptable.
- Simple to apply. Should deliver required savings. Still should protect enough those that need it.
- These people are on very low incomes and increasing dramatically what they have to pay will affect their ability to eat and heat their homes. Therefore the council should have increased the council tax for those in better circumstances to enable it to continue providing decent help to those in need.
- The most appropriate option would be a combination of the £3 or more option and certainly not allowing a second rebate. I would also be inclined to apply the cap but to restrict to the amount for a Band A property
- Benefits are out of control and abused. The checking on entitlements is almost non existent. It has always been the position that it far cheaper just to pay than means test. That means those that pay tax get ripped off.
- I choose option 4 as I considered that this was the fairest option.
- The fairest option
- A combination is appropriate, we should ask for a slightly higher contribution and this should be limited to the lower council tax bands (lower than

Band D) - I would also like to see an end to "2nd home" discounts if there are any in the LA area

- I think it would be a fairer scheme if there was a blend of the options Option 1, 5 and 6 would or could work well together.
- I think the burden of the government's last budget has fallen squarely on the shoulders of the poor. However, I do see a need to balance payments to the local authority with the changes to government funding of the LA. I'm hoping that the options I've chosen hurt the poor the least but help to balance what the LA have to pay for.

23.2 Paper responses

- Household income/single parent/key workers. Low income/single income. Means tested.
- Seems a good option for Councils to claw back money whilst leaving most vulnerable protected.
- Partial allowances encourage people to try harder to support themselves. We must not be seen to give freely to all as it introduces a "nanny" situation. Councils have to behave wise with public funds. WE must support them.
- The existing system is based upon factors such as age, disability and income, size of family and individual needs are also taken into account. This seems to work reasonably well. Of course it won't fit all circumstances nor will it exclude occasional misuse. I believe the latter to be rare regardless of the manor it is portrayed together by the media.
- I have chosen option 7 as I feel this was a fair deduction, going by my personal experience.
- It doesn't really apply to me as I don't pay my Council Tax.
- I don't understand it so I say stick to original
- Keep the status quo
- Can't make head or tail of any of it. If changes are made, from my experience pensioners like my self will lose out! Sorry.
- I don't understand the question
- I am impartial to any changes that occur.
- Needs to be fair to those on low or no income. Should not put these people into more financial hardship.
- I am disabled and do not go out to work. I suffer from epilepsy.
- Options 3 & 4 seems fair if you live in a Band D house although a scramble to move from Band D's may reduce there value. £3 is quite a small amount but would probably hit those who are working another reason not to work.
- People are happy with what has been set up previously. No need to change.
- 5. Where the 2nd adult is a partner - not a child of the occupant.

Council Tax Support Scheme 2016/17 – Supporting Information

- N/A
- I claim single person Council Tax reduction.
- No change would be better for me as any change makes me worse off.
- I can manage the payments.
- I AM 91 YEARS OLD
- ! & 3
- No change - we can barely afford what we pay now.
- As I am 81years old this is not going to affect me, thanks god, as I don't know how I would pay it. Therefore it is very hard to decide for other people who are struggling to survive, so I hope what I have chosen will not cause too much suffering for poor people. I have chosen 1,5, & 6
- Quite happy with what's going on. I am disabled and can't get about and money worries upset me. I get worried and have a fit. Don't understand why you have sent this to me. Haven't I got enough problems without this guff to fill in.
- A cap provides a consistent calculation and there is potential for your income for 2nd adult rebate households.
- Would prefer those as stated with one as I believe this to be the most fair way.
- We are living as a couple but my wife suffers from diabetes and several other health problems
- 1 & 2
- Because I am happy with the benefit that I am provided with.
- Salaries haven't changed and any increase will impact our lives. As a parent, expenses seem to grow a lot and I believe it is fair to contribute but this needs to be assessed depending on individual income
- I am a pensioner living on a very low fixed income
- Seems less to pay
- n|a
- Would like no change in the deduction we receive
- This is ok for my position
- I am 89 years of age
- For widows/widowers left in a property of Bane E or above-they may need maximum reductions due to hardship from losing their spouse.
- I do not understand much of this form as I am 76. I am grateful for all the help I get with my council tax and rent rebate otherwise I wouldn't be able to manage. Thank you

- Have not answered question 1 - 7 on opposite page as I do not understand them fully
- Just do not know what to say I am 85 year of age an do not know what all this is about
- I'm 70 years old and disabled
- I do not understand as I'm 85 and hanging on the end of the twig
- I am a pensioner born 26-1-1928
- Exempt personal. Wish to stay the same
- Do not no the answer to number 9
- These changes do not affect me so I think it would be unfair for may wife and I to pass comment
- The 10% to 25% contribution is a rate that seems to be the fairest, as more revenue will brought in and this wold be used elsewhere I believe we nee to find a way of helping those in most need pensioners vulnerable people should not change, as most changes do not benefit them as most costs go up and they end up receiving less
- Hate the way the poor have to pay up - covers both options 1- 2 typical All considerations
- Don't no
- I am on continuous pension credit
- Works as it is
- No preference
- It was very difficult to try and choose what options I wanted, but I'm a pensioner and I don't get a gret deal of money as it is so I would want to keep things as they are or try and make sure that I have enough money to survive on. The amount that I pay council tax now is fair and I can manage this without any
- Cease to allow 2nd Adult Rebate Apply a cap (3) Only provide reduction (4)
- Increasing to 25% (or 30%) is quite a big jump for people on low incomes. I feel most people with two adults can afford a bit more. If you live in a house above band "D" and lose your job there may be a time when you need help. If it continues over 6 months you could be expected to move. Combining the entitlement above £3/week with perhaps second adult might be suitable. Making no change will reduce services in the long term
- I don't know. Sorry
- I don't think I have a right to assist in this decision as I do not pay council tax. I am 77 years old and disabled. Ask the people who pay what they think
- Because I'm a lone parent and I'm just working part time that the reason
- I am 85 years old and do not pay council tax and am rent exempt
- I don't agree with any of these options! and I certainly wouldn't put a preference

Council Tax Support Scheme 2016/17 – Supporting Information

- To opt for 1 2 3 4 5 6 would confuse the CT payers. Cost thousands of pounds to implement as well as taking on extra staff to cope with any changes
- I am an OAP and don't always understand the changes.
- I am OAP, getting just £67 per week pension and I cannot afford council tax
- Because there are no changes in my circumstances.
- Don't make changes as older people don't understand
- I do not understand this question
- I do not know

24. Pensioners and vulnerable persons will remain protected from these changes – what other groups of people, if any, do you think would be disproportionately affected by your preferred option?

24.1 Internet responses

- Single mums and low paid
- Low paid employees
- Low paid
- aaaaaaaaaaaaaaaaaaaaa
- zzzzzzzzzzzzzzzzzzzzzzzz
- Any increase in CT contribution will affect people on JSA, particularly single residents and those on minimum income. Future tax credit reductions will also impact on the incomes of working families (average loss of £1,300 pa) which, coupled with any increases in their CT payments, will strain already limited budgets. Some residents currently considered "vulnerable" and protected are actually on higher benefits than residents who are under 25 years old and claiming minimum benefits.
- As I don't apply for any disability allowance though have a long term condition. My daughter who was long disabled, I never applied for help with her either (for shoes or anything) but because now my son is statemented I get allowance but I feel I'm pressured into work focus, not "needs addressed" + community understood focus.
- Don't know
- Don't know
- Don't know
- Pensioners and vulnerable person remain protected from these changes - thank you
- Low income, single parents, etc.
- None
- Groups = low wage claimants
- Low paid, self-employed.
- No change wouldn't effect anyone!!
- Those who are at the margins of the decision, as always.
- Single people on low income

Page 88

- Disabled but they may fall within vulnerable single parents.
- Second Adult
- None
- Long term medical evidenced 'dis-able' trapped in social housing with sneaky extras bolted on to rent - mandatory - so raising above local average though not on 'tick-box' paper i.e. £1/day any size household sanitary disposal(sewage)/ far exceeds local water company lic-chge is a 'rent item' so actually above rate - but not in assessment of eligibility for CTR.
- Low income families where the adults work.
- Single parents and the poor
- Anyone who cannot find work
- Low paid, self employed
- Don't know
- I don't feel that any would.
- No charge would not affect anyone!!
- If any, those people on low incomes
- Single parents on low income.
- Single Parents
- Zero
- None
- None
- Those who are at the margins of the decision, as always
- None
- Other than a registered disability(mental or physical). The only people could be short tem disabled who may need financial assistance, or people on zero hours who can never know their weekly income.
- People with permanent sickness and disability
- Single people who have their own tenancy and who receive JSA or ESA
- I think No 7 would be good for ESA support group people.
- Single people may feel discriminated against

- N/A
- Very low income groups who may be working but still entitled to a high level of housing benefit
- As now
- Nil Cut wages to Board Director
- Large families who have a very low income and have lost benefits and a decent wage.
- Don't know
- Families with children
- Working Tax credit with children single mums/dads
- None
- Pensioners and 'V P' are protected. In many ways West Berkshire is a rich area and I do not feel many would be disadvantaged.
- People with disabilities. Those on a low income. People who already have to pay the UNFAIR bedroom tax.
- I believe that option 3 is the most fair as surely these are larger more expensive properties where the occupants would need to be earning a high wage to pay for it. You can't expect to live in a property with Council Tax of over £2000 and then get 90% of it paid for you.
- Single parent families
- People on low income
- Stay at home mums
- Not sure
- Sorry don't know/not sure
- Those who are already paying private rent
- Only the richer people
- I am not sure
- People who earn £10 or less per hour eg: gardeners, which I was one.
- Blind, Disabled, Unemployed
- Families struggling with finances, single parent families
- I do not think any other groups will be affected by keeping the CTR scheme the same.
- People that earn low wages, with children

- Families with children
- When you are as far down as I am at this present time, does it really matter?
- Low incomes
- One parent families - particularly where the parent has to work whilst the children are at school
- Maybe some elderly people who live in a large family home
- Not known
- As above the only people affected would be those in the higher band homes
- None
- College / Uni Students
- None social housing should be rated at normal levels as seem to overly benefit from discounted prices.
- Only those that could afford the changes
- No one couldn't afford it
- Low income families with more than one child
- Not sure
- As long as pensioners and vulnerable persons continue to be protected I am happy
- I think that young single mothers should be protected, based on there income and other benefits that may be claimed. If over set amount then they should not be protected.
- None
- None
- Don't know
- Any household which has people where possible working their hardest to support their selves with small help e.g. people who don't work on purpose to get a "free" ride on working peoples contribution should be the people who have the largest reduction in help.
- Do not know
- Don't Know
- Medically challenged
- I do not think that any other groups will be affected by keeping the CTR scheme the same
- When you are as far down as I am at the present time, does it really matter.

- One parent families - particularly where the parent has to work whilst child(ren) are at school
- People with Disabilities
- None
- Don't know
- None
- Low income, poor people, not earning young people
- None
- Lower income families possibly
- The richer element who have fallen on hard times.
- Larger house dwellers.
- Elderly folk who like myself ask as a last resort for help
- Don't know
- Young mothers
- Students, low paid, elderly residents who have occupied their homes for many years and Businesses.
- I think any low income people will be affected but sometimes we all have to do what we can.
- None
- People living on benefit Single parents with children
- Disabled
- Unemployed
- Claimants living in properties in Council tax bands E to H, as they may end up paying more Council Tax under current scheme.
- Single mums on Income support or Jobseekers
- Single parents (but I think they should on the whole make provision for being on their own before having children - if possible)
- None
- The low paid worker
- Single unemployed people or single parents or the disabled.
- None

- The CTR scheme is about protecting the vulnerable. It should remain so
- None
- Jobseekers
- I will have to see it to believe it firstly. You said the same thing about Day Centres and that you would try and save as many as possible but look what happened there I'm afraid it's.....
- Single parent families
- Disabled unable to work. Single mothers (parents) with under ten age children.
- I WANT to protect the elderly and vulnerable anyhow. Its important that the elderly and vulnerable are protected from all to.
- Nobody
- Cannot think of any
- Does vulnerable persons mean disabled? If not I think some would find increasing to 25% maybe a problem. I found the answer to my question.
- None
- People who are unable to work thru no fault of their own.
- It's all very confusing, all I know about this is when my mum who had (and died) from terminal cancer the CTR award was a huge relief for her and us, one less thing to worry about.
- Adults with no children and on benefits are already on an incredibly tight budget, I don't know how they manage to live on their current income, let alone having to pay more council tax. You can't get money out of those that don't have it. A least most vulnerable people have extra income from disability benefits that could possibly pay for it. Although I don't agree with it.
- See above
- Anybody in their 20s or 30's who does not fall into the vulnerable category.
- No comment
- It will be tough for the people who are in receipt of benefits such as JSA, ESA, IS etc.
- Higher value properties.
- None
- None otherwise hey would be on the vulnerable list
- People who suddenly loose income but who live in expensive property which they cannot quickly sell
- If Option 6 is approved, as I outline above, then it should be possible to ensure that no-one is adversely affected in a disproportionate

way.

- None
- None
- Carers
- I do not think any other groups will be effected as there are other benefits they can claim if on low income
- None i voted for no change
- people with disabilities and very low income
- No comment
- As it is a combination approach this should minimise the impact across the spectrum.
- Long term certified sick who was the sole breadwinner in the household
- Low income families will be hardest hit because they benefit from this reduction but in my opinion it is the least likely with option of applying a cap
- Anyone currently getting CTR is already in a vulnerable position financially and will suffer by any increase in their expenditure.
- Others would be able to seek relief under the discretion arrangements.
- None
- None
- Not qualified to comment
- Unemployed, families on benefits
- working single parents, maybe covered by this
- Unfortunately, I couldn't see a definition of vulnerable persons so I can't say.

24.2 Paper responses

- Pensioners and vulnerable persons will remain protected from these changes – what other groups of people, if any, do you think would be disproportionately affected by your preferred option?
- Open-Ended Response
- Single parent/children with learning disabilities.
- NONE. If there are two people in a property both working even on a minimum wage it should be affordable.

Council Tax Support Scheme 2016/17 – Supporting Information

- None. True citizens who have worked honestly within the community will always want the genuine cases to be protected. Layabouts and nere-do-wells MUST be made to provide for themselves NOT given hand-outs.
- I think some pensioners are better off than others. However, the current system is income based, so I believe, so it is as fair as it can be given that it is in general an unreasonable tax as lower income people pay proportionately more of their income than higher paid people.
- I think single people who are affected by the rise in pension age, should be considered for a Council Tax reduction.
- Families with young children
- As you have made allowances for pensioners and vulnerable persons as long as you remember the vulnerable people and low income that suits me. Thank You.
- Armed Forces & Retirees
- I don't understand
- None
- Everyone should be entitled to it
- Low income families
- xxxxxxxx is a pensioner and my carer and lives in the property with xxxxxxxx
- People with young children, teens and students
- If any serious changes are made, everyone could be affected.
- Service men & women
- N/A
- No groups would be hurt if changes are not applied.
- Those with Mental Health needs and those that have served our Country
- ?
- No change
- I hope as few as possible
- Disabled people!
- No comment
- We cannot share a bedroom as both of us suffer with severe sleep deprivation.
- None

Council Tax Support Scheme 2016/17 – Supporting Information

- I don't think it should make a great difference but every person has their own circumstances. I feel that if things are manageable as they are - why have great changes.
- Just because people may work don't mean they are financially stable. I think if people need help they shouldn't be singled out.
- I am 61 years old and having to pay so much Council tax is really crippling.
- Pensioners
- I am not sure that my choice will disproportionately affect any other group.
- Yes
- Don't know
- None I hope
- None
- Not Sure
- Not Sure
- I think widows/widowers of working age should get more help from reductions (not just the 25% dingle occupancy)
- NONE
- Just do not know what to say I am 85 year of age and do not know what all this is about
- I'm 70 years old and disabled
- People like myself 62 years of age not employed and not receiving a pension
- No idea
- I do not think some of these questions apply to me
- I'm a vulnerable person should be protected
- No comment
- Am vulnerable have lost floating support Am anxiety and suffer mental health problems and struggle to leave the home alone No services for my mental health or support network due to cutbacks
- I think that young single mothers should be protected. Based on their income and other benefits that may be claimed. If over a set amount they should not be protected
- Don't know
- Don't no

Council Tax Support Scheme 2016/17 – Supporting Information

- None
- People with disabilities
- I want to protect the elderly and vulnerable anyhow Important that the elderly and vulnerable are protected from all
- None
- I think any low income people will be affected but sometimes we all have to do what we can
- I'm sorry but I cant bother to have anything to do with it. You've cocked up everything good and proper. All your thinking about is how to rip off everyone that has anything to do with the town
- My son has Downs syndrome 23 years old do not work. I cannot work on Income support because I have to look after him and I have to pay council tax which I am finding very hard to pay. Could you look into my case I cant see why we have to pay anything
- Any person that can work should work. I did. I had 4 children to bring up. I never went on the dole. I took any work offered to me to put bread on the table (I loved going to work)
- No opinion
- Disabled people Unemployed Refugees
- Make no change to the existing CTR
- NO
- None
- I am a pensioner
- I can't answer any of 1/11/12 as I am not familiar with the choices on offer or the Council's ideas
- I do not know

25. Pensioners and vulnerable persons will remain protected within the CTR Scheme - what other groups, if any, do you feel should be exempt from your preferred option?

25.1 Internet responses

- Disabled
- Disabled
- *zzzzzzzzzzzzzzzzzz*
- As above - we are concerned that vulnerable people are correctly defined and identified and that the protected "vulnerable persons" category should not be shrunk. In fact, the bureau feels that if CTR is decreased then protection should be expanded to include single people on JSA. We are also concerned that some residents with mental health issues and receiving benefits should also be classed as "vulnerable" and therefore protected. Some pensioners (on State Retirement Pension and Pension Credits) who will get full CTR are likely to have higher incomes than those on JSA. From the WBC website it appears that residents in receipt of ESA are already included in the "vulnerable" protected class and we assume this will continue.
- We are not socially healthy. The fixation of cuts in the wrong place - if my needs were understood i.e. less isolated (always linked with finance this for councils) then I wouldn't begrudge contributing a bigger percentage of council tax.
- Low income
- Low income
- Low income
- I'm a pensioner and my Wife is my carer. She resigned her job because I have an imbalance problem and at the moment, we pay £144.00 a month for council tax and were hoping that you can reduce our council tax. Thank you
- As above
- None
- The list of "vulnerable" should be detailed to answer this in full, Assume disabled and pensioners would remain as at present.
- Disabled, single parents who are lower paid.
- None
- Those with short term vacant home - i.e. seconded abroad (T.R. - Company exc) active service main earner - rebuilds/or own occupation/own build re-application - those unable to sell - neg. equity - empty property during lengthy probate + ind assist to fund security or caretaker who pays CT on own home in UK - make it simple!!
- Low incoming families where both adults or the single parent works.
- As above

- Anyone with a disability or out of work
- Don't know
- Just pensioners and vulnerable persons alone seems ok.
- The list of "vulnerable" should be detailed to answer this in full. Assume disabled, and pensioners would remain at present
- As above
- None, CTR is only awarded to households that really need the help so it cannot be changed for any.
- Single Parents
- Zero
- None
- None
- Don't know
- Not sure regarding groups
- People on long term disability
- People on JSA & ESA
- Anybody on ESA support group as they can not work at present.
- Nobody
- Very low income groups who may be working but still entitled to a high level housing benefit
- Charities
- Yes
- Charitable organisations
- Don't know
- Again families with children and unemployed
- As above
- People with lot of money
- None
- Low income

- Those with disabilities who either cannot work or can only do limited working hours (ie: not entitled to DLA/PIP)
- Don't know
- single parent families
- People on low income with young families
- Sorry don't know/not sure
- None
- Single people, they use less services and have less money.
- Single people with young children, who are willing to work when children are old enough for school.
- More than 2 persons in household increasingly more wage earner family are staying at home. Therefore more money going in to that household. Somehow increase Council tax!!
- None - nobody should be exempt
- Children Centres
- Rich people should pay more, they can afford to pay.
- Families with children
- Anybody who has no money like myself.
- Families with young children
- As per 11 above
- ?
- Very low income
- I think each case should be looked at individually. If you work and are on a low income and it would be a genuine struggle then you should be entitled to CTR.
- None
- College / Uni Students
- None
- Those with disabilities
- Disabled
- As above

Council Tax Support Scheme 2016/17 – Supporting Information

- Not sure
- I think as long as those who are vulnerable are included in the category "vulnerable" and not excluded then changes are fair. The challenge will be ensuring all those who are genuinely vulnerable are included in this category /definition.
- I do hope that disabled people are in the vulnerable persons, as most find it hard if not helped in some way.
- The unemployed
- None
- People who have financial issues which results in lack of income to disabled children. I think that people who have self inflicted reasons which stops them from working and paying their way should have to pay a larger amount of council tax before help to force them to stop what they are doing as they get too much help as it is e.g. alcoholics, drug addicts and repeat offenders
- Do not know
- Don't Know
- People with mental health problems
- Anybody who has no money like myself
- As above
- As above
- Low earners & people on long-term sick
- Don't know
- Pensioners with private pension or good pension. Two income households with over £25,000 each.
- None
- Anyone with a disability
- Cannot think of any.
- People who are not informed and don't know what help can be offered them
- Don't know of any
- People with low incomes
- Veterans ex military
- Police, Fire, Councils, Charities and Small Businesses
- Many pensioners do not need this help but if they do they should get it. I can't think of anyone else who should be exempt - except of

course vulnerable adults!

- None
- Purely, income level
- Disabled
- Parents with young children
- Single Person
- As above
- As above
- None
- The low paid worker
- Single unemployed people, £75pw is not enough to cover a large Council Tax bill.
- None
- None
- Jobseekers should not pay tax.
- Blind, Partially sighted, Disabled
- Parents of disabled children
- Disabled unable to work
- People that are 'blind' or partially sighted, disabled for a reason should be exempt from paying Council Tax
- Nobody
- As Above (")
- Disabled people who are in need of live-in care at home either by family or outside organisations but I would assume that these people would be included in "vulnerable persons"
- People who are unable to work thru no fault of their own.
- Just don't know, it's such a hard world and the council knows better who these groups are.
- Those on low incomes and benefits.
- Those operating charitable operations from such premises.

- Anyone on zero hours contracts. Anyone suffering a major accident which leaves them temporarily incapacitated.
- none
- None
- Small businesses
- Severely disabled.
- None
- None
- none
- None
- Full time carers
- None
- Disabled people, people who are unable to work due to health or caring for a dependent.
- as above
- registered disabled.
- No comment
- None.
- None
- Single parents
- Others would be able to seek relief under the discretion arrangements.
- None
- None
- Not qualified to comment
- Unemployed, families on benefits
- working single parents, maybe covered by this
- As I said there is no definition of vulnerable persons by which to judge this but I'm hoping it means disabled people and their carers. If not, they are the groups I feel should be exempt.

25.2 Paper responses

- N/A
- None
- I feel that "incomers" that have not paid into the system should not benefit from any support. If you have a bank account - you cannot make a withdrawal if you do not have the funds available.
- Answer 11 covers 12 as well. Perhaps Council Tax should reflect the disproportion between those with higher incomes paying same rate as lower incomes for smaller sized properties but do not see that happening as probably to costly to administer. The difference between an "A" and an H" or a "D" property is vast. People occupying "A" & "B" sized properties are asked to pay proportionally far more Council Tax than Band "D". Does not make sense to me other than penalize those who have less, earn less and struggle more. Not right!!
- I think single parents should still be exempt from a reduction in help with Council Tax.
- as above
- As above
- Everyone should be entitled to it
- as above
- I don't understand
- None
- I receive disability pension/allowance of George McBarnett is an OAP.
- As above
- Anyone who meets the criteria should be protected.
- Service men & women
- Don't know
- None
- People who cannot work full-time through no fault of there own.
- No change
- If they are working for a living wage! I don't feel that anyone should be exempt but today how many people are being paid a living wage. It is still a world of haves and have-nots, so what can I say that won't make someone suffer.
- Disabled people!

- No comment
- Care Workers
- I don't know much about this to comment.
- Single parents and families on low income.
- Pensioners
- As long as people are working I think that each case should be assessed individually.
- Although I am not a pensioner I feel they need support especially with rising fuel and additional health costs.
- Yes
- I think people with vulnerable children should be protected too as our income is very limited due to having child all the time and not being able to work as we want to.
- as above
- None
- Not Sure
- Not Sure
- Person suffering chronic depression
- Just do not know what to say I am 85 year of age an do not know what all this is about
- I'm 70 years old and disabled
- People on low income who are struggling
- do not know
- To stay exempt
- I will soon be 70 years old I would like to thank West Berkshire Council for the way you looked after me
- Leave things as they are
- Im a vernable person should be protected
- No comment
- Am vulnerable and have lost floating support due to cutbacks Am using my DLA to pay for housework ironing to be done on weekly basis
- I do hope that disabled people are in the vulnerable persons as most find it hard if not helped in some way

Council Tax Support Scheme 2016/17 – Supporting Information

- Don't no
- None
- People with disabilities
- People with mental health problems
- People that are "blind" or partially sighted, disabled for a reason should be exempt from paying council tax
- None
- Many pensioners do not need this help but if they do they should get it. I cant think of anyone else who should be exempt -except of course vulnerable adults!
- I am just bloody sick of the lot of you. I just hope when the time comes we will be able to kick you all out with a big pointed toe up the ass. What with all of these extra car park tickets and the threat of monthly bin collections the whole lot of you are a load of crap. For gods sake get real you load of bums
- My son is very vulnerable. I fin it hard to write letters but I sure I shouldn't pay
- I don't know what other means. Is there Every one should work if they can. If able too. Vulnerable people should be protected
- No opinion
- Pensioner
- None
- we are pensioners so we cannot speak for others
- Public transport needs addressing lack of it in Hungerford - Newbury

Equality Impact Assessment Template – Stage Two

Please complete this template if completion of the Stage One template has identified that a full Equality Impact Assessment is required.

Before proceeding with the Stage Two Equality Impact Assessment, you should discuss the scope of the analysis with service managers in your area. You will also need to refer to the [equality impact assessment guidance](#).

Name of item being assessed:	Council Tax Support Scheme 2016/17– a scheme to provide assistance to people on low incomes to help them pay their council tax
Version and release date of item (if applicable):	Version 1 27 October 2015
Owner of item being assessed:	Bill Blackett, Revenues and Benefits Manager
Name of assessor:	Bill Blackett
Date of assessment:	27 October 2015

STEP 1 – Scoping the Equality Impact Assessment

1. What data, research and other evidence or information is available which will be relevant to this Equality Analysis? Please tick all that apply.			
Service Targets		Performance Targets	
User Satisfaction		Service Take-up	x
Workforce Monitoring		Press Coverage	x
Complaints & Comments	x	Census Data	
Information from Trade Union		Community Intelligence	x
Previous Equality Impact Analysis		Staff Survey	
Other (please specify) Consultation process undertaken by direct mailing to all existing recipients of Council Tax Reduction and, more generally by the Council's internet consultation process			

2. Please provide details on how you have used the available evidence, information you have selected as part of your Impact Assessment?
The information gathered from the consultation process has helped to inform the impacts of options for scheme change on specific groups either previously known or identified during the consultation process. In addition we have used available information from the press and internet to try to establish the bigger picture as to how the options fit with the impacts of the government's welfare reform agenda

3. If you have identified any gaps in relation to the above question, please detail what additional research or data is required to fill these gaps? Have you considered commissioning new data or research? If 'No' please proceed to Step 2.

There are gaps because of the complexity of the changes in the welfare reform agenda. This has made it very difficult indeed to be able to fully establish the scale of the potential impact on individuals and groups of claimants. It is also a changing environment with government proposals being a developing process where some of the impacts will not be known until after the Council had made its policy decision – that decision being subject to statutory rules regarding timing.

STEP 2 – Involvement and Consultation

1. Please use the table below to outline any previous involvement or consultation with the appropriate target groups of people who are most likely to be affected or interested in this policy, strategy, function or service

Target Groups	Describe what you did, with a brief summary of the responses gained and links to relevant documents, as well as any actions
Age – relates to all ages	<p>The consultation process did not specifically include or exclude any age group because questionnaires were sent to all existing claimants.</p> <p>Pensioners are not affected by any of the proposed changes because there is a statutory requirement for them to be protected; in effect their entitlement to help remains at the level which existed under council tax benefit at 31st March 2013. The consultation documents did state, in a number of places, that pensioners were not affected but a number did still express concern about impacts on them.</p> <p>Below pension age the proposals can impact on all age groups whether working or otherwise. There were a range of responses, both positive and negative, all of which are given (in full) as an appendix to the report.</p> <p>The scale of individual impacts cannot be accurately assessed because of the interaction of other benefits which are included in the government's welfare reform agenda. The consultation response from CAB cites the example of York where there was an increase in council tax arrears following a reduction in the level of support. Our own experience following a smaller</p>

	<p>reduction has been that arrears remained relatively constant and that the call on support from the exceptional hardship fund was very low. However the report does not minimise the potential for a negative impact and does recommend a decision which provides a balance between the need to provide assistance with a need to balance the council's budget where other services are provided to all groups.</p>
<p>Disability - applies to a range of people that have a condition (physical or mental) which has a significant and long-term adverse effect on their ability to carry out 'normal' day-to-day activities. This protection also applies to people that have been diagnosed with a progressive illness such as HIV or cancer.</p>	<p>If the proposals are approved, disabled persons who are of working age will also be negatively affected unless they are in the protected group defined by the types of welfare benefit they receive.</p> <p>Disabled people are less likely to have the same opportunities and access to work and employment that would improve their financial situation. They also face greater barriers when accessing information about services. Therefore, disabled households are considered to be more vulnerable than other households. In designing their schemes Councils are required to give protection to vulnerable groups along with that which has to be provided for pensioners. In West Berkshire's scheme the vulnerable group has been defined as those where certain benefits are being received :</p> <ul style="list-style-type: none"> • in receipt of Disability Living Allowance or Personal Independence Payment • in receipt of Attendance Allowance • in receipt of a War Pension • in receipt of a disability element of Working Tax Credit • in receipt of Severe Disablement Allowance • in receipt of Incapacity Benefit at the long term rate or, if they are terminally ill, the short term higher rate • in receipt of Employment and Support Allowance (income or contribution based) • responsible for a child that lives with you and receives Disability Living Allowance

	<p>For those who fall outside this protection other support is in place through the Council Tax Discretionary policy for persons who suffer hardship as a result of these proposals in order to mitigate any negative impacts.</p>
<p>Gender reassignment - definition has been expanded to include people who chose to live in the opposite gender to the gender assigned to them at birth by removing the previously legal requirement for them to undergo medical supervision.</p>	<p>Not known</p> <p>There is no information available to make an assessment on the impact of the proposals on this protected characteristic. Details of gender reassignment are not collected as part of the application and assessment process. However the proposed changes do not specifically target this group and it is perceived that the adverse effects will be no different to those on other groups.</p>
<p>Marriage and Civil partnership – .protects employees who are married or in a civil partnership against discrimination. Single people are not protected.</p>	<p>The proposals retain the majority of the assessment criteria used currently in the assessment of Council Tax Support which specifies that a 'couple' is:</p> <ul style="list-style-type: none"> • A man and woman who are married to each other and are members of the same household • living together as husband and wife • Two people of the same sex who are civil partners of each other and are members of the same household • Two people of the same sex who are not civil partners of each other but are living together as if they were civil partners. <p>Being married or in civil partnership is not currently a factor in determining the amount of Council Tax Support a couple receives and will not be a factor when assessing future Council Tax Support as it is not considered to be a characteristic which requires a higher applicable amount. For these reasons, it is expected that the proposed changes will not adversely affect people based on their marital or civil partnership status more than they do any other group.</p>
<p>Pregnancy and Maternity - protects against discrimination. With regard to employment, the woman is protected</p>	<p>The consultation process did not gather information to identify those falling within this group. Pregnancy and maternity should be considered as two separate characteristics</p>

<p>during the period of her pregnancy and any statutory maternity leave to which she is entitled. It is also unlawful to discriminate against women breastfeeding in a public place</p>	<p>as while the claimant is pregnant, her applicable amounts and personal allowances are lower. Once a child is born, it becomes part of the household composition and increased allowances apply. Pregnancy alone is not a factor in the current assessment of Council Tax Benefit and will not be a factor in the assessment of Council Tax Support as it is not considered to be a characteristic which requires a higher applicable amount. It is therefore expected that pregnant women will not be more adversely affected by changes to Council Tax Support than any other group. However, based on the data that we hold currently, we do not have sufficient evidence to determine the relevance of this protected characteristic.</p> <p>In a non-work context such as this, The Equality Act 2010 provides for protection against maternity discrimination for 26 weeks after giving birth, including as a result of breastfeeding. Providing that the child (or children) forms part of the mother's household composition once it is born, the claim for Council Tax Support will then include the child (or children) as part of the household and the applicable amount will increase. This once other income changes have been taken into account may result in higher Council Tax Support awarded and reduced Council Tax payments.</p>
<p>Race - includes colour, ethnic / national origin or nationality.</p>	<p>Race is not a factor in the assessment of Council Tax Support as it is not considered to be a characteristic which requires a higher applicable amount. For these reasons, it is perceived that Council Tax Support does not adversely affect people based on their race. Legislation prescribes a 'class of persons' who are restricted from receiving Council Tax Support nationally and this includes 'persons from abroad'. The Government has applied the same restrictions as exist under the Council Tax Benefit system to exclude foreign nationals with limited immigration status and non-economically active EEA individuals who are not exercising EU treaty rights from receiving Council Tax Support. There may be disadvantage due to language barriers and the understanding of publicity relevant to</p>

	council tax support – this will be addressed in accordance with the Councils existing arrangements for such circumstances .
Religion and Belief - covers any religion, religious or non-religious beliefs. Also includes philosophical belief or non-belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.	Not known There is no information available to make an assessment on the impact of the proposals on this protected characteristic.
Sex - applies to male or female.	Sex will not be a factor in any part of the assessment of Council Tax Support as it is not considered to be a characteristic which requires a higher applicable amount when assessing benefit. For these reasons, it is expected that changes to Council Tax Support will not adversely affect anyone based on their sex.
Sexual Orientation - protects lesbian, gay, bi-sexual and heterosexual people.	Sexual orientation will not be a factor in any part of the assessment of Council Tax Support as it is not considered to be a characteristic which requires a higher applicable amount when assessing benefit. For these reasons, it is expected that changes to Council Tax Support will not adversely affect anyone based on their sexual orientation.

