

# Council Meeting Agenda



**Wednesday, 18 December 2024 at 7pm**

**Council Chamber, Civic Centre  
Chelmsford**

## **Membership**

The Mayor – Councillor Janette Potter  
The Deputy Mayor – Councillor Susan Sullivan

## **and Councillors**

C Adutwim, J Armstrong, N Bugbee, V Canning  
N B Chambers, D J R Clark, H Clark, P H Clark, P Davey  
A E Davidson, C K Davidson, S Davis, J Deakin, S. Dobson, N A  
Dudley, D Eley, K Franks, L Foster,  
J A Frasca, I D Fuller, M C Goldman, S M Goldman, S Hall, J  
Hawkins, R J Hyland, J Jeapes, A M John, G B R Knight, J S  
Lardge, R J Lee, L Mascot, B. Massey, R J Moore, M O'Brien, V  
Pappa, G H J Pooley, S Rajesh, J M C Raven, S J Robinson, E J  
Sampson, S J Scott, T Sherlock, M Sismey, A B Sosin, J E Sosin, M  
S Steel, M Taylor, A Thompson, A G Thorpe-Apps, C R Tron, N M  
Walsh, R T Whitehead, P Wilson, S Young and one vacancy.

Local people are welcome to attend this meeting, where your elected  
Councillors take decisions affecting YOU and your City.

If you would like to find out more, please telephone Dan Sharma-Bird in the  
Democracy Team on Chelmsford (01245) 606523, email [dan.sharma-bird@chelmsford.gov.uk](mailto:dan.sharma-bird@chelmsford.gov.uk), call in at the Civic Centre, or write to the address above.

# MEETING OF CHELMSFORD CITY COUNCIL

18 December 2024

## AGENDA

### 1. Apologies for Absence

### 2. Mayor's Announcements

### 3. Declarations of Interest

Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

### 4. Minutes

Minutes of meeting on 17 July 2024.

### 5. Public Questions

To receive questions from members of the public in accordance with Council Rules 10.1 to 10.6.

Any member of the public who wishes to submit a question or statement to this meeting should email it to [committees@chelmsford.gov.uk](mailto:committees@chelmsford.gov.uk) 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting.

### 6. Cabinet Question Time

The Leader and Members of the Cabinet to answer questions submitted by Members of the Council in accordance with Council Rules 10.18 to 10.22.

### 7. Exceptions to Council Tax Premiums in respect of empty properties

To consider the attached report from the Cabinet Member for Finance.

### 8. Review of Fees and Charges

To consider the attached report from the Cabinet Member for Finance.

## 9. Treasury Management Mid-Year Review 2024/25

To consider the attached report from the Treasury Management and Investment Sub Committee on 14<sup>th</sup> October and Cabinet on 12<sup>th</sup> November 2024.

## 10. Gambling Act 2005 – Statement of Licensing Principles

To consider the attached report from the Licensing Committee on 3<sup>rd</sup> October and Cabinet on 12<sup>th</sup> November 2024.

## 11. Annual Report of the Audit and Risk Committee

To consider the attached report from the Audit and Risk Committee on 18<sup>th</sup> September 2024.

## 12. Annual Report of the Governance Committee

To consider the attached report from the Governance Committee on 16<sup>th</sup> October 2024.

## 13. Committee Membership

To consider the attached report from the Leader of the Council.

## 14. Notice of Motion

In accordance with notice duly given, Councillor A Davidson to move:

Council notes the Labour Government's announcement that universal winter fuel payments will end, with eligibility for these payments restricted to those in receipt of Pension Credit and other benefits only.

Council is deeply concerned that many pensioners on lower incomes will now not receive the payments. Across England and Wales, the number of people eligible for winter fuel payments will fall by 10 million (from 11.4 million to only 1.5 million). Age UK says 2 million pensioners who badly need the money to stay warm this winter will not receive it.

In the Chelmsford City Council area, only 2,363 residents will still qualify; 30,987 residents will lose out from the change in eligibility. That means 92.9% of Chelmsford residents currently eligible for winter fuel payments will no longer receive this payment.

Council believes that the Labour Government has set the new threshold for winter fuel payments far too low. Only single pensioners receiving income of less than £218.15 a week (£332.95 a week for couples) are eligible for Pension Credit. This is significantly lower than the National Living Wage rate.

Council is also concerned by the low take-up of Pension Credit: only 63% of those eligible nationwide receive it; over 880,000 pensioners are not doing so. Council recognises the role we can play to increase awareness of Pension Credit, so residents are aware of the support they are entitled to.

Council further notes that the Energy Price Cap rose by 10% on 1 October. Combined with the removal of winter fuel payments, thousands of Chelmsford pensioners will fall into fuel poverty.

Council resolves to:

- Continue to promote awareness of Pension Credit, to maximise uptake among pensioners most in need of this vital help
- Instruct the Chief Executive to write to the Chancellor of the Exchequer calling for the policy on linking winter fuel payments to Pension Credit to be paused immediately and a new, higher threshold for eligibility for winter fuel payments to be introduced
- Invite the Council Leader and the other group leaders on the Council to write a joint letter to the Chancellor of the Exchequer calling for the new winter fuel payment policy to be suspended and reviewed, and to ask the three MPs covering the Chelmsford City Council area to add their names to this

## 15. Notice of Motion

In accordance with notice duly given, Councillor S Robinson to move:

Addressing the cost of living including energy

Proposed by Cllr Robinson and seconded by Cllr Moore

This Council notes that

- a) the huge rise in energy costs over the last three years has been a key factor in the cost of living crisis
- b) reducing energy use in homes is the easiest way to cut energy costs, as well as reducing carbon output
- c) the cost of insulation and technology to make homes low energy use has been falling in recent years.

This Council regrets that the Government policy to make all new homes carbon neutral by 2016 was repealed.

This Council believes that

- (a) developers of all new homes should be required to build them to a zero-carbon standard that goes beyond the Government's proposed Future Homes Standard 2025,

(b) owners of existing homes can also reduce their energy bills and carbon emissions by installing more insulation and technology such as solar PV and battery storage,

(c) this Council's ambition to go beyond the 10% Biodiversity Net Gain target will improve health and wellbeing as well as the local environment,

(d) the Climate & Nature Bill (due to have its second reading in the House of Commons on 25 January) will help us all to take welcome steps in that direction, including ensuring that the UK cuts its emissions fairly and fully, to stand the best chance of keeping the global temperature rise to 1.5°C.

This Council welcomes proposals to require solar panels on new buildings where they are appropriate; hopes that will be furthered by the draft New Homes (Solar Generation) Bill in Parliament, and believes that extending that to include battery storage would be beneficial.

This Council calls on

- a) the Government at a minimum to proceed as planned with the national Future Homes Standard
- b) the Government to give ambitious local authorities the encouragement and freedom to go further and
- c) registered providers in the district to build to low energy standards.

This Council resolves to

- a) continue to promote energy saving schemes and grants such as Sustainable Warmth and Home Upgrade to local residents
- b) write to Chelmsford's three MPs, the Deputy Prime Minister and the Secretary of State for Energy and Net Zero with a copy of this motion
- c) call on its MPs to support the Climate & Nature Bill.

**CHELMSFORD CITY COUNCIL**  
**MINUTES OF THE MEETING OF THE COUNCIL**  
held on 17 July 2024 at 7pm

**PRESENT:**

The Mayor, J Potter  
The Deputy Mayor, S Sullivan

Councillors C Adutwim, J Armstrong, N Chambers, D Clark, H Clark, P Clark, P Davey, S Davis, A E Davidson, C K Davidson, J Deakin, S Dobson, D Eley, K Franks, J Frasca, I D Fuller, M C Goldman, S M Goldman, I S Grundy, J Hawkins, R J Hyland, B Knight, J Lardge, R J Lee, L Mascot, B. Massey, R J Moore, M O'Brien, V Pappa, G H J Pooley, J M C Raven, E Sampson, S Scott, T Sherlock, M Sismey, A B Sosin, J E Sosin, M S Steel, M Taylor, A Thompson, A G Thorpe-Apps, N M Walsh, R T Whitehead, P Wilson, and S Young.

### 1. Apologies for Absence

Apologies for absence had been received from Councillors Bugbee, Canning, Dudley, Foster, Hall, Jeapes, John, Rajesh, Robinson and Tron.

### 2. Mayor's Announcements

The Mayor congratulated the three MP's on their election for the Chelmsford area, the Hon Marie Goldman, Kemi Badenoch and John Whittingdale. They also informed Council that their early months in the role had been a pleasure and that they and the Deputy Mayor had attended over 60 engagements and that it had been a particular honour to see many Councillors at their Civic Service in June. The Mayor also told Council, that they were excited to undertake, participate in and promote more fundraising events for their charity, Farleigh Hospice.

### 3. Declarations of Interest

Members were reminded to declare at the appropriate time any interests in the business on the meeting's agenda. None were made.

### 4. Minutes

The minutes of the meetings held on 20 March and 15 May 2024 were confirmed as a correct record. It was noted that the 20th March minutes contained an addendum which was also approved.

## 5. Public Questions

One public question had been submitted in advance of the meeting, which was asked in person [and can be seen via this link](#).

The question asked about the Climate Emergency declared by the Council in July 2019 and queried what evidence had been presented, discussed or debated at the meeting. The question also asked if a cost benefit analysis had been carried out at the time, stated that the science was not settled on the topic of climate change and that the IPCC had not declared a Climate Emergency. The Council were also asked if they still agreed with the position from 2019 and if any direction or funding had been received from Central Government in relation to declaring the Climate Emergency. The Council were also asked to review the declaration via it's Overview and Scrutiny Committee.

In response the Cabinet Member for a Greener Chelmsford, thanked the member of the public for their question. The Cabinet Member stated that the Intergovernmental Panel on Climate Change did not carry out their own research and produced neutral, policy relevant reports and it was not within their remit to declare a Climate Emergency or recommend so. The Cabinet Member also referred to observed impacts on Climate Change that were human induced and included more frequent and intense extreme events, causing widespread adverse impacts and related losses and damages to nature and people, going beyond natural climate variability. They also referred to the near-term risks of global warming and noted that the level of risk depended on the actions being taken now and that they trusted the science.

The Cabinet Member also stated that they were not aware of any correspondence or funding from Central Government, encouraging the Council to declare a Climate Emergency. They stated that the decision had arisen locally via their motion to the public Full Council meeting, where it received unanimous cross-party support, had been fully debated and been an example of Democracy in action. They also referred to the Council's Our Chelmsford Our Plan document, which outlined the Council's key strategic priorities. They also referred to the Climate and Ecological Emergency Plan agreed by Cabinet, that had since been reviewed by other Council bodies and a further report was expected at the Overview and Scrutiny Committee in early 2025.

The Cabinet Member concluded by saying that even if someone chose to deny the reality of human induced climate change, the Council, through its actions was creating a greener and cleaner Chelmsford, fit for the generations to come.

(7.05pm to 7.16pm)

## 6. Cabinet Question Time

The following questions from Councillors were put to members of the Cabinet:

### Question from Councillor B Massey to the Cabinet Member for a Safer Chelmsford

“At the December meeting of this Council, a resolution was passed that included a commitment by this council to not allow the sale of vaping products in any 'Chelmsford City Council run premises'. May I ask whether this definition includes High Chelmer and Cornhill, which are currently host to three shops selling vapes and drug paraphernalia?”

In response the Cabinet Member for a Safer Chelmsford confirmed that the premises referred to were not included in the definition of 'City Council run premises' as they were on a long lease and operated by a third party, the terms of which did not allow the Council to control trading policies.

In response to a follow up question on how many businesses had been stopped selling vaping products, the Cabinet Member confirmed that one market trader had been stopped from selling vaping products, but that they would find out more information and supply it after the meeting to Councillor Massey.

### Question from Councillor P Clark to the Leader of the Council

"On the 20th March 2024, this Council conducted a recorded voted to implement the results of the tender for the Waterside Development. This meeting excluded the Press and Public, most of the information is in the minutes published. My question to the Leader of this Council is, why was this brought to Full Council with a provision of there being Due Diligence after the vote? The Due Diligence should have been completed before it was decided by Full Council. This would have saved much time and taxpayers money being wasted, by the negligence of the Administration and Executive of this Council. Is there an apology anywhere on the horizon to the residents of Chelmsford who have seen a lot of their money wasted on this process?"

The Deputy Leader responded to the question, in the Leader of the Council's absence. They stated that some assumptions in the question were inaccurate, the Council had been reliant on support from Homes England and the Council had been bound by Homes England's guidelines and deadlines. The Council also heard that the Special Council meeting had been required before 31<sup>st</sup> March as the deadline had been set by Homes England and that at the time, it was said that further due diligence would be required, which did then find some issues. It was noted that it was not always possible to carry out all due diligence in advance, but that no money had been wasted, as much of it had gone towards preparatory work which would have been required at a later stage, but instead had already been done.

In response to a follow up question asking why the due diligence and legal advice had not been sought before the vote, the Deputy Leader stated that, Councillors had been

welcome to raise concerns before the March meeting, that due diligence had taken place as part of the process and that money had not been wasted as a result.

(7.16pm to 7.23pm)

## 7. Report from Cabinet

### 7.1 Proposed Changes to the Constitution

The Council received a report asking them to consider the recommendations of the Constitutional Working Group arising from its reviews of the City Council's Constitution. It was noted that there were some changes being proposed, which had already been recommended by the Working Group, the Governance Committee and Cabinet.

The Council heard that the changes removed and added some panels or groups to the Constitution, alongside a new model Planning Code of Conduct. It was noted that Appendix 4 detailed some changes to the model Planning Code to retain some of the Council's current practices.

In response to a question the Council's Monitoring Officer clarified why it had been recommended that the Council relies upon the model planning code which had been prepared by Lawyers in Local Government (LLG).

RESOLVED that the amendments to the Constitution detailed in appendices 1-4 be approved.

(7.24pm to 7.30pm)

## 8. Treasury Outturn 2023/24

The Council received a report which detailed the findings of the annual review of the Council's Treasury Management function and the rates of investments in 2023-24. The Council heard a verbal update from the Chair of the Treasury Management and Investment Sub Committee, due to the relevant meeting taking place on 16<sup>th</sup> July. The Council were informed that the Treasury Management and Investment Sub Committee had noted the report and that it highlighted the finance team had operated within the parameters set by Council for 2023-24. It was also highlighted to the Council that investments were no longer held in the CCLA property fund.

RESOLVED that the Treasury Management Outturn report for 2023-24 be approved.

(7.31pm to 7.32pm)

## 9. Budget Framework 2025/26

The Council considered a report which provided them with the framework to manage the Council's 2025-26 budget process. The Council heard that the proposed approach recommended a change from previous years, but that Full Council would still set and

approve the Council's budget in February of each year. The Council heard that the changes had been proposed to reflect the different financial environment the Council was now operating in and some decisions would be moved to Cabinet as they were not matters requiring Full Council attention.

It was noted that the proposals would ensure budget information remained transparent and would be published at a time when robust information could be made available for members. The Council heard that in place of previous reports an Annual Financial Review would be made to Cabinet in October, detailing a forecast of budget, borrowing and budget shortfalls and it would identify any decisions regarding extra in-year spending that Cabinet or Council might need to take. The Council also heard that the S151 Officer would still assess the robustness of the budget proposals and reserves in the 2025/26 budget report made to January Cabinet and February Full Council. It was also noted that a review of the new reporting arrangements would be undertaken by the S151 Officer and Cabinet Member for Finance, along with consultation with opposition groups and any proposals to amend the Constitution would be made via the appropriate route.

In response to questions, the Cabinet Member for Finance stated that, a report to Council in December would not add value, as it would by then be two months out of date but that the procedures would be reviewed and if extra meetings were needed they could be added. They also stated that staffing levels had reduced in the finance team as a result of budget pressures but also due to different working methods, but that this was the case in many departments due to lower funding levels.

RESOLVED that the below be approved;

1. an Annual Financial Review report, which will include both revenue and capital budgets, will be made to Cabinet in October. The report includes a review of finances for the current year and future years. This is a change to the existing constitutional reporting arrangements for the Medium-Term Strategy which requires approval by Council, usually in July and;
2. the proposed new arrangements will be subject to a review in 2025/26 undertaken by the s151 officer and Cabinet Member for Finance after consultation with opposition groups.

(7.33pm to 7.41pm)

## 10. Notice of Motion

The Mayor informed the Council that the notice of motion had been withdrawn and would therefore not be considered.

The meeting closed at 7.43pm

Mayor



## Chelmsford City Council Full Council

18 December 2024

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### Exceptions to Council Tax Premiums in respect of empty properties

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Report by:  
Cabinet Member for Finance

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#### Officer Contact:

Rob Hawes, Revenue and Benefit Services Manager, 01245 606695,  
[robert.hawes@chelmsford.gov.uk](mailto:robert.hawes@chelmsford.gov.uk)

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#### Purpose

To determine whether or not to apply any local discretionary exceptions to Council Tax premiums imposed in respect of empty properties

#### Options

- 1 To agree local discretionary exceptions to Council Tax premiums, imposed on empty properties during 2024/25, in line with those coming into force with statutory effect from 1 April 2025
- 2 Not to implement local discretionary exceptions to Council Tax premiums, imposed on empty properties during 2024/25
- 3 To agree a limited discretionary exemption from the second home premium with effect from 1 April 2025 in respect of privately rented furnished property left empty by a vacating tenant who still retains the tenancy for a maximum period of one month, or longer in exceptional circumstances.

## Recommendations

That Council agrees to implement local discretionary exceptions to Council Tax premiums, imposed on empty properties during 2024/25, in line with those coming into force with statutory effect from 1 April 2025 (Option 1)

That Council agrees a limited discretionary exception to the second home premium with effect from 1 April 2025 in respect of privately rented furnished property left empty by a vacating tenant whilst still retaining the tenancy for a maximum period of one month. (Option 3)

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### 1. Background

- 1.1. Following its meeting on 30 January 2024, Cabinet recommended to Full Council that the implementation of statutory exceptions to Council Tax premiums proposed by the previous Government should be delegated to officers. Full Council accepted this recommendation at its meeting on 21 February 2024. The Cabinet report from 30 January 2024 is attached as a background paper to this report.
- 1.2. The previous Government did not progress as far creating any statutory exemptions before the General Election on 4 July 2024, so Council Tax bills for 2024/25 have been issued including a Council Tax premium of 100% in respect of properties which have been empty for more than 12 months. As the 100% premium on second homes does not come into force until 1 April 2025, these properties have not yet been affected.
- 1.3. There was no indication that the new Government intended to progress the previous Government's exception proposals, so the Council has not thus far taken any action to implement any discretionary exception proposals. However, on 8 October 2024, the Government laid regulations which created a range of statutory exceptions to both empty home and second home premiums with effect from 1 April 2025.
- 1.4. This action has created a situation where the Council now has to decide whether it wishes to use its discretionary power to apply exceptions to empty home premiums during 2024/25 in respect of properties which it now knows will be exempt from those premiums with effect from 1 April 2025.

1.5. Local authorities also have the discretionary power to create exceptions to premiums in addition to any statutory exceptions and this report makes a specific suggestion for approval (option 3).

## 2. New statutory exceptions to long term empty and second home premiums with effect from 1 April 2025

2.1. The regulation (SI 1007/2024) creates a number of exceptions to the imposition of the long-term empty premium and the second home premium with effect from 1 April 2025. Some are time-limited and some are complete exemptions.

2.2. Billing authorities will not be able to charge an empty premium or a second home premium *at all* where:

- A person has been provided with armed forces accommodation and leaves their main home empty; or,
- An annexe, with its own council tax liability that forms part of the same property, is also being used as part of a person's sole or main residence (rather than being left empty).

2.3. Billing authorities will not be able to charge a second home premium *at all* where:

- The dwelling is periodically occupied in certain job-related circumstances; or
- The dwelling is a pitch occupied by a caravan or a mooring occupied by a boat; or,
- Where a planning condition prevents occupancy for a continuous period of at least 28 days in any one year period; or,
- Where a planning condition specifies that the dwelling may be used for holiday lets only; or,
- Where a planning condition prevents occupancy as a person's sole or main residence

2.4. Billing authorities will not be able to charge an empty or second home premium *for up to 12 months* where:

- A property is being actively marketed for sale or let; or,
- A property has been exempt from Council Tax whilst awaiting probate or letters of administration and probate or letters of administration have now been completed.

2.5. Billing authorities will not be able to charge an empty premium *for up to 12 months* where:

- a property is undergoing major work to make it habitable, or structural alteration.

2.6. The Council is requested to decide whether it wishes to bring the exceptions listed in paras 2.2, 2.4 and 2.5 into force as discretionary exceptions for the

financial year 2024/25. It should be noted that only the empty premium will be affected because the second home premium does not apply at all until 1 April 2025.

2.7. The numbers of properties attracting a premium vary from week to week and the number of properties which may qualify under any of the exceptions above are necessarily an estimate. As of 30 November 2024, the Council had 178 empty properties attracting an empty premium after being empty for between one and two years. Of those, evidence from complaints submitted to the Council regarding imposition of the premium on retirement properties which are proving difficult to sell or other properties which are up for sale, suggest that the number that might benefit from the 12 month exception is approximately 20. In terms of financial loss to the Council, this equates to approximately £4,000 for the year but will save officer time, so the net cost is less or even nil.

### 3. Additional limited discretion in respect of second home premium

3.1 The statutory 12 month exception listed in section 2.4 relating to properties being marketed for let provides a protection from the second home premium for **landlords** in respect of periods between one tenant leaving and another taking up residence. It is proposed that a similar, even more limited, discretionary exception is agreed to protect **tenants** from the second home premium. From time to time, a tenant decides to accept a new tenancy before their current one has expired. In such cases, they may be liable for Council Tax on both properties. If one tenancy is a furnished let and the tenant is not resident in the furnished property, it will immediately attract a second home premium after 1 April 2025. It is proposed that the Council uses its discretion not to apply the second home premium in this situation for a maximum period of one month, or more in exceptional circumstances.

### 4. Conclusion

4.1 This report seeks to clarify the Council's view regarding implementing discretionary exceptions to long-term empty premiums for the financial year 2024/25 and to add an additional limited exception in order to protect tenants from unavoidable financial loss.

#### List of appendices:

None

#### Background papers:

Cabinet 30 January 2024 agenda item 6.2– Amendments to Council Tax Premiums in respect of empty properties

## Corporate Implications

Legal/Constitutional: All relevant legal considerations are addressed within the body of the report and the proposed policy.

Financial: Implementing discretionary exceptions to empty property premiums in 2024/25 will cause a minor financial loss.

Potential impact on climate change and the environment: None.

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

(For new or revised policies or procedures has an equalities impact assessment been carried out? If not, explain why)

Health and Safety: None

Digital: None

Other:

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**Consultees:** Director of Connected Chelmsford, Legal and Democratic Services Manager,

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**Relevant Policies and Strategies:** The report takes into account the following policies and strategies of the Council:

Chelmsford Housing Strategy 2022-2027

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Chelmsford City Council

18th December 2024

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## Review of Fees and Charges

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Report by:  
Cabinet Member for Finance

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Officer Contact:  
Phil Reeves, Accountancy Services Manager(s151), [phil.reeves@chelmsford.gov.uk](mailto:phil.reeves@chelmsford.gov.uk)

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### Purpose

For Council to note the approach to fees and charges, approve a number of changes to fees and charges that are outside delegations and approve new charges for household garden waste collections.

### Recommendations

- 1) That Council notes the overall approach
  - 2) That Council approves
    - a. the specific changes to fees and charges set out in the report that are above delegations
    - b. new charges for household garden waste collections as set out in the report.
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## Executive summary

Recent Government announcements on council funding have increased the budget challenges for 2025-26 and beyond, compared to our report in October, requiring action now. The Annual Financial Review in October reported forecast budget deficits of £4m for 2025-26 and £13.3m for the full forecast period to 2030, even after taking account of anticipated cost savings, higher government support and increased council tax and revenue from fees and charges. Without these, the reported gap for 2025-26 would have been £6.5m. But the end of 14 years of reducing grants under the previous government had allowed us some “reasons to be hopeful that Government funding may increase” and that the forecast budget deficits would reduce.

Since then, the Government has made several announcements, including confirmation of new Extended Producer Responsibility funding (which is guaranteed at £1.7m for 2025-26). Details of other support from Government will be announced in the 2025-26 grant settlement later this month. But the hopes we had two months ago have evaporated as the Autumn Budget added extra National Insurance and National Living Wage costs and other news releases since have signalled clearly that Government support will be switched away from areas like Chelmsford that are felt to be doing well.

The Government’s recent announcements have therefore made the challenge of setting budgets for 2025-26 and into the future significantly more difficult. Council will set next year’s budget in February; budget proposals will initially be published in January ahead of the Cabinet meeting. These will need to take account of the grant settlement once it is known, the latest revenue and capital forecasts and the outcome of service budget reviews.

But it’s clear that balancing the budget and maintaining the level of reserves over the forecast period to 2030 requires urgent action now to protect the vital services that our residents rely on. That is why this report updates Council on increases in fees and charges being made under officer delegations, seeks approval to increase car parking and bereavement charges which cannot be made under officer delegation, and also proposes the introduction of a new charge for emptying brown bins from 1 March 2025.

Even by taking all of these actions, uncertainty remains until we are clear what the Government proposes. So there may still be a budget shortfall to address at the next meetings of Cabinet and Council.

### 1. Background

1.1 In October, the Cabinet received a report on the Council’s finances, the Annual Financial Review. This identified a projected budget gap of £4m for 2025/26; across the forecast period ending in 2029/30, it forecast a total shortfall of £13.3m.