2. Who are the main stakeholders and what are their requirements?

The main stakeholders are (a) Those in need of assistance to meet their council tax liability and (b) council taxpayers in general who fund a large part of the cost of the scheme. Within (b) there are a number of sub-sets of stakeholders- these being people who use specific council services and may be affected by other cost savings as the council sets its budget for 2016.

3. Amongst the identified groups in the previous question, what does your information tell you about the potential take-up of resulting services?

At the present time we see a reducing caseload of persons needing support to meet their council tax liabilities driven, in the main, by the economic well-being of the South Eastern region. However the changes to welfare benefits and high accommodation costs in the area, when taken together, may increase demand for assistance with council tax when a lower level of assistance is available under the report proposals. It

seems unlikely that take up of this service will reduce to any great extent.

STEP 3 – Assessing Impact and Strengthening the Policy

What will be done to improve access to and take-up of, or understanding of the policy, strategy, function or service? (These are the measures you will take to mitigate against adverse impact)

1. Continuation of publicity on all council tax bills
2. Maintaining effective relationships with housing providers and with CAB to identify those in need of assistance.
3. Management information reports will identify any trend for increased council tax arrears.
4. Annual review of policy is a statutory requirement and impacts will need to be addressed in that process.
5. Signposting to the exceptional hardship fund where appropriate.
6. Updating of internal council tax recovery policy to include management of cases with financial hardship

STEP 4 – Procurement and Partnerships

Is this project due to be carried out wholly or partly by contractors?

NO

If 'yes', have you done any work to include equality considerations into the contract already? Specifically you should set out how you will make sure that any partner you work with complies with equality legislation.

STEP 5 – Making a Decision

Summarise your findings and give an overview of whether the policy, strategy, function or service will meet the authority's responsibilities in relation to equality and support the Council's strategic outcomes?

The report proposes changes to an existing policy which will inevitably have an adverse impact on those claimants who are not within the protected groups. However this needs to be viewed in the context of the council's challenging financial decisions where users of many other services may be affected. The proposals do have a disproportionate impact on part of the caseload because a large part of that case load remains protected from change by statutory rules. The consultation process has identified both positive and negative views but the negative views do not differ to any real extent from those of which we were aware as the report was in preparation. The disproportionate impact did not focus on any specific target group mentioned above but it is recognised that, by virtue of their own circumstances, some may be affected more than others. The report focuses on one part of the Council's operations and contributes to the strategic outcomes but it does need to be viewed as part of a much bigger

picture where services to the community as a whole are subject to difficult decisions in order to meet the financial challenges faced in future provision of those services.

STEP 6 – Monitoring, Evaluating and Reviewing

Before finalising your action plan, you must identify how you will monitor the policy/function or the proposals following the Equality Impact Assessment and include any changes of proposals you are making.

What structures are in place to monitor and review the impact and effectiveness of the new policy, strategy, function or service?

Management reports within the service will deal specifically with take up, identified difficulties and challenges

Member briefings

Liaison with CAB (although this needs to be more regular) as they have the ability to identify and advise on impacts.

Staff feedback

STEP 7 – Action Plan

Any actions identified as an outcome of going through Steps 1-6 should be mapped against the headings within the Action Plan. You should also summarise actions taken to mitigate against adverse impact.

	Actions	Target Date	Responsible postholder & directorate
Involvement & consultation	Consultation has already taken place with all claimants and will be revisited during 2016 if there is a requirement for scheme review	If it is to take place this will need to have been done in the period august to October 2016	Head of Customer Services and line managers in Benefits team
Data collection	This is an ongoing process as part of the service administration the provision of management information	In place	Principal Benefits Officer, Customer Services
Assessing impact	This is an ongoing process as part of the service administration the provision of management	In place	Principal Benefits Officer, Customer Services

	information		
Procurement & partnership	Not relevant		
Monitoring, evaluation and reviewing	This is an ongoing process as part of the service administration the provision of management information	In place	This is an ongoing process as part of the service administration the provision of management information

STEP 8 – Sign Off

The policy, strategy or function has been fully assessed in relation to its potential effects on equality and all relevant concerns have been addressed.

Assessor		
Name:	Bill Blackett	
Job Title:	Revenues and Benefits Manager	Date: 28 Oct 2015

Service Director or Senior Officer (sign off)		
Name:		
Job Title:		Date:

This page is intentionally left blank

Council Tax Discount on Vacant Property

Committee considering report:	Council
Date of Committee:	Council on 1 December 2015
Portfolio Member:	Councillor Roger Croft
Date Portfolio Member agreed report:	01 November 2015
Report Author:	Bill Blackett
Forward Plan Ref:	C3064

1. Purpose of the Report

- 1.1 To consider changes to Council Tax discounts in the light of the Council's funding pressures.

2. Recommendation(s)

- 2.1 The 28 day discount period for vacant property will not apply from 1st April 2016
- 2.2 Property within a 28 day discount period at 31st March 2016 will continue to receive discount for the remainder of 28 day period
- 2.3 Applications for 28 day discount in respect of periods prior to 1st April 2016 and received after that date will not be backdated.

3. Implications

- 3.1 **Financial:** Based upon discounts granted between 1st April 2014 and 9th November 2015 it is anticipated that the recommendation, if approved, will generate additional income of £250k.
- 3.2 **Policy:** The recommendation, if approved, will change Council policy in respect of council tax discount for vacant property.
- 3.3 **Personnel:** None.
- 3.4 **Legal:** None.
- 3.5 **Risk Management:** There is a risk of challenge but this would be subject to consideration by a Member's Review Panel and, after that, there would be a right of appeal to the Valuation Tribunal Service.
- 3.6 **Property:** There could be an impact if any Council owned domestic property is to become vacant in the future.
- 3.7 **Other:** None identified.

4. Other options considered

- 4.1 None.

5. Executive Summary

- 5.1 Ongoing pressure on Council funding rising from reduction in central government grants brings a need to reduce the Council's budget. These reductions need to be achieved by a combination of reduction in spending on Council Services and increased income from other sources such as fees and charges.
- 5.2 Opportunities to increase income are scarce; however, following the Spending Review in 2010 the government introduced legislation allowing councils greater discretion on the level of council tax on vacant properties with effect from 1st April 2013.
- 5.3 At its meeting in December 2012 West Berkshire Council took advantage of this greater discretion and made significant changes to the discounts for vacant property. These changes reduced the discount on vacant property to a maximum of 28 days in any 6 month period. Owners of property vacant for longer periods are liable to pay full council tax. In those cases where a property remains vacant for periods in excess of two years a 50% premium charge is imposed.
- 5.4 The charges on vacant property apply unless one of the following specific statutory exemptions apply:
- (1) Empty and owned by charities (time limit of 6 months and does include housing associations).
 - (2) Left empty by persons in detention
 - (3) Left empty by patients in hospitals or care homes
 - (4) Left empty by deceased person (for up to 6 months after probate)
 - (5) Unfit for habitation (where occupation prohibited by law)
 - (6) Unoccupied pending use by a Minister of Religion
 - (7) Left empty by people receiving care
 - (8) Left empty by people providing care
 - (9) Left empty by students where the students remain liable
 - (10) Unoccupied where the mortgagee is in possession
 - (11) Responsibility of a Bankrupt's Trustees
 - (12) Unoccupied caravan pitch or house boat mooring
 - (13) Unoccupied Annexe not capable of separate occupation (e.g. 'Granny Flat')
- 5.5 In addition, the Council has recognized that circumstances outside the control of the property owner may force a property to be empty, e.g. the widespread flooding in 2007 and 2013. For these events discretionary powers have been delegated to the Head of Finance so that discount may be allowed based upon the facts of each individual case.

- 5.6 During the period 1st April 2014 to 9th November 2015 the 28 day discount was allowed on 5,159 occasions. The average value of discount during this period was £69.72 and the total cost was £435,166.25. The average number of days properties remained subject to this discount was 18 days.
- 5.7 The total cost of 28 day discounts in 2014/15 was £259,228.44.
- 5.8 Council tax payments are normally considered to be a tax on the occupation or ownership of a property rather than a payment made for use of services. The proceeds from this tax are used to fund services to the community as a whole. Local taxation officers normally resist attempts to dispute liability based on arguments relating to service usage; however it does seem appropriate to make the point that even vacant property derives considerable benefit from a range of council services.

6. Conclusion

- 6.1 Having regard to the Council's need to generate additional income it does seem that removal of the 28 day free period would generate in the region of £250k each year. Whilst there would be a cost to individual property owners it would be relatively low. It is therefore recommended that the 28 day discount should cease to apply with effect from 1st April 2016. This should also include the clarification that the 28 day discount periods commencing before 1st April 2016 will be allowed to run their course even though this may take them beyond 1st April. New applications received after 1st April 2016 will not be allowed, even if the commencement date would have been backdated to a date prior to 1st April 2016. This is the recommendation to Council.

7. Appendices

- 7.1 Appendix A - Supporting Information
Appendix B – Equalities Impact Assessment

This page is intentionally left blank

Council Tax Discount on Vacant Property – Supporting Information

1. Introduction/Background

- 1.1 This report makes recommendations about the way in which vacant property is treated for council tax purposes.

2. Supporting Information

- 2.1 Under the Local Government Finance Act 2012, Local Authorities have been given powers to vary the way in which some classes of property are treated for council tax purposes. The relevant legislation is the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (SI 2012/2964) made under the Local Government Finance Act 2012.

- 2.2 Further legislation in the form of the Council Tax (Exempt dwellings) (Amendment) Order 2012 (SI 2012/2965) abolished the exemption classes A and C which related to vacant and altered properties.

- 2.3 At its meeting on 13th December 2012 West Berkshire Council Considered a report proposing changes to the discounts on vacant properties. The purpose of the report was to seek additional council tax income in order to fund the council tax support scheme which was to replace council tax benefit from 1st April 2013 and which was moving from a national fully funded scheme to a local partially funded scheme. A second purpose was to support the Council's Empty Homes Strategy in order to bring vacant property back into use.

- 2.4 Following consideration of this report Council approved a scheme whereby vacant property would fall into one of three classes for charging purposes:

An initial period of 28 days from the date of vacation	100% discount
29 days to 2 years	0% discount
Over 2 years	0% discount + 50% surcharge

- 2.5 The legislation identified in 2.2 (above) removed two exemption classes but a number were unaffected and are not subject to the Council's policy decision. These exemptions are:

- (1) Empty and owned by charities (time limit of 6 months and does include housing associations).
- (2) Left empty by persons in detention

- (3) Left empty by patients in hospitals or care homes
- (4) Left empty by deceased person (for up to 6 months after probate)
- (5) Unfit for habitation (where occupation prohibited by law)
- (6) Unoccupied pending use by a Minister of Religion
- (7) Left empty by people receiving care
- (8) Left empty by people providing care
- (9) Left empty by students where the students remain liable
- (10) Unoccupied where the mortgagee is in possession
- (11) Responsibility of a Bankrupt's Trustees
- (12) Unoccupied caravan pitch or house boat mooring
- (13) Unoccupied Annexe not capable of separate occupation (e.g. 'Granny Flat')

2.6 In addition, the Council has recognized that circumstances outside the control of the property owner may force a property to be empty, e.g. the widespread flooding in 2007 and 2013. For these events discretionary powers have been delegated to the Head of Finance so that discount may be allowed based upon the facts of each individual case.

2.7 West Berkshire's decision was not unique, a number of Councils chose to vary discounts for similar reasons and over 60 are known to have removed all discounts from the date of vacation.

3. Reasons for this report

3.1 Ongoing pressure on Council funding rising from reduction in central government grants brings a need to reduce the Council's budget. These reductions need to be achieved by a combination of reduction in spending on Council services and increased income from other sources such as fees and charges.

3.2 Opportunities to increase income are scarce; but the ability to use local discretion in the administration of discounts prompts a revisit of the scheme with a view to increasing council tax income and to protect other services from cuts.

3.3 Apart for the Council Tax Support scheme, which is subject to a separate report suggesting cost reductions, this is the only area of discretion available within the council tax discount regime. Suggestions relating to removal or changing single person discounts have been made but there is no statutory provision which would allow the Council to do so.

4. Volumes and Financial Aspects

4.1 During the period 1st April 2014 to 9th November 2015 the 28 day council tax discount was allowed on 5,159 occasions. Indications are that 21 of these will have

been repeat allowances where a property had been vacated on two occasions during the 20 month period under consideration.

- 4.2 The average value of discount allowed was £69.72 and the cost for that period was £435,166.25.
- 4.3 During the full financial year 2014/15 the total cost was £259,228.44. Looking at the monthly cost in 2015/16 compared to 2014/15 the costs are broadly comparable and it is anticipated that the final cost will again be in the region of £250k

5. Negative impacts of changes to 28 day discounts

- 5.1 The principal negative impact will be that on persons liable for council tax who are losing the 28 day discount. On average the additional liability is likely to be in the region of £70.
- 5.2 Throughout the history of local taxation there have been challenges to the collection of charges in respect of vacant property where the owner considers that they receive no services. Council tax payments are normally considered to be a tax on the occupation or ownership of a property rather than a payment made for use of services. The proceeds from this tax are used to fund services to the community as a whole. Local taxation officers normally resist attempts to dispute liability based on arguments relating to service usage; however it does seem appropriate to make the point that even vacant property derives considerable benefit from a range of council services.
- 5.3 Internally there may be some additional administrative costs in dealing with the change but it is not felt that these will lead to any demand for additional resources.

6. Options for Consideration

- 6.1 The option for consideration is whether or not Council wishes to vary the discount scheme for vacant properties in order to generate additional council tax income.

7. Proposals

- 7.1 The proposal takes the form of a recommendation to Council as follows:
 - (1) The 28 Day discount period for vacant property will not apply from 1st April 2016
 - (2) Property within a 28 day discount period at 31st March 2016 will continue to receive discount for the full 28 day period
 - (3) Applications for 28 day discount in respect of periods prior to 1st April 2016 and received after that date will not be backdated.

8. Conclusion

- 8.1 The proposals above and recommendation to Council will, if approved, lead to an additional council tax liability for some property owners. However this does need to be viewed in the context of the challenges faced by the Council in protecting services whilst managing a reduced budget. Each service has to look for options to reduce costs and/or increase income.

Background Papers:

Council report for its meeting on 13th December 2012 – Technical Reforms to Council tax.

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected:

All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

MEC – Become an even more effective Council

The proposals contained in this report will help to achieve the following Council Strategy priority:

MEC1 – Become an even more effective Council

The proposals contained in this report will help to achieve the above Council Strategy aims and priorities by generating additional income to protect services at a time of considerable budget pressures

Officer details:

Name: Bill Blackett
Job Title: Revenues and Benefits Manager
Tel No: 01635 519305
E-mail Address: bblackett@westberks.gov.uk

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

Name of policy, strategy or function:	Council Tax discount on vacant property
Version and release date of item (if applicable):	Version 1 9 th November 2015
Owner of item being assessed:	Bill Blackett
Name of assessor:	Bill Blackett
Date of assessment:	9 th November 2015

Is this a:		Is this:	
Policy	Yes	New or proposed	Yes
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	No		

1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
Aims:	To change discount on vacant property
Objectives:	To generate council tax income in order to protect other services
Outcomes:	Removal of some discounts
Benefits:	Protection of other services from cuts in funding

2. Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Owners of	Liability for an increased liability	Council tax liabilities are

vacant property	for council tax of an average £69.72	established annually. Removal of an existing discount will lead to more council tax to pay
-----------------	--------------------------------------	--------------------------------------------------------------------------------------------

Further Comments relating to the item:

All strands have been considered and none are considered to be affected by virtue of their presence in a particular strand. Where the property is vacant for reasons of health, disability or age there are statutory exemption which would over-ride the discount policy. Within the existing scheme there is provision for consideration of exceptional circumstances which may arise.

3. Result	
Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?	No
All strands have been considered and none are considered to be affected by virtue of their presence in a particular strand. Where the property is vacant for reasons of health, disability or age there are statutory exemption which would over-ride the discount policy	
Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: The policy relates to the ownership of vacant property	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	No

Name: Bill Blackett

Date:9/11/15

Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

A339/Fleming Road Junction Compulsory Purchase Order- Summary Report

Committee considering report:	Council
Date of Committee:	10 December 2015
Portfolio Member:	Councillor Garth Simpson
Date Portfolio Member agreed report:	21 October 2015
Report Author:	Jon Winstanley
Forward Plan Ref:	C3061

1. Purpose of the Report

1.1 To:

- (1) obtain authority from full Council to purchase private land by agreement or by using compulsory purchase powers under the Town and Country Planning Act 1990, the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981 to enable the new junction to be built from the A339 onto Fleming Road (the Scheme)(Appendix C).
- (2) appropriate the land within the Scheme for planning purposes.

2. Recommendation

- 2.1 Having given consideration to all the provisions of this report including the impact on Human Rights and Equalities, Council resolves to delegate to the Head of Legal Services authority to make a Compulsory Purchase Order(s) and other such powers as detailed in paragraph 6.3 of this summary report (section 12 of Appendix A).

3. Implications

- 3.1 **Financial:** The financial implications are covered within the body of the report. There is provision within the scheme budget for acquisition of land required.
- 3.2 **Policy:** The Scheme is in line with the aims of the Council's Local Transport Plan 2011 – 2026 (A transport vision for Newbury, p.32) and the West Berkshire Core Strategy 2006 – 2026 (Area Delivery Plan Policy 2).
- 3.3 **Personnel:** None
- 3.4 **Legal:** Legal Services will advise on the CPO process.
- 3.5 **Risk Management:** This project is being managed in accordance with the Council's Project Management and risk management process.

3.6 **Property:** Expert valuation advice has been sought and will be required throughout the process.

3.7 **Other:** N/A

4. **Other options considered**

4.1 A number of options were considered by the Council for the Scheme to position the junction on the A339. Factors taken into consideration included the ability to effectively link the new signals to the existing traffic signals at Robinhood Roundabout, land acquisition and scheme costs

4.2 These options are discussed in detail in section 3 of appendix A, the conclusion being that the proposed layout and location of the junction gives the optimal solution.

5. Executive Summary

- 5.1 The re-development of the London Road Industrial Estate is identified as a priority in the Local Plan (West Berkshire Core Strategy, Area Delivery Plan Policy 2). Home to mainly industrial uses, predominantly relating to the motor trade, the London Road Industrial Estate (LRIE) has remained largely untouched in the last 40 years as the generally poor condition of the building stock conveys. Providing a new junction access to the LRIE from the A339 will facilitate the regeneration of the LRIE which will deliver economic growth, create additional jobs and improve the environment of this part of the town. An earlier report to the Council in July 2015 approved the making of a compulsory purchase order for the same area of land the subject of this report. Since then however matters have progressed on a planning appeal submitted by a landowner on LRIE which includes a new road in a similar position to the Scheme. That landowner, Faraday Development Limited (FDL) would be affected by the Council's authority to make a CPO contained in the July 2015 resolution. Since then the Council has also concluded its development agreement with St Modwen Developments Limited. In light of the updated planning position it has been necessary to revisit the July 2015 decision and undertake an assessment of the Council's proposed scheme and that being promoted by FDL.
- 5.2 Essential to unlocking this area for redevelopment is the provision of a new junction directly onto the A339. Whilst planning permission has been sought and granted in the past for the delivery of a new junction onto the A339 by a private developer, and landowner FDL, such planning permission lapsed. The developer is awaiting the outcome of an appeal to a renewal of the lapsed 2009 planning permission. The appeal is due to be resolved this month by way of written representations, however it is the Council's view that the cost of delivering the access road means that the road will not be delivered by a private developer alone and will need the intervention of the Council supported by public funds. Equally the FDL proposal for a junction, if planning permission is granted, is inferior the Council's scheme(see section 3 of Appendix A), which has been designed in detail. The Council has successfully bid for grant funding from the Local Enterprise Partnership Local Growth Fund towards the provision of this junction, which will connect Fleming Road to the A339. The £1.9m funding is, however, time limited and work must commence in the next 12 months in order to comply with the conditions of the grant.
- 5.3 Subject to the approval of the Secretary of State, the Council has the power under Section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily acquire land if the Council considers that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. Under section 226(1A) of the Town and Country Planning Act 1990, such powers may only be exercised by the Council if the Council considers that such development, re-development or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area.
- 5.4 The land identified for compulsory acquisition is required to deliver part of a traffic signal controlled junction approximately 230m south of the Robinhood junction which will connect into Fleming Road and, in turn, to Faraday Road. The remaining land is already adopted highway. As part of the new junction, a signal controlled pedestrian crossing will be constructed across the new Fleming Road access and a new staggered controlled pedestrian and cycle crossing will be constructed across the A339 (the Scheme).

- 5.5 The Scheme is required to facilitate re-development within the London Road Industrial Estate which the Council considers will contribute to the economic well-being of the area. The Scheme will also deliver a new footway through Victoria Park which the Council considers will contribute to the environmental well-being of the area and improve social mobility.
- 5.6 Under section 13 of the Local Government (Miscellaneous Provisions) Act 1976, the Council can acquire new rights over land compulsorily. These new rights would be acquired in preference to outright acquisition. This avoids the need to acquire outright the land where rights are sufficient. The Council seeks rights to access land to make good the kerb-line across the front of Units 4 and 5 on Fleming Road. Under section 237 of the Town and Country Planning Act 1990, restrictive covenants over land appropriated for planning purposes may be overridden.
- 5.7 The Council owns the freehold of the land required to deliver the junction and has made numerous attempts to acquire the long leasehold interest of the land to the east of the A339 from FDL by agreement. Unfortunately these attempts have been unsuccessful. The small areas of land required from Victoria Park to deliver the new footway as part of the Scheme and allow for the widening of the A339 are leased to Newbury Town Council. Unfortunately it has not yet been possible to finalise agreements with Newbury Town Council for the surrender of this land. However discussions continue and the Council will seek to continue to acquire all interests by agreement.

6. Conclusion

- 6.1 In order to deliver the new junction, land outside the Highway boundary is required. The land required is owned by West Berkshire Council and the majority is leased on a long lease to FDL, with individual units subsequently let to individual tenants. To progress the project the Council will need to acquire the long leasehold of the land required for the Scheme. The remainder of the land required for the Scheme is at Victoria Park and is leased to Newbury Town Council. In order to deliver the Scheme, the Council will need to acquire this interest.
- 6.2 Given the lack of agreement with FDL and Newbury Town Council, officers recommend that the Council approve the use of compulsory purchase powers to safeguard against losing the funding and ensuring this critical infrastructure scheme proceeds.
- 6.3 In respect of the A339/ Fleming Road Junction in Newbury approval is sought:
- (1) to make a Compulsory Purchase Order(s) under Section 226(1)(a) of the Town and Country Planning Act 1990, Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981 to acquire all or part of the land identified edged red coloured pink and new rights in respect of the areas coloured blue on the map attached to this Report entitled "Map referred to in the West Berkshire Council (A339/ Fleming Road Junction, Newbury) Compulsory Purchase Order 2015" (the CPO Map);
 - (2) make a Footpath Creation Order (the Footpath Creation Order) under section 26 of the Highways Act 1980;

- (3) if the Secretary of State authorises the Council to do so, confirm any Compulsory Purchase Order(s) made;
- (4) utilise, where appropriate, either the General Vesting Declaration procedure under the Compulsory Purchase (Vesting Declarations) Act 1981 or the notice to treat procedure under Section 5 of the Compulsory Purchase Act 1965;
- (5) take all steps to seek to acquire the necessary interests in land by agreement or utilising compulsory acquisition powers;
- (6) authorise the appropriation of the land included in plots 1-7 on the CPO Map under the provisions of Section 122(1) of the Local Government Act 1972 for planning purposes to enable the Council to override third party rights and covenants pursuant to sections 237 and 258 of the Town and Country Planning Act 1990, and once the Scheme has been constructed to appropriate the same for highway purposes, following which the land shall be publically maintainable highway;
- (7) subject to the relevant interests in land at Victoria Park included in plots 8 and 9 on the CPO Map being acquired by agreement or by compulsory acquisition, to declare that this land is no longer required for its present purposes, to give public notice of the Council's intention to appropriate the said land to planning purposes to enable the Council to override third party rights and covenants pursuant to sections 237 and 258 of the Town and Country Planning Act 1990, and in the event of no objections being received within the date specified in the public notice (or if received they are withdrawn), upon the day immediately following the date specified in the public notice to appropriate the said land to planning purposes. Once the Scheme has been constructed to appropriate the same for highway purposes, following which the land shall be publically maintainable highway.

6.4 To consider the provisions of the Human Rights Act 1998 so far as they might be applicable in deciding whether or not to make the Compulsory Purchase Order(s) and all other statutory powers that the Council seeks to exercise.

7. Appendices

- 7.1 Appendix A - Supporting Information
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Proposed Scheme Drawing
- 7.4 Appendix D – General Location Drawing
- 7.5 Appendix E – CPO Map
- 7.6 Appendix F – Draft CPO Schedule

This page is intentionally left blank

A339/Fleming Road Junction Compulsory Purchase Order – Supporting Information

1. Introduction

- 1.1 The proposed Compulsory Purchase Order (CPO) relates to the delivery of a new junction access from the A339 into Fleming Road (the Scheme)(Appendix C) to unlock access to the London Road Industrial Estate (LRIE), which is identified in the Local Plan as an area for regeneration (West Berkshire Core Strategy, Area delivery Plan Policy 2). The access will facilitate the regeneration of the LRIE which will deliver economic growth, creating additional jobs and improving the environment of this part of the town.
- 1.2 The purpose of the Scheme is to create a new access from the A339 to unlock the redevelopment of the LRIE. Outline proposals to develop the wider LRIE site will include much needed town centre employment sites along with the possible creation of town centre homes in a key brownfield location. The Council has appointed a development partner, St Modwen Developments Limited for the redevelopment of the LRIE.
- 1.3 Plans for regeneration of the LRIE area are included in the Newbury Vision 2026 with a desire to regenerate the area and make it integral to Newbury town centre.
- 1.4 Essential to unlocking this area for redevelopment is the provision of a new junction directly onto the A339. Whilst planning permission has been sought and granted in the past for the delivery of a new junction onto the A339 by a private developer, and landowner FDL, such planning permission lapsed. The developer is awaiting the outcome of an appeal to a renewal of the lapsed 2009 planning permission. The Council refused that application in March 2015, however the appeal is due to be resolved this month by way of written representations. It is the Council's view that the cost of delivering the access road means that the road will not be delivered by a private developer alone and will need the intervention of the Council supported by public funds. The Council has successfully bid for grant funding from the Local Enterprise Partnership Local Growth Fund towards the provision of this junction, which will connect Fleming Road to the A339.

2. Supporting Information

- 2.1 Subject to the approval of the Secretary of State, the Council has the power under Section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily acquire land if the Council considers that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. Under Section 226 (1A) of the Town and Country Planning Act 1990, such powers may only be exercised by the Council if the Council considers that such development, re-development or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area. The land to be acquired is shown coloured pink and land over which new rights are sought coloured blue on the CPO Map at Appendix E.

- 2.2 Under Section 13 of the Local Government (Miscellaneous Provisions) Act 1976, the Council can acquire new rights over land compulsorily. These new rights would be acquired in preference to outright acquisition. This avoids the need to acquire the leasehold of land where rights are sufficient. The Council seeks rights to access land to make good the kerb-line across the front of Units 4 and 5 on Fleming Road. The land over which rights are sought is shown coloured blue on the CPO Map at Appendix E. It is not possible to acquire rights on a temporary basis using compulsory purchase powers but the Council would surrender any rights on completion of the works. Under Section 237 of the Town and Country Planning Act 1990, restrictive covenants over land appropriated for planning purposes may be overridden.
- 2.3 The scheme for which the CPO is to be promoted involves the construction of a traffic signal controlled junction approximately 230m south of the Robinhood junction which will connect into Fleming Road and, in turn, to Faraday Road. As part of the new junction, a signal controlled staggered pedestrian crossing will be constructed across the new access, a new signal controlled staggered pedestrian and cycle crossing will be constructed across the A339 and the A339 will be widened on the approach to the Robinhood Roundabout providing additional capacity (Appendix C).
- 2.4 The Scheme provides the opportunity to deliver an attractive illuminated footpath extending parallel to the A339 through Victoria Park to connect into existing pedestrian routes within the park. The Council considers that this is likely to enhance the environmental well-being of the area. The footpath on the eastern side of the A339 will be retained. Construction of the new access connecting to Fleming Road will involve demolition of an industrial building (identified as Units 6 and 7 in Appendix C) in the LRIE. Further detail on this building is provided in Section 5 below.

3. Options for Consideration

- 3.1 A number of options were considered by the Council for the Scheme to position the junction on the A339. Factors taken into consideration included the ability to effectively link the new signals to the existing traffic signals at Robinhood Roundabout, land acquisition and scheme costs.
- 3.2 Positioning the junction further south would mean the height difference from the A339 would be much greater. To construct this access road would require more land for retaining the new road and would prevent buildings from fronting it. This would require significant engineering work to the A339 to create the junction and the design would need to achieve adequate sight lines and accommodate the drop in level onto the site. Therefore the position of a new entrance into the site is limited to approximately level with Fleming Road to minimise the change in level.
- 3.3 Positioning the new junction north of the proposed location would leave less available queuing space on the A339 between the new signals and the Robinhood junction. To prevent northbound vehicles blocking from the Robinhood junction through the new junction, more time would have to be given to northbound traffic at the Robinhood junction at the expense of traffic approaching from the A4 and London Road. Equally to prevent southbound traffic blocking from the new junction through the Robinhood Roundabout, more time would have to be given to southbound traffic passing through the new signal controlled junction at the expense

of traffic turning to and from the LRIE. This would introduce constraints into the linked timing of the traffic signals that would cause them to run inefficiently and introduce delays into the network.

- 3.4 The proposed location represents the most appropriate solution as it is at the most technically feasible distance for linking the Robinhood junction and new junction effectively whilst making best use of the existing internal road layout of the LRIE and overcoming a minimal height difference (0.75m) from the A339 to the LRIE and delivers the optimal solution at this location.
- 3.5 Whilst the proposal subject to an appeal by FDL does not currently have planning permission, the Council has considered that proposal relative to the Scheme. The FDL scheme (which if granted planning permission on appeal would be in outline only) shows a road layout in a similar position to the Scheme. In order to establish whether the FDL scheme would have enough capacity to accommodate traffic from the whole of the redeveloped LRIE site, a direct comparison with the modelling undertaken when designing the Scheme has been undertaken. A potential development scenario has been used to test the relative capacity of the two schemes with the results modelled to establish the traffic impact. A VISSIM micro-simulation model of the A339 in Newbury, developed by consultants WSP, was used to test the two scenarios. The assessments were carried out using AM and PM peak flows and compared for the following:
- (1) Overall network performance;
 - (2) Traffic flow volumes on main roads in the highway network;
 - (3) Journey times on five dedicated routes through the town centre;
 - (4) Queue lengths and junction delays at key junctions.
- 3.6 The assessment has indicated that the FDL proposal would, if implemented, have a significant impact on travel time in the PM peak relative to the Scheme. There is very little difference in the AM peak, however in the PM peak the FDL scheme shows 42% more average delay per vehicle across the network over the Scheme along with a 22% lower vehicle speeds. The FDL scheme would not provide the pedestrian linkages into Victoria Park nor does it provide any integration with the current highway network.
- 3.7 Other qualitative factors where the Scheme has benefits over the FDL scheme include a signal controlled pedestrian crossing of the new Fleming Road junction with the A339, lane widths designed to DMRB (Design Manual for Roads and Bridges) standards (the FDL scheme lane widths on the A339 through the new junction reduce to just 2.9m rather than the recommended 3.65m). The Scheme incorporates additional widening on the A339 northbound approach to the Robinhood and additional space for pedestrians when crossing. All these elements add to the safety, amenity and capacity of the Scheme over the FDL proposal.
- 3.8 As such it is considered that the FDL proposal would be sub-optimal and not as effective as the Scheme. As it would only be an outline planning permission if granted, there is no detail as to when the road scheme could be implemented. In any event, the FDL scheme would need to acquire the necessary approvals from

the Council as landowner and for the reasons set out below this is not considered by the Council appropriate.