1.2 Since this was published, the Government has made several announcements about funding streams for councils in future, as well as the Autumn Budget

announcement of increases in Employer NICs and National Living Wage rates. These announcements include in particular:

- a Financial Policy Statement (FPS) setting out the Government's intended approach to local government finance, and
- initial allocations of Extended Producer responsibilities (EPR) payments, a new levy on packaging production which is collected by Government and paid over to councils. The City Council's first year allocation is guaranteed to be at least £1.7m.

1.2.1 This EPR funding will make a useful contribution towards closing the Council's £4m budget gap for 2025/26. However, the Government's FPS implies that there will be more gloomy news once the announcement of the grant settlement is available close to Christmas. This is the statement of the amounts of grant support for each local council, including Chelmsford.

1.2.2 While the Government has guaranteed no council will see a fall in Core Spending Power (CSP) in 2025/26, its announcements so far indicate that Chelmsford may receive significantly less than expected in early October, which could mean the net gain to the City Council is well below the full £1.7m EPR that has been announced. We will not know how much of the gap remains until the grant settlement has been announced and the s151 officer has studied it.

1.2.3 For 2026/27 and beyond, there are significant threats to the Council's financial viability from the recent FPS announcements.

- There is a clear commitment to change the way funding is allocated in 2026/27, with funding redirected to authorities with weak tax bases and high deprivation. This is unfavourable to the City Council.
- There is also a commitment to change the calculations of the amount of business rates councils retain (the Business Rate Retention scheme). As the City Council's 2024/25 budget includes £2.25m Business Rate Retention income, future budgets could be heavily affected by these changes.

These changes are likely to disadvantage Chelmsford, and the Council must look to strengthen its own local income generation to help alleviate risks.

1.2.4 Overall, we should expect a net improvement from EPR and the grant settlement combined but they will not be sufficient to close the £4m budget shortfall.

1.3 So, we still need to raise additional income from fees and charges. Following a review, it is now recommended that several changes should be made in the current structure of fees and charges. Some of these (listed in paragraph 2.3) can be made under delegation. Others (set out in paragraphs 2.1 and 2.2) require Council approval as they are above delegated levels.

1.4 Cabinet agreed in October, in case other actions were not sufficient for a balanced 2025-26 budget to be set, that a new charge for collecting garden waste should be designed. As there is no longer any realistic expectation that this can be avoided, the proposals for a new charge are now set out in the report (section 3).

## 2. Proposed Changes to charges

### 2.1 Car parking Charges

2.1.1 Officers undertook a thorough review of car parking tariffs and this section sets out the proposed changes.

2.1.2 Financial Impact: Assuming consistent throughput levels, the proposed ticket price increases are expected to generate an additional gross income of £720,000 each year. If approved, the increases will be implemented on (or about) 17<sup>th</sup> February 2025.

2.1.3 The schedule of charges is included in **Appendix 1**. The main details are set out below.

2.1.4 The objective is to ensure that the Council's car parks remain competitive within Chelmsford's off-street parking provision and at Hylands park, effectively manage demand, and generate sufficient income for maintenance and reinvestment.

2.1.5 Summary of proposed changes:

Long Stay Car Parks:

- Full-day charge to increase by £0.50; 48-hour charge to increase by £1.00.
- Weekend Day Rates: Townfield Street, Coval Lane, Fairfield Road, and Glebe Road rates to change from £3.50 to £5.00.

Short Stay Car Parks:

- Charges to increase by 10%, except for a 20p increase on the 30 minute tariff and a 50p increase on the 1-hour tariff.

Hylands car parks:

- 1-hour and daily parking prices to increase by between 15p and 50p; equivalent increases in season ticket prices.

Other changes

- Meadows Retail Car Park Tariff: Align with Baddow Road, transitioning from short-stay to mixed-stay charges.
- Evening Charges: Increase by £0.20 across all car parks.
- Season Tickets: Charges to increase by 10%

## 2.2 Bereavement Charges

- 2.2.1 The vast majority of income generated from Bereavement Services is derived from the fees charged for carrying out cremations, with smaller amounts from grave purchase and interments.
- 2.2.2 To inform the approach to setting charges for Bereavement Services, the headline charges are compared across crematoria in Essex and the east London catchment area. Since 2012, the pricing strategy for the cremation charge at Chelmsford has been to try to position charges at around the average of those in the comparison group.
- 2.2.3 This report proposes continuation of this approach, the cremation of an adult being set at £1,265. This would be a £131 increase. This would be slightly higher than the forecast comparison group average, allowing for likely increases in the prices charged by other crematoria.
- 2.2.4 The cemetery is running out of space and the City Council will need to acquire land within the next few years in order to continue to offer a burial service. In the past, the charge for grave purchase (known as the Exclusive Right of Burial) has been set using a similar comparison with charges in a comparison group of cemeteries. However, this means we have not reflected the increasing prices for land – both the value of the land at the existing cemetery and the price we'll have to pay for land we have yet to acquire. This report, therefore, proposes that the fees for a grave purchase should be increased to £2,150, a £321 increase.
- 2.2.5 There is a separate charge for burial in a grave. For a resident exceeding 18 years of age, it is proposed to increase the charge to £1,241, a £113 increase.
- 2.2.6 These increases are for implementation in February 2025. If there is no change in market share, and subject to other external factors, they would raise additional revenues of £257k in a full year. The increase in the cremation charge would account for £236k of this, based on 1,800 cremations per year. The increase for burials and interments would account for the remaining £21k.

## 2.3 Other Fees and Charges

- 2.3.1 In addition to the increases discussed in 2.1 and 2.2 above, directors (in consultation with the appropriate cabinet members) will be authorising increases in all areas, including the following: commercial waste collection, special bulky waste collection, taxi and PHV inspections, leisure centre charges, outdoor sports pitch hire and (once Govt increases the statutory limits) fees for planning applications. Other charges are continuously set according to market conditions and this approach will not be changed: theatre tickets and merchandise, museum merchandise, Hylands events. Some other charges,

including market rents, commercial property rentals, etc., will be adjusted over time in the normal way.

- 2.3.2 The budget report will identify the expected income achievable from all the changes to fees and charges.

### 3. Introduction of charges for garden waste collections

3.1 It is proposed to introduce a charge for household garden waste collections. This would be effective from 1 March 2025, with householders invited to apply for a 'subscription' (the online system is expected to be open from 6 January 2025). The first-year subscription would run from March 2025 to Feb 2026.

3.2 The service provided would constitute the collection of one 240Lt wheeled bin once every two weeks in the same way as the current free service operates. Residents who subscribe should see no difference from the current service.

3.3 The service would be for a guaranteed minimum of 20 collections per year, allowing for periods of adverse weather or ground conditions when collections cannot be safely made. But the aim will remain a collection every two weeks throughout the year. If the minimum service level cannot be provided, part refunds will be offered (but not in any other circumstances).

3.4 The proposed charge for garden waste collection for 2025/26 is £60.00 for the collection of one 240Lt wheeled bin. Householders would be able to pay for collection of a second bin. It is proposed that the charge for collecting a second wheeled bin will be £30.00. Wheeled bins will be supplied by the Council at no charge.

3.5 If a household is currently claiming Council Tax Support, it is proposed that a discount will be able to be claimed for the service, reducing the charge for the first bin to £45.00 (and they may also pay for a second bin at £30.00, if required). The householder would need to prove eligibility for a discount by providing a valid CTS reference number.

3.6 Subscriptions will relate to the address, not the resident. So, if a householder moves within the City Council area, they may acquire any existing subscription but would need to pay for a new subscription at the full annual price if the new property doesn't already have one. If a household moves out of the City Council area, there will be no entitlement for refunds for part of the year.

3.7 It is difficult to predict the likely take-up of subscriptions for garden waste collections with certainty but based on the experience of other Essex authorities who have recently introduced a charge (Basildon, Braintree and Colchester) a

take-up rate of at least 40% of eligible households is a reasonable planning assumption.

3.8 Based on these proposals the introduction of a charge for garden waste collections is likely to generate a net financial benefit to the Council of around £1.3m each year, after allowing for any additional costs to set up and operate the service with a charge. If a higher level of take-up is achieved the net benefit improves by around £45,000 for every additional 1% in take-up.

#### 4. Summary of Financial Implications

4.1 Overall, in the full year 2025/26, the increases in car parking and bereavement charges will generate an extra £0.977m, plus a further £1.3m from the introduction of the household garden waste charge.

4.2 The October Cabinet report, Annual Financial Review, identified a £4m budget shortfall for 2025/26. The forecast shortfall allowed for an average 3% increase in charges, so the approvals sought from Council in this report to increase fees and charges result in a reduction of deficit by £0.68m and a further £1.3m from the introduction of the household garden waste charge.

4.3 The value of additional income from the charges being approved under delegation will be included in the Budget report made to January Cabinet.

4.4 The impact of changes recommended will be monitored via the normal revenue monitoring processes during 2025/26.

#### List of appendices:

Appendix 1 - Fees and Charges proposals for Car Parking

#### Background papers:

Nil

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#### Corporate Implications:

Legal/Constitutional: The decision to increase and implement fees and charges in year is beyond officer and member delegations and requires Council approval.

The Council has a general power to charge for discretionary services under Section 93 of the Local Government Act 2003 and under the power of general competence in Section 1 Localism Act 2011. The general principles on charging are that authorities must not charge for a service if legislation prohibits it from doing so and conversely must charge where required to do so. Where there is no specific power or prohibition authorities may use powers in either s93 Local Government Act 2003 or s1 Localism

Act 2011 to make charges for discretionary services. The Council is not permitted to make a profit from providing a service unless the service is provided through a company in accordance with section 95 Local Government Act 2003 or section 1 Localism Act 2011.

Financial: The approvals sought from Council to increase fees and charges will over the course of the full year are estimated to increase income by £0.957m. The introduction of a charge for garden waste is expected to generate an extra £1.3m in the 2025/26, the first fall year. The funding will contribute to resolving the forecast budget shortfall and reduce the financial risks the Council faces.

Potential impact on climate change and the environment: None

Personnel: None

Risk Management: The risk that income may be adversely affected by the higher charges has been considered in the proposals and the risk is considered manageable.

Equality and Diversity: An equality impact assessment has been undertaken in respect of the proposed introduction of a charge for garden waste collections. As there are no policy changes, other than this service being subject to a charge, the potential impacts are low. All eligible households will still receive collections of garden waste on the same basis as existing, providing the household has subscribed to the service. The provision of assisted collection for those with limited mobility will continue as is the current practice. In terms of ability to pay a discounted rate is available for those in receipt of Council Tax Support.

Health and Safety: None

Digital: None

Other: None

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Consultees:

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Relevant Policies and Strategies: All Financial policies

**Proposed Carpark charges compared to existing ones**

<b>Baddow Road</b>	<b>Charging Period</b>		Existing (£)	Proposed (£)
Monday to Sunday (5am to 5pm)	Up to	1 hour	<b>2.00</b>	<b>2.50</b>
		2 hours	<b>3.30</b>	<b>3.60</b>
		3 hours	<b>4.50</b>	<b>5.00</b>
	Over	3 hours	<b>8.00</b>	<b>8.50</b>
Evening and Overnight: Monday to Sunday (5pm to 5am)			<b>1.50</b>	<b>1.70</b>

<b>Moulsham Street</b>	<b>Charging Period</b>		Existing (£)	Proposed (£)
Monday to Sunday (5am to 5pm)	Up to	30 Minutes	<b>0.50</b>	<b>0.70</b>
		1 hour	<b>1.50</b>	<b>2.00</b>
		2 hours	<b>2.50</b>	<b>2.80</b>
		3 hours	<b>4.00</b>	<b>4.40</b>
	Over	3 hours	<b>8.00</b>	<b>8.50</b>
Evening and Overnight: Monday to Sunday (5pm to 5am)			<b>1.50</b>	<b>1.70</b>

<b>Meadows Retail</b>	<b>Charging Period</b>		Existing (£)	Proposed (£)
Monday to Saturday (5am to 5pm)	Up to	1 hour	<b>2.00</b>	<b>2.50</b>
		2 hours	<b>3.50</b>	<b>3.60</b>
		3 hours	<b>4.70</b>	<b>5.00</b>
		4 hours	<b>6.20</b>	<b>8.50</b>
		5 hours	<b>9.00</b>	
		6 hours	<b>10.00</b>	
		7 hours	<b>12.00</b>	
	8 hours	<b>16.00</b>		
Over	8 hours	<b>19.00</b>		
Saturday and Sunday (5am to 5pm)	Up to	1 hour	<b>2.00</b>	<b>5.00</b>
		2 hours	<b>3.50</b>	
		3 hours	<b>4.70</b>	
	Over	3 hours	<b>6.20</b>	
Evening and Overnight: Monday to Saturday (5pm to 5am)			<b>2.50</b>	<b>1.70</b>

<b>Coval Lane, Glebe Road, Fairfield Road and Townfield Street</b>	<b>Charging Period</b>		Existing (£)	Proposed (£)
Monday to Friday (5am to 11pm)	Up to	1 hour	<b>2.50</b>	<b>3.00</b>
		2 hours	<b>3.50</b>	<b>4.00</b>
		3 hours	<b>4.50</b>	<b>5.00</b>
	Over	3 hours	<b>10.00</b>	<b>10.50</b>
		2 days	<b>20.00</b>	<b>21.00</b>
Saturday and Sunday (5am to 6pm)			<b>3.50</b>	<b>5.00</b>
Evening and Overnight: Monday to Saturday (5pm to 5am)			<b>2.50</b>	<b>2.80</b>

<b>Rectory lane East and Rectory Lane West</b>	<b>Charging Period</b>		Existing (£)	Proposed (£)
Monday to Friday (5am to 5pm)	Up to	30 Minutes	<b>0.50</b>	<b>0.70</b>
	Over	30 Minutes	<b>8.00</b>	<b>8.50</b>
Saturday and Sunday (5am to 5pm)	Up to	30 Minutes	<b>0.50</b>	<b>0.70</b>
	Over	30 Minutes	<b>3.00</b>	<b>4.00</b>
Evening and Overnight: Monday to Sunday (5pm to 5am)			<b>1.50</b>	<b>1.70</b>

<b>High Chelmer Multi-Storey* and Meadows Surface and Parkway</b>	<b>Charging Period</b>		Existing (£)	Proposed (£)
Monday to Saturday (6am to 6pm)	Up to	1 hour	<b>2.00</b>	<b>2.50</b>
		2 hours	<b>3.50</b>	<b>3.90</b>
		3 hours	<b>4.70</b>	<b>5.20</b>
		4 hours	<b>6.20</b>	<b>6.80</b>
		5 hours	<b>9.00</b>	<b>8.80</b>
		6 hours	<b>10.00</b>	<b>11.00</b>
		7 hours	<b>12.00</b>	<b>13.20</b>
		8 hours	<b>16.00</b>	<b>17.60</b>
Sunday (6am to 6pm)	Up to	1 hour	<b>2.00</b>	<b>2.50</b>
		2 hours	<b>3.50</b>	<b>3.90</b>
		3 hours	<b>4.70</b>	<b>5.20</b>
	Over	3 hours	<b>6.20</b>	<b>6.80</b>
Evening and Overnight: Monday to Saturday (6pm to 6am)			<b>2.50</b>	<b>2.80</b>

<b>Regina Road carpark</b>	<b>Charging Period</b>		Existing (£)	Proposed (£)
Monday to Friday (6am to 6pm)			<b>8.00</b>	<b>8.50</b>
Saturday and Sunday (6am to 6pm)	Up to	1 hour	<b>2.50</b>	<b>3.00</b>
		2 hours	<b>3.00</b>	<b>3.50</b>
		3 hours	<b>4.50</b>	<b>5.00</b>
	Over	3 hours	<b>6.50</b>	<b>7.00</b>
Evening and Overnight: Monday to Sunday (6pm to 6am)			<b>1.50</b>	<b>1.70</b>

<b>Riverside, Waterloo Lane 1, Waterloo lane 2 and Waterloo lane 3</b>	<b>Charging Period</b>		Existing (£)	Proposed (£)
Monday to Sunday (6am to 6pm)	Up to	30 minutes	<b>0.50</b>	<b>0.70</b>
		1 hour	<b>2.00</b>	<b>2.50</b>
		2 hours	<b>3.50</b>	<b>3.90</b>
		3 hours	<b>4.70</b>	<b>5.20</b>
		4 hours	<b>6.20</b>	<b>6.80</b>
		5 hours	<b>9.00</b>	<b>8.80</b>
		6 hours	<b>10.00</b>	<b>11.00</b>
		7 hours	<b>12.00</b>	<b>13.20</b>

		8 hours	<b>16.00</b>	<b>17.60</b>
	Over	8 hours	<b>19.00</b>	<b>20.00</b>
Evening and Overnight: Monday to Sunday (6pm to 6am)	Up to	30 minutes	<b>0.50</b>	<b>0.70</b>
	Over	30 minutes	<b>1.70</b>	<b>1.90</b>

<b>West End</b>	<b>Charging Period</b>		Existing (£)	Proposed (£)
Monday to Sunday (5am to 5pm)	Up to	30 Minutes	<b>0.50</b>	<b>0.70</b>
		1 hour	<b>1.50</b>	<b>2.00</b>
		2 hours	<b>2.50</b>	<b>2.80</b>
		3 hours	<b>4.00</b>	<b>4.40</b>
Evening and Overnight: Monday to Sunday (5pm to 5am)			<b>1.50</b>	<b>1.70</b>

<b>Waterhouse lane carpark</b>	<b>Charging Period</b>		Existing (£)	Proposed (£)
Monday to Friday (6am to 6pm)			<b>6.50</b>	<b>7.00</b>

<b>Season Tickets</b>	<b>Existing (per Annum)</b>	<b>Proposed (Per Annum)</b>
Annual 7	£1,150	<b>£1,265</b>
Fairfield Road and Townfield Street	£2,000	<b>£2,200</b>
High Chelmer, Waterloo Lane carparks	£1,950	<b>£2,200</b>
Meadows Retail	£1,400	<b>£1,265</b>
West End	£1,450	<b>£1,595</b>
Evening Parking Permit	£250	<b>£250</b>
Carpark Release	£50	<b>£50</b>
Mark Traders	£4.00	<b>£4.50</b>

Hylands Car Parking Charges	2024/25	2025/26
Charging band	Existing charge	Proposed charge
Resident - up to 1 hr	£2.00	£2.20
Resident - per day	£3.00	£3.30
Non-resident - up to 1 hr	£3.35	£3.50
Non-resident - per day	£5.00	£5.50
Season Tickets		
Resident 5-Day	£54.00	£60.00
Resident 5-Day 2nd Vehicle	£16.20	£17.80

Resident 5-Day Additional Vehicle	£81.00	£90.00
Resident 7-Day	£72.00	£80.00
Resident 7-Day 2nd Vehicle	£21.60	£24.00
Resident 7-Day Additional Vehicle	£99.00	£110.00
Non-Resident 5-Day	£81.00	£90.00
Non-Resident 5-Day Additional Vehicle	£81.00	£90.00
Non-Resident 7-Day	£99.00	£110.00
Non-Resident 7-Day Additional Vehicle	£99.00	£110.00



## Chelmsford City Council

18<sup>th</sup> December 2024

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### Treasury Management Mid-Year Review 2024/25

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Report by:  
Cabinet Member for Finance

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Officer Contact:  
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[phil.reeves@chelmsford.gov.uk](mailto:phil.reeves@chelmsford.gov.uk)

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#### Purpose

To comply legislative requirements for reporting on treasury activities undertaken in the first part of 2024/25 and note compliance with the approved Treasury Management Strategy.

#### Recommendations

That Full Council review the report and approve that no changes are required to the 2024/25 Treasury Strategy.

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## 1. Background

- 1.1. The Council has cash to invest arising from its revenue activities, capital balances and the collection of Council Tax and Business Rates. The Council can use borrowing only to fund its capital programme and for temporary liquidity. The activities around the management of Council cash and external borrowing are known as Treasury Management.
- 1.2. Under statute and the CIPFA Code of Practice on Treasury Management (“the Code”), members are required to receive reports on the Council’s Treasury Management (TM) activities. The report in Appendix 1 complies with the CIPFA Code of Practice and relevant Government regulations.
- 1.3. Full Council has overall responsibility for Treasury Strategy but delegates to the Treasury Management and Investment Sub Committee (TMISC) responsibility to monitor and recommend changes to the strategy. The Section 151 Officer of the Council is delegated to manage operational TM activities within the approved strategy.
- 1.4. Members of TMISC are asked to review the contents of the report and recommend that the Cabinet note its contents and seek Council approval for it.

## 2. Executive Summary

- No breaches of the 2024/25 Treasury Management Strategy have occurred.
- Higher than expected cash balances are estimated to increase investment income by £0.45m more than the budget for 2024/25.
- The Council remains internally borrowed to fund its capital investment; however, the council is expected to externalise debt towards the end of the financial year.
- No change to the TM Strategy is recommended for 2024/25.
- No changes are being made currently to the holdings of diversified investment funds. Any decisions to change holdings will be made under the operational delegation by the s151 officer.

## 3. Conclusion

3.1. Cabinet accepted the review of the Treasury Management Activity for the period to the end of August as endorsed by TMISC and recommended it to Full Council. No changes to the 2024/25 Treasury Management Strategy are recommended.

### List of appendices:

Appendix 1 – Review of Treasury Management Activity (2024/25)

Background papers:

Nil

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Corporate Implications

Legal/Constitutional: The report meets statutory obligations on reporting Treasury Management Activity.

Financial: As detailed in the report.

Potential impact on climate change and the environment:

Fund managers are required to consider ESG (Environmental, Social and Governance) factors in their investment process. All the fund managers would be expected to have signed up to the UN Principles for Responsible Investment (PRI). PRI argues that active participation in ESG and exercising shareholder rights on this basis can help to improve the performance of companies which may otherwise not address such concerns and so being an engaged corporate stakeholder is a more effective way to bring about change in corporate behaviour on ethical issues.

Further requirements from those identified above are not practical given the limited ability to directly influence any immediate change in the financial markets.

Contribution toward achieving a net zero carbon position by 2030: N/A

Personnel: N/A

Risk Management:

The report is part of the Council's approach to managing risks arising from Treasury Management.

Equality and Diversity: N/A

Health and Safety: N/A

Digital: N/A

Other: N/A

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Consultees:

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Relevant Policies and Strategies:

Treasury Management Strategy 2024/25

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. Treasury Management Activity during the period 1<sup>st</sup> April 2024 – 31<sup>st</sup> August 2024

This report complies with the CIPFA Code by identifying the Council’s investments and external borrowings as at 31/08/2024 and compares treasury activity to the approved strategy.

1 **Liquidity Management and borrowing**

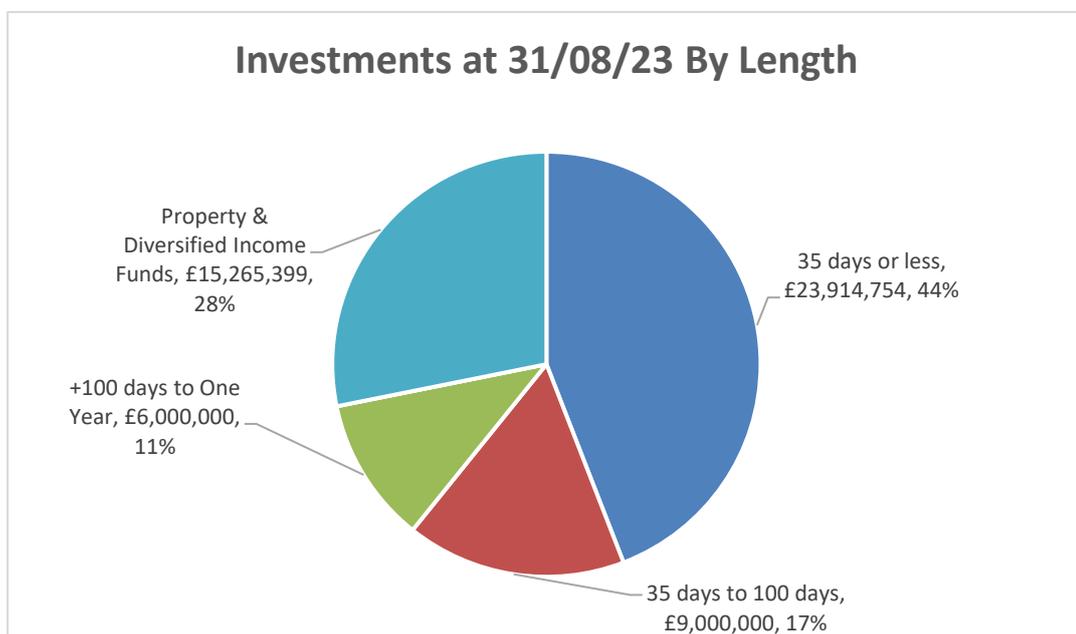
1.1 The Council has continued to keep a significant proportion of its portfolio available for instant access. This is because significant capital investment is being undertaken, including Waterside infrastructure, so investment balances will fall over the next few months. It is estimated that external borrowing will occur later in the financial year.