4. The Planning Position

- 4.1 The A339 widening and LRIE junction will provide a direct access from the principal road network to the LRIE. Redevelopment of this site hinges on the access improvements that the junction delivers and will effectively facilitate brown-field redevelopment and employment intensification over the LRIE. This proposal will unlock a potential site for housing delivery (subject to relevant planning permissions being obtained) and encourage an extension to this vibrant town centre, as identified in the 'Vision for Newbury 2026'.
- 4.2 This Scheme is essential to deliver this site which is identified in the Local Plan as an area for regeneration (West Berkshire Core Strategy, Area Delivery Plan Policy ADPP 2). The redevelopment will deliver economic growth, creating additional jobs and improving the environment in this part of the town. Policy CS5 of the adopted Core Strategy states 'The Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure and services for new development and will seek to coordinate infrastructure delivery, whilst protecting local amenity and environmental quality'. Delivery of this important piece of infrastructure is directly in line with this Policy. Policy CS 14 of the adopted Core Strategy also places an expectation on developments to 'make good provision for access by all transport modes.' This proposed junction will significantly improve access to LRIE across the busiest road in West Berkshire and will overcome a significant severance issue for pedestrians and cyclists on this part of the network.
- 4.3 The proposed layout of the junction is illustrated on the plan in Appendix C, and has been designed in accordance with the Design Manual for Roads and Bridges. It benefits from full planning permission.
- 4.4 The A339 through Newbury is the main north/south distributor road through the town. It was formerly the main A34 trunk road until the Newbury bypass was completed in 1998 and the section of road was de-trunked in 2001. The route carries approximately 44,000 vehicles per day. The relevant section of the A339 lies between the junctions of the Bear Lane and Robinhood roundabouts and is identified on the plan in Appendix D.
- 4.5 This section of the A339 is dual carriageway and is subject to a 40mph speed limit. The A339 is lit and has footways for its length, on both sides of the carriageway.
- 4.6 The distance between Bear Lane and Robinhood Roundabouts is approximately 700m and the road is in embankment through this section. The height difference of the road from the surrounding land increases from approximately 0.5m at the northern end to approximately 4m on the approach to the Kennet and Avon canal bridge.
- 4.7 Although the A339 provides an excellent North/South link for vehicular traffic it is a significant barrier for pedestrian and cycle movements to and from the town centre.
- 4.8 A planning application for the Scheme was submitted by the Council in November 2014 and planning permission was granted on 4 February 2015.

- 4.9 The junction proposals are in accordance with planning policy and therefore no planning impediments are anticipated to the junction proceeding.
- 4.10 The Scheme involves the demolition of units 6 and 7 on Fleming Road. Neither of these buildings are listed or within a conservation area.

5. The Extent of Other Lands

- 5.1 As is consistent with the compulsory purchase procedure the Council is only seeking to acquire the minimum of land required for these and car parking/highway verge on Fleming Road and part of the open space land at Victoria Park in Newbury. Construction of the Scheme will involve the demolition of 2 linked brick constructed 2 storey light industrial units of approximately 720m² combined floor space (units 6 and 7 identified on Appendix C). These units were most recently used by an electrical wholesaler before falling vacant, but the Council is told that they are currently sub-leased. The CPO area can be seen on drawing 81508-LRIE-CPO-001 in Appendix E shaded pink. Whilst the acquisition of part necessitates the demolition of all of the buildings identified the Council could discuss the possible resale of land no longer required to the former owner on terms which are not inconsistent with the Council's aspirations for LRIE. Rights are required over the areas shaded blue in order to make good behind the new kerb line. The blue shaded area is approximately 40m² and will only be required during construction. Land required for compulsory acquisition at Victoria Park to deliver the widening of the A339 necessary for the Scheme and for the new footpath measures approximately 206m². This is considered in more detail in section 6 below.
- 5.2 Home to mainly industrial uses predominantly relating to the motor trade, the LRIE has remained largely untouched in the last 40 years as the generally poor condition of the building stock conveys. In addition to motor-trade uses, the site contains other uses such as retail, retail warehouse, small industrial, infrastructure, offices and showrooms.
- 5.3 Retail uses including car showrooms extend along the sites northern edge fronting the A4. Car showrooms also extend into the site along Faraday Road (Skoda, Audi, Vauxhall, and Seat) and Ampere Road (Mazda). Connection to the site road infrastructure is good from the A4 (London Road), although there is no access from the A339.
- 5.4 Pedestrian connection is poor, particularly from the town centre where the only route is along the canal towpath, crossing the landscape fringe into the southern side of the Estate. Public transport is reasonably good, with buses serving the A4 (London Road) and the railway station only a quarter of a mile from the SW corner of the site.
- 5.5 All of the CPO land forming part of LRIE is owned freehold by the Council. The majority of the wider LRIE land is leased on a long lease to various lessees, which is in turn let to the numerous businesses that occupy the units.
- 5.6 The proposed junction improvement can be seen in Appendix C, highlighting the land outside of the public highway boundary required for the junction. It can be seen that part of the land required to deliver the Scheme falls within Victoria Park to the west of the A339. The majority of the land included in the CPO is comprised of

4 industrial units. Units 6 & 7 are believed to be currently vacant (although sub-let) and the remaining units are occupied.

- 5.7 The long lease-holder of the CPO land is FDL. In order to gain control of the land required for the new junction the Council will have to acquire the long lease for the area of land required. Units 6 and 7 are sub-leased to Guardian Realty Limited, Unit 5 is sub-leased to Gordon Newport, trading as Auto Merc and Unit 4 is leased to Furzeland Limited and occupied by Acedes Gear Tools. A draft CPO schedule showing the interests to be compulsorily acquired is provided at Appendix F.
- 5.8 The Scheme will require the demolition of units 6 & 7. However, from discussions with the long leaseholder it is considered that the Scheme will not adversely impact on the businesses occupying units 4 to 5 as they would only lose a small area of frontage which will not affect their operations. The buildings themselves will not be affected.
- 5.9 Rights will be sought to make good the kerb line across the frontage of units 4 and 5 Fleming Road. Whilst interests cannot be acquired temporarily by compulsory acquisition, once the works are complete, the interests will be offered back.
- 5.10 The purpose of this paragraph is to deal with land subject to third party rights. All parties who have the benefit of rights, easements and covenants in land which is the subject of a compulsory purchase order must be served with notices. Diligent enquiry has been carried out but if there are any parties who have not been notified of the order who are within this category they may still be notified of the CPO by the posting of notices on site.

6. Victoria Park

- 6.1 The land shown for compulsory acquisition in Victoria Park to the west of the A339 measures approximately 206m². This land is required to carry out the necessary widening works to the A339 to deliver the Scheme and also to allow delivery of the new footway through Victoria Park.
- 6.2 The land required at Victoria Park is owned by the Council and leased to Newbury Town Council. Whilst Newbury Town Council is generally supportive of the Scheme, it has not yet been possible to reach agreement for the surrender of the land required at Victoria Park to deliver the Scheme. As a result, this land is included in the CPO as plots 8 and 9.
- 6.3 The size of the open space land at Victoria Park to be compulsorily acquired in order to deliver the Scheme is 206m². As the land is open space land for compulsory acquisition, but measures less than 250 sq yds (being 209m²), under Section 19(1)(b) of the Acquisition of Land Act 1981, no replacement land is required to be provided and the CPO will not be subject to special parliamentary procedure. The Secretary of State will however need to certify that he is satisfied that the open space land to be compulsorily acquired is less than 250sq yds.
- 6.4 Once the land at Victoria Park required to deliver the Scheme has been acquired either by agreement or compulsorily, the Council needs to appropriate the land from open space to planning purposes to enable the Council to override third party rights and covenants pursuant to sections 237 and 258 of the Town and Country Planning

Act 1990. Appropriation to allow the overriding of third party rights is considered in more detail at paragraph 9 below.

- 6.5 The Council is authorised under section 122 of the Local Government Act 1972 to appropriate land for any purpose for which it is authorised to acquire land by agreement, providing that if the land is open space land, it does not exceed 250 square yards (209m²). The size of the open space land at Victoria Park for appropriation is 206m².
- 6.6 Under section 122(2A) of the Local Government Act 1972, before appropriating open space land, the Council must advertise notice of the Council's intention in respect of such appropriation for two consecutive weeks in a local newspaper, and consider any objections to the proposed appropriation which may be made.
- 6.7 If no objections are received to the appropriation, or if received such objections are withdrawn, then the Council may proceed to appropriate the said land for planning purposes. Once the Scheme has been constructed, the Council may then appropriate the land for highway purposes.

7. Acquisitions by Private Treaty

- 7.1 The Council has made numerous attempts to acquire the long leasehold interest from FDL by agreement. Unfortunately these attempts have not been successful and agreement has not been reached with FDL. Discussions are ongoing. Meetings and exchanges of correspondence have taken place with FDL's representatives but at this stage no agreement is in place. The Council will continue to proceed to seek to acquire by agreement in parallel with any statutory process. The Council is only seeking to acquire the minimum amount of land required for the Scheme (which is consistent with government advice) and has not taken forward discussions with FDL for any other alternatives such as to re-gear their entire leasehold interest to facilitate their development proposals. The Council is seeking a holistic regeneration and having appointed St Modwen to bring forward regeneration proposals for the wider LRIE, the FDL proposal for seeking to engage with the council for a wider transaction beyond the land needed for the Scheme does not achieve the Council's aspirations.
- 7.2 The Council has also sought to engage with the sub-lessees to acquire their interests by agreement, has indicated a willingness to make offers but awaits information from those parties before being able to progress matters.
- 7.3 Whilst Newbury Town Council is generally supportive of the Scheme, it has not been possible to reach agreement on the surrender of the relevant land at Victoria Park required to deliver the Scheme and will continue those discussions.

8. ODPM Circular 06/04

- 8.1 In promoting a compulsory purchase order, acquiring authorities should have regard to government guidance, and the relevant government guidance is ODPM Circular 06/04. Matters which must be addressed are:
- (1) Authorities should seek to acquire by negotiation where practicable. A compulsory purchase order is intended as a last resort in the event that attempts to acquire by agreement fail. A summary of the negotiations with third parties is contained in section 7 above;

- (2) There must be a compelling case in the public interest – as to which see paragraph 8.3 below;
- (3) There must be a clear idea of how the Council intends to use the land and that the necessary resources are likely to be available to achieve that end within a reasonable timescale;
- (4) Full details for the funding of the scheme are required including timing – this is covered in section 10 below;
- (5) There must be a reasonable prospect of the scheme proceeding and be unlikely to be blocked by impediments to implementation.

8.2 A compulsory purchase order can only be made if there is a compelling case in the public interest and that the purposes for the making of the order should sufficiently justify interfering with the human rights of those with an interest in the order land. This is dealt with at Section 11 below.

8.3 On the basis of the assessment carried out by the Council it must consider that a compelling case exists before a decision is made. Officers have carried out this assessment and are of the view that as a result of the unlocking of the redevelopment of a key brown-field site in the centre of Newbury, which will be delivered by the access road, which will bring employment opportunities, potential housing development and regeneration, subject to relevant planning permissions being obtained, in addition to strategic links to the town centre, there is a compelling case in the public interest for the making of the CPO and interfering with the human rights of those affected by the Scheme. The purpose for which the land is to be compulsorily acquired is likely to improve the economic well-being of the area by unlocking the access to the LRIE. The Scheme will also deliver a new footway through Victoria Park which is likely to contribute to the environmental well-being of the area and improve social mobility. Delaying the implementation of this Scheme could jeopardise the securing of £1.9m grant funding for the implementation of the junction from the Local Enterprise Partnership which would have repercussions for the delivery of the regeneration of the LRIE as a whole.

8.4 As planning permission has been granted for the Scheme, there are no planning impediments to the Scheme proceeding.

8.5 The Council considers that there is no alternative to its use of compulsory acquisition powers to deliver the Scheme (albeit if continuing negotiations are successful there will be no need to use the powers) as the cost of delivering the access road means that a private developer would not be willing to provide this alone. The Council needs to use the grant funding from the Local Enterprise Partnership Local Growth Fund to deliver the access road.

9. Appropriation

9.1 All of the interests which are not in third party ownership are owned by the Council. These plots are currently held for investment purposes.

9.2 The Council can appropriate land for any purpose for which it is authorised to acquire land by agreement. The appropriation process is set out in the Local Government Act 1972. Section 122(1) provides:

'Subject to the following provisions of this section, a principal Council may appropriate for any purpose for which the Council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the Council and is no longer required for the purpose for which it is held immediately before the appropriation; but the appropriation of land by a Council by virtue of this sub-section shall be subject to the rights of other persons in, over or in respect of the land concerned'.

- 9.3 The Council is a principal Council and so must follow the process set out in Section 122. The Council should only resolve and authorise the Council to appropriate land for another purpose if it is satisfied that the land is no longer required for the purpose for which it is held. Whilst the Council currently holds the land for investment purposes, it is clearly required for regeneration as set out in this report. It should therefore be appropriated for planning purposes prior to its appropriation for highway purposes.
- 9.4 There are a number of private rights of way and other easements which the land within plots 1-7 is subject to.
- 9.5 Where land is appropriated for planning purposes, the Council may rely upon the provisions of Section 237 and 258 of The Town & Country Planning Act 1990. The Council has this statutory power to override easements, rights of way and restrictive covenants affecting land. Section 237 authorises the overriding of any private rights (such as restrictive covenants and easements) affecting the use of land which is held for planning purposes where development is carried out in accordance with planning permission. The power extends not only to development by the local planning authority itself but also to any person deriving title from it. That being so, statutory undertakers are exempt from the provisions of Section 237 such that their rights cannot be overridden. Section 258 authorises local planning authorities to extinguish public rights of way where it is satisfied that alternative rights of way have been or will be provided or that alternative rights of way are not required.
- 9.6 The ability to interfere with these rights is important in the context of enabling the Scheme to proceed. Whilst the power exists to override such rights, it does not prevent such rights being compensated. Section 237(4) of the Town & Country Planning Act 1990 provides that compensation will be payable to those parties whose interests have been affected by the appropriation. The justification for proceeding with any appropriation is set out elsewhere in this report, given the need for unlocking redevelopment of the LRIE.

10. Funding

- 10.1 The total Scheme cost for the new junction is £3m which includes the cost of the land required to deliver the Scheme. In October 2014 the Berkshire Local Enterprise Partnership (LEP) agreed to contribute £1.9m from the Local Growth Fund towards the cost of delivering the new junction. £0.5m will be funded from a combination of existing S106 contributions and DfT Grant funding, which has already been secured and the remaining monies to cover the cost of acquiring the relevant interests to deliver the Scheme will be provided by St Modwen Development Limited, in accordance with an agreement entered into between the Council and St Modwen. In the agreement, St Modwen will indemnify the Council against the costs of acquiring the land that it funds which aren't secured through the grant funding and are necessary to deliver the Scheme.

- 10.2 The funding contributed from the LEP is conditional on the Scheme being constructed in the 2015/16 and 2016/17 financial years, with £0.5m of the LEP funding being spent in 2015/16 and £1.4m spent in 2016/17. The Scheme must therefore be commenced as early as possible to achieve these timescales.
- 10.3 Once the CPO is confirmed and implemented the Council will be liable to meet statutory compensation claims and has the necessary funding in place to cover these costs

11. Human Rights Act 1998

11.1 The Human Rights Act 1998 (HRA) came into force on 2 October 2000.

11.2 Provisions of the HRA which are relevant in relation to the CPO are:

- (1) The European Convention on Human Rights (the Convention) is an international treaty signed under the auspices of the Council of Europe. Whilst the United Kingdom was instrumental in drafting the Convention it was never incorporated into United Kingdom law;
- (2) The HRA still does not incorporate the Convention into United Kingdom law but what it does is to enable individuals to invoke Convention rights for certain purposes and for certain effects;
- (3) The main articles of the Convention which are of importance in circumstances where the Council is considering making a compulsory purchase order is Article 1 of Protocol 1 – the protection of property;
- (4) In making a CPO an acquiring authority must show that the acquisition is justified in the public interest.

11.3 Article 1 of Protocol 1 provides that:

- (1) Every natural or legal person is entitled to the peaceful enjoyment of his possessions;
- (2) No one shall be deprived of those possessions except in the public interest and subject to the conditions provided for by law;
- (3) However, the above rules shall not prevent a State enforcing such laws as it deems necessary to control the use of property in accordance with the general interest;
- (4) The Council must decide in relation to Article 1 whether a fair balance has been struck between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. The right to compensation is an important factor in considering the balance between the two.

11.4 Recommendations Relating to the Human Rights Act:

11.5 It is considered that the interference with the individual's property is justified by the advantages accruing to the public by proceeding with the works particularly taking

into account the fact that there is a legal right to compensation for the property taken and rights extinguished under the CPO.

12. Recommendations

12.1 That having given consideration to all the provisions of this report Council resolves to delegate to the Head of Legal Services to:

- (1) make a Compulsory Purchase Order(s) under Section 226(1)(a) of the Town and Country Planning Act 1990, Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981 to acquire all or part of the land identified edged red coloured pink and new rights in respect of the areas coloured blue on the map attached to this Report entitled "Map referred to in the West Berkshire Council (A339/ Fleming Road Junction, Newbury) Compulsory Purchase Order 2015" (the CPO Map)(Appendix E);
- (2) make a Footpath Creation Order (the Footpath Creation Order) under Section 26 of the Highways Act 1980;
- (3) if the Secretary of State authorises the Council to do so, confirm any Compulsory Purchase Order(s) made;
- (4) utilise, where appropriate, either the General Vesting Declaration procedure under the Compulsory Purchase (Vesting Declarations) Act 1981 or the notice to treat procedure under Section 5 of the Compulsory Purchase Act 1965;
- (5) take all steps to seek to acquire the necessary interests in land by agreement or utilising compulsory acquisition powers;
- (6) To authorise the appropriation of the land included in plots 1-7 on the CPO Map under the provisions of Section 122(1) of the Local Government Act 1972 for planning purposes to enable the Council to override third party rights and covenants pursuant to Section 237 and 258 of the Town and Country Planning Act 1990, and once the Scheme has been constructed to appropriate the same for highway purposes.

12.2 Subject to the relevant interests in land at Victoria Park included in plots 8 and 9 on the CPO Map being acquired by agreement or by compulsory acquisition, to declare that this land is no longer required for its present purposes, to give public notice of the Council's intention to appropriate the said land to planning purposes to enable the Council to override third party rights and covenants pursuant to sections 237 and 258 of the Town and Country Planning Act 1990, and in the event of no objections being received within the date specified in the public notice (or if received they are withdrawn), upon the day immediately following the date specified in the public notice to appropriate the said land to planning purposes. Once the Scheme has been constructed to appropriate the same for highway purposes, following which the land shall be publicly maintainable highway.

13. Consultation and Engagement

13.1 A press release regarding the scheme was issued in October 2014 and details of the proposal highlighted in the Newbury Weekly News. A public meeting was held

with businesses on Thursday 11th December 2014 attended by a WBC Officer. The scheme was discussed at the Newbury Vision Conference held at the Corn Exchange on 14th November 2014. A further public meeting with businesses was held on 28th January 2015, attended by the WBC Chief Executive and a St Modwen Director to discuss the junction and the wider redevelopment of the industrial estate.

Background Papers:

N/A

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council’s position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected:

Victoria

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aims:

- SLE – A stronger local economy**
- HQL – Maintain a high quality of life within our communities**

The proposals contained in this report will help to achieve the following Council Strategy priority:

- SLE2 – Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy**

The proposals contained in this report will help to achieve the above Council Strategy aims and priority by facilitating the regeneration of the London Road Industrial Estate.

Officer details:

Name: Jon Winstanley
 Job Title: Projects Manager
 Tel No: 01235 519087
 E-mail Address: jwinstanley@westberks.gov.uk

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

Name of policy, strategy or function:	A339/Fleming Road Junction Compulsory Purchase Order
Version and release date of item (if applicable):	N/A
Owner of item being assessed:	West Berkshire Council
Name of assessor:	Jon Winstanley
Date of assessment:	21/10/15

Is this a:		Is this:	
Policy	No	New or proposed	Yes
Strategy	No	Already exists and is being reviewed	No
Function	Yes	Is changing	No
Service	No		

1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
Aims:	To obtain authority from full Council to purchase private land by agreement or by using compulsory purchase powers under the Town and Country Planning Act 1990, the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981 to enable the new junction to be built from the A339 onto Fleming Road. To appropriate the land within the Scheme for planning purposes.
Objectives:	To create a Compulsory Purchase order for the acquisition of land.
Outcomes:	To facilitate the construction of a new access road into the London Road Industrial Estate.

Benefits:	Regeneration of the London Road Industrial Estate.
------------------	----------------------------------------------------

2. Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this

Further Comments relating to the item:

None of the above groups, or any groups with protected characteristics that are affected differently as a result of the recommendations of this report.

3. Result

Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?	No
------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------

Please provide an explanation for your answer:

Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?	Yes
-----------------------------------------------------------------------------------------------------------------------------------------------	------------

Please provide an explanation for your answer:

The recommendations within this report will have an impact on businesses within Fleming Road, however business owners will be suitably compensated for any loss through the CPO process.

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

4. Identify next steps as appropriate:

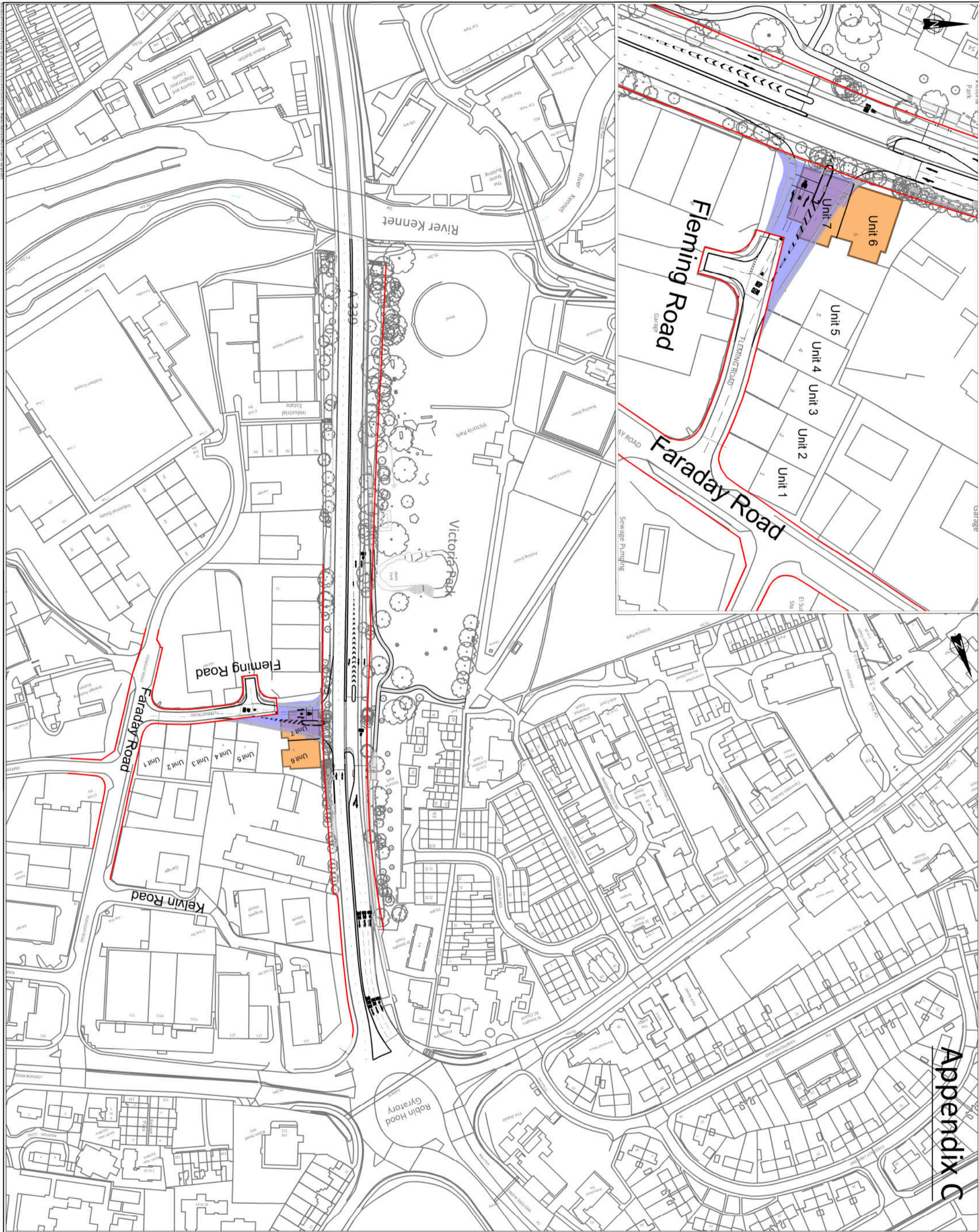
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	Yes

Name: Jon Winstanley

Date: 21/10/15





Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

This page is intentionally left blank



Appendix C

KEY

	Buildings to be removed
	Land Required
	Existing Highway Boundary
	New Footway

NOTES

1) All dimensions are shown in metres unless shown otherwise.

West Berkshire
 Highways and Transport | Council Office
 Market Street | Newbury | RG13 5SD

A339 LRIE Junction

Scheme Drawing

FOR PLANNING

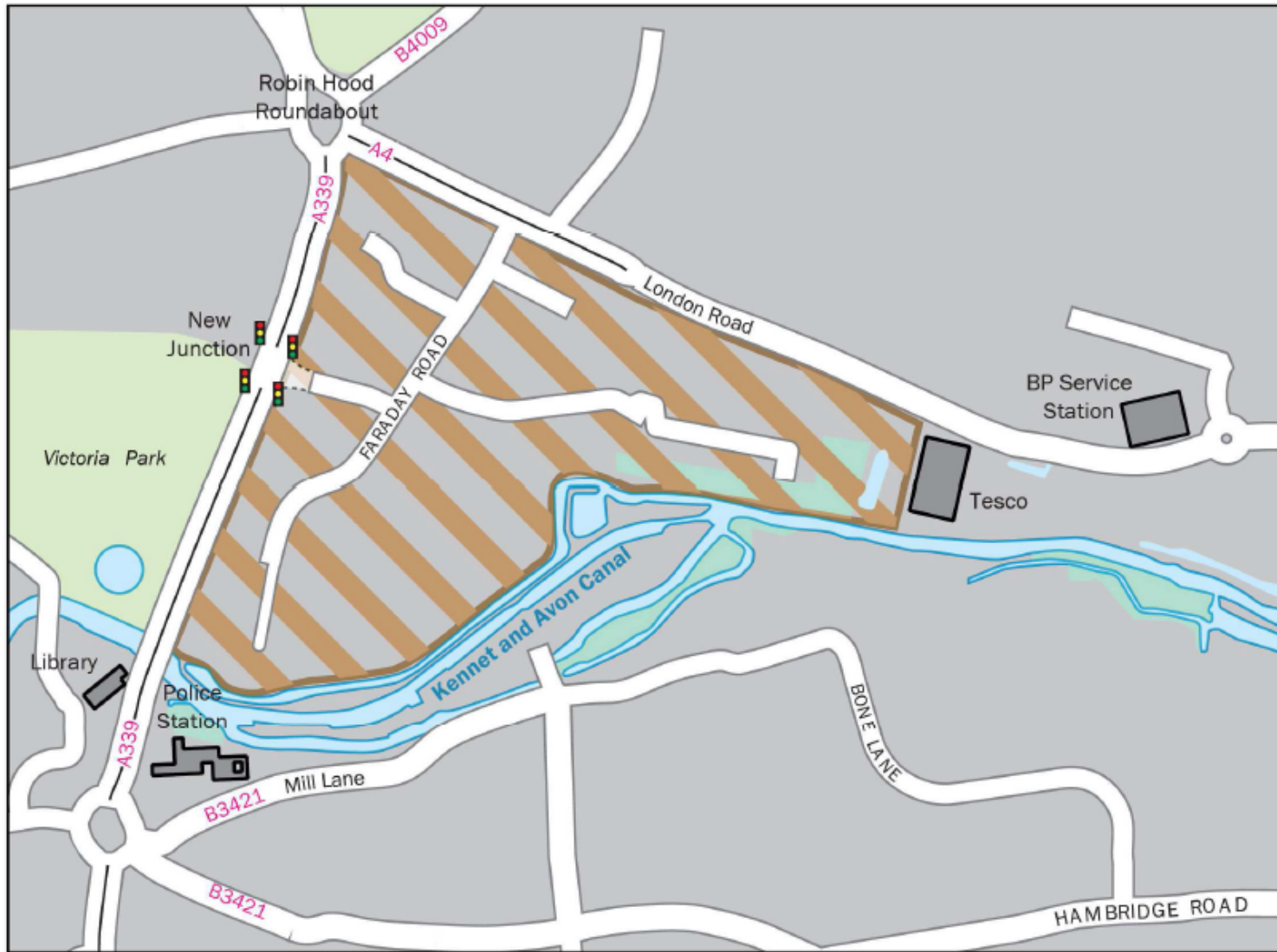
REV | DESCRIPTION | DATE | BY | CHECKED

JHM 15 | SI | JW | AD | NOT TO SCALE

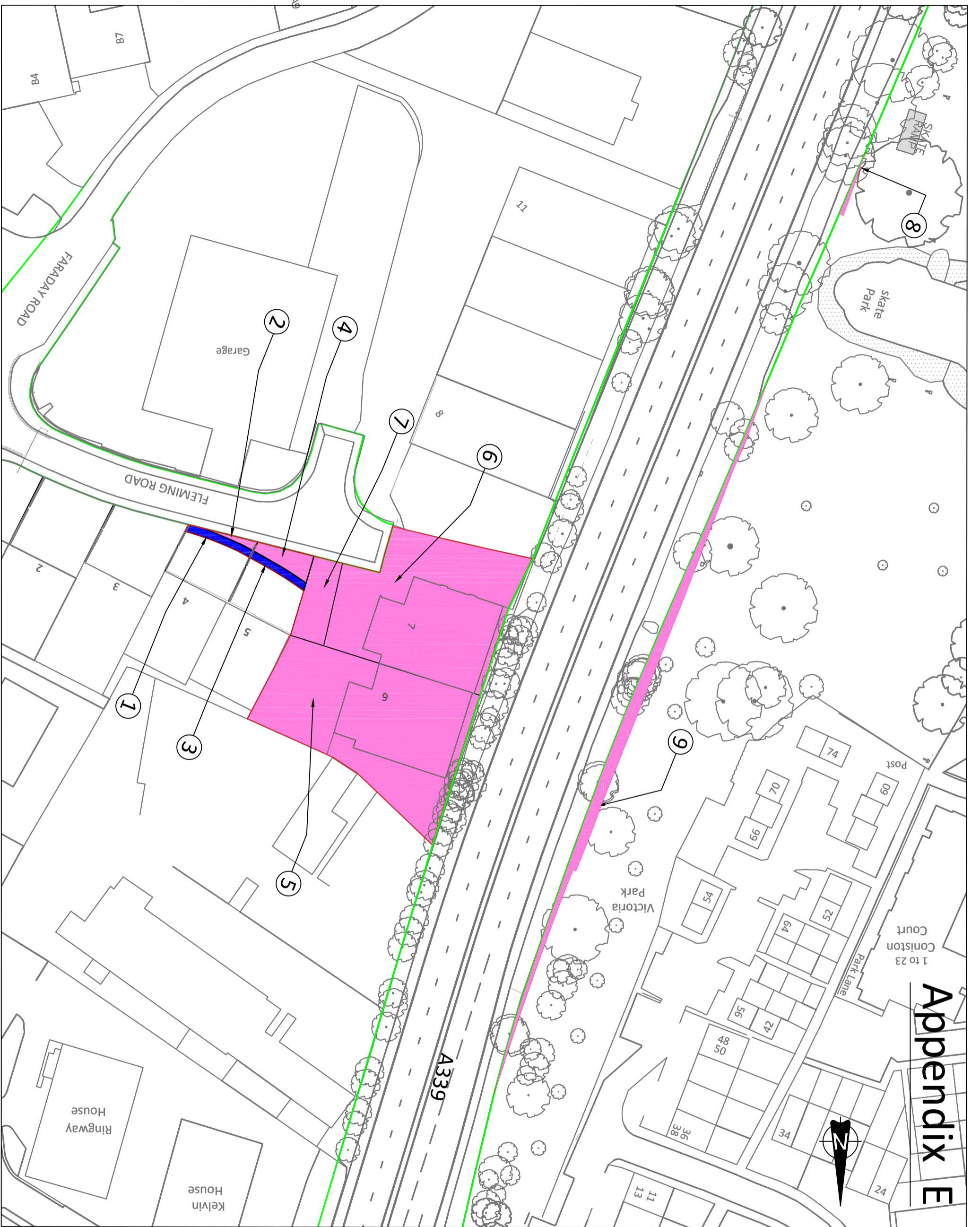
81508/Land/001

This page is intentionally left blank

Appendix D – New A339/Fleming Road Junction Location



This page is intentionally left blank



Appendix E

- KEY**
- Freehold Land to be acquired
 - Land over which new right are to be acquired
 - Existing Highway Boundary

<p>West Berkshire C O U N C I L</p> <p>Highways and Transport Council Offices Market Street Newbury RG14 5UD</p> <p>APPROVED</p> <p>DR AU REVDATE</p>	<p>Project Title A339 LRIE Junction</p> <p>Map referred to in West Berkshire Council (A339 / Fleming Road Junction, Newbury) Compulsory Purchase Order 2015</p> <p>Revision A</p>
<p>REV / DESCRIPTION</p> <p>A Adjustment to CPO areas required in Victoria Park</p>	<p>DATE 15/04/15</p> <p>DESIGNED BY BS</p> <p>CHECKED BY JW</p> <p>DATE 15/04/15</p> <p>SCALE A2</p> <p>1:500</p>

Reproduced from Ordnance Survey data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2015.
 This document is the property of the Controller of Her Majesty's Stationery Office and is loaned to you for your use only. It is not to be distributed outside your organization.

This page is intentionally left blank

THE WEST BERKSHIRE DISTRICT COUNCIL (LAND AT A339/ FLEMING ROAD JUNCTION, NEWBURY) COMPULSORY PURCHASE ORDER 2015

**The Town and Country Planning Act 1990 Section 226(1)(a)
The Local Government (Miscellaneous Provisions) Act 1976 Section 13
and the Acquisition of Land Act 1981**

The West Berkshire District Council (in this order called "the acquiring authority") makes the following order –

- 1 Subject to the provisions of this order, the acquiring authority is, under section 226(1)(a) of the Town and Country Planning Act 1990 and under section 13 of the Local Government (Miscellaneous Provisions) Act 1976, hereby authorised to purchase compulsorily the land and the new rights over land described in paragraph 2 for the purposes of delivering a new junction from the A339 onto Fleming Road in Newbury to facilitate redevelopment within the neighbouring London Road Industrial Estate and other widening works to the A339 including the provision of a new footway.
- 2
- (1) The land authorised to be purchased compulsorily under this order is the land described in the Schedule and delineated and shown edged red and coloured pink on the map prepared in duplicate, sealed with the common seal of the acquiring authority and marked "Map referred to in The West Berkshire District Council (Land at A339/Fleming Road Junction, Newbury) Compulsory Purchase Order 2015."
- (2) The new rights to be purchased compulsorily over land under this order are described in the Schedule and the land is shown edged red and coloured blue on the said map.

SCHEDULE

**Part 1
Table of New Rights**

1. A right, for the benefit of the remainder of the land at the A339 and Fleming Road, Newbury described in paragraph 2 above and as detailed in Part 2 of this Schedule (the "Order Land"):

- a.) to provide a new kerb-line on Fleming Road in front of Units 4 and 5 Fleming Road, Newbury
- b.) to re-grade and level Fleming Road to allow direct vehicular access to Units 4 and 5 Fleming Road, Newbury

Part 2

Table 1

Number on map (1)	Extent, description and situation of land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
1	The right for the acquiring authority and its lessees, licensees, successors in title to the Order Lands, assigns and those authorised by any of these to acquire the New Rights (as defined in the Table of New Rights in this Schedule) in, over and under approximately 21 square metres of land being car park and hard standing in front of Unit 4 Fleming Road, Newbury, West Berkshire excluding the interests of the acquiring authority	1. West Berkshire District Council of Council Offices Market Street Newbury Berks RG14 5LD Freehold land registered under title number BK432193	1. Faraday Development Limited (Co. Regn. No. 051634693) of 116 Bartholomew Street Newbury Berkshire RG14 5DT Part of leasehold land registered under title number BK25812 2. Furzeland Limited (Co. Regn. No. 04512368) t/a Acedes Gear Tools of 15 Stoney Lane Shaw Newbury	-	1. Furzeland Limited (Co. Regn. No. 04512368) t/a Acedes Gear Tools of 15 Stoney Lane Shaw Newbury Berkshire

Number on map (1)	Extent, description and situation of land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
			Berkshire RG142NG Part of leasehold land registered under title number BK388778		
2	All interests in approximately 10 square metres of land being car park and hard standing in front of Unit 4 Fleming Road, Newbury, West Berkshire excluding the interests of the acquiring authority	1. West Berkshire District Council of Council Offices Market Street Newbury Berks RG14 5LD Freehold land registered under title number BK432193	1. Faraday Development Limited (Co. Regn. No. 05163463) of 116 Bartholomew Street Newbury Berkshire RG14 5DT Part of leasehold land registered under title number BK258912 2. Furzeland Limited (Co. Regn. No. 04512368) t/a Acedes Gear Tools of 15 Stoney Lane Shaw Newbury Berkshire RG142NG Part of leasehold land registered under title number BK388778	-	1. Furzeland Limited (Co. Regn. No. 04512368) t/a Acedes Gear Tools of 15 Stoney Lane Shaw Newbury Berkshire RG142NG

Number on map (1)	Extent, description and situation of land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
3	The right for the acquiring authority and its lessees, licensees, successors in title to the Order Lands, assigns and those authorised by any of these to acquire the New Rights (as defined in the Table of New Rights in this Schedule) in, over and under approximately 19 square metres of land being car park and hard standing in front of Unit 5 Fleming Road, Newbury, West Berkshire excluding the interests of the acquiring authority	<p>1. West Berkshire District Council of Council Offices Market Street Newbury Berks RG14 5LD</p> <p>Freehold land registered under title number BK432193</p>	<p>1. Faraday Development Limited (Co. Regn. No. 05163463) of 116 Bartholomew Street Newbury Berkshire RG14 5DT</p> <p>Part of leasehold land registered under title number BK258912</p>	<p>1. Mr Gordon Newport t/a Automerc of 17 Alexander Road Thatcham Berkshire RG19 4Q4</p> <p>and</p> <p>Unit 5 Fleming Road Off Faraday Road Newbury RG14 2DE</p>	<p>1. Mr Gordon Newport t/a Automerc of 17 Alexander Road Thatcham Berkshire RG19 4Q4</p> <p>and</p> <p>Unit 5 Fleming Road Off Faraday Road Newbury RG14 2DE</p>
4	All interests in approximately 44 square metres of land being car park and hard standing in front of Unit 5 Fleming Road, Newbury, West Berkshire excluding the interests of the acquiring authority	<p>1. West Berkshire District Council of Council Offices Market Street Newbury Berks RG14 5LD</p> <p>Freehold land registered under title number BK432193</p>	<p>1. Faraday Development Limited (Co. Regn. No. 05163463) of 116 Bartholomew Street Newbury Berkshire RG14 5DT</p> <p>Part of leasehold land registered under title number BK258912</p>	<p>1. Mr Gordon Newport t/a Automerc of 17 Alexander Road Thatcham Berkshire RG19 4Q4</p> <p>and</p> <p>Unit 5 Fleming Road Off Faraday Road Newbury RG14 2DE</p>	<p>1. Mr Gordon Newport t/a Automerc of 17 Alexander Road Thatcham Berkshire RG19 4Q4</p> <p>and</p> <p>Unit 5 Fleming Road Off Faraday Road Newbury RG14 2DE</p>

Number on map (1)	Extent, description and situation of land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
5	All interests in approximately 980 square metres of land being Unit 6 Fleming Road, car park and hard standing to the North of Fleming Road, and to the East of the A339, Newbury, West Berkshire excluding the interests of the acquiring authority	<p>1. West Berkshire District Council of Council Offices Market Street Newbury Berks RG14 5LD</p> <p>Freehold land registered under title number BK432193</p>	<p>1. Faraday Development Limited (Co. Regn. No. 05163463) of 116 Bartholomew Street Newbury Berkshire RG14 5DT</p> <p>Part of leasehold land registered under title number BK258912</p> <p>2. Guardian Realty Limited (Co. Regn. No. 08849493) of 788-790 Finchley Road London NW11 7TJ</p>	-	<p>1. Guardian Realty Limited (Co. Regn. No. 08849493) of 788-790 Finchley Road London NW11 7TJ</p>
6	All interests in approximately 890 square metres of land being Unit 7 Fleming Road, car park and hard standing to the North of Fleming Road and to the East of the A339, Newbury, West Berkshire excluding the interests of the acquiring authority	<p>1. West Berkshire District Council of Council Offices Market Street Newbury Berks RG14 5LD</p> <p>Freehold land</p>	<p>1. Faraday Development Limited (Co. Regn. No. 05163463) of 116 Bartholomew Street Newbury Berkshire RG14 5DT</p> <p>Part of leasehold land</p>	-	<p>1. Guardian Realty Limited (Co. Regn. No. 08849493) of 788-790 Finchley Road London NW11 7TJ</p>

Number on map (1)	Extent, description and situation of land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
		registered under title number BK432193	<p>registered under title number BK258912</p> <p>2. City Electrical Factors Limited (Co. Regn. No. 00336408) of 141 Farmer Ward Road Kenilworth Warwickshire CV8 2SU</p> <p>and</p> <p>1 Station Road Kenilworth Warwickshire CV8 1JJ</p> <p>Part of leasehold land registered under title number BK388918</p> <p>3. Guardian Realty Limited (Co. Regn. No. 08849493) of 788-790 Finchley Road London NW11 7TJ</p>		
7	All interests in approximately 110 square metres of land being car park and hard standing to the North of Fleming Road, Newbury, West	1. West Berkshire District Council	1. Faraday Development Limited	-	1. Guardian Realty Limited

Number on map (1)	Extent, description and situation of land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
	Berkshire excluding the interests of the acquiring authority	<p>of Council Offices Market Street Newbury Berks RG14 5LD</p> <p>Freehold land registered under title number BK432193</p>	<p>(Co. Regn. No. 05163463) of 116 Bartholomew Street Newbury Berkshire RG14 5DT</p> <p>Part of leasehold land registered under title number BK258912</p> <p>2. Guardian Realty Limited (Co. Regn. No. 08849493) of 788-790 Finchley Road London NW11 7TJ</p>		<p>(Co. Regn. No. 08849493) of 788-790 Finchley Road London NW11 7TJ</p>
8	All interests in approximately 6 square metres of land being open space land in Victoria Park adjacent to the A339, Newbury, West Berkshire excluding the interests of the acquiring authority	<p>1. West Berkshire District Council of Council Offices Market Street Newbury Berks RG14 5LD</p> <p>Freehold land registered under title number BK453170</p>	<p>1. Newbury Town Council of The Town Hall Market Place Newbury RG14 5AA</p> <p>Part of leasehold land registered under title number BK453170</p>		<p>1. Newbury Town Council of The Town Hall Market Place Newbury RG14 5AA</p>
9	All interests in approximately 200 square metres	1.	1.		1.

Number on map (1)	Extent, description and situation of land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
	of land being open space land in Victoria Park adjacent to the A339, Newbury, West Berkshire excluding the interests of the acquiring authority	West Berkshire District Council of Council Offices Market Street Newbury Berks RG14 5LD Freehold land registered under title number BK387807	Newbury Town Council of The Town Hall Market Place Newbury RG14 5AA Part of leasehold land registered under title number BK453170		Newbury Town Council of The Town Hall Market Place Newbury RG14 5AA

Table 2

Number on map (4)	Other qualifying person under section 12(2A)(a) of the Acquisition of the Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 and 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
1	<p>1. National Westminster Bank Plc (Co. Regn. No. 00929027) of 135 Bishopsgate London EC2M 3UR</p> <p>and</p> <p>C/O CMS 6 Brindley Place Birmingham B1 2UU</p> <p>and</p> <p>10th floor 280 Bishopsgate London EC2M 4RB</p>	Proprietor of registered charge	<p>1. Guardian Realty Limited (Co. Regn. No. 08849493) of 788-790 Finchley Road London NW11 7TJ</p>	<p>The benefit of the following rights granted in a lease dated 14 September 2014 between (1) Faraday Development Limited and (2) Guardian Realty Limited:</p> <p>1. The right to vehicular and pedestrian access;</p> <p>2. The right of free and uninterrupted passage and running of water, soil, gas, electricity, telecommunications and other services;</p> <p>3. The right to connect into service media</p>
			<p>1. Newbury Weekly News (Printers) Limited (Co. Regn. No. 00938455) of Newspaper House Faraday Road Newbury</p>	<p>The benefit of the following rights granted by a transfer dated 7 August 1984 made between (1) Newbury District Council and (2) Newbury Weekly New (Printers) Limited:</p> <p>1. The right to make connections for the free passage of soil and surface water gas electricity and communications systems;</p> <p>2. A right of entry for the purpose of repair, renewal, alterations, cleansing, making connections and/or inspecting conducting media</p>

Number on map (4)	Other qualifying person under section 12(2A)(a) of the Acquisition of the Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 and 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
			Berkshire RG14 2DW	3. The right to support and shelter from adjacent or neighbouring land or buildings
			1. Furzeland Limited (Co. Regn. No. 04512368) t/a Acedes Gear Tools of 15 Stoney Lane Shaw Newbury Berkshire RG14 2NG	The benefit of the following rights contained in a lease dated 12 January 2004 between (1) Parshott Company Limited and (2) Furzeland Limited: 1. The right of free passage and running water soil gas electricity telecommunications and other services; 2. The right to vehicular and pedestrian access
2	1. National Westminster Bank Plc (Co. Regn. No. 00929027) of 135 Bishopsgate London EC2M 3UR and C/O CMS 6 Brindley Place Birmingham B1 2UU and	Proprietor of registered charge	1. Guardian Realty Limited (Co. Regn. No. 08849493) of 788-790 Finchley Road London NW11 7TJ	The benefit of the following rights granted in a lease dated 14 September 2014 between (1) Faraday Development Limited and (2) Guardian Realty Limited: 1. The right to vehicular and pedestrian access; 2. The right of free and uninterrupted passage and running of water, soil, gas, electricity, telecommunications and other services; 3. The right to connect into service media

Number on map (4)	Other qualifying person under section 12(2A)(a) of the Acquisition of the Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 and 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
	10 th floor 280 Bishopsgate London EC2M 4RB			
			1. Furzeland Limited (Co. Regn. No. 04512368) t/a Acedes Gear Tools of 15 Stoney Lane Shaw Newbury Berkshire RG14 2NG	The benefit of the following rights contained in a lease dated 12 January 2004 between (1) Parshott Company Limited and (2) Furzeland Limited: 1. The right of free passage and running water soil gas electricity telecommunications and other services; 2. The right to vehicular and pedestrian access
			1. Newbury Weekly News (Printers) Limited (Co. Regn. No. 00938455) of Newspaper House Faraday Road Newbury Berkshire RG14 2DW	The benefit of the following rights granted by a transfer dated 7 August 1984 made between (1) Newbury District Council and (2) Newbury Weekly New (Printers) Limited: 1. The right to make connections for the free passage of soil and surface water gas electricity and communications systems; 2. A right of entry for the purpose of repair, renewal, alterations, cleansing, making connections and/or inspecting conducting media 3. The right to support and shelter from adjacent or neighbouring land or buildings
3	1. National Westminster Bank Plc (Co. Regn. No. 00929027)	Proprietor of registered charge	1. Guardian Realty Limited (Co. Regn. No. 08849493) of	The benefit of the following rights granted in a lease dated 14 September 2014 between (1) Faraday Development Limited and (2) Guardian Realty Limited: 1. The right to vehicular and pedestrian access;

Number on map (4)	Other qualifying person under section 12(2A)(a) of the Acquisition of the Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 and 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
	<p>of 135 Bishopsgate London EC2M 3UR</p> <p>and</p> <p>C/O CMS 6 Brindley Place Birmingham B1 2UU</p> <p>and</p> <p>10th floor 280 Bishopsgate London EC2M 4RB</p>		788-790 Finchley Road London NW11 7TJ	<p>2. The right of free and uninterrupted passage and running of water, soil, gas, electricity, telecommunications and other services;</p> <p>3. The right to connect into service media</p>
			<p>1. Furzeland Limited (Co. Regn. No. 04512368) t/a Acedes Gear Tools of 15 Stoney Lane Shaw Newbury Berkshire RG14 2NG</p>	<p>The benefit of the following rights contained in a lease dated 12 January 2004 between (1) Parshott Company Limited and (2) Furzeland Limited:</p> <p>1. The right of free passage and running water soil gas electricity telecommunications and other services;</p> <p>2. The right to vehicular and pedestrian access</p>
			<p>1. Newbury Weekly News (Printers) Limited</p>	<p>The benefit of the following rights granted by a transfer dated 7 August 1984 made between (1) Newbury District Council and (2) Newbury Weekly New (Printers) Limited:</p>

Number on map (4)	Other qualifying person under section 12(2A)(a) of the Acquisition of the Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 and 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
			(Co. Regn. No. 00938455) of Newspaper House Faraday Road Newbury Berkshire RG14 2DW	<ol style="list-style-type: none"> 1. The right to make connections for the free passage of soil and surface water gas electricity and communications systems; 2. A right of entry for the purpose of repair, renewal, alterations, cleansing, making connections and/or inspecting conducting media 3. The right to support and shelter from adjacent or neighbouring land or buildings
4	<p>1. National Westminster Bank Plc (Co. Regn. No. 00929027) of 135 Bishopsgate London EC2M 3UR</p> <p>and</p> <p>C/O CMS 6 Brindley Place Birmingham B1 2UU</p> <p>and</p> <p>10th floor 280 Bishopsgate London EC2M 4RB</p>	Proprietor of registered charge	<p>1. Guardian Realty Limited (Co. Regn. No. 08849493) of 788-790 Finchley Road London NW11 7TJ</p>	<p>The benefit of the following rights granted in a lease dated 14 September 2014 between (1) Faraday Development Limited and (2) Guardian Realty Limited:</p> <ol style="list-style-type: none"> 1. The right to vehicular and pedestrian access; 2. The right of free and uninterrupted passage and running of water, soil, gas, electricity, telecommunications and other services; 3. The right to connect into service media
			1.	The benefit of the following rights contained in a lease dated 12 January

Number on map (4)	Other qualifying person under section 12(2A)(a) of the Acquisition of the Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 and 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
			Furzeland Limited (Co. Regn. No. 04512368) t/a Acedes Gear Tools of 15 Stoney Lane Shaw Newbury Berkshire RG14 2NG	2004 between (1) Parshott Company Limited and (2) Furzeland Limited: 1. The right of free passage and running water soil gas electricity telecommunications and other services; 2. The right to vehicular and pedestrian access
			1. Newbury Weekly News (Printers) Limited (Co. Regn. No. 00938455) of Newspaper House Faraday Road Newbury Berkshire RG14 2DW	The benefit of the following rights granted by a transfer dated 7 August 1984 made between (1) Newbury District Council and (2) Newbury Weekly News (Printers) Limited: 1. The right to make connections for the free passage of soil and surface water gas electricity and communications systems; 2. A right of entry for the purpose of repair, renewal, alterations, cleansing, making connections and/or inspecting conducting media 3. The right to support and shelter from adjacent or neighbouring land or buildings
5	1. National Westminster Bank Plc (Co. Regn. No. 00929027) of 135 Bishopsgate London EC2M 3UR and	Proprietor of registered charge	1. Furzeland Limited (Co. Regn. No. 04512368) t/a Acedes Gear Tools of 15 Stoney Lane Shaw Newbury Berkshire RG14 2NG	The benefit of the following rights contained in a lease dated 12 January 2004 between (1) Parshott Company Limited and (2) Furzeland Limited: 1. The right of free passage and running water soil gas electricity telecommunications and other services; 2. The right to vehicular and pedestrian access; 3. The right to use a pathway for the purpose of escaping from fire and to repair maintain and inspect the exterior wall of the building on the Premises on a pathway;

Number on map (4)	Other qualifying person under section 12(2A)(a) of the Acquisition of the Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 and 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
	<p>C/O CMS 6 Brindley Place Birmingham B1 2UU</p> <p>and</p> <p>10th floor 280 Bishopsgate London EC2M 4RB</p>			
			<p>1. Guardian Realty Limited (Co. Regn. No. 08849493) of 788-790 Finchley Road London NW11 7TJ</p>	<p>The benefit of the following rights granted in a lease dated 14 September 2014 between (1) Faraday Development Limited and (2) Guardian Realty Limited:</p> <p>1. The right to vehicular and pedestrian access;</p> <p>2. The right of free and uninterrupted passage and running of water, soil, gas, electricity, telecommunications and other services;</p> <p>3. The right to connect into service media</p>
			<p>1. Newbury Weekly News (Printers) Limited (Co. Regn. No. 00938455) of Newspaper House Faraday Road Newbury Berkshire RG14 2DW</p>	<p>The benefit of the following rights granted by a transfer dated 7 August 1984 made between (1) Newbury District Council and (2) Newbury Weekly News (Printers) Limited:</p> <p>1. The right to make connections for the free passage of soil and surface water gas electricity and communications systems;</p> <p>2. A right of entry for the purpose of repair, renewal, alterations, cleansing, making connections and/or inspecting conducting media</p> <p>3. The right to support and shelter from adjacent or neighbouring land or</p>

Number on map (4)	Other qualifying person under section 12(2A)(a) of the Acquisition of the Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 and 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
				buildings
6	<p>1. National Westminster Bank Plc (Co. Regn. No. 00929027) of 135 Bishopsgate London EC2M 3UR</p> <p>and</p> <p>C/O CMS 6 Brindley Place Birmingham B1 2UU</p> <p>and</p> <p>10th floor 280 Bishopsgate London EC2M 4RB</p>	Proprietor of registered charge	<p>1. Furzeland Limited (Co. Regn. No. 04512368) t/a Acedes Gear Tools of 15 Stoney Lane Shaw Newbury Berkshire RG14 2NG</p>	<p>The benefit of the following rights contained in a lease dated 12 January 2004 between (1) Parshott Company Limited and (2) Furzeland Limited:</p> <p>1. The right of free passage and running water soil gas electricity telecommunications and other services;</p> <p>2. The right to vehicular and pedestrian access</p>
			<p>1. Newbury Weekly News (Printers) Limited (Co. Regn. No. 00938455) of Newspaper House Faraday Road Newbury</p>	<p>The benefit of the following rights granted by a transfer dated 7 August 1984 made between (1) Newbury District Council and (2) Newbury Weekly New (Printers) Limited:</p> <p>1. The right to make connections for the free passage of soil and surface water gas electricity and communications systems;</p> <p>2. A right of entry for the purpose of repair, renewal, alterations, cleansing, making connections and/or inspecting conducting media</p>

Number on map (4)	Other qualifying person under section 12(2A)(a) of the Acquisition of the Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 and 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
			Berkshire RG14 2DW	3. The right to support and shelter from adjacent or neighbouring land or buildings
			1. Guardian Realty Limited (Co. Regn. No. 08849493) of 788-790 Finchley Road London NW11 7TJ	The benefit of the following rights granted in a lease dated 14 September 2014 between (1) Faraday Development Limited and (2) Guardian Realty Limited: 1. The right to vehicular and pedestrian access; 2. The benefit of a right of support; 3. The right of free and uninterrupted passage and running of water, soil, gas, electricity, telecommunications and other services; 4. The right to connect into service media
7	1. National Westminster Bank Plc (Co. Regn. No. 00929027) of 135 Bishopsgate London EC2M 3UR and C/O CMS 6 Brindley Place Birmingham B1 2UU	Proprietor of registered charge	1. Furzeland Limited (Co. Regn. No. 04512368) t/a Acedes Gear Tools of 15 Stoney Lane Shaw Newbury Berkshire RG14 2NG	The benefit of the following rights contained in a lease dated 12 January 2004 between (1) Parshott Company Limited and (2) Furzeland Limited: 1. The right of free passage and running water soil gas electricity telecommunications and other services; 2. The right to vehicular and pedestrian access

Number on map (4)	Other qualifying person under section 12(2A)(a) of the Acquisition of the Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 and 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
	and 10 th floor 280 Bishopsgate London EC2M 4RB			
			1. Guardian Realty Limited (Co. Regn. No. 08849493) of 788-790 Finchley Road London NW11 7TJ	The benefit of the following rights granted in a lease dated 14 September 2014 between (1) Faraday Development Limited and (2) Guardian Realty Limited: 1. The right to vehicular and pedestrian access; 2. The right to use a pathway for the purpose of escaping from fire 3. The right of free and uninterrupted passage and running of water, soil, gas, electricity, telecommunications and other services; 4. The right to connect into service media
			1. Newbury Weekly News (Printers) Limited (Co. Regn. No. 00938455) of Newspaper House Faraday Road Newbury Berkshire RG14 2DW	The benefit of the following rights granted by a transfer dated 7 August 1984 made between (1) Newbury District Council and (2) Newbury Weekly News (Printers) Limited: 1. The right to make connections for the free passage of soil and surface water gas electricity and communications systems; 2. A right of entry for the purpose of repair, renewal, alterations, cleansing, making connections and/or inspecting conducting media 3. The right to support and shelter from adjacent or neighbouring land or buildings
8			1. SSE Energy Supply Limited	The benefit of the following rights contained in Wayleave Consents granted by the Mayor Aldermen and Burgesses of the Borough of Newbury dated 29 October 1963 and 12 October 1964:

Number on map (4)	Other qualifying person under section 12(2A)(a) of the Acquisition of the Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 and 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
			(Co. Regn. No. 03757502) of 55 Vastern Road Reading Berkshire RG1 8BU (as successors to the Southern Electricity Board)	1. Placing on or under the land 50 yds approx. of L.V underground cable; 2.Placing on or under the land 270 yds of high voltage underground cable; 3.Permission to use, maintain, repair, replace, alter, renew, inspect and remove the underground cable; 4.A right of access for to comply with covenants contained in the Wayleave Consents
			1. Newbury Town Council of The Old Town Hall Marketplace Newbury RG14 5AA (as successors to the Mayor Aldermen and Burgesses of the Borough of Newbury)	The benefit of payment and indemnity covenant from Southern Electricity Board for works contained in Wayleave Consents dated 29 October 1963 and 12 October 1964
			1. British Telecommunications Plc (Co. Regn. No. 4190816) of BT Centre 81 Newgate Street London EC1A 7AJ	The benefit of a Wayleave Agreement dated 8 May 1997 granting rights for the inspection maintenance adjustment repair and alteration of telecommunication apparatus and works

Number on map (4)	Other qualifying person under section 12(2A)(a) of the Acquisition of the Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 and 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
9	-	-	-	-

Given under the seal of West Berkshire District Council

this day of 2015

The Seal of WEST BERKSHIRE DISTRICT COUNCIL)
Was hereunto affixed in the presence of:)

Authorised Officer

This page is intentionally left blank

Changes to the Constitution - Part 11 (Contract Rules of Procedure)

Committee considering report:	Council on the 10 December 2015
Lead Member:	Councillor Quentin Webb
Date Portfolio Member agreed report:	15 October 2015
Report Author:	David Holling
Forward Plan Ref:	C3011(b)

1. Purpose of the Report

- 1.1 To review and if appropriate amend Part 11 (Contract Rules of Procedure) following a request from the Procurement Board to do so.

2. Recommendations

- 2.1 To consider and agree, if appropriate, the proposed amendments to Part 11 (Contract Rules of Procedure) and to discuss any additional changes required.
- 2.2 To agree that any changes will come into effect on the 11 December 2015.

3. Implications

- 3.1 **Financial:** S151 Officer at the Finance, Audit & Governance Group approved the amendments to Part 11 of the Constitution
There will be no costs associated with making the amendments to the Constitution
- 3.2 **Policy:** Will require changes to Part 11 of the Constitution
- 3.3 **Personnel:** None
- 3.4 **Legal:** None
- 3.5 **Risk Management:** None
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

- 4.1 Not to agree the changes

5. Executive Summary

- 5.1 Following an internal audit of the management of the Constitution in 2010 it was noted that one of the responsibilities of the Finance and Governance Group is to have ownership of the Council's Constitution. The content of the Local Code of

Corporate Governance says that there will be an annual review of the operation of the Constitution. A timetable has been established for the Finance and Governance Group to review individual sections of the Constitution and this work is ongoing.

Part 11 Contract Rules of Procedure

- 5.2 A number of changes were made to Part 11 of the Council's Constitution (Contract Rules of Procedure) in May 2015 to ensure that the Council was acting in accordance with the Public Contracts Regulations 2015. The changes included the setting of thresholds delegating decision making as follows:

Total Contract Value £	Delegated decision or Resolution of:
Up to £99,999	Relevant Head of Service (or such officers as nominated by the Head of Service in writing) shall have delegated authority to award the contract.
£100,000 to £499,999	Relevant Head of Service following recommendation of S151 officer and Head of Legal Services shall submit a report to Corporate Board seeking delegated authority to award the contract in consultation with the S151 officer and Head of Legal Services.
Over £500,000	These contracts shall require a key decision of the Executive following recommendation by S151 officer and Head of Legal Services. Executive shall receive a report from the relevant officer either recommending for the contract to be awarded or seeking delegated authority for the relevant Head of Service to award the contract in consultation with the relevant Portfolio Holder, s151 officer and the Head of Legal Services.

- 5.3 The revised rules have been in place since May 2015 and Officers have now been asked to amend the thresholds by both Corporate Board and Procurement Board to reduce the number of contracts that require Executive approval. Under paragraph 11.4.4 transactions falling outside of the Capital Programme (e.g. revenue) and where the relevant Head of Service does not have the delegated authority to award the contract an approval or a resolution of the Executive is required.

- 5.4 The changes proposed affect mainly contracts over the £500,000, threshold; however some minor changes to the other thresholds are required to address clarity. The proposed table of amendments is set out below: -

Contract Value £	Delegated decision or Resolution of:
Total Contract value of up to £99,999.	Relevant Head of Service (or such officers as nominated by the Head of Service in writing) shall have delegated authority to award the contract.
Total Contract value of between £100,000 and £499,999.	Relevant Head of Service (following recommendation of the S151 officer and Head of Legal Services) shall have delegated authority to

Contract Value £	Delegated decision or Resolution of:
	<p>award the contract following</p> <p>a) a written report by the relevant Head of Service (or such officers as nominated by the Head of Service in writing) has been provided and approved by the Procurement Board; and</p> <p>b) the report has been included as an “item for information” item for the Corporate Board.</p>
<p>For contracts exceeding £500,000 in total value and up to £2.5million per annum.</p>	<p>The award of these contracts shall require a “key decision”(as defined in Part 5.1.1 of the Constitution) delegated to be taken by relevant Head of Service in consultation with the relevant Portfolio Holder (following recommendation by the relevant Corporate Director, S151 officer and Head of Legal Services) to award the contract provided:</p> <p>a) a written report by the relevant Head of Service (or such officers as nominated by the Head of Service in writing) has been provided and approved by the Procurement Board; and</p> <p>b) the report has been included as an “Item for information” item for the Corporate Board and to the Operations Board.</p> <p>c) such decision has been made in accordance with Part 5.3 and 5.4 of the Constitution.</p>
<p>For contracts exceeding £2.5million per annum.</p>	<p>These contracts shall require a key decision of the Executive following recommendation by S151 officer and Head of Legal Services. Executive shall receive a report from the relevant officer either recommending for the contract to be awarded or seeking delegated authority for the relevant Head of Service to award the contract in consultation with the relevant Portfolio Holder, s151 officer and the Head of Legal Services.</p>

5.5 Paragraph 11.11.11 (Exclusions and Exceptions to Contract Rules of Procedure) of the Constitution already identifies that the requirement to conduct a competitive procurement process is excluded in certain circumstances including:

- where the contract is excluded under the Procurement Legislation;
- where the proposed contract is being awarded under a Purchasing Scheme;
- where the proposed contract is an extension to or a variation of the scope of an existing contract where the existing contract provides for such extension or a variation or where the variation is a modification permitted under the Procurement Legislation;
- where the contract is for specified social care services.

- 5.6 It should however be noted that all key decisions taken by the Council need to appear on the Council's Forward Plan. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 where a decision maker intends to make a key decision, that decision must not be made until at least 28 days public notice (Forward Plan) has been given that such a decision is to be made.
- 5.7 Under the Regulations a key decision is an executive decision, which is likely:
- (a) to result in the relevant local authority incurring **expenditure** which is, or the making of savings which are, **significant** having regard to the relevant local authority's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.
- 5.8 If Members are minded to approve the amended contract thresholds then it should be noted that decisions made by Officers under delegated authority will still have to appear on the Forward Plan within the prescribed deadlines and will also require the publication of a delegated officer decision notice which are then subject to the Council's call-in procedures

6. Proposals

- 6.1 It is proposed that the revised thresholds as set out in paragraph 5.4 of this report be adopted.

7. Conclusion

- 7.1 This report recommends changes to Part 11 of the Council's constitution.

Activity Team West Berkshire Fees and Charges 2016/17 - Summary Report

Committee considering report:	Council
Date of Committee:	10 December 2015
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	14 October 2015
Report Author:	Jim Sweeting
Forward Plan Ref:	C2932

1. Purpose of the Report

- 1.1 To consider the fees and charges for the 2016/17 Activity Team West Berkshire programme in order to enable the service to competitively advertise and promote activities and maximise advanced books and income.

2. Recommendation

- 2.1 That Council approves the proposed freeze in Fees and Charge for the Activity Team West Berkshire's programme and the hire of equipment and resources for 2016/17 as set out in appendix C

3. Implications

- 3.1 **Financial:** Activity Team West Berkshire have been tasked at delivering a cost neutral programme to the Council, the proposal takes into account charges levied by alternative providers and what is believed to be sustainable in the market.
- 3.2 **Policy:** In 2013/14 price rises brought activity prices into line with a fair market price, this was followed by an average price rise of 1.5% in 2014/15 and an average 2% for 2015/16. Early agreement on price changes enables activities to be advertised in a timely manner to achieve business objectives.
- 3.3 **Personnel:** None
- 3.4 **Legal:** None
- 3.5 **Risk Management:** If income streams are lost there is a risk that the cost neutral objective would not be achieved. It is felt that increased charges would not negate this risk.
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

- 4.1 An increase in charges in line with inflation – this was not pursued however as it was felt it would be counter productive in the current economic climate and consideration of other providers suggests that their rates will remain unaltered for 2016.