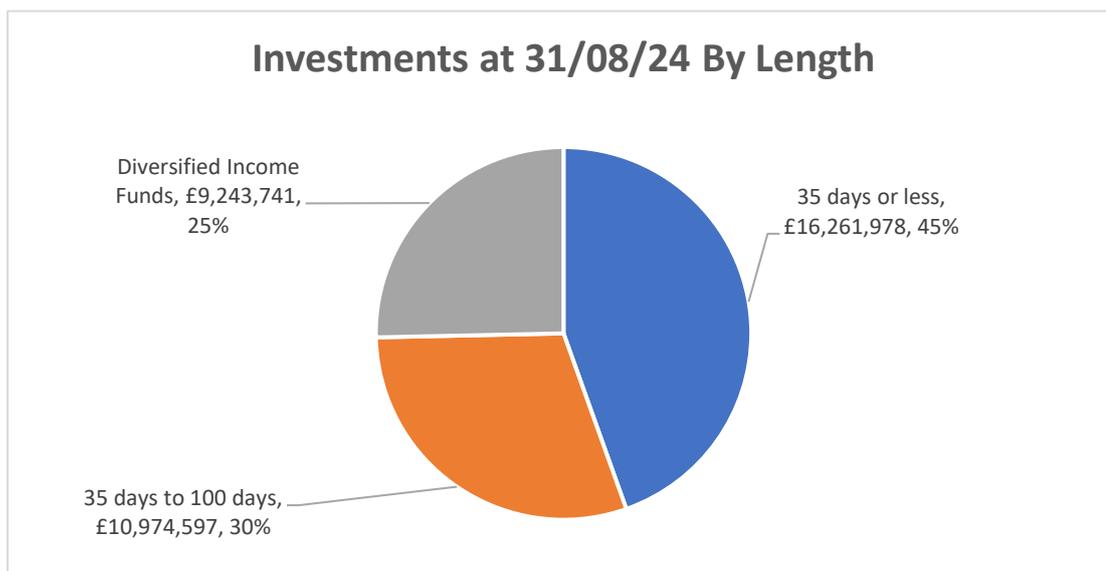
A net £35m is expected to be spent on capital schemes between now and the end of the financial year with the main items being £11m spent on Waterside, £8m towards Beaulieu station funded by S106, £7m on replacement programme.

To assist in managing liquidity, the Council set the following target in its Treasury Management Strategy.

**A minimum of £5m of all investments are targeted to be invested for periods of 35 days or less.**

**Outcome: The target was achieved, and officers will continue to keep the average durations of investments short.**

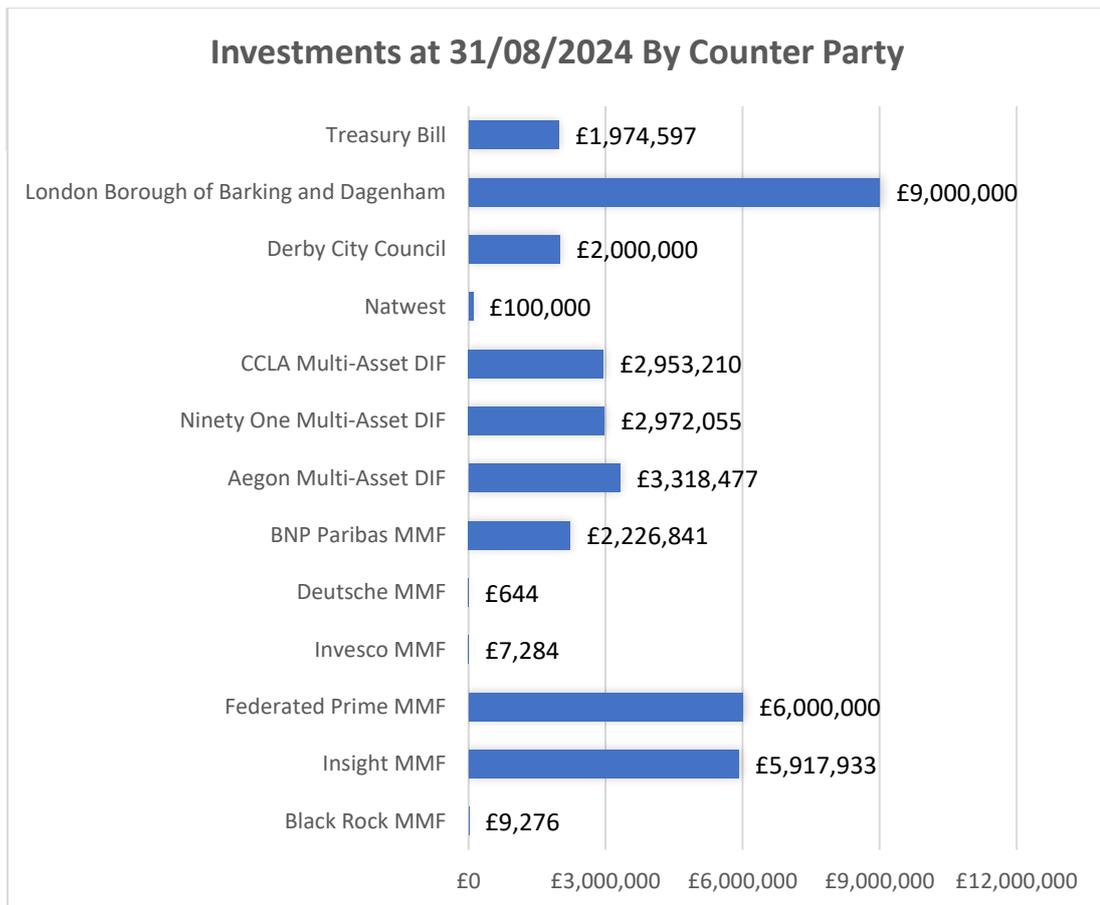




Investments at:	31/08/23	%
35 days or less	£23,914,754	44
35 to 100 days	£9,000,000	17
+100 days to 1 yr.	£6,000,000	11
Over 1 yr.	£0	0
Property & Diversified Monthly Income Fund	£15,265,399	28
<b>Total</b>	<b>£54,180,153</b>	<b>100</b>

Investments at:	31/08/24	%
35 days or less	£16,261,978	45
35 to 100 days	£10,974,597	30
+100 days to 1 yr.	£0	0
Over 1 yr.	£0	0
Diversified Monthly Income Fund	£9,243,741	25
<b>Total</b>	<b>£36,480,316</b>	<b>100</b>

- 1.2 The Council's Treasury strategy identified the following.  
**No fixed duration investments over 365 days are proposed for 2024/25;** Current cashflow forecasts suggest there will be insufficient liquidity to make investments beyond 365 days. However, this should be retained as contingent possibility, so it is recommended that any investments beyond 365 days are at the discretion of the Section 151 Officer. For investments 2 years and over, consultation will be made with TMISC chair.
- Outcome: The target has not been exceeded.** Currently, none are proposed as a result of declining investment balances and a need to externalise debt.
- 1.3 **No breaches of counter-party limits have occurred.** The investments held by the Council are noted below.



The Council's investments banks are mostly fixed maturity dates and of a duration of less than one year.

The £9m investment is due back 18<sup>th</sup> November 2024 and the majority of this is expected to be paid over to ECC before the end of the financial year as part of the station s106 funding.

- 1.4 The Council cash balances will fall as the year progresses due to the normal outflow of Council Tax to other precepting bodies, the payments of Sec106 funds to ECC and capital programme spend. It is thought highly likely that external borrowing will occur in the second half of the current financial year, in January. A full review of the Council's forecast cashflow is taking place as part of the budget cycle which will update the long-term borrowing forecast.
- 1.5 **The Council has not undertaken any external borrowing in the year to date.** The funding of the approved Capital programme has required borrowing but to date that has been internal borrowing which reduces the amount the Council has to invest. The Council operates two external borrowing limits, the Authorised (maximum limit) which cannot be exceeded without Council agreement and an Operational boundary (which provides an expected level of external debt). The current limits are noted below.

	<b>Limit</b>
<b>Authorised Limit of Borrowing</b>	<b>£55m</b>
<b>Operational Boundary of Borrowing</b>	<b>£39m</b>

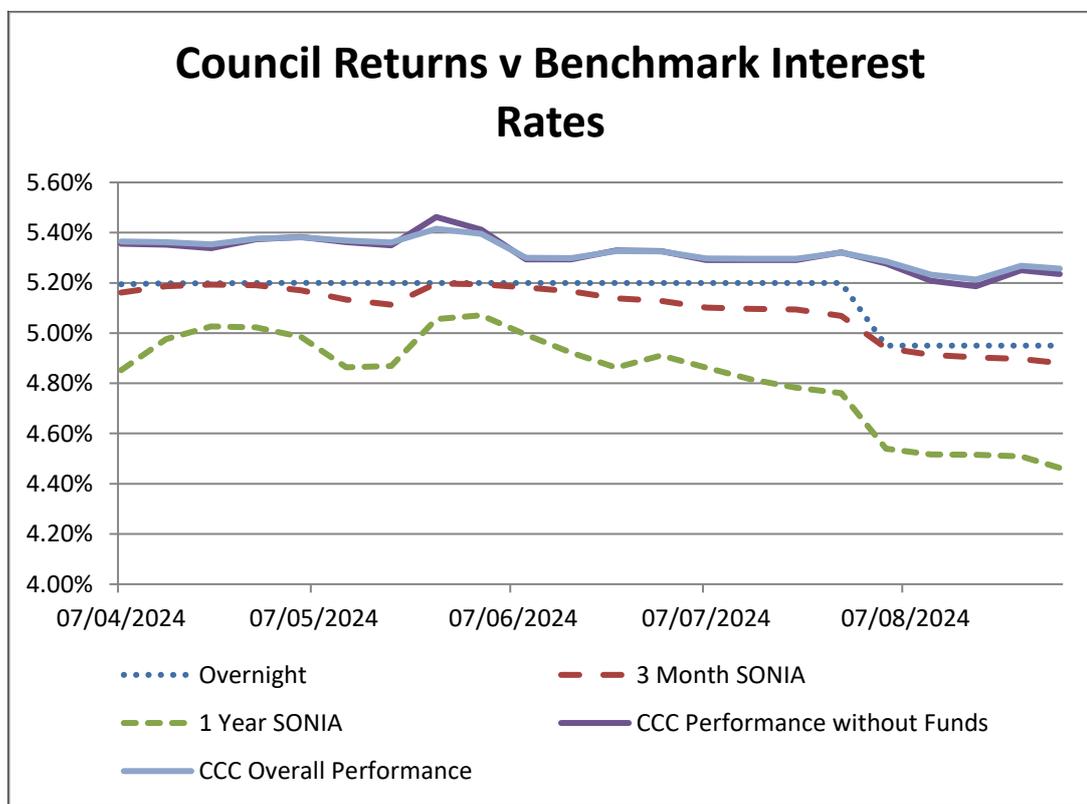
2. **Rate of Return**

2.1 The Bank of England Base rate stands at 5.0% after its first rate cut in August and remained unchanged in September. The Markets are forecasting a cut in November and possible further cuts before the end of the financial year.

On the 23rd of September, the one-month local authority loans were around 5.05% to 4.95% and one-year loans 4.95% to 4.8%, however there is a great deal of volatility in the market. Money Market Funds are currently running between 5.01% to 4.9% with other cash investments such as bank and building societies generally offering rates below the base rate, reflecting the expectation of further falls in interest rates.

The Council continues to invest in three multi-asset diversified income funds as part of its long-term strategy for returns and diversified portfolio. The returns are discussed in section 3.

2.2 Money market interest rates on average are just below bank rate. The Council returns are shown below alongside some comparable benchmark rates.



2.3 The Council’s income yield and income in 2024/25 is expected to be lower than last year with Bank of England base rate falling and the Council having less cash to invest.

2.4 The Council had an average yield on all its investments of 5.26% as at 31<sup>st</sup> August 2024. The budgeted income for 2024/25 from investment returns is £1.0m; this is expected to be exceeded for the year by £0.45m, mainly due to higher than forecast cash balances.

2.5 Interest rates are expected to have peaked following the rate cut in August and a further fall is forecast in November, by 0.25%. The Bank of England's Governor is suggesting rates will continue to be cut gradually. So, return rates on the Council's investments will fall as the year progresses.

### 3 Externally Managed Fund Performance

3.1 The Council is invested in three Multi Asset Diversified Income Funds. These are all intended to be longer term investments made from core cash (reserves) to generate a return for the Council at a higher rate than standard cash deposits. Capital values will fluctuate throughout the period of investment. During recent times, interest rates have gone up quickly leading to reduced prices paid for gilts and bonds. This has caused the market value of the funds to move downwards but values have begun to recover.

Fund	Initial Investment Value	01/04/2024 Investment Value	31/08/2024 Investment Value	Unrealised Gain/(Loss) (since inception)	Annualised Income Return on 1 <sup>st</sup> April Valuations	Annualised Total Return (2024/25)
CCLA DIF	£3,100,000	£2,953,208	£2,967,969	£-132,031	4.38%	5.58%
Aegon DIF	£3,600,000	£3,318,477	£3,389,412	£-210,588	6.25%	11.38%
Ninety One DIF	£3,300,000	£2,972,054	£2,999,468	£-300,532	5.21%	7.43%

- Aegon Multi-Asset Diversified Income Fund – A £3.6m investment was made into the Aegon DIF in June 2021.
  - Annualised income yield is 6.25% on the valuation at 1<sup>st</sup> April 2024.
  - Capital Value – 5.85% decrease on initial investment and 2.14% increase against April valuation.
- Ninety-One Multi Asset Diversified Income Fund – A £3.3m investment was made into the Ninety-One DIF in June 2021.
  - Annualised income yield is 5.21% on the valuation at 1<sup>st</sup> April 2024.
  - Capital Value – 9.11% decrease on initial investment and 0.92% increase on April valuation.
- CCLA Multi Asset Diversified Income Fund – A £3.1m investment was made into the CCLA DIF in July 2021.
  - Annualised income yield– 4.38% based on first quarter's dividend on the valuation at 1st April 2024.
  - Capital Value – 4.26% decrease on initial investment and 0.50% increase on April valuation.
  - This fund is the weaker performing on the three and under greater scrutiny by officers.