5. Executive Summary

- 5.1 Following the development of a business plan in 2013/14 to support a target of Activity Team West Berkshire delivering their programme cost neutral to the Council the fees and charges were reviewed to align them to other providers in the Outdoor Activity Market. At the end of 2014/15 Activity Team West Berkshire had managed to achieve a cost neutral position as a traded service.
- 5.2 It is proposed to freeze the fees and charges for 2016/17 to allow Activity Team West Berkshire:
- (a) To remain competitive in the market with other neighbouring providers
 - (b) To remain an attractive offer to local groups and organisations whilst developing new markets and income streams
- 5.3 The proposed charges are for the commercially focussed ‘traded’ programme and do not include any aspect of the internal Service Level Agreements or the agreement to use the site with the Adventure Dolphin (Pangbourne) Charity.
- 5.4 This proposed set of charges takes account of previous booking trends; recognises peak and off peak time tariffs and compares with other local facilities to remain competitive and maximise the potential for bookings.

6. Conclusion

- 6.1 Maintaining current Fees and Charges at the rate applicable for 2015/16 will maintain the service on a similar footing to market competition for the commercial traded aspect of the programme whilst new markets are explored.

7. Appendices

- 7.1 Appendix A - Supporting Information
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Activity Team West Berkshire proposed pricing 2016/17

Activity Team West Berkshire Fees and Charges 2016/17 – Supporting Information

1. Introduction/Background

- 1.1 Activity Team West Berkshire (ATWB) commenced operation in April 2014 within a new business plan with the aim for the team to be delivering their programme cost neutral to the Council by March 2017.
- 1.2 Increases to the fees and charges were applied for 2013/14 to bring them in line with other providers in the market. This was followed by further annual increases as follows:
 - 2014/15 – An average increase of 1.5%
 - 2015/16 – An average increase of 2.0%
- 1.3 At the end of 2014/15 ATWB had delivered their programme at almost cost neutral to the Council, operating as a trading service.

2. Supporting Information

- 2.1 ATWB is seeking to maintain and develop a range of competitive charges for the commercial element of the programme along with competitive room hire tariffs which particularly factor in the competition and market price for similar activity centres elsewhere.
- 2.2 The proposed charges are for the commercially focussed 'traded' programme and do not include any aspect of the internal Service Level Agreements or the agreement to use the site with the Adventure Dolphin (Pangbourne) Charity.
- 2.3 This proposed set of charges takes account of previous booking trends; recognises peak and off peak time tariffs and compares with other local facilities and feedback from parents and participants during the summer period to remain competitive and maximise the potential for bookings which will help the service achieve its business objectives and help develop new markets.

3. Options for Consideration

- 3.1 To maintain fees and charges at the 2015/16 rate to consolidate the programme whilst allowing the team to explore new markets to strengthen the business plan moving forward.
- 3.2 To increase the fees and charges applied at least by the level of inflation – feedback from users would suggest there would be a greater risk of lower participation rates and prices would then exceed other market providers.

4. Proposals

- 4.1 The Activity Team West Berkshire service is seeking to maintain and develop a range of competitive charges for the commercial element of the programme along

with revised room hire tariffs which particularly factor in the competition and market price for similar activity centres elsewhere

4.2 The proposed maximum charges for activity and hire charges for equipment, resources and room hire for 2016/17 would be as set out in Appendix C.

4.3 It is proposed to maintain the charges set in 2015/16 for 2016/17.

5. Conclusion

5.1 Maintaining current Fees and Charges at the rate applicable for 2015/16 will maintain the service on a similar footing to market competition for the commercial traded aspect of the programme whilst new markets are explored.

6. Consultation and Engagement

6.1 The proposed charges follow feedback from parents and participants during the summer period - plus a review of other similar types of facilities

Background Papers:

Council Report, 13th December 2012, Council Report, 19th December 2013, Council Report, 11th December 2014

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval



Wards affected:

All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aims:

P&S – Protect and support those who need it

HQL – Maintain a high quality of life within our communities

The proposals contained in this report will help to achieve the following Council Strategy priority:

HQL1 – Support communities to do more to help themselves

The proposals contained in this report will help to achieve the above Council Strategy aims and priorities by ensuring that Activity Team West Berkshire service users are provided with clear information about the revised costs of participating on the programme for 2016/17. Participation in the programme will help individuals improve their health whilst also enabling those with disabilities to improve their independence whilst developing new skills.

Officer details:

Name: Jim Sweeting
Job Title: Sport and Leisure Manager
Tel No: 01635 519251
E-mail Address: jsweeting@westberks.gov.uk

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

Name of policy, strategy or function:	Activity Team West Berkshire Fees and Charges for 2016/17
Version and release date of item (if applicable):	
Owner of item being assessed:	Jim Sweeting
Name of assessor:	Jim Sweeting
Date of assessment:	15-10-2015

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	No
Service	Yes		

1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
Aims:	To bring in Activity Team West Berkshire programme of activity cost neutral to the Council.
Objectives:	Annual review of fees and charges to allow the service to market their programme.
Outcomes:	To retain the fees and charges for 2016/17 at 2015/16 levels.
Benefits:	Service remains competitive against local similar providers

<p>2. Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</p> <p>(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)</p>

Group Affected	What might be the effect?	Information to support this
Further Comments relating to the item:		
The proposed prize freeze does not impact adversely on any of the defined groups, fees and charges remain competitive with local similar providers		

3. Result	
Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: All groups are treated in the same way – the team has been proactive in recent years to develop buddy schemes which will open up activity to those with a disability	
Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: Charges are for a universal service and do not impact adversely on anyone who does not wish to participate in the advertised programme. The service has been pro active in developing support programmes which have opened up the service to people who would traditionally not be able to access similar provision previously.	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	Not required

Name: Jim Sweeting

Date: 15-10-2015

Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

Appendix C**Activity Team West Berkshire proposed pricing 2016/17**

	2015/16	2016/17
Bronze DofE Package	£400	£400
Silver DofE Package	£496	£496
Gold DofE Package.	£605	£605

School Holiday activities – core commercial activity

	2015/16	2016/17
Evening Climbing Course	£60	£60
Adult Evening Courses	£70	£70
Taste of Adventure (1 day)	£37.50	£37.50
School Holiday half day canoeing courses –adult (5 half days)	£130	£130
School Holiday half day canoeing courses –young person (5 half days)	£110	£110
School Holiday half day climbing courses –Adult (4 half days)	£120	£120
School Holiday half day climbing courses – young person (4 half days)	£110	£110
Local Activity Weeks	£250	£250
Multi Activity Camp	£395	£395
Day Trips - Targeting 13 - 18 age group	£47.50	£47.50
Trailer Per ½ Day	£10	£10
Trailer Per Day	£15	£15
Trailer Per Week	£75	£75
Boat Hire (Must have own qualified staff) per boat per 2 hr Session.	£5	£5
Administration Charge Per Hour	£25	£25
Staff Day Rate (7.5 hrs)	£300	£300
Staff Residential Day Rate (16hrs)	£500	£500
Night Staff Rate (7.5hrs)	£300	£300
Emergency Staff call out	£250	£250

Group prices

	2015/16	2016/17
School (Groups of up to 8 for 2hrs)	£100.00	£100.00
School Price per head - over 8 participants for 2 hours.	£12.50	£12.50
Schools Climbing - Group of up to 12	£144.00	£144.00
Schools climbing Price per head - over 12 participants	£12.00	£12.00
1:2 Session (1.5hrs) Individual coaching (market led)	£90.00	£90.00
West Berkshire Council Children's' Services (Hourly Rate) - Groups of up to 8	£40.00	£40.00
West Berkshire Council Children's' Services (Hourly Rate) - cost per head for over 8 participants	£5.00	£5.00
Support Staff (per hour)	£40.00	£40.00
Evening Sessions (1.5) (scouts/guides/brownies/community groups (Market Led) - Groups up to 40 participants	£80.00	£80.00
Evening Sessions (1.5) (scouts/guides/brownies/community groups (Market Led) - For every eight above 40.	£80.00	£80.00
AAP DofE Bronze	£95.00	£95.00
AAP DofE Silver	£142.50	£142.50
AAP DofE Gold	£190.00	£190.00
Parties up to 12	£150.00	£150.00
Parties up to 16	£200.00	£200.00
Parties per individual above	£12.50	£12.50

HALL HIRE CHARGES

1ST April 2016 – 1ST April 2017

	MAIN HALL Hourly Rate	LOUNGE Hourly Rate	DEVELOPMENT ROOM Hourly Rate
Monday to Friday 9-3	£15.00	£10.00	£10.00
Monday to Friday 3.30-6pm	£20.00	£12.50	£10.00
Monday to Friday 6pm-10pm	£25.00	£15.00	£15.00
Saturday and Sunday 10am-6pm	£25.00	£15.00	£17.50
Saturday 6pm – 11.30pm	£250.00 Total Hire	Included	Not Available
	(Plus £250 Bond – refundable after event)		
Weddings This would include setup Friday after 6pm and take down up to 12pm on the Sunday.	£750.00	Included	Not Available
Corporate Events – This rate is exclusive to hirers booking 1 or more activity sessions @ £130 per 2 hour session.	£30.00		

Leisure Centre Fees and Charges 2016 - Summary Report

Committee considering report:	Council
Date of Committee:	10 December 2015
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	14 October 2015
Report Author:	Jim Sweeting
Forward Plan Ref:	C2933

1. Purpose of the Report

- 1.1 To implement the contractual requirement for an annual price review for 2016 for the leisure contractor to come into effect from 1st January 2016.

2. Recommendation

- 2.1 That Council approve the proposed increase in Fees and Charges as outlined for the leisure management contract.
- 2.2 That Council note the proposed changes to the discounts applied to West Berkshire card holder
- 2.3 That Council note the operational changes by the operator to reduce the level of fees charged to those aged 16 and 17 years of age through the introduction of bespoke programmes.

3. Implications

- 3.1 **Financial:** There are no direct implications to the Council's own budgets from the contractor implementing any increase in Fees and Charges. Within the terms of the Leisure Contract, The contractor retains all income. A profit share arrangement is specified within the contract should end of year surpluses be above a certain threshold
- 3.2 **Policy:** The Leisure contract was changed in 2010/11 to accommodate a review of Fees and Charges prior to January of the following and subsequent years. This now forms a condition of the contract between West Berkshire Council and Legacy Leisure
- 3.3 **Personnel:** None
- 3.4 **Legal:** Agreement to any increase in leisure Contract Fees and Charges will be formally recorded through an exchange of letters and will be included in the Council's published schedule of Fees and Charges for 2016/17.

- 3.5 **Risk Management:** None
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

- 4.1 The Fees and Charges for the Leisure Centres are set by the leisure contractor, the proposals outlined are those which have been presented by Legacy Leisure as part of their Business Plan for the West Berkshire contract for 2016

5. Executive Summary

- 5.1 In establishing their proposed fees and charges for core activity at leisure centres for 2016 the contractor has outlined the standard (non card holder) prices as outlined in Appendix C. Once discounts as set out in 5.2 are applied it results in an average increase of 1% in the charges applied to West Berkshire Card holders in line with the Retail Price Index at the end of the Contract year (June 2015).
- 5.2 To make it simpler for customers to understand the benefits of being a West Berkshire Card holder the contractor has proposed to change the discount applied to West Berkshire Card holders from a basic 10% to flat rates applied as follows:
 - (a) £1.00 for adult activity
 - (b) £0.50p for junior activity
 - (c) £5.00 for adult team sports
 - (d) £2.50 for junior team sports

With a minimum discount of 10% applied to ensure any future price increases maintain the level of discount outlined.

- 5.3 Since 2009 over 43,000 individuals have been issued with a West Berkshire card which has been activated at a leisure centre, in 2015 over 24,000 were classified as active at a leisure centre.
- 5.4 The West Berkshire Card remains free to West Berkshire residents and a recruitment drive will accompany the new fees and charges in January 2016.
- 5.5 Benchmarking against other authorities would suggest that the discounts proposed for West Berkshire card holders are in line with other Local Authority leisure centres in the neighbouring area.
- 5.6 In agreeing the prices for 2015 Members requested that the contractor be asked if they would review the definition of a junior participant for those aged 16 and 17. The contractor has reviewed the proposal and has identified an element of risk, especially around loss of income.
- 5.7 The contractor over the past 12 months has introduced a number of bespoke schemes targeting 16 to 18 year olds, it is proposed to continue with and further develop these.

- 5.8 Feedback from neighbouring Local Authorities suggests that none are currently considering a change to the current up to 16 years of age as a definition of a junior.

6. Conclusion

- 6.1 When the proposed fees and charges are benchmarked against surrounding Local Authority owned facilities it is seen that charges in West Berkshire are at the lower end of the comparison thus representing good value for money to West Berkshire residents.

7. Appendices

- 7.1 Appendix A - Supporting Information
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Proposed Core Charges for Leisure centres

This page is intentionally left blank

Leisure Centre Fees and Charges 2016 – Supporting Information

1. Introduction/Background

- 1.1 The leisure centre fees and charges are reviewed annually for implementation on the 1st January each year.
- 1.2 The Council's contractor is Parkwood Leisure Ltd with the management of the centres delivered by their charitable arm Legacy Leisure. The current contract runs through to the end of June 2022. The contractor sets the charges for each year based on its business plan and then submits them to West Berkshire Council as part of their business plan for the year.
- 1.3 For 2015 West Berkshire Council agreed an average increase in Fees of Charges of 1.5%
- 1.4 In considering prices for 2015 Members requested that an approach be made to the contractor requesting they give consideration to reviewing the classification of those aged 16 and 17 in line with changes to the school leaving age.

2. Supporting Information

- 2.1 In drawing up their proposed fees and charges for 2016 the contractor has reviewed their business plan for the West Berkshire contract and benchmarking the proposed fees and charges against Local Authority owned leisure facilities for the surrounding area demonstrates that the proposed Fees and Charges represent good value for money for West Berkshire residents.
- 2.2 The West Berkshire Card was introduced in 2009 in response to an Audit Commission inspection of Cultural Services which recommended that a methodology should be adopted to ensure that service providers knew who their customers were.
- 2.3 To encourage participation in the West Berkshire card the card was provided free of charge to West Berkshire residents and the ability to purchase the benefits at leisure centres was made available to non residents. Card holders also received a 10% discount against charges at leisure centre.
- 2.4 To date over 43,000 cards have been activated in leisure centres with over 24,000 currently regarded as being active in 2015.
- 2.5 The contractor has proposed introducing a more simple range of discounts for West Berkshire Council replacing the 10% discount with a flat rate as follows:
 - (a) £1 per for adult activity
 - (b) £0.50p for junior activity

- (c) £5.00 for adult team sports
- (d) £2.50 for junior team sports

With a minimum discount of 10% applied to ensure any future price increases maintain the level of discount outlined.

From the proposed 2016 fees and charges examples of the impact of the proposed change in discount can be seen as follows:

Activity	Standard rate (Non Card Holder)	Proposed West Berkshire Card Holder Price	Non Card Holder price if 10% discount applied
Adult Swimming	£4.60	£3.60	£4.00
Adult Casual Gym	£8.20	£7.20	£7.95
Sports Hall Hire	£47.00	£42.00	£46.50

- 2.6 Benchmarking against neighbouring authorities shows the proposed discounts are in line with that which is applied elsewhere.
- 2.7 The proposed change in the discount applied to West Berkshire card holders offers an improved rate which will be supported by a drive to encourage more people to sign up for the card.
- 2.8 In responding to the question raised about the charges levied for 16 to 17 year olds the contractor has reviewed any potential change against the risk of loss of income. The contract allows that any action by the Council that might cause a loss of income, the contractor may claim compensation.
- 2.9 A full change for 16 and 17 year olds to juniors would only apply to certain activities, for example there are no junior admissions charges to fitness classes.
- 2.10 The contractor, on their own initiative, has developed a number of bespoke programmes linked to schools and a student membership – it is proposed to continue and further develop these options as an interim measure to better understand the impact on usage and membership levels and keep the proposal under review.
- 2.11 Feedback from neighbouring Local Authorities suggests that none are currently considering a change to the current up to 16 years of age as a definition.

3. Options for Consideration

- 3.1 The options presented by the Contractor for consideration are outlined in the proposals below.

4. Proposals

- 4.1 For 2016 the contractor is looking at Flexible competitive charges across the contract which particularly factor in the competition and market rates for West Berkshire Leisure centres in the East of the district within an easy travel time of Reading facilities. To accommodate this, Legacy Leisure are looking at flexible charges to respond to local markets with an average rise across the contract of 1%, against the RPI rate of 1.0% for June 2015 – the end of the previous contract year.
- 4.2 For 2016 contractor has proposed to change the discount offered for West Berkshire card holder from a basic 10% to fixed rates applied as follows:
- (a) £1 per for adult activity
 - (b) £0.50p for junior activity
 - (c) £5.00 for adult team sports
 - (d) £2.50 for junior team sports

With a minimum discount of 10% applied to ensure any future price increases maintain the level of discount outlined.

- 4.3 The proposed average 'Core' activity charges for the leisure centres would be as set out in Appendix C.
- 4.4 The contractor will continue to operate and develop bespoke schemes for those aged 16 and 17 years of age giving a greater opportunity for discounted rates – those from low income families will continue to be able to access the concessionary rates for designated activities.

5. Conclusion

- 5.1 When the proposed fees and charges are benchmarked against surrounding Local Authority owned facilities it is seen that charges in West Berkshire are at the lower end of the comparison thus representing good value for money to West Berkshire residents.

6. Consultation and Engagement

- 6.1 The proposed fees and charges are being considered during the current round of leisure centre Joint Advisory Committee meetings involving representatives from schools, Parish/Town Councils, contractor. In addition the most recent customer survey has informed the report.

Background Papers:

Minutes from Joint Advisory Committees for the Leisure centres

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval



Wards affected:

All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

HQL – Maintain a high quality of life within our communities

The proposals contained in this report will help to achieve the following Council Strategy priority:

HQL1 – Support communities to do more to help themselves

The proposals contained in this report will help to achieve the above Council Strategy aims and priorities by offering affordable opportunities to local people to partake in a range of Physical Activities thus improving the health of residents and engagement by communities.

Officer details:

Name: Jim Sweeting
Job Title: Sport and Leisure Manager
Tel No: 01635 519251
E-mail Address: jsweeting@westberks.gov.uk

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

Name of policy, strategy or function:	Leisure Centre Fees and Charges
Version and release date of item (if applicable):	
Owner of item being assessed:	Jim Sweeting
Name of assessor:	Jim Sweeting
Date of assessment:	15-10-2015

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	YES/		

1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
Aims:	To consider the fees and charges proposed by the leisure contractor for 2016.
Objectives:	To agree the core fees and charges with the leisure contractor for 2016
Outcomes:	Fees and Charges agreed and published prior to coming into effect on January 1 st .
Benefits:	Consistent charging policy across facilities in West Berkshire.

<p>2. Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</p> <p>(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)</p>

Group Affected	What might be the effect?	Information to support this
Further Comments relating to the item:		
None of the listed groups are affected more positively or negatively than others by the proposed changes. For those on low incomes in which ever group access to a concessionary programme is available which provides reduced admission at certain times. Bespoke schemes have also been commissioned by Public Help and the Communities directive to provide further support towards programmes.		

3. Result	
Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: Benchmarking suggests that the charges levied at West Berkshire’s leisure centres compare very favourably with other similar types of facilities in the area. Access is by both pay and play and membership so participants can access the facility on a pay as you go basis rather than having to commit to a monthly membership or contract.	
Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: Benchmarking suggests that the charges levied at West Berkshire’s leisure centres compare very favourably with other similar types of facilities in the area. Access is by both pay and play and membership so participants can access the facility on a pay as you go basis rather than having to commit to a monthly membership or contract.	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	Not required

Name: Jim Sweeting

Date: 15-10-2015

Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

Appendix C

Proposed Core Charges for Leisure Centre Users

	2015		2016		
	WB Card price	Non WB Card price	WB Card price	Standard (Non WB Card price)	
West Berkshire Card Resident	Free		Free		
West Berkshire Card - non resident	£20.00		£20.00		
Swimming					
Adult	£3.55	£4.00	£3.60	£4.60	
Junior	£2.25	£2.50	£2.30	£2.80	
Early Morning Swim					
Adult	£2.75	£3.00	£2.80	£3.80	
Junior	£1.60	£1.75	£1.65	£2.15	
Gym					
Casual User	£7.10	£7.80	£7.20	£8.20	
Casual User Induction	£15.00	£20.00	£15.00	£20.00	
Classes	£5.50	£6.20	£5.60	£6.60	
Activity for Health – GP Referral	£3.05	£3.30	£3.10	£4.10	
Hall Hire/Sports					
Full Sports Hall (4 courts) - adult	£41.50	£46.00	£42.00	£47.00	
Full Sports Hall (4 courts) - junior	£21.80	£24.50	£22.00	£27.00	
Badminton Court - adult	£8.60	£9.70	£8.80	£9.80	
Badminton - junior	£5.40	£6.00	£5.50	£6.00	
Squash Court - adult	£10.20	£11.10	£10.30	£11.30	
Squash Court - junior	£3.70	£4.00	£3.80	£4.30	
Monthly Direct Debit	£36.00	£39.00	£36.00	£39.00	
Concession					
Gym	£3.35		£3.40		During concessionary periods
Swimming/Badminton/Squash/Table Tennis	£1.80		£1.85		During concessionary periods

Gambling Act 2005 - Summary Report

Committee considering report:	Council
Date of Committee:	10 December 2015
Lead Member:	Councillor Jeff Beck, Chairman of Licensing
Date Portfolio Member agreed report:	18 November 2015
Report Author:	Julia O'Brien (Principal Licensing Officer)
Forward Plan Ref:	C3050

1. Purpose of the Report

- 1.1 To determine a Statement of Licensing Policy on Gambling.

2. Recommendation

- 2.1 To approve the revised version of the policy, as amended, following recent statutory consultation

3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** The Gambling Act 2005 requires the Council to formulate, consult and publish a statement of principles every three years
- 3.3 **Personnel:** None
- 3.4 **Legal:** It is a legal requirement for the council to publish and have regard to a licensing policy
- 3.5 **Risk Management:** None
- 3.6 **Property** None
- 3.7 **Other:**

4. Other options considered

- 4.1 None

5. Executive Summary

- 5.1 The Gambling Act 2004 requires the Council to publish a statement of policy on Gambling every three years. Prior to publication the draft policy must be consulted upon widely.
- 5.2 The current policy is required to be re published on or before the 31st January 2016 and be in force until 31 January 2019 unless amendments are required during that period through changes in legislation or local policy. A wide ranging consultation has been carried out on the existing policy statement.
- 5.3 The only material changes made to the existing policy are those where guidance issued by the Gambling Commission's Licensing Conditions and Codes of Practice (LCCP) and the Local Government Association has been updated. These cover Local Area Profiles (LAP) and Risk Assessment by Operators. A small number of typographical and grammatical changes have also been made.

6. Local Area Profiles

- 6.1 There is no mandatory requirement for the Council to develop a local area profile. Based upon local knowledge and taking into account information held by the Council and after speaking to partners, the Council has found no evidence to suggest that a LAP is needed at this time. However a section has been published in the Policy outlining the requirements of a LAP should the Council decided to adopt a LAP in the future.

7. Risk Assessments by Operators

- 7.1 The Policy includes a new section on the Council's expectations for local risk assessments to be undertaken by applicants for Gambling Premises Licenses or variations of such.
- 7.2 Changes to the draft policy are highlighted in the document attached at Appendix A.

8. Proposals

- 8.1 Members are requested to agree the content of the draft Statement of Policy on Gambling as presented in the Appendix to this report and to recommend its adoption by the Council.

9. Equalities Impact Assessment Outcomes

- 9.1 An Equalities Impact Assessment has been completed and is attached at Appendix B.

10. Conclusion

- 10.1 There is a mandatory duty on the Council to publish a Gambling Policy.
- 10.2 The draft Gambling Policy attached will be edited to remove all tracked changes highlighted, prior to being presented to Full Council.

11. Appendices

- 11.1 Appendix A – Supporting Information
- 11.2 Appendix B - Draft Gambling Policy (Statement of Principles)
- 11.3 Appendix C – Equalities Impact Assessment
- 11.4 Appendix D – Letter to Consultees
 - Appendix Di – Consultees List
 - Appendix Dii – TVP Response
 - Appendix Diii – Newbury Town Council Response
 - Appendix Div – Environmental Health Response
 - Appendix Dv – Cllr Bridgman Response

This page is intentionally left blank

Gambling Act 2005 – Supporting Information

1. Introduction/Background

- 1.1 The Council has a statutory duty to publish a statement of principles under the Gambling Act 2005

2. Supporting Information

- 2.1 Draft Gambling Policy
2.2 Equalities Impact Assessment

3. Options for Consideration

- 3.1 Recommend the gambling policy for consideration and adoption by full Council.

4. Proposals

- 4.1 Recommend the policy.

5. Conclusion

- 5.1 A policy must be published no later than 31 January 2016.

6. Consultation and Engagement

- 6.1 Consultation through the Council's website, Parish and Town Council's elected members and those organisations/persons listed on the spreadsheet attached as Appendix Di.

Background Papers:

Gambling Act 2005

Local Government Association Guidance

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

Wards affected: All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

P&S – Protect and support those who need it

The proposals contained in this report will help to achieve the following Council Strategy priority:

P&S1 – Good at safeguarding children and vulnerable adults

The proposals contained in this report will help to achieve the above Council Strategy aims and priorities by

Officer details:

Name: Julia O'Brien
Job Title: Principal Licensing Officer
Tel No: 01635 519849
E-mail Address: jobrien@westberks.gov.uk



Licensing Policy on Gambling

Published

31st January 2013

Table of Contents

Section	Page Number
Section 1 - Definitions	3
Section 2 - Introduction	4
Section 3 - Licensing Objectives	5
Section 4 - Demand for Gaming Premises	5
Section 5 - Consultation and Review	6
Section 6 - The Licensing Process	6
Section 7 - <u>Risk Assessments</u>	<u>78</u>
<u>Section 8</u> - The Protection of Children from Harm	<u>9</u>
Section <u>89</u> - Interested Parties	<u>9</u>
Section <u>910</u> - Licence Conditions	<u>910</u>
Section <u>1011</u> - Enforcement	<u>1011</u>
Section <u>1112</u> - Information Exchange	<u>1011</u>
Annex 1 - Delegation of Licensing Functions	<u>1213</u>
Annex 2 - Responsible Authorities	<u>1314</u>

West Berkshire District Council Statement of Policy on Gambling

Section 1 - Definitions

The **Council** means West Berkshire District Council;

The **Licensing Authority** or the Authority means the Council acting as defined by Section 2 of the Gambling Act 2005. For all official correspondence, the address of the Licensing Authority is, The Licensing Manager, Environmental Health & Licensing, Culture & Environmental Protection, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD.

The **Act** means the Gambling Act 2005.

The **Licensing Committee** means the full committee or a Sub-Committee of not less than three members.

The term **etc.** is used to denote the whole range of consents relating to the Act, including premises licences, authorisations for the temporary use of premises, occasional use notices and five different sorts of permits for unlicensed family entertainment centres, prize gaming, gaming machines on alcohol-licensed premises and club gaming and club gaming machines, variations, transfers, and renewals.

GC means the Gambling Commission.

Child means an individual who is less than 16 years old. A **yYoung pPerson** means an individual who is not a child but who is less than 18 years old.

GC-guidance The Guidance means the latest guidance issued under Section 25 of the Gambling Act 2005 by the Gambling Commission.

The Policy means the Council's Licensing Policy on Gambling

Section 2 - Introduction

- 1 This Licensing Policy Statement addresses the requirements of section 1 of the Act. It sets out the Council's Licensing Policy and takes account of the [GuidanceGG guidance](#). This Licensing Policy Statement will apply to the area of West Berkshire District Council.
- 2 ~~The West Berkshire District~~ Council is a Unitary Authority and is predominantly rural with the Council area making up over half of the geographical County of Berkshire, covering an area of 272 square miles. The population is relatively young when compared across the UK, although this is made up of a significant proportion of people aged between 30 – 50 rather than significant numbers of people in their 20's. The District is perceived to be in an area of some affluence having 5 main areas of conurbation spread evenly across the Council's area of jurisdiction. Newbury Racecourse is situated in the centre of the largest town in the District and the rural areas are world renowned for their involvement in the training and stabling of race horses.
- 3 The Policy relates to all those licensing activities identified as falling within the provisions of the Act, namely:-
 - a) bingo premises;
 - b) betting premises, including tracks;
 - c) adult gaming centres;
 - d) family entertainment centres;
 - e) authorisations for the temporary use of premises;
 - f) occasional use premises;
 - g) prize gaming;
 - h) gaming machines on alcohol-licensed premises;
 - i) club gaming;
 - j) club gaming machines.
 - k) Casinos
- 4 The scope of the Policy covers new premises licences and other forms of permits.
- 5 The Licensing Authority recognises that in determining individual cases, decisions must be consistent with both the provisions of the Act, the Section 25 Guidance and this Policy. In particular, this Policy does not override the right of any interested party to make representations on an application where that provision has been made in the

Act. In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits.

- 6 The Licensing Authority recognises the obligations placed upon it by the Human Rights Act 1998 and in considering applications under the ~~Gambling~~ Act will have regard to:
- a) Article 1, Protocol 1 – peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest;
 - b) Article 6 – right to a fair hearing;
 - c) Article 8 – respect for private and family life. In particular removal of restriction of a licence may affect a person's private life; and
 - d) Article 10 – right to freedom of expression.

Section 3 - Licensing Objectives

- 7 The Licensing Authority recognises that its duty under the Act is to carry out its functions with a view to promoting the three Licensing Objectives, and all decisions will be made solely based on these. They are :-
- a) ***preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;***
 - b) ***ensuring that gambling is conducted in a fair and open way; and***
 - c) ***protecting children and other vulnerable persons from being harmed or exploited by gambling.***
- 8 The Licensing Authority recognises that in exercising its function under part 8 of the Act (Premises Licensing and Provisional Statements) it will aim to permit the use of premises for gambling in so far as it thinks it is:
- a) *in accordance with any relevant code of practice under section 24;*
 - b) *in accordance with any relevant guidance issued by the GC under section 25;*
 - c) *reasonably consistent with the licensing objectives set out above; and*
 - d) *in accordance with this licensing policy statement.*

Section 4 – Demand for gaming premises

- 9 The Licensing Authority recognises that in deciding whether or not to grant a licence etc, unmet demand is not a criterion in considering an application for a premises licence under the Act. Each application will be considered upon its merits without regard to demand.

- 10 The Licensing Authority will consider applications for premises licences for casinos.

Section 5 - Consultation and review

- 11 Before publishing this Policy Statement, or any subsequent revision, the Licensing Authority will consult with the following:-
- a) the Chief Officer of Police responsible for the West Berkshire area;
 - b) one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
 - c) one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under ~~this this~~ Act.
- 12 The Council will review, and after consultation, re-publish its Licensing Policy at least once every three years. Whilst acknowledging this responsibility, the Council reserves the right to revise the Policy at more frequent intervals, should this be deemed appropriate or necessary.

13 Local Area Profiles (LAP)

Whilst not a requirement the authority may consider adopting a Local Area Profile in line with developing a more local focused statement policy which will be a relevant matter when determining applications or reviewing existing licences.

The nature and creation of such a profile involves a process of drawing together and presenting information about the area and in particular areas of concern within the locality. Information will be required from a number of bodies, e.g. public health, mental health, social housing providers, community groups and other partner organisations for the production of such a profile.

Section 6 - The Licensing Process

- 14 The Council recognises its licensing responsibilities under the ~~Gambling~~ Act 2005 and in particular will provide:
- a) appropriate levels of resources including personnel, systems (including computer systems), and support;

- b) appropriate training for Elected Members, appropriate facilities at licensing hearings for applicants, the public and witnesses;
 - c) hearings at times convenient to applicants and witnesses, as far as reasonably practicable;
 - d) general guidance and assistance to licence applicants as far as reasonably practicable, however for specific advice the applicant may need to seek independent legal advice;
 - e) an appropriate system to receive related complaints and service requests;
 - f) Elected Members and Officers who have regard to appropriate Codes of Conduct and Declaration of Interests in dealing with licensing applications.
- 15 The powers of the Licensing Authority under the Act will be carried out via the Council's Licensing Committee, by a Sub-Committee or by one or more Officers acting under delegated authority. In the interests of speed, efficiency and cost-effectiveness for all parties involved in the licensing process, the Council has adopted the scheme of delegation shown at Annex A to process applications received under the Act. This form of delegation is without prejudice to referring an application to a Sub-Committee or the Licensing Committee if it is considered appropriate in particular cases.
- 16 The Licensing Authority will expect applicants to address, in their applications, the measures they propose to take to meet the Licensing Objectives and to submit any information with their application that may be prescribed by the Secretary of State and/or the Licensing Authority.
- 17 When making licensing decisions and imposing licensing conditions, the Licensing Authority will concentrate on matters within the control of the licence holder. Generally the Licensing Authority will be concerned only with the premises in question and its vicinity. The Licensing Authority will focus on the direct impact which the licensed premises, and its licensed activities, could have on persons living sufficiently close to the premises to be likely to be affected by the authorised activities and on persons having business interests that might be affected by the authorised activities.
- 18 In determining applications for licences, permits, etc the Licensing Authority will:
- a) consider only pertinent factors as set out in law and in approved guidance;

- b) act without favour when considering matters linked directly or indirectly to the Council, for instance when dealing with an application for one of its own properties;
- c) act in accordance with the principles of natural justice;
- d) impose conditions on a licence as prescribed in the Act by means of Regulations as either, Mandatory Conditions or Default Conditions, to be made by the Secretary of State or as may be appropriate in the particular circumstances of individual premises. Conditions will not duplicate other statutory requirements.

Section 7 - Risk Assessments

- 19. The GC's Licence Conditions and Codes of Practice (LCCP) prescribe the need for operators to consider local risks. Local risk assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.
- 20. Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.
- 21. Licensees are required to undertake a local risk assessment when applying for a new premises licence. Risk assessments must also be updated:
 - a) When applying for a variation of a premises licence.
 - b) To take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement.
 - c) When there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 22. The licensing authority has an expectation that all local risk assessments will take into account the local social profile of the area.

Section ~~7~~ 8- The protection of children and other vulnerable persons from being harmed or exploited by gambling

23. Responsible Authorities are set out in Annexe B. These authorities are required to be notified by applicants of their intention to apply for a licence etc, and are able to make representations against applications. Specifically in relation to protecting children and other vulnerable persons from harm, the Licensing Authority has discretion to determine the most appropriate body competent to advise the Authority about protection from harm.
24. The Licensing Authority considers the Local Safeguarding Children Board to be the competent body to advise the Authority on matters relating to the above sub section.
25. The Local Safeguarding Children Board is the statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of young or vulnerable people.
26. It is therefore highly appropriate that any activities taking place in the locality that have the potential to impact upon the well being of young or vulnerable people are brought to the Board's attention so that any necessary response or action can be considered.
27. This is a wide remit but it is extremely helpful for the organisations represented on the Board which includes all the statutory agencies working with children and families to be aware at the earliest opportunity of applications for gambling licences/permits etc, as the location and hours open can have implications for young persons in that area.

Section 89 - Interested parties

28. Section 158 of the Act defines interested parties as persons who:
 - a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
 - b) have business interests that might be affected by the authorised activities; or
 - c) represent persons who satisfy paragraph a) or b).
29. In determining whether an interested party "lives sufficiently close to the premises" the Licensing Authority will consider factors such as:
 - a) the size of the premises;
 - b) the nature of the premises;
 - c) the distance of the premises from the location of the person making the representation;
 - d) the potential impact of the premises, such as number of customers, routes likely to be taken by those visiting the establishment; and

- e) the nature of the complainant; that is whether the interests of the complainant may be relevant to the distance from the premises, for example, a private resident, a residential school for children with truanting problems or a hostel for vulnerable adults.

30. In determining whether “business interests might be affected” the Licensing Authority will consider factors such as:

- f) the size of the premises;
- g) the ‘catchment’ area of the premises;
- h) whether the person making the representation has business interests in the catchment area that might be affected.

31. In determining who may “represent persons” who live in the area or have business interests, the Licensing Authority will consider the following categories:

- i) trade associations;
- j) trade unions;
- k) resident’s and tenant’s associations;
- l) MP’s, Ward Councillors, Town or Parish Councils and Town and Parish Councillors’.
- m) Any other person, on a case by case basis, who, in the opinion of the Licensing Authority satisfies the Authority, in writing, that they truly represent interested parties.

Section 9 - Licence Conditions

32. The Licensing Authority will impose conditions that are either mandatory or default as prescribed in the Act or in Regulations prescribed by the Secretary of State, and may impose conditions which the Committee regard as necessary to meet the Licensing Objectives or are specific to the premises being considered.

33. Any conditions attached to any particular licence will:

- a) always be tailored to the style and characteristics of the premises in question;
- b) only be applied when needed for the prevailing circumstances and;
- c) will only be applied when necessary to help achieve the Licensing Objectives.

34. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public, for example, Health and Safety at Work and Fire Safety Legislation.

35. Whenever reasonably practicable, the Licensing Authority will ensure that other legislation, most notably Fire Safety Legislation, does not omit controls on the understanding they will be addressed by licensing conditions.

Section 10 - Enforcement

36. Where enforcement action is necessary, the Council will act in accordance with its published Enforcement Policy, which in turn is based on the principles of the Regulatory Compliance Code.
37. The Licensing Authority will enforce, alone or in partnership, all breaches of the licence conditions under the Act where appropriate.
38. The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact who should be a senior individual and whom the Authority may contact first should any compliance queries or issues arise. Notwithstanding this the Authority reserves the right to act directly against individuals where the extent of the problem or offence is deemed appropriate.

Section 11 - Information Exchange

39. The Licensing Authority will have regard to the requirements of the Freedom of Information Act concerning information it holds upon applicants, licences and permits etc. This information will be freely available as it will be a requirement for the Licensing Authority to maintain a public register of the premises licences it has issued. Such information will include details of applicants, licence holders, and licence conditions.
40. Copies of applications and supporting documentation will be made available to Responsible Authorities under the Act
41. In the case of representations made against an application for a licence or permit these will be made available to the applicant so that they can address any issues raised in a hearing held to determine their application. The name and address of the person making the representation will normally be made available to the applicant but will be withheld upon request. In such cases, an objector must appreciate that the representation may receive lesser consideration.

ANNEX A: Delegation of Licensing Functions

Matter to be dealt with	Full Council	Sub Committee of Licensing Committee	Delegated to Officers
Three year licensing policy	Cannot be delegated further		
Policy not to permit casinos	Cannot be delegated further		
Fee setting	Generally prescribed by Secretary of State but may be devolved to Licensing Authorities in certain cases		
Application for Premises Licence		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Application to vary Premises Licence		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Application to transfer Premises Licence		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Application for a provisional statement		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Review of a premises licence		By Licensing Committee only	
Application for club gaming / club machine permits		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Cancellation of club gaming / club machine permits			All cases
Applications for other permits			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of temporary use notice			All cases
Decision to give a counter notice to a temporary use notice		All cases	

Annex B

Responsible Authority	Point of Contact
The Licensing Authority	The Licensing Team Manager, West Berkshire Council, Culture & Environmental Protection, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD Licensing@westberks.gov.uk
The Gambling Commission	Victoria Square House, Victoria Square, Birmingham B2 4BP
The Chief Officer of Police	Licensing, Thames Valley Police, Headquarters (South), Kidlington, Oxfordshire OX5 2NX licensing@thamesvalley.pnn.police.uk
The Fire Authority	The Fire Safety Officer, Royal Berkshire Fire & Rescue Service, Hawthorn Road, Newbury, Berkshire, RG14 1LD NewburyFireSafety@rbfr.co.uk
The Local Planning Authority Town and Country Planning Act 1990 (c.8)	Development Control Manager, West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
The Environmental Health Authority	Principal Environmental Health Officer West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
<u>Public Health and Wellbeing and Local Safeguarding Children Board</u>	<u>Debbie Richings, Children's Planning Officer Commissioning Manager,</u> <u>West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD</u>
HM Revenue and Customs	<u>HM Revenue & Customs, Risk Section, Sapphire Plaza, Watlington Street, Reading, Berkshire RG1 4TA HMRC National Registration Unit, Portcullis House, 21 India St, Glasgo G2 4PZ</u> <u>NRUBetting&Gaming@HMRC.gsi.gov.uk</u>
The Secretary of State	Tourism Division, 3 rd Floor, 2-4 Cockspur Street, London. SW1Y 5DH

This page is intentionally left blank

Equality Impact Assessment

Name of item being assessed:	Statement of Gambling Policy
Version and release date of item (if applicable):	V 1.0
Owner of item being assessed:	Steve Broughton
Name of assessor:	Julia O'Brien
Date of assessment:	30 October 2015

1. What are the main aims of the item?

To publish a revised statement of gambling policy

2. What are the results of your research?

Group Affected	What might be the effect?	Information to support this
Age and the vulnerable	A statement of gambling policy outlines the Council's intention to uphold the law in respect of underage gambling and the general effects gambling may have on communities or groups.	Consultation with gambling operators, the general public and organisations such as schools
Religion or belief	As above	As above

Further comments relating to the item:

The current statement of gambling policy has been reviewed and in accordance with the Gambling Act 2005 a full consultation exercise has been completed.

3. What actions will be taken to address any negative effects?

Action	Owner	By When	Outcome
Consideration has been given to all responses received through consultation and amendments made, where deemed necessary.	Steve Broughton	30 October 2015	Publication of the final document

4. What was the final outcome and why was this agreed?

To be determined following consideration by full Council.

5. What arrangements have you put in place to monitor the impact of this decision?

Enforcement and inspection of premises licensed for gambling. Response in accordance with the Council's enforcement procedures following complaints which relate to gambling premises

6. What date is the Equality Impact Assessment due for Review?

Prior to 31 January 2019 and thereafter every three years.

Name: Julia O'Brien

Date: 30 October 2015

25th September 2015

**Culture And Environmental Protection
Environmental Health and Licensing**
West Berkshire District Council
Council Offices
Market Street Newbury
Berkshire RG14 5LD

Our Ref: 15/03070/LIC_Z

Your Ref: *

Please ask for: Emilia Matheou

Direct Line: 01635 503242/ 01635 503208

Fax: 01635 519172

e-mail: ematheou@westberks.gov.uk

Dear Sir

Gambling Act 2005 – Gambling Policy Review

The Council must, by virtue of section 349 of the Gambling Act 2005, carry out a review of its licensing policy in respect of each three year period. The present Statement was published on 31 January 2013 and therefore must undergo a review for adoption from the 31 January 2016.

The Council are consulting a number of organisations and individuals as required by the Act prior to presenting the reviewed document to council for approval.

Your organisation has been included in this exercise as a consultee and you are invited to comment upon the existing policy and offer comments as you feel appropriate for consideration in the review.

The policy document is enclosed with changes inserted under section 7 to cover the new mandatory requirements which apply to operators who are required to develop their own premises specific risk assessment by 6 April 2016.

New paragraphs have also been inserted under section 13 which outline the Council's position in respect of the formation of a local area profile. The Council welcomes evidence to support these.

Further information regarding risk assessments and local area profiles is available at the Gambling Commissions website www.gamblingcommission.gov.uk

Comments are required by the 28 October 2015.

Yours faithfully

Emilia Matheou
Licensing Officer

This page is intentionally left blank

Gambling Policy Consultees list

Title	First Name	Surname	Address 1	Address 2	Address 3	Address 4	Post Code	E-Mail
Miss	M J	Rueth	The Parish Office	The Pavilion	Englefield Road	Theale	RG7 5AS	
Mr	Richard	Benyon	West Berkshire Conservative Association	6 Cheap Street	Newbury	Berkshire	RG14 5DD	
Mr	B	Scott	September Cottage	Brimpton Common	Reading	Berkshire	RG7 4RT	
Mr	J D	Peachey	22 Flowers Piece	Ashampstead	Reading	Berkshire	RG8 8SG	
Mr	D	Bending	Elizabeth Cottage	Croft Road	Goring	Reading	RG8 9ES	
Mr	W	Goudge	The Chalet	Orchard Dene Drive	Aldermaston	Berkshire	RG7 4LE	
Mr	D	Baldock	The Parish Office	The Beansheaf Centre	Charrington Road	Calcot	RG31 7AW	
Mr	C D	Trigwell	Ingleville Cottage	Templeton	Kintbury	Berkshire	RG17 5SG	
Mr	G	Hunt	Town Hall	Market Place	Newbury	Berkshire	RG14 5AA	
Mr	B	Smith	Parish Office	Goosecroft Lane	Purley-on-Thames	Berkshire	RG8 8DR	
Mr	R	Beech	Planning & Transport	West Berkshire Council	Faraday Road	Newbury	RG14 2AF	
Mr	W	Goudge	The Chalet	Orchard Dene Drive	Aldermaston	Berkshire	RG7 4LE	
Mr	J	Brunskill	The Orchard	Graces Lane	Chieveley	Berkshire	RG20 8XG	
Mr	J	West	3 Pangbourne Lodge Drive	Tidmarsh Road	Pangbourne	Reading	RG8 7AZ	
Mr	W	Goudge	The Chalet	Orchard Dene Drive	Aldermaston	Berkshire	RG7 4LE	
Mr	D J	Hunt	Fastnet House	Newbury Road	Wickham	Berkshire	RG208HE	
Mr	S	Brady	9 The Hampdens	Glendale Avenue	Wash Common	Berkshire	RG14 6TN	
Mr	C	Lewington	Waven	Bucklebury	Reading	Berkshire	RG7 6PL	
Mr	J	West	3 Pangbourne Lodge Drive	Tidmarsh Road	Pangbourne	Berkshire	RG8 7AZ	
Mr	W	Goudge	The Chalet	Orchard Dene Drive	Aldermaston	Berkshire	RG7 4LE	
Mr	David	Rendal	West Berkshire Lib.Dem. Office	Market Street	Newbury	Berkshire	RG14 5LD	
Mr	P	Tranter	28 Noddmore	Chaddleworth	Berkshire		RG20 7ES	
Mrs	J	Williams	The Old School House	Ambury Road	Aldworth	Berkshire	RG8 9TJ	
Mrs	L	Draper	Barn Cottage	Ives Farm	Stratfield Saye	Reading	RG7 3DE	
Mrs	E	Leonard	Mount Pleasant	14 Stanmore Road	Beedon	Berkshire	RG20 8SP	
Mrs	J	Hutchings	Rear of Crown House	23 High Street	Hungerford	Berkshire	RG17 7PD	
Mrs	G	Keene	2 Robins Hill	Inkpen	Hungerford	Berkshire	RG17 9QD	
Mrs	E	Hare	Council Offices	Brownsfield Road	Thatcham	Berkshire	RG18 3HF	
Mrs	D	Hudspith	Sparrows Corner	Spring Lane	Cold Ash	Berkshire	RG18 9PL	
Mrs	C	Southgate	The Witterings	High Street	Compton	Berkshire	RG20 6NJ	
Mrs	A	Goudge	The Chalet	Orchard Dene Drive	Aldermaston	Berkshire	RG7 4LE	
Mrs	M	Law	Townsend House	Wallingford Road	Streatley	Berkshire	RG8 9JX	
Mrs	V	Saayman	1 Robins Hill	Inkpen	Hungerford	Berkshire	RG17 9QD	
Mrs	J	Rabbitts	Lorne Hill Farm	East Garston	Nr Hungerford	Berkshire	RG17 7EX	
Mrs	M	Ray	Biggs Cottage	Enborne Street	Enborne	Newbury	RG20 0JP	
Mrs	E A	Best	Parish Office	Calcot Centre	Highview	Calcot	RG31 4XD	
Mrs	R S	Bateman	White Shutters	Hampstead Norreys Road	Hermitage	Berkshire	RG18 9RT	
Mrs	C	Warwick	3 Downshire Close	Great Shefford	Hungerford	Berkshire	RG17 7BS	
Mrs	M	Mitchell	6 New Road	Greenham	Newbury	Berkshire	RG14 7RU	
Mrs	P	Betts	The Manor House	Church Street	Hampstead Norreys	Thatcham	RG18 0TD	
Mrs	M	Morgan	Penbury House	Enborne Row	Wash Water	Newbury	RG20 0LX	
Mrs	L	Riordan	PO BOX 6070	Newbury			RG14 9AA	
Mrs	S	Scott Johnston	Dumbledore	Jennetts Hill	Stanford Dingley	Reading	RG7 6JP	
Mrs	J E	Kirk	Mortimer Library	27 Victoria Road	Mortimer	Reading	RG7 3SH	
Mrs	A	Banks	The Malthouse	Main Street	West Ilsley	Berkshire	RG20 7AA	
Mrs	M G	Green	West Point	Reading Road	Burghfield Common	Berkshire	RG7 3QA	
Mrs	D	Davies	Church Lane Cottage	1 Church Lane	Yattendon	Berkshire	RG18 0UN	
Mrs	J	Boxall	Myrtle Cottage	Brightwalton Holt	Newbury	Berkshire	RG20 7DB	
Mrs	M	Cowdery	25 Brimpton Common	Reading	Berkshire		RG7 4RZ	
Mrs	S J	Appleton	Appledene	School Lane	Boxford	Newbury	RG20 8DX	
Mrs	M	Cowdery	25 Brimpton Common	Reading	Berkshire		RG7 4RZ	
	Bill		Wessex House	80 Park Street	Camberley	Surrey	GU15 3PT	
	Bracknell Forest Council		Market Street	Bracknell			RG12 1JD	licensing@bracknell-forest.gov.uk
	Bradfield Social Club		Union Road	Bradfield	Reading	Berkshire	RG7 6AE	
	Brakspears & Sons Plc		The Bull Courtyard	Bell Street	Henley on Thames	Oxon	RG9 2BA	
	British Pub & Beer Association		Market Towers	1 Nine Elms Lane	London		SW8 5NQ	
	British Red Cross - Berkshire		90 Eastern Avenue	Reading			RG1 5SF	
	carlsberg Tetley		Jacobsen House,	140 Bridge Street	Northampton		NN1 1PZ	
	Cavalier Pub Holdings Ltd		1 Rainsbrook Drive	Nuneaton	Warwickshire		CV11 6UE	
	Lambourn Sports & Social Club		10 Brockhampton Road	Lambourn	Hungerford	Berkshire	RG17 8PS	
	Laurel Pub Co.		Porter Tun House	500 Capability Green	Luton	Bedfordshire	LU1 3LS	Laurel.Communications@laurelpubco.com
	Leisure Connection Ltd		Priory Road	Hungerford	Berkshire		RG17 0AN	
	Luminar Plc		Luminar House	Deltic Avenue	Milton Keynes	Buckinghamshire	MK13 8LW	
	Mill House Inns Ltd		Berkeley House	Falcon House	Quedgeley	Gloucester	GL2 4L5	
	Mortimer Mens Club		The Street	Mortimer	Reading	Berkshire	RG7 3NP	
	Mitchells & Butlers plc		27 Fleet Street	Birmingham			B3 1JP	
	Moto Hospitality Ltd		PO Box 218	Toddinton	Bedfordshire		LU5 6QG	

Gambling Policy Consultees list

The Corn Exchange		Market Place	Newbury	Berkshire		RG14 5BD
Corus Hotels		Blakelands House	Yeomans Drive	Milton Keynes		MK14 5HG
Oxfordshire County Council		County Hall	New Road	Oxford		OX1 1ND
Pangbourne Working Mens' Club		Whitchurch Road	Pangbourne	Reading		RG8 7BS
Parasampia Golf & Country Club		Donnington Grove Country Club	Grove Road	Newbury	Berkshire	RG14 2LA
Punch Taverns		Jubilee House	Second Avenue	Burton upon Trent	Staffordshire	DE14 2WF
Countryside Agency Head Office		John Dower House	Crescent Place	Cheltenham		GL50 3RA
East Garston Social Club		Back Street	East Garston	Hungerford	Berkshire	RG17 7EX
Diocese of Oxford		Diocesan Church House	North Hinksey	Oxford	Oxon	OX2 0NB
Duchess of Kent House Trust		22 Liebenrood Road	Reading			RG30 2DX
The Crown Prosecution Service	Thames Valley	The Courtyard	Lombard Street	Abingdon	Oxon	OX14 5SE
Eldridge Pope & Co. PLC		Weymouth Road	Dorchester			DT1 1QT
Englefield Social Club		The Street	Englefield	Reading	Berkshire	RG7 5ES
Royal Berkshire Fire & Rescue Services		Hawthorn Road	Newbury	Berkshire		RG14 1LD
Aldershot Bowling		Birchett Road	Aldershot			GU11 1LZ
Reading Borough Council		Civic Centre	Reading	Berkshire		RG1 7TD
Reading Magistrates Court		Castle St	Reading	Berkshire		RG1 7TQ
Royal Air Forces Association		St Nicholas Road	Newbury	Berkshire		RG14 5PR
Royal British Region		Upper Lambourn Road	Lambourn	Hungerford	Berkshire	RG17 8QD
Enterprise Inns Plc		3 Monkpath Hall Road	Solihull	West Midlands		B90 4SJ
Saulet & Co Solicitors		Cumberland Business Centre	Northumberland Road	Portsmouth		P015 1DS
Vale of White Horse District Council		Abbey House	Abbey Close	Abingdon		OX14 3JE licensing.unit@whitehorsedc.gov.uk
Unison Branch Secretary		Wokingham District Council	Shute End	Wokingham	Berkshire	RG40 1BN
Thring Townsend Solicitors		Midland Bridge	Bath			BA1 2HQ
Newbury Pubwatch		Thames Valley Police	Newbury Police Station	Mill Lane	Newbury	RG14 5AU
Pangbourne Pubwatch		Thames Valley Police	Pangbourne Police Station	69 Reading Road	Pangbourne	RG8 7AJ
Hungerford Pubwatch		Thames Valley Police	Hungerford Police Station	31 Park Street	Hungerford	RG17 0EA
Security Industry Authority		PO Box 9	Newcastle Upon Tyne			NE82 6YX
Newbury and Crookham Golf Club		34 Burys Bank Road	Greenham	Thatcham	Berkshire	RG19 8BZ
Newbury Business Centre		St Mary's House	40 London Road	Newbury	Berkshire	RG14 1LA
Newbury Conservative Club		5 Cheap Street	Newbury	Berkshire		RG14 5BX
Newbury Racecourse		The Racecourse	Newbury	Berkshire		RG14 7NZ
NHS Trust Newbury		St Mary's Road	Newbury	Berkshire		RG14 1ES
NHS Trust Reading		57 - 59 Bath Road	Reading	Berkshire		RG30 2BA
NHS Trust Swindon		Corsham Family Health Centre,	Beechfield Rd,	Corsham	Wiltshire	SN13 9DN
Arkells Brewery Limited		Kingsdown	Hyde Rod	Stratton St Margaret	Swindon	SN2 7RU
AWE Recreational Society			Aldermaston	Reading	Berkshire	RG7 4PR
Basingstoke & Deane Borough Council		Civic Offices	London Road	Basingstoke	Hampshire	RG21 4AJ
Beenham Working Mens Club			Beenham	Reading	Berkshire	RG7 5NX
Berkshire Association of Clubs for Young People		452 Basingstoke Road	Reading	Berkshire		RG2 0QE
Berkshire Community Foundation		Arlington Business Park	Theale	Reading	Berkshire	RG7 4SA
Berkshire Connexions		The Point	Park Way	Newbury	Berkshire	RG14 1EE
Hungerford Club		The Croft	Hungerford	Berkshire		
Hungerford Rugby Club		The Triangle	Priory Road	Hungerford		
Hungerford Town Football Club		Bulpit Lane	Hungerford	Berkshire		RG17 0AY
Inn Good Company Limited		7 The White Way	Cirecester	Gloucestershire		GL7 2BA
Kintbury Rangers Football Club		Inkpen Road	Kintbury	Hungerford	Berkshire	
Lakeside Superbowl		Newbury Leisure Park	Llowerway	Thatcham	Berkshire	RG13 3AL
Thames Valley Chamber of Commerce		121 Clare Road	Staines	Middlesex		RTW19 7QP
Thames Valley Police		Castle Street	Reading	Berkshire		RG1 7TH
Thatcham Town Football Club		Waterside Park	Crookham Road	Thatcham	Berkshire	RG19 4PA
Charles Lucas and Marshall		Radnor House	28 Bartholomew Street	Newbury	Berkshire	RG14 5EU
Northcroft Leisure Centre		Northcroft Lane	Northcroft	Newbury	Berkshire	RG14 5BT
Federation of Licensed Victuallers Association		126 Bradford Rd	Brighouse	West Yorkshire		HD6 4AU
Field Seymour Parkes Solicitors		The Old Coroner's Court	1 London Street	PO Box 174	Reading	RG1 4QW
Fuller, Smith & Turner Plc		Head Of The River	Folly Bridge	Oxford	Oxfordshire	OX1 4LB
Gardener Leader		24 Market Place	Newbury	Berkshire		RG14 5BA
Greenacre Leisure		Greenham Road	Newbury	Berkshire		RG14 7SW
Hampshire County Council		The Castle	Winchester	Hampshire		SO23 8UJ
Social Services		Council Offices	Avon Bank House	West Street	Newbury	
South Oxfordshire District Council		Benson Lane	Crowmarsh Gifford	Wallingford	Oxfordshire	OX10 8HQ licensing@southoxon.gov.uk
Speen Parish Hall		Cornerstones	Speen Lane	Speen	Newbury	RG14 1RJ
Spirit Group Ltd		107 Station Street	Burton-On-Trent	Staffordshire		DE14 1SZ
St Cassians Centre		Wallingtons Road	Kintbury	Hungerford	Berkshire	RG17 9SR
Streatley Parish Council		Park Paddocks	Wallingford Road	Streatley	Reading	RG8 9JX
Test Valley Borough Council		Beech Hurst	Weyhill Road	Andover	Hampshire	
Wadworth and Co. Ltd		Northgate Brewery	Northgate Street	Devizes	Wiltshire	SN10 1JW
West Berkshire Citizens Advice Bureau		16 Bartholomew Street	Newbury	Berkshire		RG14 5LT
West Berkshire Conservative Association		6 Cheap Street	Newbury	Berkshire		RG14 5DD

Gambling Policy Consultees list

West Berkshire Education Business Partnership	188 Main Street	New Greenham Park	Thatcham	Berkshire	RG13 6HW
West Berkshire Council for Voluntary Service	1 Bolton Place	Newbury	Berkshire		RG14 1AJ
West Berkshire Liberal Democrats	Bluebell Meadow	Winnersh	Wokingham	Berkshire	RG41 5UW
Whitbread PLC	Oakley House	Oakley Rd	Luton	Bedfordshire	LU4 9QH
Wiltshire County Council	County Hall	Bythesea Rd	Trowbridge	Wiltshire	BA14 8JN
Wokingham District Council	Council Offices	Shute End	Wokingham	Berkshire	RG40 1BN
Samaritans (Newbury)	58 West Street	Newbury	Berkshire		RG14 1BD
Gamblers Anon	Watlington House	44 Watlington Street	Reading	Berkshire	RG1 4RJ
Gambling Commission	Victoria Square House	Victoria Square	Birmingham	West Midlands	B2 4BP
Coral	Market Street	Newbury	Berkshire		RG14 5AA
Stan James	43 The Broadway	Thatcham	Berkshire		RG19 3HP
Ladbrokes	46 Northbrook St	Newbury	Berkshire		RG14 1DT
GamCare	2 & 3 Baden Place	Crosby Row	London		SE1 1YW
Society for the study of Gambling	68 St Nicholas Close	Little Chalfont	Buckinghamshire		HP7 9NP
George Gale & Co Ltd	The Hampshire Brewery	Horndean	Hampshire		P08 ODA
Great Shefford Social Club	Station Road	Great Shefford	Hungerford	Berkshire	RG17 7DE
Hackney Carriage Association	Infirmery Street	Newtown	Carlisle	Cumbria	CA2 7AA
Green King Pub Company	Abbot House	Bury St Edmunds	Suffolk		IP33 1QT
Catholic Club	7 Bath Road	Thatcham	Berkshire		RG18 3AG
Sulhamstead Parish Council	Field Farm Barn	Sulhamstead Hill	Sulhamstead	Reading	RG7 4DA
Welcome Break	2 Vantage Court	Tickford Street	Newport Pagnell,	Buckinghamshire	MK16 9EZ
West Berkshire Hospitals Charity	London Road	Reading	Berkshire		RG1 5AN
Berkshire Buckinghamshire & Oxfordshire Union of Golf Clubs	County Union Office	Bridge House	Great Missenden	Buckinghamshire	HP16 9AZ
Innspired Pubs	25 Handel Street	Nottingham	Nottinghamshire		NG3 1JE
Kennet District Council	Browfort	Bath Road	Devizes	Wiltshire	SN10 2AT
Enborne St Michael C of E Church		Enborne	Newbury	Berkshire	RG20 0HD
Glendale Church	Wash Common Community Centre	Glendale Avenue	Wash Common	Newbury	
St Marys C of E	New Road	Greenham	Newbury	Berkshire	RG19 8RZ
Lady of Lourdes	Priory Road	Lambourn		Berkshire	
Newbury Baptist Church	Cheap Street	Newbury		Berkshire	RG14 5DD
Newbury Methodist Church	Northbrook Street	Newbury		Berkshire	
Our Lady of the Assumption RC Church	7 Bath Road	Thatcham		Berkshire	RG18 3AG
Parish Churchs of Basildon Berkshire, Aldworth and Ashampstead	The Vicarage	Upper Balisdon	Reading	Berkshire	
Religious Society of Friends (Quakers)	Friends Meeting House	1 Highfield Avenue	Newbury	Berkshire	RG14 5DS
Sacred Heart RC Church	Baydon Road	Lambourn		Berkshire	RG17 8NU
St Francis de Sale RC Church	Warren Lodge	Warren Road	Wash Common	Newbury	RG14 6NH
St George The Martyr	206 Andover Road	Newbury		Berkshire	RG14 6NU
St James the Less Pangbourne	St James Close	Pangbourne	Reading	Berkshire	RG8 7AP
St John's The Evangelist	West End Road	Mortimer Common	Reading	Berkshire	RG7 3SY
St John The Evangelist Church	Chesterfield Road	Newbury		Berkshire	RG14 7QB
St Joseph's Catholic Church	105 London Road	Newbury		Berkshire	RG14 1JP
St Marys Church	Love Lane	Shaw	Newbury	Berkshire	RG14 2JG
St Marys C of E Church	3 Elizabeth Gardens	Kintbury	Hungerford	Berkshire	RG17 9TB
St Mary the Virgin C of E Church	Church Lane	Burghfield	Burghfield Common	Berkshire	RG30 3TG
St Nicolas Church	West Mills	Newbury		Berkshire	RG14 5HG
The Salvation Army	Northcroft Lane	Northcroft	Newbury	Berkshire	RG14 1RS
Thatcham Baptist Church	Whealers Green Way	Thatcham	Berkshire		RG19 4YF
Thatcham Methodist Church	Chapel Street	Thatcham	Berkshire		RG18 4QL
Turnpike Church of the Vine	36 Cresswell Road	Newbury	Berkshire		RG14 2PH
United Reformed Church	25 Wansey Gardens	Newbury	Berkshire		RG14 2SJ
United Reformed Church	Church Lane	Thatcham	Berkshire		RG19 3JL
Baha' I Faith	9 Withy Bed Way	Thatcham	Berkshire		RG18 4DG
The Church of the God	PO BOX 5564	Newbury	Berkshire		RG14 5WL
Decade Ministries	Farncombe View	Hungerford Hill	Lambourne	Berkshire	RG17 8NP
Elmore Abbey	Church Lane	Speen	Newbury	Berkshire	RG14 1SA
Methodist Church	The Forge	Eastbury	Hungerford	Berkshire	RG17 7JL
All Saints C of E	Broad Lane	Upper Bucklebury	Reading	Berkshire	RG7 6QU
Beech Hill Baptist Chapel	Chapel Lane, Off Wood lane	Beech Hill	Reading	Berkshire	RG7 2BH
Bradfield Methodist Church	Bishops Road	Tutts Clump	Bradfield	Reading	
Brimpton Baptists Church	Brimpton Road	Brimpton	Reading	Berkshire	RG7 4SP
Douai Abbey	Upper Woolhampton	Nr Reading	Berkshire		RG7 5TQ
Hold Trinity C of E Church	Church Street	Theale	Reading	Berkshire	RG7 5BZ
Mortimer Methodist Church	West End Road	Mortimer	Reading	Berkshire	RG7 3TE
Mortimer West End Chapel	Chapel Lane	Padworth Common	Berkshire		RG7 4QE
St Andrew Bradfield	Church Road	Bradfield	Berkshire		RG7 6BY
St Denys Standford Dingley	Standford Dingley		Berkshire		RG7 6LX
St John The Baptist	Church Road	Padworth	Berkshire		RG7 3SY
St Luke Catholic Church	Englefield Road	Theale	Berkshire		RG7 5AS
St Mark C of E Church	The Street	Englefield	Berkshire		RG7 5EP

Gambling Policy Consultees list

St Mary C of E		Aldermaston		Berkshire		RG7 4LX
St Mary Beenham Valence		Church Lane	Beenham	Berkshire		RG7 5NN
St Marys Church		Broad Lane	Upper Bucklebury	Reading	Berkshire	RG7 6QH
St Marys Sulhamstead Abbots Church		The Rectory	Sulhamstead Road	Ufton Nervet	Berkshire	RG7 4DH
St Marys Burghfield		Church Lane	Burghfield	Berkshire		RG7 3JL
St Matthews Midgham		Church hill	Midgham	Berkshire		RG7 5UL
St Oswalds RC Church		Abbey Park	Burghfield Common	Berkshire		RG7 3HQ
St Peter's Brimpton		Church Lane	Brimpton	Berkshire		RG7 4TJ
St Peter's Southend Bradfield		Church Lane	Brimpton	Berkshire		RG7 4TJ
St Peter's C of E Church		The Vicarage	Wasing Lane	Aldermaston	Berkshire	RG7 4LX
St Peter's		Woolhampton Hill	Woolhampton	Berkshire		
Newbury Labour Party		St Giles House	10 Church Street	Reading		RG1 2SD
Newbury Round Table Association		Marchesi House	4 Embassy Drive	Calthorpe Road	Edgbaston	B15 1TP
Newbury Sports Arena		Newbury Rugby Club	Newbury Sports Arena	Monks Lane	Newbury	RG14 7RW
Education Services		Avon Bank House	West Street	Newbury	Berkshire	RG14 1BZ
Royal National Lifeboat Institution		20 Buckingham Street	London	WC2N 6EF		
Drug and Alcohol Action Team		Council Offices	Market Street	Newbury	Berkshire	RG14 5AD
Penningtons		Newbury House	20 Kings Road	Newbury	Berkshire	RG14 5XA
Speen Parish Council	Mrs J Ives	Harling Cottage	37 Main Street	Chaddleworth	Newbury	RG20 6ER

From: Deane Steve
Sent: 20/10/2015 14:21:19
To: Licensing
CC: Mckeown Warren
Subject: Consultation - Gambling Act 2005
Attachments: WBC GA2005 SOP EGM v1.pdf

West Berks Police, having read through the Gambling Licensing Policy Consultation Document, have no additional comments / representations to make.