The annualised return on the funds is variable and is likely to change during the year.

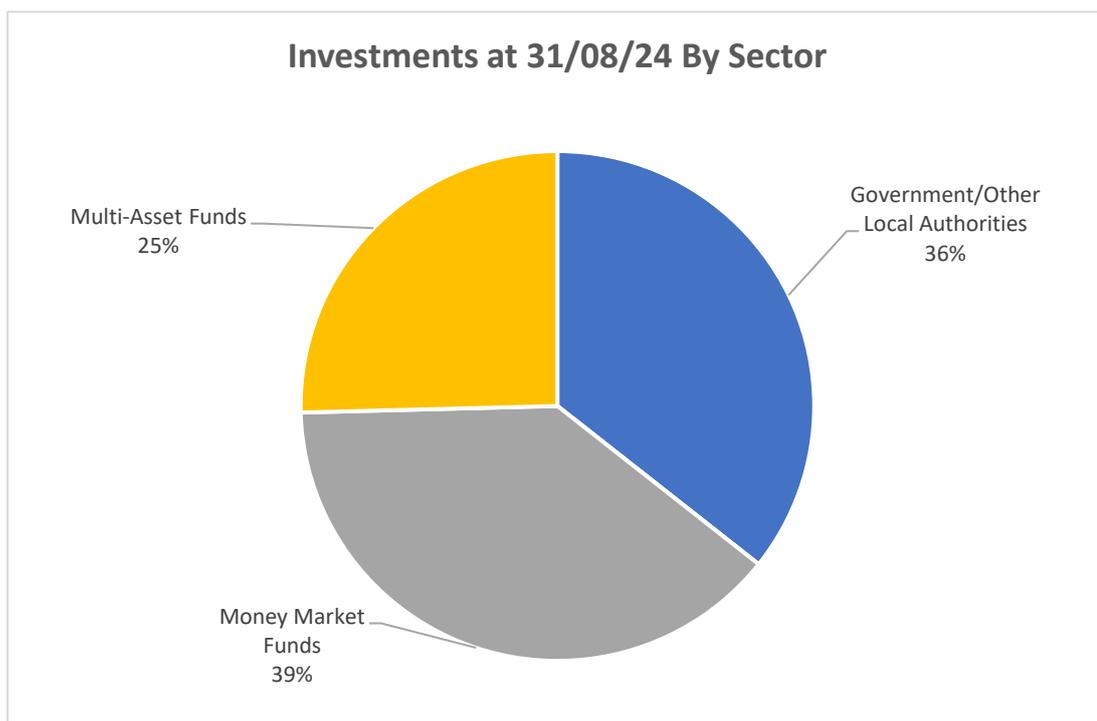
3.2 The return on all external funds should be looked at as a portfolio, allowing for periods of over- and underperformance for individual funds. If the performance of the first few months of this year were to continue, then the annualised income yield would be 5.32% on April valuation. The unrealised capital loss to date is £643K improving by £113K from April valuation. It is important to note the unrealised capital gain will fluctuate; the main objectives of the investment in funds are the spread of risks across asset types and improving annual income (yield).

3.3 The portfolio of funds has had a positive impact compared to cash on the overall income yield. The three funds have averaged a return of 5.32% improving the total investment return from 5.24% to 5.26%.

**4 Bail-in Risk**

4.1 This is the risk that regulators will step in and enforce losses on depositors to recapitalise a failing bank or building society, rather than rely on taxpayer bailouts.

4.2 Overall exposure to bail-in has reduced from last financial year to current due to holding local authority and treasury bill investments rather than private investments.



Exposure	As at 31 <sup>st</sup> August 2023	As at 31 <sup>st</sup> August 2024
Bail-in risk	72%	39%
Exempt from bail-in (including CCLA)	12%	36%
Diversified Income Funds	16%	25%
<b>Total</b>	<b>100%</b>	<b>100%</b>

The Diversified Income Funds will be partially exposed to bail-In risk, but it is not possible to identify specific risk due to the changing nature and proportion of their investments in bonds, equities, property etc. They have therefore been split out as a separate line in the table above for clarity. There has been no further investment in Diversified income funds, the increase in percentage holdings is the result of a reduction in total investments held by the Council.

## 5 External Borrowing

5.1 The Council has the freedom to borrow in the following circumstances:

- Short-term borrowing to manage liquidity
- Long-term borrowing is only used to fund capital expenditure if no other capital resources exist e.g. the Council has spent its capital receipts or expects to do so imminently.

5.2 Over the financial year end the Council had some short-term borrowing which was repaid at the beginning of April 2024. Currently there is no external loan borrowing. As previously noted, external borrowing is forecast to become necessary from around January 2025. External borrowing could be up to £32m by year-end. Loans taken out are expected to be kept short in duration as further interest rate cuts are expected.

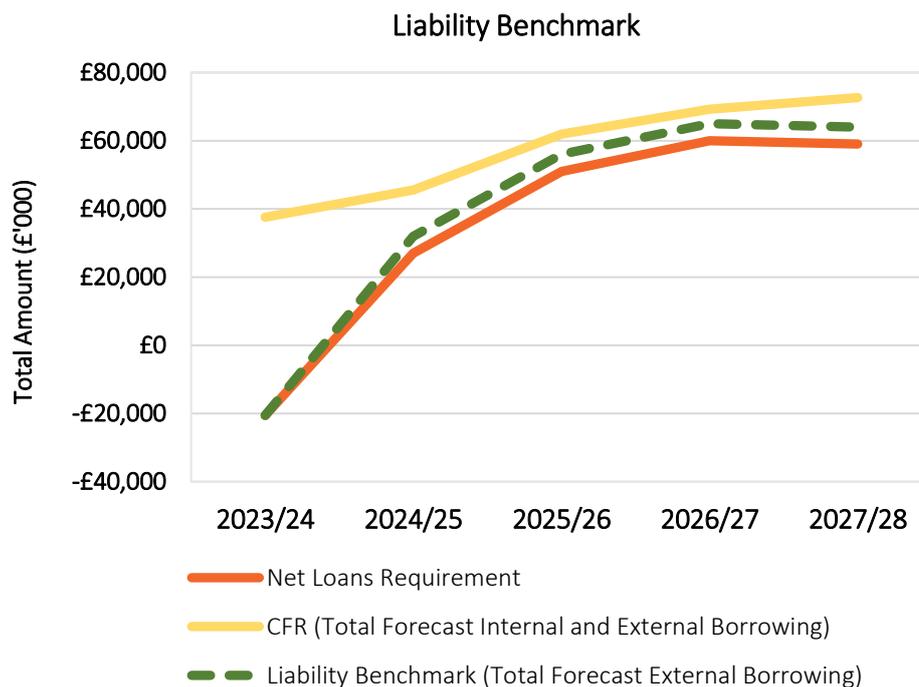
5.3 Liability Benchmark:

This indicator is a tool devised by CIPFA to help establish whether the Council is likely to be a long-term borrower or long-term investor. The liability benchmark is a calculation of the cumulative amount of external borrowing the Council must hold to fund its capital plans while keeping treasury investments at the minimum level required to manage day-to-day cash flow.

Ref.	Liability Benchmark	31/03/24 Actual (£m)	31/03/25 Forecast (£m)	31/03/26 Forecast (£m)	31/03/27 Forecast (£m)	31/03/28 Forecast (£m)
1	Capital Financing Requirement (CFR) (total of internal and external borrowing)	38	46	62	69	73
2	Less: Balance sheet resources	59	19	11	9	14
3	Net loans requirement: Line 1 above less Line 2 above (Negative shows surplus cash/ Positive are external borrowing requirement)	-21	27	51	60	59
4	Plus: Liquidity allowance.		5	5	5	5

5	Liability benchmark (Total forecast external borrowing) (Negative shows net surplus cash/ Positive is external borrowing requirement)	-21	32	56	65	64
		<----- Forecast - Externally borrowed ----->				

The liability benchmark is shown graphically on the next page.



## 6 Conclusion

- No breaches of the Treasury Management Strategy have occurred.
- Higher than budgeted cash balances during the financial year have led to above-budget returns.
- The Council remains internally borrowed to fund its capital investment. However, external borrowing is expected to become a permanent feature from the New Calendar year.
- Total return from the three fund managers as a portfolio of investments has been better than cash. The three diversified income funds are seen as a medium-term investment to enhance the returns for the Council over the longer period.
- No change to Strategy is recommended for the rest of 2024/25.



Chelmsford City Council

18 December 2024

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## Gambling Act 2005 – Statement of Licensing Principles

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Report by:  
Licensing Committee

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Officer Contact:  
Dan Sharma-Bird, Democracy Team Manager, [dan.sharma-bird@chelmsford.gov.uk](mailto:dan.sharma-bird@chelmsford.gov.uk), 01245 606523

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### Purpose

To seek Cabinet's approval of the latest Statement of Licensing Principles under the Gambling Act 2005 before its consideration by Council.

### Recommendation

That the Council adopt the attached latest version of the Statement of Licensing Principles under the Gambling Act 2005.

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## Background

1. At its meeting on 3 October 2024, the Licensing Committee considered the revised statement of principles to the Statement of Gambling Policy under the Gambling Act 2005. The Statement needs to be reviewed every three years.
2. The latest review had concluded that a few changes to the Statement of Principles were required due to proposed and implemented changes to Gambling Policies and Legislation, but that it otherwise remained fit for purpose. The changes to the policy are as follows;

14.22 All gambling operators must apply strict age verification checks to any customer who appears to be under the age of 25, in both physical and online environments. This is to ensure compliance with the age restrictions established under the Gambling Act.”

14.23 The Licensing Authority will expect applicants to demonstrate comprehensive measures to protect vulnerable individuals. This now includes enhanced affordability checks for players with significant spending patterns and mandatory cooling-off periods to prevent continuous gambling. Furthermore, all operators must ensure that safer gambling messages are prominently displayed on all gaming platforms:

~~14.24 Licensees must perform light touch financial vulnerability checks on customers depositing over £500 per month from August 2024, reducing to £150 per month from February 2025.” [A consultation response from the Gambling Commission has identified that this clause only applies to online gambling which this Authority does not licence and should therefore not be part of our Statement of Principles. This will be removed from the Statement and inconsequential changes made to reflect this]~~

17.1 Land-based gambling venues, including casinos, are permitted to expand their range of gambling activities to include sports betting and other forms of wagering previously restricted to online platforms. This expansion includes, but is not limited to, fixed-odds sports betting, in-play betting, and betting exchanges.

3. The Committee agreed to put the revised Statement out to consultation and it was advertised on the Council’s website, in a local newspaper and brought to the attention of relevant stakeholders. The consultation took place from 10<sup>th</sup> October to 7<sup>th</sup> November 2024.
4. No comments on the Statement were received during the consultation period and only a few typographical corrections have been made to it since the meeting of the Committee.

5. The Cabinet recommended that the Council formally adopt the Statement of Licensing Principles.

**List of appendices:**

Revised Statement of Licensing Principles

**Background papers:**

Nil

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**Corporate Implications:**

Legal/Constitutional: The Terms of Reference for Full Council provide that this decision is made by Full Council. Legal implications are set out in the report.

Financial: None

Potential impact on climate change and the environment: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

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**Consultees:** Legal and Democratic Services Manager, Cabinet

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**Relevant Policies and Strategies:**

## STATEMENT OF LICENSING PRINCIPLES FOR GAMBLING

	<b>PART A</b>	<b>Page Number</b>
1	Introduction	3
2	The Licensing Objectives	3
3	Responsibilities Under the Act	4
4	Statement of Licensing Principles	5
5	Consultations	5
6	Approval of Policy	6
7	Declaration	6
8	Responsible Authorities	6
9	Interested Parties	7
10	Exchange of information	8
11	Public Register	8
12	Compliance and Enforcement	9
13	Delegation of Powers	9
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	<b>PART B</b>	
14	General Principles	11
15	Provisional Statement	15
16	Representations and Reviews	16
17	Land – Based gambling changes	16
17	Adult Gaming Centres	17
18	Licensed Family Entertainment Centres	17
19	Casinos	17
20	Bingo Premises	18
21	Betting Premises	18

22	Tracks	19
23	Travelling Fairs	19

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## **PART C**

## **Page Number**

24	General	20
25	Unlicensed Family Entertainment Centres	20
26	(Alcohol) Licensed Premises gaming machine Permits.	20
27	Prize Gaming Permits	21
28	Club Gaming and Club Machine Permits	21
29	Temporary Use Notices [TUNs]	22
30	Occasional Use Notices [OUNs]	22
31	Small Society Lotteries	23

## **APPENDICIES**

A	List of Consultees	23
B	List of Responsible Authorities	24
C	Definitions	25
D	Temporary Use Notices	31
E	Table of Delegations	32
F	Application Process	36
G	Fees	52

## **PART A**

### **1 INTRODUCTION**

- 1.1 This Statement of Principles sets out the policy that Chelmsford City Council, as the Licensing Authority under s.349 (1)(b) of the Gambling Act 2005 (referred to in this document as 'the Act'), proposes to apply in discharging its functions to license premises for gambling under the Act in addition to: -
- Designating the body responsible for advising the Authority on the protection of children from harm;
  - Determining whether or not a person is an "Interested Party";
  - Exchanging information with the Gambling Commission and others; and
  - Inspecting premises and instituting proceedings for offences under the Act.
- 1.2 It should be noted that this policy may be affected by any revised guidance issued by the Gambling Commission or as a result of any stated court appeal cases.