Regards

Steve Deane - Licensing Officer - West Berkshire & Wokingham Police Areas

Address: Licensing Officer, Wokingham Police Station, Seymore House,
The Courtyard, Denmark Street, Wokingham, RG40 2AZ
Tel: 0118 936 5919 **Mobile:** 07800 70 20 60 **Internal:** 739 5919:
Email: steve.deane@thamesvalley.pnn.police.uk

For information, guidance and the Licensing Toolkit, visit: <http://knowzone/kz-lic-homepage.htm>

From: Cheryl Lambert [<mailto:CLambert@westberks.gov.uk>] **On Behalf Of** Licensing
Sent: 30 September 2015 10:11
To: April Peberdy; Clair Gill; EHAdvice; 'licensing@thamesvalley.pnn.police.uk'; 'NewburyFireSafety@rbfrs.co.uk';
Planapps; TS Information
Subject: Consultation - Gambling Act 2005

West Berkshire District Council Consultation - Gambling Act 2005

The Council is currently consulting on the renewal of its Statement of Principles as required by the Gambling Act 2005. We have a statutory requirement to revise the statement every 3 years, to take effect from January 2016.

You are invited to comment upon the existing policy and offer comments as you feel appropriate for consideration in the review.

The policy document is attached with changes inserted under section 7 to cover the new mandatory requirements which apply to operators who are required to develop their own premises specific risk assessment by 6 April 2016. New paragraphs have also been inserted under section 13 which outline the Council's position in respect of the formation of a local area profile. The Council welcomes evidence to support these.

Further information regarding risk assessments and local area profiles is available at the Gambling Commissions website www.gamblingcommission.gov.uk

Comments on the revised draft Gambling Licensing Policy must be in writing – either by sending an email to licensing@westberks.gov.uk or by writing to the following address:

West Berkshire District Council
Council Offices
Market Street
Newbury, RG14 5LD

Please include your name and contact details with your comments.

It should be noted that the Gambling Commission Guidance advises that demand for gambling premises and morality issues are not considerations under this legislation. Therefore the authority may not be in a position to consider any comments of this nature.

Comments on the revised policy must be received by 28 October 2015.

This email and any attachments to it may be confidential and are intended solely for the use of the individual to whom it is addressed. Any views or opinions expressed may not necessarily represent those of West Berkshire Council.

If you are not the intended recipient of this email, you must neither take any action based upon its contents, nor copy or show it to anyone. Please contact the sender if you believe you have received this e-mail in error.

All communication sent to or from West Berkshire Council may be subject to recording and or monitoring in accordance with UK legislation, are subject to the requirements of the Freedom of Information Act 2000 and may therefore be disclosed to a third party on request.

Thames Valley Police Currently use the Microsoft Office 2007 suite of applications. Please be aware of this if you intend to include an attachment with your email. This communication contains information which is confidential and may also be privileged. Any views or opinions expressed are those of the originator and not necessarily those of Thames Valley Police. It is for the exclusive use of the addressee (s). If you are not the intended recipient(s) please note that any form of distribution, copying or use of this communication or the information in it is strictly prohibited and may be unlawful. If you have received this communication in error please forward a copy to: informationsecurity@thamesvalley.pnn.police.uk and to the sender. Please then delete the e-mail and destroy any copies of it. Thank you.



Licensing Policy on Gambling

Published

31st January 2013

Table of Contents

Section	Page Number
Section 1 - Definitions	3
Section 2 - Introduction	4
Section 3 - Licensing Objectives	5
Section 4 - Demand for Gaming Premises	5
Section 5 - Consultation and Review	6
Section 6 - The Licensing Process	6
Section 7 - <u>Risk Assessments</u>	<u>78</u>
<u>Section 8</u> - The Protection of Children from Harm	<u>9</u>
Section <u>89</u> - Interested Parties	9
Section <u>910</u> - Licence Conditions	<u>910</u>
Section <u>1011</u> - Enforcement	<u>1011</u>
Section <u>1112</u> - Information Exchange	<u>1011</u>
Annex 1 - Delegation of Licensing Functions	<u>1213</u>
Annex 2 - Responsible Authorities	<u>1314</u>

West Berkshire Council Statement of Policy on Gambling

Section 1 - Definitions

The **Council** means West Berkshire District Council;

The **Licensing Authority** means the Council acting as defined by Section 2 of the Gambling Act 2005. For all official correspondence, the address of the Licensing Authority is, The Licensing Manager, Environmental Health & Licensing, Culture & Environmental Protection, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD.

The **Act** means the Gambling Act 2005.

The **Licensing Committee** means the full committee or a Sub-Committee of not less than three members.

The term **etc.** is used to denote the whole range of consents relating to the Act, including premises licences, authorisations for the temporary use of premises, occasional use notices and five different sorts of permits for unlicensed family entertainment centres, prize gaming, gaming machines on alcohol-licensed premises and club gaming and club gaming machines, variations, transfers, and renewals.

GC means the Gambling Commission.

Child means an individual who is less than 16 years old. A **young person** means an individual who is not a child but who is less than 18 years old.

GC guidance means the latest guidance issued under Section 25 of the Gambling Act 2005 by the Gambling Commission.

Section 2 - Introduction

- 1 This Licensing Policy Statement addresses the requirements of section 1 of the Act. It sets out the Council's Licensing Policy and takes account of the GC guidance. This Licensing Policy Statement will apply to the area of West Berkshire District Council.
- 2 West Berkshire District Council is a Unitary Authority and is predominantly rural with the Council area making up over half of the geographical County of Berkshire, covering an area of 272 square miles. The population is relatively young when compared across the UK, although this is made up of a significant proportion of people aged between 30 – 50 rather than significant numbers of people in their 20's. The District is perceived to be in an area of some affluence having 5 main areas of conurbation spread evenly across the Council's area of jurisdiction. Newbury Racecourse is situated in the centre of the largest town in the District and the rural areas are world renowned for their involvement in the training and stabling of race horses.
- 3 The Policy relates to all those licensing activities identified as falling within the provisions of the Act, namely:-
 - a) bingo premises;
 - b) betting premises, including tracks;
 - c) adult gaming centres;
 - d) family entertainment centres;
 - e) authorisations for the temporary use of premises;
 - f) occasional use premises;
 - g) prize gaming;
 - h) gaming machines on alcohol-licensed premises;
 - i) club gaming;
 - j) club gaming machines.
 - k) Casinos
- 4 The scope of the Policy covers new premises licences and other forms of permits.
- 5 The Licensing Authority recognises that in determining individual cases, decisions must be consistent with both the provisions of the Act, the Section 25 Guidance and this Policy. In particular, this Policy does not override the right of any interested party to make representations on an application where that provision has been made in the

Act. In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits.

- 6 The Licensing Authority recognises the obligations placed upon it by the Human Rights Act 1998 and in considering applications under the Gambling Act will have regard to:
- a) Article 1, Protocol 1 – peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest;
 - b) Article 6 – right to a fair hearing;
 - c) Article 8 – respect for private and family life. In particular removal of restriction of a licence may affect a person’s private life; and
 - d) Article 10 – right to freedom of expression.

Section 3 - Licensing Objectives

- 7 The Licensing Authority recognises that its duty under the Act is to carry out its functions with a view to promoting the three Licensing Objectives, and all decisions will be made solely based on these. They are :-
- a) ***preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;***
 - b) ***ensuring that gambling is conducted in a fair and open way; and***
 - c) ***protecting children and other vulnerable persons from being harmed or exploited by gambling.***
- 8 The Licensing Authority recognises that in exercising its function under part 8 of the Act (Premises Licensing and Provisional Statements) it will aim to permit the use of premises for gambling in so far as it thinks it is:
- a) *in accordance with any relevant code of practice under section 24;*
 - b) *in accordance with any relevant guidance issued by the GC under section 25;*
 - c) *reasonably consistent with the licensing objectives set out above; and*
 - d) *in accordance with this licensing policy statement.*

Section 4 – Demand for gaming premises

- 9 The Licensing Authority recognises that in deciding whether or not to grant a licence etc, unmet demand is not a criterion in considering an application for a premises

licence under the Act. Each application will be considered upon its merits without regard to demand.

- 10 The Licensing Authority will consider applications for premises licences for casinos.

Section 5 - Consultation and review

- 11 Before publishing this Policy Statement, or any subsequent revision, the Licensing Authority will consult with the following:-

- a) the Chief Officer of Police responsible for the West Berkshire area;
- b) one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- c) one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

- 12 The Council will review, and after consultation, re-publish its Licensing Policy at least once every three years. Whilst acknowledging this responsibility, the Council reserves the right to revise the Policy at more frequent intervals, should this be deemed appropriate or necessary.

- 13 **Local Area Profiles (LAP)**

Whilst not a requirement the authority may consider adopting a Local Area Profile in line with developing a more local focused statement policy which will be a relevant matter when determining applications or reviewing existing licences.

The nature and creation of such a profile involves a process of drawing together and presenting information about the area and in particular areas of concern within the locality. Information will be required from a number of bodies, e.g. public health, mental health, social housing providers, community groups and other partner organisations for the production of such a profile.

Section 6 - The Licensing Process

- 14 The Council recognises its licensing responsibilities under the Gambling Act 2005 and in particular will provide:

- a) appropriate levels of resources including personnel, systems (including computer systems), and support;
 - b) appropriate training for Elected Members, appropriate facilities at licensing hearings for applicants, the public and witnesses;
 - c) hearings at times convenient to applicants and witnesses, as far as reasonably practicable;
 - d) general guidance and assistance to licence applicants as far as reasonably practicable, however for specific advice the applicant may need to seek independent legal advice;
 - e) an appropriate system to receive related complaints and service requests;
 - f) Elected Members and Officers who have regard to appropriate Codes of Conduct and Declaration of Interests in dealing with licensing applications.
- 15 The powers of the Licensing Authority under the Act will be carried out via the Council's Licensing Committee, by a Sub-Committee or by one or more Officers acting under delegated authority. In the interests of speed, efficiency and cost-effectiveness for all parties involved in the licensing process, the Council has adopted the scheme of delegation shown at Annex A to process applications received under the Act. This form of delegation is without prejudice to referring an application to a Sub-Committee or the Licensing Committee if it is considered appropriate in particular cases.
- 16 The Licensing Authority will expect applicants to address, in their applications, the measures they propose to take to meet the Licensing Objectives and to submit any information with their application that may be prescribed by the Secretary of State and/or the Licensing Authority.
- 17 When making licensing decisions and imposing licensing conditions, the Licensing Authority will concentrate on matters within the control of the licence holder. Generally the Licensing Authority will be concerned only with the premises in question and its vicinity. The Licensing Authority will focus on the direct impact which the licensed premises, and its licensed activities, could have on persons living sufficiently close to the premises to be likely to be affected by the authorised activities and on persons having business interests that might be affected by the authorised activities.
- 18 In determining applications for licences, permits, etc the Licensing Authority will:

- a) consider only pertinent factors as set out in law and in approved guidance;
- b) act without favour when considering matters linked directly or indirectly to the Council, for instance when dealing with an application for one of its own properties;
- c) act in accordance with the principles of natural justice;
- d) impose conditions on a licence as prescribed in the Act by means of Regulations as either, Mandatory Conditions or Default Conditions, to be made by the Secretary of State or as may be appropriate in the particular circumstances of individual premises. Conditions will not duplicate other statutory requirements.

Section 7 - Risk Assessments

19. The Gambling Commission's Licence Conditions and Codes of Practice (LCCP)

prescribe the need for operators to consider local risks. Local risk assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

20. Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

21. Licensees are required to undertake a local risk assessment when applying for a new premises licence. Risk assessments must also be updated:

- a) When applying for a variation of a premises licence.
- b) To take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement.
- c) When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

22. The licensing authority has an expectation that all local risk assessments will take into account the local social profile of the area.

Section ~~7~~8 - The protection of children and other vulnerable persons from being harmed or exploited by gambling

~~19~~23. Responsible Authorities are set out in Annexe B. These authorities are required to be notified by applicants of their intention to apply for a licence etc, and are able to make representations against applications. Specifically in relation to protecting children and other vulnerable persons from harm, the Licensing Authority has discretion to determine the most appropriate body competent to advise the Authority about protection from harm.

~~20~~24. The Licensing Authority considers the Local Safeguarding Children Board to be the competent body to advise the Authority on matters relating to the above sub section.

~~21~~25. The Local Safeguarding Children Board is the statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of young or vulnerable people.

~~22~~26. It is therefore highly appropriate that any activities taking place in the locality that have the potential to impact upon the well being of young or vulnerable people are brought to the Board's attention so that any necessary response or action can be considered.

~~23~~27. This is a wide remit but it is extremely helpful for the organisations represented on the Board which includes all the statutory agencies working with children and families to be aware at the earliest opportunity of applications for gambling licences/permits etc, as the location and hours open can have implications for young persons in that area.

Section ~~89~~ - Interested parties

~~24~~28. Section 158 of the Act defines interested parties as persons who:

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) have business interests that might be affected by the authorised activities; or
- c) represent persons who satisfy paragraph a) or b).

~~25~~29. In determining whether an interested party "lives sufficiently close to the premises" the Licensing Authority will consider factors such as:

- a) the size of the premises;
- b) the nature of the premises;
- c) the distance of the premises from the location of the person making the representation;
- d) the potential impact of the premises, such as number of customers, routes likely to be taken by those visiting the establishment; and
- e) the nature of the complainant; that is whether the interests of the complainant may be relevant to the distance from the premises, for example, a private resident, a residential school for children with truanting problems or a hostel for vulnerable adults.

2630. In determining whether “business interests might be affected” the Licensing Authority will consider factors such as:

- f) the size of the premises;
- g) the ‘catchment’ area of the premises;
- h) whether the person making the representation has business interests in the catchment area that might be affected.

2731. In determining who may “represent persons” who live in the area or have business

Interests, the Licensing Authority will consider the following categories:

- i) trade associations;
- j) trade unions;
- k) resident’s and tenant’s associations;
- l) MP’s, Ward Councillors, Town or Parish Councils and Town and Parish Councillors’.
- m) Any other person, on a case by case basis, who, in the opinion of the Licensing Authority satisfies the Authority, in writing, that they truly represent interested parties.

Section 9 - Licence Conditions

2832. The Licensing Authority will impose conditions that are either mandatory or default as prescribed in the Act or in Regulations prescribed by the Secretary of State, and may impose conditions which the Committee regard as necessary to meet the Licensing Objectives or are specific to the premises being considered.

2933. Any conditions attached to any particular licence will:

- a) always be tailored to the style and characteristics of the premises in question;

- b) only be applied when needed for the prevailing circumstances and;
- c) will only be applied when necessary to help achieve the Licensing Objectives.

3034. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public, for example, Health and Safety at Work and Fire Safety Legislation.

3135. Whenever reasonably practicable, the Licensing Authority will ensure that other legislation, most notably Fire Safety Legislation, does not omit controls on the understanding they will be addressed by licensing conditions.

Section 10 - Enforcement

3236. Where enforcement action is necessary, the Council will act in accordance with its published Enforcement Policy, which in turn is based on the principles of the Regulatory Compliance Code.

3337. The Licensing Authority will enforce, alone or in partnership, all breaches of the licence conditions under the Act where appropriate.

3438. The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact who should be a senior individual and whom the Authority may contact first should any compliance queries or issues arise. Notwithstanding this the Authority reserves the right to act directly against individuals where the extent of the problem or offence is deemed appropriate.

Section 11 - Information Exchange

3539. The Licensing Authority will have regard to the requirements of the Freedom of Information Act concerning information it holds upon applicants, licences and permits etc. This information will be freely available as it will be a requirement for the Licensing Authority to maintain a public register of the premises licences it has issued. Such information will include details of applicants, licence holders, and licence conditions.

3640. Copies of applications and supporting documentation will be made available to Responsible Authorities under the Act

3741. In the case of representations made against an application for a licence or permit these will be made available to the applicant so that they can address any issues

raised in a hearing held to determine their application. The name and address of the person making the representation will normally be made available to the applicant but will be withheld upon request. In such cases, an objector must appreciate that the representation may receive lesser consideration.

DRAFT

ANNEX A: Delegation of Licensing Functions

Matter to be dealt with	Full Council	Sub Committee of Licensing Committee	Delegated to Officers
Three year licensing policy	Cannot be delegated further		
Policy not to permit casinos	Cannot be delegated further		
Fee setting	Generally prescribed by Secretary of State but may be devolved to Licensing Authorities in certain cases		
Application for Premises Licence		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Application to vary Premises Licence		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Application to transfer Premises Licence		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Application for a provisional statement		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Review of a premises licence		By Licensing Committee only	
Application for club gaming / club machine permits		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Cancellation of club gaming / club machine permits			All cases
Applications for other permits			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of temporary use notice			All cases
Decision to give a counter notice to a temporary use notice		All cases	

Annex B

Responsible Authority	Point of Contact
The Licensing Authority	<p>The Licensing Team Manager, West Berkshire Council, Culture & Environmental Protection, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD</p> <p>Licensing@westberks.gov.uk</p>
The Gambling Commission	Victoria Square House, Victoria Square, Birmingham B2 4BP
The Chief Officer of Police	<p>Licensing, Thames Valley Police, Headquarters (South), Kidlington, Oxfordshire OX5 2NX</p> <p>licensing@thamesvalley.pnn.police.uk</p>
The Fire Authority	<p>The Fire Safety Officer, Royal Berkshire Fire & Rescue Service, Hawthorn Road, Newbury, Berkshire, RG14 1LD</p> <p>NewburyFireSafety@rbfr.co.uk</p>
The Local Planning Authority Town and Country Planning Act 1990 (c.8)	Development Control Manager, West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
The Environmental Health Authority	Principal Environmental Health Officer West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
<u>Public Health and Wellbeing and</u> Local Safeguarding Children Board	<p><u>Debbie Richings, Children's Planning Officer Commissioning Manager,</u></p> <p>West Berkshire District Council, <u>Council Offices, Market Street, Newbury, Berkshire. RG14 5LD</u></p>
HM Revenue and Customs	<p><u>HM Revenue & Customs, Risk Section, Sapphire Plaza, Watlington Street, Reading, Berkshire RG1 4TA HMRC National Registration Unit, Portcullis House, 21 India St, Glasgo G2 4PZ</u></p> <p>NRUBetting&Gaming@HMRC.gsi.gov.uk</p>
The Secretary of State	Tourism Division, 3 rd Floor, 2-4 Cockspur Street, London. SW1Y 5DH

From: Margaret Gore
Sent: 07/10/2015 09:29:02
To: Cheryl Lambert
Subject: FW: Consultation - Gambling Act 2005
Attachments: WBC GA2005 SOP EGM v1.pdf

Morning Cheryl

At its Planning & Highways Meeting of 5 October 2015 member made the following comment:

107. WEST BERKSHIRE DISTRICT COUNCIL CONSULTATION - GAMBLING ACT 2005

PROPOSED: Councillor Jo Day
SECONDED: Councillor Tony Stretton

RESOLVED: That Members support the renewal of the Gambling Act 2005.

Kind regards

Margaret

Margaret Gore / Corporate Services Officer

Newbury Town Council, Town Hall, Market Place, Newbury, RG14 5AA

☎ (01635) 35486 ✉ margaret.gore@newbury.gov.uk
☎ (01635) 40484 🌐 www.newbury.gov.uk
🐦 @NewburyTC 📘 NewburyTC

West Berkshire District Council Consultation - Gambling Act 2005

The Council is currently consulting on the renewal of its Statement of Principles as required by the Gambling Act 2005. We have a statutory requirement to revise the statement every 3 years, to take effect from January 2016.

You are invited to comment upon the existing policy and offer comments as you feel appropriate for consideration in the review.

The policy document is attached with changes inserted under section 7 to cover the new mandatory requirements which apply to operators who are required to develop their own premises specific risk assessment by 6 April 2016. New paragraphs have also been inserted under section 13 which outline the Council's position in respect of the formation of a local area profile. The Council welcomes evidence to support these.

Further information regarding risk assessments and local area profiles is available at the Gambling Commissions website www.gamblingcommission.gov.uk

Comments on the revised draft Gambling Licensing Policy must be in writing – either by sending an email to licensing@westberks.gov.uk or by writing to the following address:

West Berkshire District Council
Council Offices
Market Street
Newbury, RG14 5LD

Please include your name and contact details with your comments.

It should be noted that the Gambling Commission Guidance advises that demand for gambling premises and morality issues are not considerations under this legislation. Therefore the authority may not be in a position to consider any comments of this nature.

Comments on the revised policy must be received by **28 October 2015**.

This email and any attachments to it may be confidential and are intended solely for the use of the individual to whom it is addressed. Any views or opinions expressed may not necessarily represent those of West Berkshire Council.

If you are not the intended recipient of this email, you must neither take any action based upon its contents, nor copy or show it to anyone. Please contact the sender if you believe you have received this e-mail in error.

All communication sent to or from West Berkshire Council may be subject to recording and or monitoring in accordance with UK legislation, are subject to the requirements of the Freedom of Information Act 2000 and may therefore be disclosed to a third party on request.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



Licensing Policy on Gambling

Published

31st January 2013

Table of Contents

Section	Page Number
Section 1 - Definitions	3
Section 2 - Introduction	4
Section 3 - Licensing Objectives	5
Section 4 - Demand for Gaming Premises	5
Section 5 - Consultation and Review	6
Section 6 - The Licensing Process	6
Section 7 - <u>Risk Assessments</u>	<u>78</u>
<u>Section 8</u> - The Protection of Children from Harm	<u>9</u>
Section <u>89</u> - Interested Parties	9
Section <u>910</u> - Licence Conditions	<u>910</u>
Section <u>1011</u> - Enforcement	<u>1011</u>
Section <u>1112</u> - Information Exchange	<u>1011</u>
Annex 1 - Delegation of Licensing Functions	<u>1213</u>
Annex 2 - Responsible Authorities	<u>1314</u>

West Berkshire Council Statement of Policy on Gambling

Section 1 - Definitions

The **Council** means West Berkshire District Council;

The **Licensing Authority** means the Council acting as defined by Section 2 of the Gambling Act 2005. For all official correspondence, the address of the Licensing Authority is, The Licensing Manager, Environmental Health & Licensing, Culture & Environmental Protection, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD.

The **Act** means the Gambling Act 2005.

The **Licensing Committee** means the full committee or a Sub-Committee of not less than three members.

The term **etc.** is used to denote the whole range of consents relating to the Act, including premises licences, authorisations for the temporary use of premises, occasional use notices and five different sorts of permits for unlicensed family entertainment centres, prize gaming, gaming machines on alcohol-licensed premises and club gaming and club gaming machines, variations, transfers, and renewals.

GC means the Gambling Commission.

Child means an individual who is less than 16 years old. A **young person** means an individual who is not a child but who is less than 18 years old.

GC guidance means the latest guidance issued under Section 25 of the Gambling Act 2005 by the Gambling Commission.

Section 2 - Introduction

- 1 This Licensing Policy Statement addresses the requirements of section 1 of the Act. It sets out the Council's Licensing Policy and takes account of the GC guidance. This Licensing Policy Statement will apply to the area of West Berkshire District Council.
- 2 West Berkshire District Council is a Unitary Authority and is predominantly rural with the Council area making up over half of the geographical County of Berkshire, covering an area of 272 square miles. The population is relatively young when compared across the UK, although this is made up of a significant proportion of people aged between 30 – 50 rather than significant numbers of people in their 20's. The District is perceived to be in an area of some affluence having 5 main areas of conurbation spread evenly across the Council's area of jurisdiction. Newbury Racecourse is situated in the centre of the largest town in the District and the rural areas are world renowned for their involvement in the training and stabling of race horses.
- 3 The Policy relates to all those licensing activities identified as falling within the provisions of the Act, namely:-
 - a) bingo premises;
 - b) betting premises, including tracks;
 - c) adult gaming centres;
 - d) family entertainment centres;
 - e) authorisations for the temporary use of premises;
 - f) occasional use premises;
 - g) prize gaming;
 - h) gaming machines on alcohol-licensed premises;
 - i) club gaming;
 - j) club gaming machines.
 - k) Casinos
- 4 The scope of the Policy covers new premises licences and other forms of permits.
- 5 The Licensing Authority recognises that in determining individual cases, decisions must be consistent with both the provisions of the Act, the Section 25 Guidance and this Policy. In particular, this Policy does not override the right of any interested party to make representations on an application where that provision has been made in the

Act. In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits.

- 6 The Licensing Authority recognises the obligations placed upon it by the Human Rights Act 1998 and in considering applications under the Gambling Act will have regard to:
- a) Article 1, Protocol 1 – peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest;
 - b) Article 6 – right to a fair hearing;
 - c) Article 8 – respect for private and family life. In particular removal of restriction of a licence may affect a person’s private life; and
 - d) Article 10 – right to freedom of expression.

Section 3 - Licensing Objectives

- 7 The Licensing Authority recognises that its duty under the Act is to carry out its functions with a view to promoting the three Licensing Objectives, and all decisions will be made solely based on these. They are :-
- a) ***preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;***
 - b) ***ensuring that gambling is conducted in a fair and open way; and***
 - c) ***protecting children and other vulnerable persons from being harmed or exploited by gambling.***
- 8 The Licensing Authority recognises that in exercising its function under part 8 of the Act (Premises Licensing and Provisional Statements) it will aim to permit the use of premises for gambling in so far as it thinks it is:
- a) *in accordance with any relevant code of practice under section 24;*
 - b) *in accordance with any relevant guidance issued by the GC under section 25;*
 - c) *reasonably consistent with the licensing objectives set out above; and*
 - d) *in accordance with this licensing policy statement.*

Section 4 – Demand for gaming premises

- 9 The Licensing Authority recognises that in deciding whether or not to grant a licence etc, unmet demand is not a criterion in considering an application for a premises

licence under the Act. Each application will be considered upon its merits without regard to demand.

- 10 The Licensing Authority will consider applications for premises licences for casinos.

Section 5 - Consultation and review

- 11 Before publishing this Policy Statement, or any subsequent revision, the Licensing Authority will consult with the following:-

- a) the Chief Officer of Police responsible for the West Berkshire area;
- b) one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- c) one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

- 12 The Council will review, and after consultation, re-publish its Licensing Policy at least once every three years. Whilst acknowledging this responsibility, the Council reserves the right to revise the Policy at more frequent intervals, should this be deemed appropriate or necessary.

- 13 **Local Area Profiles (LAP)**

Whilst not a requirement the authority may consider adopting a Local Area Profile in line with developing a more local focused statement policy which will be a relevant matter when determining applications or reviewing existing licences.

The nature and creation of such a profile involves a process of drawing together and presenting information about the area and in particular areas of concern within the locality. Information will be required from a number of bodies, e.g. public health, mental health, social housing providers, community groups and other partner organisations for the production of such a profile.

Section 6 - The Licensing Process

- 14 The Council recognises its licensing responsibilities under the Gambling Act 2005 and in particular will provide:

- a) appropriate levels of resources including personnel, systems (including computer systems), and support;
 - b) appropriate training for Elected Members, appropriate facilities at licensing hearings for applicants, the public and witnesses;
 - c) hearings at times convenient to applicants and witnesses, as far as reasonably practicable;
 - d) general guidance and assistance to licence applicants as far as reasonably practicable, however for specific advice the applicant may need to seek independent legal advice;
 - e) an appropriate system to receive related complaints and service requests;
 - f) Elected Members and Officers who have regard to appropriate Codes of Conduct and Declaration of Interests in dealing with licensing applications.
- 15 The powers of the Licensing Authority under the Act will be carried out via the Council's Licensing Committee, by a Sub-Committee or by one or more Officers acting under delegated authority. In the interests of speed, efficiency and cost-effectiveness for all parties involved in the licensing process, the Council has adopted the scheme of delegation shown at Annex A to process applications received under the Act. This form of delegation is without prejudice to referring an application to a Sub-Committee or the Licensing Committee if it is considered appropriate in particular cases.
- 16 The Licensing Authority will expect applicants to address, in their applications, the measures they propose to take to meet the Licensing Objectives and to submit any information with their application that may be prescribed by the Secretary of State and/or the Licensing Authority.
- 17 When making licensing decisions and imposing licensing conditions, the Licensing Authority will concentrate on matters within the control of the licence holder. Generally the Licensing Authority will be concerned only with the premises in question and its vicinity. The Licensing Authority will focus on the direct impact which the licensed premises, and its licensed activities, could have on persons living sufficiently close to the premises to be likely to be affected by the authorised activities and on persons having business interests that might be affected by the authorised activities.
- 18 In determining applications for licences, permits, etc the Licensing Authority will:

- a) consider only pertinent factors as set out in law and in approved guidance;
- b) act without favour when considering matters linked directly or indirectly to the Council, for instance when dealing with an application for one of its own properties;
- c) act in accordance with the principles of natural justice;
- d) impose conditions on a licence as prescribed in the Act by means of Regulations as either, Mandatory Conditions or Default Conditions, to be made by the Secretary of State or as may be appropriate in the particular circumstances of individual premises. Conditions will not duplicate other statutory requirements.

Section 7 - Risk Assessments

19. The Gambling Commission's Licence Conditions and Codes of Practice (LCCP)

prescribe the need for operators to consider local risks. Local risk assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

20. Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

21. Licensees are required to undertake a local risk assessment when applying for a new premises licence. Risk assessments must also be updated:

- a) When applying for a variation of a premises licence.
- b) To take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement.
- c) When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

22. The licensing authority has an expectation that all local risk assessments will take into account the local social profile of the area.

Section ~~7~~8 - The protection of children and other vulnerable persons from being harmed or exploited by gambling

~~19~~23. Responsible Authorities are set out in Annexe B. These authorities are required to be notified by applicants of their intention to apply for a licence etc, and are able to make representations against applications. Specifically in relation to protecting children and other vulnerable persons from harm, the Licensing Authority has discretion to determine the most appropriate body competent to advise the Authority about protection from harm.

~~20~~24. The Licensing Authority considers the Local Safeguarding Children Board to be the competent body to advise the Authority on matters relating to the above sub section.

~~21~~25. The Local Safeguarding Children Board is the statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of young or vulnerable people.

~~22~~26. It is therefore highly appropriate that any activities taking place in the locality that have the potential to impact upon the well being of young or vulnerable people are brought to the Board's attention so that any necessary response or action can be considered.

~~23~~27. This is a wide remit but it is extremely helpful for the organisations represented on the Board which includes all the statutory agencies working with children and families to be aware at the earliest opportunity of applications for gambling licences/permits etc, as the location and hours open can have implications for young persons in that area.

Section ~~8~~9 - Interested parties

~~24~~28. Section 158 of the Act defines interested parties as persons who:

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) have business interests that might be affected by the authorised activities; or
- c) represent persons who satisfy paragraph a) or b).

~~25~~29. In determining whether an interested party "lives sufficiently close to the premises" the Licensing Authority will consider factors such as:

- a) the size of the premises;
- b) the nature of the premises;
- c) the distance of the premises from the location of the person making the representation;
- d) the potential impact of the premises, such as number of customers, routes likely to be taken by those visiting the establishment; and
- e) the nature of the complainant; that is whether the interests of the complainant may be relevant to the distance from the premises, for example, a private resident, a residential school for children with truanting problems or a hostel for vulnerable adults.

2630. In determining whether “business interests might be affected” the Licensing Authority will consider factors such as:

- f) the size of the premises;
- g) the ‘catchment’ area of the premises;
- h) whether the person making the representation has business interests in the catchment area that might be affected.

2731. In determining who may “represent persons” who live in the area or have business

Interests, the Licensing Authority will consider the following categories:

- i) trade associations;
- j) trade unions;
- k) resident’s and tenant’s associations;
- l) MP’s, Ward Councillors, Town or Parish Councils and Town and Parish Councillors’.
- m) Any other person, on a case by case basis, who, in the opinion of the Licensing Authority satisfies the Authority, in writing, that they truly represent interested parties.

Section 9 - Licence Conditions

2832. The Licensing Authority will impose conditions that are either mandatory or default as prescribed in the Act or in Regulations prescribed by the Secretary of State, and may impose conditions which the Committee regard as necessary to meet the Licensing Objectives or are specific to the premises being considered.

2933. Any conditions attached to any particular licence will:

- a) always be tailored to the style and characteristics of the premises in question;

- b) only be applied when needed for the prevailing circumstances and;
- c) will only be applied when necessary to help achieve the Licensing Objectives.

3034. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public, for example, Health and Safety at Work and Fire Safety Legislation.

3135. Whenever reasonably practicable, the Licensing Authority will ensure that other legislation, most notably Fire Safety Legislation, does not omit controls on the understanding they will be addressed by licensing conditions.

Section 10 - Enforcement

3236. Where enforcement action is necessary, the Council will act in accordance with its published Enforcement Policy, which in turn is based on the principles of the Regulatory Compliance Code.

3337. The Licensing Authority will enforce, alone or in partnership, all breaches of the licence conditions under the Act where appropriate.

3438. The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact who should be a senior individual and whom the Authority may contact first should any compliance queries or issues arise. Notwithstanding this the Authority reserves the right to act directly against individuals where the extent of the problem or offence is deemed appropriate.

Section 11 - Information Exchange

3539. The Licensing Authority will have regard to the requirements of the Freedom of Information Act concerning information it holds upon applicants, licences and permits etc. This information will be freely available as it will be a requirement for the Licensing Authority to maintain a public register of the premises licences it has issued. Such information will include details of applicants, licence holders, and licence conditions.

3640. Copies of applications and supporting documentation will be made available to Responsible Authorities under the Act

3741. In the case of representations made against an application for a licence or permit these will be made available to the applicant so that they can address any issues

raised in a hearing held to determine their application. The name and address of the person making the representation will normally be made available to the applicant but will be withheld upon request. In such cases, an objector must appreciate that the representation may receive lesser consideration.

DRAFT

ANNEX A: Delegation of Licensing Functions

Matter to be dealt with	Full Council	Sub Committee of Licensing Committee	Delegated to Officers
Three year licensing policy	Cannot be delegated further		
Policy not to permit casinos	Cannot be delegated further		
Fee setting	Generally prescribed by Secretary of State but may be devolved to Licensing Authorities in certain cases		
Application for Premises Licence		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Application to vary Premises Licence		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Application to transfer Premises Licence		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Application for a provisional statement		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Review of a premises licence		By Licensing Committee only	
Application for club gaming / club machine permits		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Cancellation of club gaming / club machine permits			All cases
Applications for other permits			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of temporary use notice			All cases
Decision to give a counter notice to a temporary use notice		All cases	

Annex B

Responsible Authority	Point of Contact
The Licensing Authority	<p>The Licensing Team Manager, West Berkshire Council, Culture & Environmental Protection, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD</p> <p>Licensing@westberks.gov.uk</p>
The Gambling Commission	Victoria Square House, Victoria Square, Birmingham B2 4BP
The Chief Officer of Police	<p>Licensing, Thames Valley Police, Headquarters (South), Kidlington, Oxfordshire OX5 2NX</p> <p>licensing@thamesvalley.pnn.police.uk</p>
The Fire Authority	<p>The Fire Safety Officer, Royal Berkshire Fire & Rescue Service, Hawthorn Road, Newbury, Berkshire, RG14 1LD</p> <p>NewburyFireSafety@rbfr.co.uk</p>
The Local Planning Authority Town and Country Planning Act 1990 (c.8)	Development Control Manager, West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
The Environmental Health Authority	Principal Environmental Health Officer West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
<u>Public Health and Wellbeing and</u> Local Safeguarding Children Board	<p><u>Debbie Richings, Children's Planning Officer Commissioning Manager,</u></p> <p>West Berkshire District Council, <u>Council Offices, Market Street, Newbury, Berkshire. RG14 5LD</u></p>
HM Revenue and Customs	<p><u>HM Revenue & Customs, Risk Section, Sapphire Plaza, Watlington Street, Reading, Berkshire RG1 4TA HMRC National Registration Unit, Portcullis House, 21 India St, Glasgo G2 4PZ</u></p> <p>NRUBetting&Gaming@HMRC.gsi.gov.uk</p>
The Secretary of State	Tourism Division, 3 rd Floor, 2-4 Cockspur Street, London. SW1Y 5DH

From: Jeanette Guy
Sent: 02/10/2015 09:18:53
To: Licensing
Subject: FW: Consultation - Gambling Act 2005
Attachments: WBC GA2005 SOP EGM v1.pdf

Dear Licensing

Thank you for consulting us on the renewal of this Statement of Principles.

I have no comments to make in respect of the prevention of public nuisance.

If you have any queries please contact me.

Kind regards

Jeanette

Jeanette Guy
Senior Environmental Health Officer
Environmental Quality | West Berkshire and Wokingham Environmental Health and Licensing Service
(01635) 519074 | extn 2074 | jguy@westberks.gov.uk
www.westberks.gov.uk

From: Cheryl Lambert **On Behalf Of** Licensing
Sent: 30 September 2015 10:11
To: April Peberdy; Clair Gill; EHAdvice; 'licensing@thamesvalley.pnn.police.uk'; 'NewburyFireSafety@rbfrs.co.uk'; Planapps; TS Information
Subject: Consultation - Gambling Act 2005

West Berkshire District Council Consultation - Gambling Act 2005

The Council is currently consulting on the renewal of its Statement of Principles as required by the Gambling Act 2005. We have a statutory requirement to revise the statement every 3 years, to take effect from January 2016.

You are invited to comment upon the existing policy and offer comments as you feel appropriate for consideration in the review.

The policy document is attached with changes inserted under section 7 to cover the new mandatory requirements which apply to operators who are required to develop their own premises specific risk assessment by 6 April 2016. New paragraphs have also been inserted under section 13 which outline the Council's position in respect of the formation of a local area profile. The Council welcomes evidence to support these.

Further information regarding risk assessments and local area profiles is available at the Gambling Commissions website www.gamblingcommission.gov.uk

Comments on the revised draft Gambling Licensing Policy must be in writing – either by sending an email to licensing@westberks.gov.uk or by writing to the following address:

West Berkshire District Council
Council Offices
Market Street
Newbury, RG14 5LD

Please include your name and contact details with your comments.

It should be noted that the Gambling Commission Guidance advises that demand for gambling premises and

morality issues are not considerations under this legislation. Therefore the authority may not be in a position to consider any comments of this nature.

Comments on the revised policy must be received by 28 October 2015.



Licensing Policy on Gambling

Published

31st January 2013

Table of Contents

Section	Page Number
Section 1 - Definitions	3
Section 2 - Introduction	4
Section 3 - Licensing Objectives	5
Section 4 - Demand for Gaming Premises	5
Section 5 - Consultation and Review	6
Section 6 - The Licensing Process	6
Section 7 - <u>Risk Assessments</u>	<u>78</u>
<u>Section 8</u> - The Protection of Children from Harm	<u>9</u>
Section <u>89</u> - Interested Parties	9
Section <u>910</u> - Licence Conditions	<u>910</u>
Section <u>1011</u> - Enforcement	<u>1011</u>
Section <u>1112</u> - Information Exchange	<u>1011</u>
Annex 1 - Delegation of Licensing Functions	<u>1213</u>
Annex 2 - Responsible Authorities	<u>1314</u>

West Berkshire Council Statement of Policy on Gambling

Section 1 - Definitions

The **Council** means West Berkshire District Council;

The **Licensing Authority** means the Council acting as defined by Section 2 of the Gambling Act 2005. For all official correspondence, the address of the Licensing Authority is, The Licensing Manager, Environmental Health & Licensing, Culture & Environmental Protection, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD.

The **Act** means the Gambling Act 2005.

The **Licensing Committee** means the full committee or a Sub-Committee of not less than three members.

The term **etc.** is used to denote the whole range of consents relating to the Act, including premises licences, authorisations for the temporary use of premises, occasional use notices and five different sorts of permits for unlicensed family entertainment centres, prize gaming, gaming machines on alcohol-licensed premises and club gaming and club gaming machines, variations, transfers, and renewals.

GC means the Gambling Commission.

Child means an individual who is less than 16 years old. A **young person** means an individual who is not a child but who is less than 18 years old.

GC guidance means the latest guidance issued under Section 25 of the Gambling Act 2005 by the Gambling Commission.

Section 2 - Introduction

- 1 This Licensing Policy Statement addresses the requirements of section 1 of the Act. It sets out the Council's Licensing Policy and takes account of the GC guidance. This Licensing Policy Statement will apply to the area of West Berkshire District Council.
- 2 West Berkshire District Council is a Unitary Authority and is predominantly rural with the Council area making up over half of the geographical County of Berkshire, covering an area of 272 square miles. The population is relatively young when compared across the UK, although this is made up of a significant proportion of people aged between 30 – 50 rather than significant numbers of people in their 20's. The District is perceived to be in an area of some affluence having 5 main areas of conurbation spread evenly across the Council's area of jurisdiction. Newbury Racecourse is situated in the centre of the largest town in the District and the rural areas are world renowned for their involvement in the training and stabling of race horses.
- 3 The Policy relates to all those licensing activities identified as falling within the provisions of the Act, namely:-
 - a) bingo premises;
 - b) betting premises, including tracks;
 - c) adult gaming centres;
 - d) family entertainment centres;
 - e) authorisations for the temporary use of premises;
 - f) occasional use premises;
 - g) prize gaming;
 - h) gaming machines on alcohol-licensed premises;
 - i) club gaming;
 - j) club gaming machines.
 - k) Casinos
- 4 The scope of the Policy covers new premises licences and other forms of permits.
- 5 The Licensing Authority recognises that in determining individual cases, decisions must be consistent with both the provisions of the Act, the Section 25 Guidance and this Policy. In particular, this Policy does not override the right of any interested party to make representations on an application where that provision has been made in the

Act. In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits.

- 6 The Licensing Authority recognises the obligations placed upon it by the Human Rights Act 1998 and in considering applications under the Gambling Act will have regard to:
- a) Article 1, Protocol 1 – peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest;
 - b) Article 6 – right to a fair hearing;
 - c) Article 8 – respect for private and family life. In particular removal of restriction of a licence may affect a person’s private life; and
 - d) Article 10 – right to freedom of expression.

Section 3 - Licensing Objectives

- 7 The Licensing Authority recognises that its duty under the Act is to carry out its functions with a view to promoting the three Licensing Objectives, and all decisions will be made solely based on these. They are :-
- a) ***preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;***
 - b) ***ensuring that gambling is conducted in a fair and open way; and***
 - c) ***protecting children and other vulnerable persons from being harmed or exploited by gambling.***
- 8 The Licensing Authority recognises that in exercising its function under part 8 of the Act (Premises Licensing and Provisional Statements) it will aim to permit the use of premises for gambling in so far as it thinks it is:
- a) *in accordance with any relevant code of practice under section 24;*
 - b) *in accordance with any relevant guidance issued by the GC under section 25;*
 - c) *reasonably consistent with the licensing objectives set out above; and*
 - d) *in accordance with this licensing policy statement.*

Section 4 – Demand for gaming premises

- 9 The Licensing Authority recognises that in deciding whether or not to grant a licence etc, unmet demand is not a criterion in considering an application for a premises

licence under the Act. Each application will be considered upon its merits without regard to demand.

- 10 The Licensing Authority will consider applications for premises licences for casinos.

Section 5 - Consultation and review

- 11 Before publishing this Policy Statement, or any subsequent revision, the Licensing Authority will consult with the following:-

- a) the Chief Officer of Police responsible for the West Berkshire area;
- b) one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- c) one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

- 12 The Council will review, and after consultation, re-publish its Licensing Policy at least once every three years. Whilst acknowledging this responsibility, the Council reserves the right to revise the Policy at more frequent intervals, should this be deemed appropriate or necessary.

- 13 **Local Area Profiles (LAP)**

Whilst not a requirement the authority may consider adopting a Local Area Profile in line with developing a more local focused statement policy which will be a relevant matter when determining applications or reviewing existing licences.

The nature and creation of such a profile involves a process of drawing together and presenting information about the area and in particular areas of concern within the locality. Information will be required from a number of bodies, e.g. public health, mental health, social housing providers, community groups and other partner organisations for the production of such a profile.

Section 6 - The Licensing Process

- 14 The Council recognises its licensing responsibilities under the Gambling Act 2005 and in particular will provide:

- a) appropriate levels of resources including personnel, systems (including computer systems), and support;
 - b) appropriate training for Elected Members, appropriate facilities at licensing hearings for applicants, the public and witnesses;
 - c) hearings at times convenient to applicants and witnesses, as far as reasonably practicable;
 - d) general guidance and assistance to licence applicants as far as reasonably practicable, however for specific advice the applicant may need to seek independent legal advice;
 - e) an appropriate system to receive related complaints and service requests;
 - f) Elected Members and Officers who have regard to appropriate Codes of Conduct and Declaration of Interests in dealing with licensing applications.
- 15 The powers of the Licensing Authority under the Act will be carried out via the Council's Licensing Committee, by a Sub-Committee or by one or more Officers acting under delegated authority. In the interests of speed, efficiency and cost-effectiveness for all parties involved in the licensing process, the Council has adopted the scheme of delegation shown at Annex A to process applications received under the Act. This form of delegation is without prejudice to referring an application to a Sub-Committee or the Licensing Committee if it is considered appropriate in particular cases.
- 16 The Licensing Authority will expect applicants to address, in their applications, the measures they propose to take to meet the Licensing Objectives and to submit any information with their application that may be prescribed by the Secretary of State and/or the Licensing Authority.
- 17 When making licensing decisions and imposing licensing conditions, the Licensing Authority will concentrate on matters within the control of the licence holder. Generally the Licensing Authority will be concerned only with the premises in question and its vicinity. The Licensing Authority will focus on the direct impact which the licensed premises, and its licensed activities, could have on persons living sufficiently close to the premises to be likely to be affected by the authorised activities and on persons having business interests that might be affected by the authorised activities.
- 18 In determining applications for licences, permits, etc the Licensing Authority will:

- a) consider only pertinent factors as set out in law and in approved guidance;
- b) act without favour when considering matters linked directly or indirectly to the Council, for instance when dealing with an application for one of its own properties;
- c) act in accordance with the principles of natural justice;
- d) impose conditions on a licence as prescribed in the Act by means of Regulations as either, Mandatory Conditions or Default Conditions, to be made by the Secretary of State or as may be appropriate in the particular circumstances of individual premises. Conditions will not duplicate other statutory requirements.

Section 7 - Risk Assessments

19. The Gambling Commission's Licence Conditions and Codes of Practice (LCCP)

prescribe the need for operators to consider local risks. Local risk assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

20. Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

21. Licensees are required to undertake a local risk assessment when applying for a new premises licence. Risk assessments must also be updated:

- a) When applying for a variation of a premises licence.
- b) To take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement.
- c) When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

22. The licensing authority has an expectation that all local risk assessments will take into account the local social profile of the area.

Section ~~7~~8 - The protection of children and other vulnerable persons from being harmed or exploited by gambling

~~19~~23. Responsible Authorities are set out in Annexe B. These authorities are required to be notified by applicants of their intention to apply for a licence etc, and are able to make representations against applications. Specifically in relation to protecting children and other vulnerable persons from harm, the Licensing Authority has discretion to determine the most appropriate body competent to advise the Authority about protection from harm.

~~20~~24. The Licensing Authority considers the Local Safeguarding Children Board to be the competent body to advise the Authority on matters relating to the above sub section.

~~21~~25. The Local Safeguarding Children Board is the statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of young or vulnerable people.

~~22~~26. It is therefore highly appropriate that any activities taking place in the locality that have the potential to impact upon the well being of young or vulnerable people are brought to the Board's attention so that any necessary response or action can be considered.

~~23~~27. This is a wide remit but it is extremely helpful for the organisations represented on the Board which includes all the statutory agencies working with children and families to be aware at the earliest opportunity of applications for gambling licences/permits etc, as the location and hours open can have implications for young persons in that area.

Section ~~8~~9 - Interested parties

~~24~~28. Section 158 of the Act defines interested parties as persons who:

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) have business interests that might be affected by the authorised activities; or
- c) represent persons who satisfy paragraph a) or b).

~~25~~29. In determining whether an interested party "lives sufficiently close to the premises" the Licensing Authority will consider factors such as:

- a) the size of the premises;
- b) the nature of the premises;
- c) the distance of the premises from the location of the person making the representation;
- d) the potential impact of the premises, such as number of customers, routes likely to be taken by those visiting the establishment; and
- e) the nature of the complainant; that is whether the interests of the complainant may be relevant to the distance from the premises, for example, a private resident, a residential school for children with truanting problems or a hostel for vulnerable adults.

2630. In determining whether “business interests might be affected” the Licensing Authority will consider factors such as:

- f) the size of the premises;
- g) the ‘catchment’ area of the premises;
- h) whether the person making the representation has business interests in the catchment area that might be affected.

2731. In determining who may “represent persons” who live in the area or have business

Interests, the Licensing Authority will consider the following categories:

- i) trade associations;
- j) trade unions;
- k) resident’s and tenant’s associations;
- l) MP’s, Ward Councillors, Town or Parish Councils and Town and Parish Councillors’.
- m) Any other person, on a case by case basis, who, in the opinion of the Licensing Authority satisfies the Authority, in writing, that they truly represent interested parties.

Section 9 - Licence Conditions

2832. The Licensing Authority will impose conditions that are either mandatory or default as prescribed in the Act or in Regulations prescribed by the Secretary of State, and may impose conditions which the Committee regard as necessary to meet the Licensing Objectives or are specific to the premises being considered.

2933. Any conditions attached to any particular licence will:

- a) always be tailored to the style and characteristics of the premises in question;

- b) only be applied when needed for the prevailing circumstances and;
- c) will only be applied when necessary to help achieve the Licensing Objectives.

3034. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public, for example, Health and Safety at Work and Fire Safety Legislation.

3135. Whenever reasonably practicable, the Licensing Authority will ensure that other legislation, most notably Fire Safety Legislation, does not omit controls on the understanding they will be addressed by licensing conditions.

Section 10 - Enforcement

3236. Where enforcement action is necessary, the Council will act in accordance with its published Enforcement Policy, which in turn is based on the principles of the Regulatory Compliance Code.

3337. The Licensing Authority will enforce, alone or in partnership, all breaches of the licence conditions under the Act where appropriate.

3438. The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact who should be a senior individual and whom the Authority may contact first should any compliance queries or issues arise. Notwithstanding this the Authority reserves the right to act directly against individuals where the extent of the problem or offence is deemed appropriate.

Section 11 - Information Exchange

3539. The Licensing Authority will have regard to the requirements of the Freedom of Information Act concerning information it holds upon applicants, licences and permits etc. This information will be freely available as it will be a requirement for the Licensing Authority to maintain a public register of the premises licences it has issued. Such information will include details of applicants, licence holders, and licence conditions.

3640. Copies of applications and supporting documentation will be made available to Responsible Authorities under the Act

3741. In the case of representations made against an application for a licence or permit these will be made available to the applicant so that they can address any issues

raised in a hearing held to determine their application. The name and address of the person making the representation will normally be made available to the applicant but will be withheld upon request. In such cases, an objector must appreciate that the representation may receive lesser consideration.

DRAFT

ANNEX A: Delegation of Licensing Functions

Matter to be dealt with	Full Council	Sub Committee of Licensing Committee	Delegated to Officers
Three year licensing policy	Cannot be delegated further		
Policy not to permit casinos	Cannot be delegated further		
Fee setting	Generally prescribed by Secretary of State but may be devolved to Licensing Authorities in certain cases		
Application for Premises Licence		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Application to vary Premises Licence		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Application to transfer Premises Licence		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Application for a provisional statement		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Review of a premises licence		By Licensing Committee only	
Application for club gaming / club machine permits		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Cancellation of club gaming / club machine permits			All cases
Applications for other permits			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of temporary use notice			All cases
Decision to give a counter notice to a temporary use notice		All cases	

Annex B

Responsible Authority	Point of Contact
The Licensing Authority	<p>The Licensing Team Manager, West Berkshire Council, Culture & Environmental Protection, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD</p> <p>Licensing@westberks.gov.uk</p>
The Gambling Commission	Victoria Square House, Victoria Square, Birmingham B2 4BP
The Chief Officer of Police	<p>Licensing, Thames Valley Police, Headquarters (South), Kidlington, Oxfordshire OX5 2NX</p> <p>licensing@thamesvalley.pnn.police.uk</p>
The Fire Authority	<p>The Fire Safety Officer, Royal Berkshire Fire & Rescue Service, Hawthorn Road, Newbury, Berkshire, RG14 1LD</p> <p>NewburyFireSafety@rbfr.co.uk</p>
The Local Planning Authority Town and Country Planning Act 1990 (c.8)	Development Control Manager, West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
The Environmental Health Authority	Principal Environmental Health Officer West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
<u>Public Health and Wellbeing and</u> Local Safeguarding Children Board	<p><u>Debbie Richings, Children's Planning Officer Commissioning Manager,</u></p> <p>West Berkshire District Council, <u>Council Offices, Market Street, Newbury, Berkshire. RG14 5LD</u></p>
HM Revenue and Customs	<p><u>HM Revenue & Customs, Risk Section, Sapphire Plaza, Watlington Street, Reading, Berkshire RG1 4TA HMRC National Registration Unit, Portcullis House, 21 India St, Glasgo G2 4PZ</u></p> <p>NRUBetting&Gaming@HMRC.gsi.gov.uk</p>
The Secretary of State	Tourism Division, 3 rd Floor, 2-4 Cockspur Street, London. SW1Y 5DH

From: Jeff Beck
Sent: 29/09/2015 13:27:15
To: Graham Bridgman; Licensing
Subject: RE: Consultation - Gambling Act 2005

Graham,

Thank you for spending the time on going through the Document, and for the constructive comments which you have made.

Kind Regards, Jeff.

From: Graham Bridgman
Sent: 29 September 2015 08:46
To: Licensing
Cc: Jeff Beck
Subject: RE: Consultation - Gambling Act 2005

Drafting points

- If you are going to initial capitalise defined words or phrases (which I agree you should to make them stand out in the text), be consistent. So, “Young Person” and “GC Guidance” (or better “the **Guidance**?”);
- 1 & 2
 - replace “West Berkshire District Council” with “the Council” – if you are going to define something you should then stick to the defined term throughout (or don’t bother defining it and use the whole phrase throughout if it makes the document more readable);
 - use of “the District” without it being defined;
- 3 & 4 use of “the Policy” without it being defined;
- 7 use of “Licensing Objectives” without being defined (either define in section 1 or “licensing objectives”);
- 6 either “the Act” or “the Gambling Act XXXX” if it isn’t the 2005 Act;
- Paragraph spacing between 10 and Section 5;
- 11 if you are going to use “the Authority” as synonymous with “the Licensing Authority” the definition should refer to both;
- 11 c) “the Act” not “this Act”;
- 13 why add a definition (“LAP”), if you are not going to refer to it later?
- 14 should be simply “the Act”;
- 14 b) either “elected members” or define “Elected Members”, similarly at f) “Officers”, “Codes of Conduct” and “Declarations of Interests”;
- 19 “GC” not “Gambling Commission” and same comment re LCCP as for LAP above.

I'm sure there are more...

Regards

Graham Bridgman
Council Member for Mortimer

From: Cheryl Lambert **On Behalf Of** Licensing

Sent: 28 September 2015 16:25

To: Adrian Edwards; Alan Law; Alan Macro; Anthony Chadley; Anthony Pick; Anthony Stansfeld; Billy Drummond; Carol Jackson-Doerge; Clive Hooker; David Goff; Dennis Benneyworth; Dominic Boeck; Emma Webster; Executivecycle; Garth Simpson; Gordon Lundie; Graham Bridgman; Graham Jones; Graham Pask; Hilary Cole; Howard Bairstow; Ian Morrin; James Cole; James Fredrickson; James Podger; Jeanette Clifford; Jeff Beck; Jeremy Bartlett; Keith Chopping; Laszlo Zverko; Lee Dillon; Lynne Doherty; Manohar Gopal; Marcus Franks; Marigold Jaques; Mike Johnston; Mollie Lock; Nathan Gregory; Nick Goodes; Pamela Bale; Paul Bryant; Paul Hewer; Peter Argyle; Quentin Webb; Richard Crumly; Richard Somner; Rick Jones; Rob Denton-Powell; Roger Croft; Sheila Ellison; Steve Ardagh-Walter; Test Councillor; Tim Metcalfe; Tony Linden; Virginia von Celsing; Aldermaston Parish Council; Aldworth & Welford, Leckhamstead Parish Council; Ashampstead Parish Council; Basildon Parish Council; Beech Hill Parish Council; Beedon Parish Council; Beenham, Bradfield, Englefield, Hermitage, Ufton Nervet & Padworth Parish Councils; Boxford Parish Council; Brightwalton Parish Council; Brimpton Parish Council; Bucklebury Parish Council; Burghfield Parish Council; Catmore Parish Meeting; Chaddleworth Parish Council; Chieveley Parish Council; Cold Ash Parish Council; Compton Parish Council; East Garston Parish Council; East Ilsley Parish Council; Enborne Parish Council; Frilsham Parish Council; Greenham Parish Council; Hampstead Norreys Parish Council; Hamstead Marshall Parish Council; Holybrook Parish Council; Hungerford Town Council; Inkpen Parish Council; Kintbury Parish Council; Lambourn Parish Council; Midgham Parish Council; Newbury Town Council; Pangbourne Parish Council; Peasmore Parish Council; Purley on Thames Parish Council; Shaw-Cum-Donnington Parish Council; Speen Parish Council; Stanford Dingley Parish Council; Stratfield Mortimer Parish Council; Streatley Parish Council; Sulhampstead Parish Council; Thatcham Town Council; Theale Parish Council; Tilehurst Parish Council; Wasing Parish Meeting; West Ilsley Parish Council; West Woodhay Parish Meeting; Winterbourne Parish Meeting; Wokefield Parish Council; Woolhampton Parish Council; Yattendon Parish Council
Subject: Consultation - Gambling Act 2005

West Berkshire District Council Consultation - Gambling Act 2005

The Council is currently consulting on the renewal of its Statement of Principles as required by the Gambling Act 2005. We have a statutory requirement to revise the statement every 3 years, to take effect from January 2016.

You are invited to comment upon the existing policy and offer comments as you feel appropriate for consideration in the review.

The policy document is attached with changes inserted under section 7 to cover the new mandatory requirements which apply to operators who are required to develop their own premises specific risk assessment by 6 April 2016. New paragraphs have also been inserted under section 13 which outline the Council's position in respect of the formation of a local area profile. The Council welcomes evidence to support these.

Further information regarding risk assessments and local area profiles is available at the Gambling Commissions website www.gamblingcommission.gov.uk

Comments on the revised draft Gambling Licensing Policy must be in writing – either by sending an email to licensing@westberks.gov.uk or by writing to the following address:

West Berkshire District Council
Council Offices
Market Street
Newbury, RG14 5LD

Please include your name and contact details with your comments.

It should be noted that the Gambling Commission Guidance advises that demand for gambling premises and morality issues are not considerations under this legislation. Therefore the authority may not be in a position to consider any comments of this nature.

Comments on the revised policy must be received by **28 October 2015**.

This page is intentionally left blank

Proposed Member Development Programme 2016/17

Committee considering report: Council on 10 December 2015

Lead Member: Councillor Paul Bryant

Date Portfolio Member agreed report: 22 October 2015

Forward Plan Ref: C2930

1. Purpose of the Report

1.1 To agree the proposed Member Development Programme for 2016/17.

2. Recommendation

2.1 To ask Members to agree the proposed Member Development Programme for 2016/17.

3. Implications

3.1 **Financial:** The induction programme will be delivered within the existing budget.

3.2 **Policy:** N/A

3.3 **Personnel:** N/A

3.4 **Legal:** N/A

3.5 **Risk Management:** N/A

3.6 **Property:** N/A

3.7 **Other:** N/A

4. Other options considered

N/A

5. Executive Summary

- 5.1 The Member Development Group met on 23 October 2015 and gave consideration to the Member Development Programme 2016/17.
- 5.2 Attendance at the Member Development Sessions is an ongoing concern, although feedback from the sessions is generally very positive. A second repeat afternoon session was introduced to each topic, some time ago, to try to address this and, whilst attendance has improved slightly, numbers are still low.
- 5.3 For the Member Development Programme 2014/15, the best attended session was Child Sexual Exploitation, with 24 Members (46%) attending across both sessions. Twenty-two Members (42%) attended the Education and Schools training, across both sessions. Only 7 Members (13%) attended the Adult Safeguarding training.
- 5.4 Second sessions for two subjects had to be cancelled due to lack of interest.
- 5.5 Sixteen Members (31%) did not attend any sessions and 28 Members (54%) attended 1 or fewer. One Member (2%) attended each session.
- 5.6 To ensure that the programme for 2016/17 addressed the issues that are of most interest and use, Members, Corporate Directors and Heads of Service were canvassed in September for suggestions as to what should be included. Responses were received from four Members and all proposals were given full consideration.
- 5.7 The Member Development Group agreed that a three tier programme should be proposed for 2016/17; mandatory, strategic (linked to the Council's priorities) and specialist. The proposed programme has been populated with this, together with the suggestions received from Members. See Appendix A.
- 5.8 Mindful of the demands upon Members' time, it is also proposed that e-learning sessions be piloted for two further areas of training.
- 5.9 Additionally, the use of webcasting for some sessions to allow them to be viewed remotely will also be explored.
- 5.10 As is existing practice, the presentations from all sessions will be published on the intranet after the repeat session.

6. Conclusion

- 6.1 Feedback from Members that do attend the sessions is, on the whole, very good however attendance at the majority of sessions remains very poor. In order to ensure that all Members are fully briefed on the diverse activities, responsibilities and pressures on the Council and in order to best undertake their roles as elected Councillors, Members are encouraged to adopt the proposed programme and make every effort to attend all sessions.

7. Consultation and Engagement

- 7.1 Members, Heads of Service and Corporate Directors were canvassed for suggestions for the proposed programme which was then discussed and agreed by the Member Development Group.

Background Papers:

None

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval
Delays in implementation could have serious financial implications for the Council
Delays in implementation could compromise the Council's position
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
Item is Urgent Key Decision
Report is to note only

Wards affected:

N/A

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

MEC – Become an even more effective Council

The proposals contained in this report will help to achieve the following Council Strategy priority:

MEC1 – Become an even more effective Council

The proposals contained in this report will help to achieve the above Council Strategy aim and priority by ensuring Members received a comprehensive briefing programme on the Council's key activities.

Officer details:

Name: Moira Fraser
Job Title: Democratic and Electoral Services Manager
Tel No: 01635 519045
E-mail Address: mfraser@westberks.gov.uk

8. Appendices

8.1 Appendix A - Equalities Impact Assessment

8.2 Appendix B – Proposed Member Development Programme 2016/17

Equality Impact Assessment

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

Name of policy, strategy or function:	Member Development Programme
Version and release date of item (if applicable):	Draft Member Development Programme for publication in January.
Owner of item being assessed:	Moira Fraser
Name of assessor:	Robert Alexander
Date of assessment:	15 October 2015

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	Yes	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the policy, strategy, function or service and who is likely to benefit from it?	
Aims:	To agree the proposed Member Development Programme for the 2016/17 municipal year.
Objectives:	
Outcomes:	
Benefits:	Agreeing and publishing the Member Development Programme will allow Members to carry out their functions effectively.

2 Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender)

Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)
Comments relating to the item:
It is not envisaged that agreeing the Member Development Programme will affect any individuals apart from Members. Care is taken to ensure that Members (who might have mobility issues) are given enough warning and that all venues booked contain disabled access.

3 Result	
Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: Please see comments above.	
Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

4 Identify next steps as appropriate:	
Stage Two required	No.
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Name: Robert Alexander

Date: 15 October 2015

Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

This page is intentionally left blank

Proposed Member Development Programme 2016 - 2017

Title	Proposed Date	Proposed Time	Venue	Audience	Mandatory	Content	Presenters
MANDATORY							
Planning & Licensing Update	Ad Hoc			All	For Planning and Licensing Members		Head of Planning & Countryside Head of Culture & Environment Protection
Planning & Licensing Update	Ad Hoc			All	For Planning and Licensing Members		Head of Planning & Countryside Head of Culture & Environment Protection
STRATEGIC							
Policy & Finance Update 1	23.5.16 8.6.16	18:00 14:00		All	No		Chief Executive Head of Strategic Support Head of Finance
Policy & Finance Update 2	14.11.16 23.11.16	18:00 14:00		All	No		Chief Executive Head of Strategic Support Head of Finance
Improving Outcomes for our Children - post Ofsted	4.7.16 14.7.16	18:00 14:00		All	No	Range of issues including Corporate Parenting	Head of Children and Family Services Corporate Director Communities
Affordable Housing	5.9.16 12.9.16	18:00 14:00		All	No		Head of Care Comm, Housing, Safeguarding Housing Strategy and Operations Manager
Health and Social Care Integration	3.10.16 12.10.16	18:00 14:00		All	No		Head of Adult Social Care
Brilliant West Berkshire	13.6.16 21.6.16	18:00 14:00		All	No		Corporate Director Communities

Proposed Member Development Programme 2016 - 2017

SPECIALIST							
Heritage Issues	19.9.16	18:00		All	No		Culture Manager
	26.9.16	14:00					
Emergency Planning	17.10.16	18:00		All	No		Civil Contingencies Manager
	9.11.16	14:00					
TBA	20.2.17	18:00		All	No		
	27.2.17	14:00					
TBA	20.3.17	18:00		All	No		
	27.3.17	14:01					
E-LEARNING							
Declarations of Interest							
Pre-budget finance							
BRIEFING SHEET & PROPOSAL OF DATE							
Home to School Transport Appeals - focus on the assessment of routes	TBC	Evening with afternoon repeat	TBC	All	NA	To explain the national guidance on how the Council assesses entitlement to transport based on available routes from the home address to the school.	Caroline Corcoran and possibly someone from Road Safety