### **2. THE LICENSING OBJECTIVES**

- 2.1 In exercising its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act.

The Licensing Objectives are: -

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

2.2

### **3. RESPONSIBILITIES UNDER THE ACT**

- 3.1 The Act introduced a licensing regime for commercial gambling, to be conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.
- 3.2 The Act establishes Chelmsford City Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee (created under Section 6 of the Licensing Act 2003) across the whole Council area.
- 3.3 The Gambling Commission is responsible for issuing Operating and Personal

licences to persons and organisations who: -

- Operate a casino;
- Provide facilities for playing bingo or for pool betting;
- Act as intermediaries for betting;
- Make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
- Manufacture, supply, install, adapt, maintain or repair gaming machines;
- Manufacture, supply, install or adapt gambling machine software; or
- Promote a lottery.

3.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. This includes all types of gambling, other than spread betting and the National Lottery. The Licensing Authority is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. The Licensing Authority is also responsible for the registration of certain types of Small Society Lotteries.

3.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling where they are used:

- in accordance with any relevant codes of practice;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives, and
- in accordance with the Licensing Authority's Statement of Licensing Policy.

3.6 Before the Licensing Authority can consider an application for a Premises Licence, an Operating and Personal Licence must have been obtained from the Gambling Commission (With the exception of Tracks).

3.7 Please note that the Licensing Authority does not oversee the licensing of remote gambling, as this responsibility falls under the Gambling Commission.

#### **4. STATEMENT OF LICENSING POLICY**

- 4.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy (The Policy), which contains the principles it proposes to apply when exercising its functions under the Act.
- 4.2 The Policy must be reviewed and published every three years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.
- 4.3 This revised policy will have effect from 1<sup>st</sup> February 2025 until 31 January 2028

#### **5. CONSULTATION**

- 5.1 In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals. A list of these other groups and persons consulted is also provided below.
- 5.2 The Act requires that the following parties are consulted by the Licensing Authority:-
- The Chief Officer of Police for the Authority's area;
  - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
  - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.
- 5.3 The other groups and people consulted were: -
- Organisations, including faith groups, voluntary and community organisations working with children and young people and organisations working with people who are problem gamblers, medical practices or primary care trusts and the Citizen's Advice Bureau;
  - Businesses who are, or will be, holders of Premises Licences;
  - Responsible Authorities under the Act.
- 5.4 The Licensing Authority's consultation took place between **[to be confirmed]**
- 5.5 A full list of comments made and details of the Council's consideration of those comments will be available by request to The Licensing Section, Public Places, Chelmsford City Council, Civic Centre, Duke Street, Chelmsford, Essex CM1 1JE. ([licensing@chelmsford.gov.uk](mailto:licensing@chelmsford.gov.uk))

#### **6. APPROVAL OF POLICY**

- 6.1 This Policy was approved at a meeting of the Council on **XX** November December 2024 published via its website. Copies are available on request or on the Council's WebSite ( [www.chelmsford.gov.uk](http://www.chelmsford.gov.uk) )
- 6.2 It should be noted that this Policy does not override the right of any person to make

an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit in accordance with the requirements of the Act.

## **7. DECLARATION**

- 7.1 In this Policy the Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities and any responses from those consulted during the consultation process.
- 7.2 Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers of this document and should not be interpreted as legal advice or as constituent of the Council's policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or they should consult the Guidance or Regulations made under the Act.

## **8. RESPONSIBLE AUTHORITIES**

- 8.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in the Definition/Glossary. It should be noted that under the Act, the Licensing Authority itself is designated as a Responsible Authority.
- 8.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied: -
- The competency of the body to advise the Licensing Authority;
  - The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
  - The need for the body to be answerable to democratically elected persons rather than any particular invested interest group etc.
- 8.3 In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority designates the Essex Safeguarding Children Board for this purpose.

## 9. INTERESTED PARTIES

9.1 Interested Parties can make representations about licensing applications or apply for a review of an existing licence. An Interested Party is defined in the Act as follows: -

' A person is an interested party' in relation to a premises licence or in relation to an application for or in respect of a premise if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:

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

9.2 Interested parties can be persons who are democratically elected, such as District and Parish Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the Ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be interested parties.

9.3 District Councillors who are members of the Licensing Committee will not qualify to act in this way.

9.4 Other than persons mentioned in **10.2** and **10.3**, the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an interested party.

9.5 The Licensing Authority considers that the Trade Associations, Trade Unions and Residents' and Tenants' Associations qualify as "Interested Parties" where they can demonstrate that they represent persons in (a) or (b) above.

9.6 In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors: -

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- The circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
- The catchment area of the premises (i.e. how far people travel to visit); and
- Whether the person making the representation has business interests in that catchment area that might be affected.

## **10. EXCHANGE OF INFORMATION**

10.1 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to: -

- The provisions of the Act, which include the provision that the Data Protection Act 2018 will not be contravened;
- The guidance issued by the Gambling Commission;
- Data Protection Act 2018;
- Human Rights Act 1998;
- Freedom of Information Act 2000;
- Environmental Information Regulations 2004;
- The Common Law Duty of Confidence;
- Electronic Communications Act 2000;
- Computer Misuse Act 1990;
- Criminal Procedure and Investigations Act 1996; and
- Crime and Disorder Act 1998.

10.2 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. (Note: Written confirmation may include information in electronic form). An audit trail should include: -

- Record of data disclosed.
- Project chronology; and
- Notes of meetings with other partners and recent correspondence, including phone calls.

10.3 The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.

## **11 PUBLIC REGISTER**

11.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others (e.g. H.M. Revenue and Customs). Regulations will prescribe what information should be kept in the register.

## 12 COMPLIANCE AND ENFORCEMENT

- 12.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice requiring actions to be: -
- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
  - Accountable – Authorities must be able to justify decisions and be subject to public scrutiny.
  - Consistent – Rules and standards must be joined up and implemented fairly.
  - Transparent – Enforcement should be open and regulations kept simple and user friendly.
  - Targeted – Enforcement should be focused on the problems and minimise side effects.
- 12.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme.
- 12.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act will be to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. It is also worth noting that concerns about the manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 12.4 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.
- 12.5 Where an operator carries out test purchasing in their premises, Chelmsford City Council expects to be advised of the results. Should the results show a failure, then the Licensing Authority will, in the first instance, work with the operator to review and improve their policies and procedures.
- 12.6 Where there is a Primary Authority Scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:
- Coral – London Borough of Newham
  - Ladbrokes – Milton Keynes
  - Paddy Power – Reading
  - William Hill – City of Westminster

### **13 DELEGATION OF POWERS**

13.1 The Council has agreed a scheme of delegation for discharging its functions under the Act.

## **PART B PREMISES LICENCES**

### **14. GENERAL PRINCIPLES**

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

14.2 Each case will be decided on its merits and will depend upon the type of gambling that is proposed, as well as taking into account how the applicant proposes that the Licensing objective concerns can be overcome.

14.3 Licensing Authorities are required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks fit: -

- In accordance with any relevant codes of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- To be reasonably consistent with the Licensing Objectives; and
- In accordance with the Authority's Policy.

#### **14.4 Definition of Premises:**

A premise is defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises, although this will always be considered in the light of the guidance issued by the Gambling Commission. It will always be a question of fact in each circumstance. The Gambling Commission does not, however, consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

#### **14.5 Demand:**

Demand is a commercial consideration and is not an issue for the Licensing Authority.

#### **14.6 Location:**

Location will only be of material consideration in the context of the Licensing Objectives.

14.7 The Act is clear that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Licensing

Authority will pay particular attention to the objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

- 14.8 In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6<sup>th</sup> April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, that licensees assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.
- 14.9 The LCCP also states that licensees must review (and update as necessary) their local risk assessments:
- a) to take account of significant changes in local circumstance, including those identified in this policy;
  - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
  - c) when applying for a variation of a premises licence; and
  - d) in any case, undertake a local risk assessment when applying for a new premises licence.
- 14.10 The Licensing Authority expects the local risk assessment to consider as a minimum:
- whether the premises is in an area of deprivation
  - whether the premises is in an area subject to high levels of crime and/or disorder
  - the ethnic profile of residents in the area, and how game rules, self-exclusion leaflets etc. are communicated to those groups
  - the demographics of the area in relation to vulnerable groups
  - the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather
- 14.11 In every case, the risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.
- 14.12 The Licensing Authority expects all licensed premises to have their local area risk assessment available on site for inspection by an authorised officer at all times when they are trading.
- 14.13 Information contained within the local area risk assessment may be used to inform the decision the Licensing Authority makes about whether to grant a licence, to grant a licence with special conditions or to refuse an application.
- 14.14 This policy does not preclude an application being made, and each application will be decided on its merits, with the onus being upon the applicant to show how any concerns can be overcome.
- 14.15 Chelmsford City Council has not published a local area profile, however, the Licensing Authority commits to assisting applicants by providing them such

information that they may require when considering their local area risk assessments.

#### 14.16 **Duplication with other Regulatory Regimes:**

Duplication with other statutory/regulatory regimes will be avoided where possible. This Authority will not consider whether a licence application is likely to be awarded Planning Permission or Building Control consent.

#### 14.17 **Licensing Objectives:**

Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these Objectives, the following will be considered: -

- **Preventing gambling from a source of crime or disorder, being associated with crime or disorder, or being used to support crime –**  
Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this licensing objective.

Where an area has known high levels of organised crime, this Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of door supervisors.

The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a licensing objective under the Act.

- **Ensuring that gambling is conducted in a fair and open way –**  
The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. The Licensing Authority notes that in relation to the licensing of tracks, its role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances, the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling –**  
In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, alcohol or drugs.

#### 14.18 **Conditions:**

Any conditions attached to Licences will be proportionate and will be: -

- Relevant to the need to make the proposed premises suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

14.19 In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications the Licensing Authority will particularly take into account the following:

- Proof of age schemes (*where applicable*)
- CCTV
- Door Supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices and signage.
- Specific opening hours; and
- With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as GamCare, Gamblers Anonymous, Gordon House Association, National Debtline and local Citizens Advice Bureaux and independent advice agencies

14.20 Decisions upon individual conditions will be made on a case-by-case basis.

Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to offer their own suggestions as to the way in which the Licensing Objectives can be effectively met.

14.21 It is noted that there are conditions, which the Licensing Authority cannot attach to Premises Licences. These are: -

- Any conditions on the Premises Licence which make it impossible to comply with an Operating Licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions, which provide that membership of a club or body, be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);

- Conditions in relation to stakes, fees, and the winning of prizes.

14.22 All gambling operators must apply strict age verification checks to any customer who appears to be under the age of 25, in both physical and online environments. This is to ensure compliance with the age restrictions established under the Gambling Act.”

14.23 The Licensing Authority will expect applicants to demonstrate comprehensive measures to protect vulnerable individuals. This now includes enhanced affordability checks for players with significant spending patterns and mandatory cooling-off periods to prevent continuous gambling. Furthermore, all operators must ensure that safer gambling messages are prominently displayed on all gaming platforms:

#### 14.24 Door Supervisors:

The Licensing Authority may consider whether there is a need for door supervisors in terms of the Licensing Objective of protecting children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime.

*The Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises or evidence of a likelihood that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and required*

As the Act has amended the Security Industry Act 2001, door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority.

#### 14.25 Credit

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATM's) may be installed in such premises but the licensing authority may apply conditions as to where they are sited.

#### 14.26 Betting Machines: (see appendix for definition)

In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the Casino*).

14.27 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account: -

- The size of the premises;
- The number of counter positions available for person to person transactions; and
- The ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

14.28 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of

the codes of practice or guidance issued under the Act.

## **15 PROVISIONAL STATEMENTS**

- 15.1 A Premises Licence under the Gambling Act 2005 may lawfully be granted in respect of premises that are not ready to be used for gambling, the premises being about to be or in the course of construction or alteration, and they being premises which the applicant has a right to occupy and in respect of which they hold an operating licence which authorises him/her to carry on the activity in respect of which the Premises Licence is sought.

## 16. REPRESENTATIONS AND REVIEWS

- 16.1 Representations and Applications for Review of Premises Licence may be made by responsible authorities and interested parties.
- 16.2 The Licensing Authority can make a representation or apply for a review of the Premises Licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Authority has designated the Environmental Services Manger, Safer Communities as being the proper person to act on its behalf.
- 16.3 The Licensing Authority will decide if a representation or application for a review is to be carried out on the basis of whether or not the request is:
- Frivolous or vexatious.
  - Based on grounds that will certainly not cause the Authority to wish to revoke/suspend a licence or remove, amend or attach conditions on the Licence.
  - Substantially the same as previous representations or requests for a review.
  - In accordance with any relevant codes of practice issued by the Gambling Commission.
  - In accordance with any relevant guidance issued by the Gambling Commission.
  - Reasonably consistent with the licensing objectives.
- 16.4 There is no appeal against the Authority's determination of the relevance of an application for review.

## 17. LAND-BASED GAMBLING PREMISES

- 17.1 Land-based gambling venues, including casinos, are permitted to expand their range of gambling activities to include sports betting and other forms of wagering previously restricted to online platforms. This expansion includes, but is not limited to, fixed-odds sports betting, in-play betting, and betting exchanges with the following conditions:

## 18. ADULT GAMING CENTRES

- 18.1 An Adult Gaming Centre is defined in **Appendix C**. Entry to these premises is age restricted.
- 18.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

## 19. LICENSED FAMILY ENTERTAINMENT CENTRES

- 19.1 A Licensed Family Entertainment Centre is defined in **Appendix C**. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.
- 19.2 The Licensing Authority will take account of any conditions applied to an Operating

Licence in respect of such premises.

## **20 CASINOS**

- 20.1 Casinos are defined in Appendix B. Chelmsford was not selected as one of the sites for one of the new casinos.

- 20.2 In the event that the Government decide to grant any further casino licences the Licensing Authority will consult widely on this issue.
- 20.3 The Licensing Authority can restrict the number of **betting machines**, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things should take into account: -
- The size of the premises;
  - The number of counter positions available for person to person transactions;
  - The ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.
- 20.4 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice and Guidance issued under the Act.
- 20.5 **Credit** facilities are prohibited in casinos; however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

## **21 BINGO PREMISES**

- 21.1 A Bingo premises is defined in **Appendix C**. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.
- 21.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.
- 21.3 **Credit** facilities are prohibited in premises licensed for Bingo; however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

## **22 BETTING PREMISES**

- 22.1 Betting Premises are defined in. **Appendix C**
- 22.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.
- 22.3 **Fixed Odds Betting Terminals (FOBT's)**  
In respect to nationally expressed concerns that exist in relation to the potentially adverse impact FOBT's may have on vulnerable groups of adults, The Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation to players who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.

## **23 TRACKS**

- 23.1 A Track is defined in **Appendix C**. Entry to these premises is generally age restricted except on days when racing takes place or is scheduled to take place.

On race days, specific areas within the Track may be age restricted dependent on the licensable activities taking place.

## **24 TRAVELLING FAIRS**

- 24.1 The Licensing Authority will determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use.

## **PART C PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES & REGISTRATIONS**

### **25 GENERAL**

25.1 Forms and Method of Application and any additional information or documents required for permits covered by this section will be available when the Regulations under the Act are made by the Secretary of State.

### **26 UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS**

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

#### **26.2 Statement of Licensing Principles**

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include: -

- Criminal Record Bureau checks for staff;
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises,
- Training covering how staff would deal with:-
  - Unsupervised, very young children being on the premises;
  - Children causing perceived problems on/around the premises; and
  - Suspected truant children.

### **27 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

27.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D. The Premises Licence holder needs to notify the Licensing Authority at least two months prior to the date of expiry of the current permit.

27.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.

27.3 Premises restricted to selling alcohol only with food, will not be able to apply for a Permit.

27.4 Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as: -

- Adult machines being in sight of the bar;
- Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- Appropriate notices and signage; and
- As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information in the form of leaflets or help line numbers for organisations such as GamCare, Gamblers Anonymous, Gordon House Association, National Debtline and local Citizens Advice Bureaux and independent advice agencies

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

## **28 PRIZE GAMING PERMITS**

### **28.1 Statement of Licensing Principles**

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include: -

- Criminal Record Bureau checks for staff;
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises,
- Training covering how staff would deal with:-
  - Unsupervised, very young children being on the premises;
  - Children causing perceived problems on/around the premises; and
  - Suspected truant children.

In making its decision on an application for a Permit, the Licensing Authority does not need to have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

## **29 CLUB GAMING AND CLUB MACHINE PERMITS**

29.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

- 29.2 A fast-track procedure is available for premises that hold a Club Premises Certificate under the Licensing Act 2003.
- 29.3 Commercial Clubs may apply for a Club Gaming Machine Permit only but are restricted by category and number of machines.

### **30 TEMPORARY USE NOTICES (TUN)**

- 30.1 The persons designated to receive TUNs and to issue objections are specified in **Appendix C**.
- 30.2 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. (At present this applies to equal chance gaming only)
- 30.3 For the purpose of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premise from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.
- 30.4 The definition of “a set of premises” will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of “a set of premises” the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.
- 30.5 The Licensing Authority will object to Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

### **31 OCCASIONAL USE NOTICES (OUN)**

- 31.1 Occasional Use Notices, apply only to tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.
- 31.2 OUNs are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.
- 31.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 31.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to benefit from the use of such a Notice.
- 31.5 The person designated to receive the OUNs (tracks only) and assess its validity is specified in the scheme of delegation as the Director of Safer Communities. A copy of the notice must also be served on the local Chief of Police.

## **32 SMALL SOCIETY LOTTERIES**

32.1 The definition of a Small Society Lottery is contained in **Appendix C** and these require registration with the Licensing Authority.

**Note** - Further information on small society lotteries may need to be included once the consultation document on the lotteries has been concluded.

## APPENDIX A

### List of Consultees

The Gambling Commission maintains a list of useful contacts on organisations involved in gambling and their contact details can be found on the Commission's website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) Some of these organisations provide codes of practice on their particular interest area.

The draft policy was placed on the Council Website and in accordance with the Act the following organisations and individuals were consulted as part of the formal consultation exercise on the Statement of Gambling Licensing Policy.

- All responsible Authorities for the Gambling Act (as specified in Appendix B).
- Holders of Premises Licences and Permits under the Gambling Act 2005
- Gamblers Anonymous,
- The Licensing Committee
- Public Health

**APPENDIX B**

**RESPONSIBLE AUTHORITIES**

<b>ORGANISATION</b>	<b>CONTACT AND ADDRESS</b>	<b>TELEPHONE</b>
Chelmsford City Council (Licensing Authority)	Public Health and Protection Services Manager Chelmsford City Council The Civic Centre Duke Street Chelmsford CM1 1JE	01245 600606 or 01245 606800
Essex Police	The Licensing Manager The Licensing Department Essex Police Braintree Essex CM7 3DJ	01245 212501
Essex County Fire and Rescue Service	Essex County Fire and Rescue Service Headquarters Kelvedon Park Rivenhall Witham Essex CM8 3HB	01245 328388
Essex County Council Children's Safeguarding Service	Head of Children's Safeguarding Service [Licensing Applications] Essex County Council DG06, D Block Schools Children's and Families Service PO Box 11 County Hall Chelmsford CM1 1LX	0845 6037627
Chelmsford City Council [Planning]	Head of Planning Service Chelmsford City Council The Civic Centre Duke Street Chelmsford CM1 1 JE	01245 606606
Chelmsford City Council [Environmental Health - Noise Pollution and Premises Safety]	Principal Environmental Health Officer Public Places Chelmsford City Council The Civic Centre Duke Street Chelmsford CM1 1JE	01245 606606 or 01245 606800

<b>ORGANISATION</b>	<b>CONTACT AND ADDRESS</b>	<b>TELEPHONE</b>
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6666
HM Revenue & Customs	The Proper Officer HM Revenue & Customs HMRC Banking St Mungos Road Cumbernauld Glasgow G70 5WY	

## APPENDIX C

### DEFINITIONS

Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
Betting Machines	A machine designed or adapted for use to bet on future real events [not a gaming machine].
Bingo	A game of equal chance.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Resolution	Resolution not to issue Casino Premises Licences.
Child	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines [3 machines of Categories B,C or D.
Conditions	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Automatic provision</li> <li><input type="checkbox"/> Regulations provided by Secretary of State</li> <li><input type="checkbox"/> Conditions provided by Gambling Commission</li> <li><input type="checkbox"/> Conditions provided by Licensing Authority</li> </ul> <p>Conditions may be general in nature [either attached to all licences or all licences of a particular nature] or may be specific to a particular licence.</p>
Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Small Society Lottery [required to register with Licensing Authorities.</li> <li><input type="checkbox"/> Incidental Non Commercial Lotteries.</li> <li><input type="checkbox"/> Private Lotteries.</li> <li><input type="checkbox"/> Customer Lotteries.</li> </ul>
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.

Gaming	Prize Gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.																											
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events.  <u>Categories</u>  <table border="1"> <thead> <tr> <th>Category</th> <th>Max. Stake</th> <th>Max. Prize</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Unlimited</td> <td>Unlimited</td> </tr> <tr> <td>B1</td> <td>£5</td> <td>£10,000</td> </tr> <tr> <td>B2</td> <td>£100</td> <td>£500</td> </tr> <tr> <td>B3</td> <td>£2</td> <td>£500</td> </tr> <tr> <td>B3A</td> <td>£2</td> <td>£500</td> </tr> <tr> <td>B4</td> <td>£2</td> <td>£400</td> </tr> <tr> <td>C</td> <td>£1</td> <td>£100</td> </tr> <tr> <td>D</td> <td>10p or 30p*</td> <td>£5 or £8*</td> </tr> </tbody> </table> <p>*when monetary prize only</p>	Category	Max. Stake	Max. Prize	A	Unlimited	Unlimited	B1	£5	£10,000	B2	£100	£500	B3	£2	£500	B3A	£2	£500	B4	£2	£400	C	£1	£100	D	10p or 30p*	£5 or £8*
Category	Max. Stake	Max. Prize																										
A	Unlimited	Unlimited																										
B1	£5	£10,000																										
B2	£100	£500																										
B3	£2	£500																										
B3A	£2	£500																										
B4	£2	£400																										
C	£1	£100																										
D	10p or 30p*	£5 or £8*																										
Human Rights Act 1998 Articles: 1,6,8 and 10	Article 1: Protocol 1 The right to peaceful enjoyment of possessions.  Article 6: The right to a fair hearing.  Article 8: The right of respect for private and family life.  Article 10: The right to freedom of expression.																											
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non commercial events [commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance]																											
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.																											
Interested Party	A person who:- <input type="checkbox"/> Lives sufficiently close to the premises to be likely affected by the authorised activities. <input type="checkbox"/> Have business interests that might be affected by the authorised activities. <input type="checkbox"/> Represents persons in either of the above groups.																											
Licensing Objectives	1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.  2. Ensuring that gambling is conducted in a fair and Open way.  3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.																											
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.																											
Lottery Tickets	Tickets that must:- <input type="checkbox"/> Identify the promoting society;																											

	<ul style="list-style-type: none"> <li>❑ State the price of the ticket, which must be the same for all tickets;</li> <li>❑ State the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and</li> <li>❑ State the date of the draw, or enable the date of the draw to be determined.</li> </ul>
Members' Club	<p>A club that must:-</p> <ul style="list-style-type: none"> <li>❑ Have at least 25 members;</li> <li>❑ Be established and conducted 'wholly or mainly' for purposes other than gaming;</li> <li>❑ Be permanent in nature;</li> <li>❑ Not be established to make commercial profit;</li> <li>❑ Be controlled by its members equally.</li> </ul>
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place.
Operating Licence	Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting - Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the track.
Premises	Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.
Private Lotteries	<p>There are three types of Private Lotteries:</p> <ul style="list-style-type: none"> <li>❑ Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society;</li> <li>❑ Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises;</li> </ul> <p>Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.</p>
Prize Gaming	Where the nature and size of the price is not determined by the number of people playing or the amount paid for or raised

	by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where a applicant can make an application to the Licensing Authority in respect of premises that he:-  <input type="checkbox"/> Expects to be constructed. <input type="checkbox"/> Expects to be altered. <input type="checkbox"/> Expects to acquire a right to occupy.
Relevant Representations	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.
Responsible Authorities	Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:-  <input type="checkbox"/> The Licensing Authority in whose area the premises is partly or wholly situated <input type="checkbox"/> The Gambling Commission <input type="checkbox"/> The Chief Officer of Police <input type="checkbox"/> Fire and Rescue Service <input type="checkbox"/> The Planning Authority for the local authority area <input type="checkbox"/> Environmental Health Service for the local authority area <input type="checkbox"/> The Body competent to advise on the protection of children from harm <input type="checkbox"/> HM Revenue and Customs <input type="checkbox"/> Authority in relation to vulnerable adults <input type="checkbox"/> Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency  Full details of Responsible Authorities for the Chelmsford District are contained in Appendix 'B' to this Policy.
Small Society Lottery	A lottery promoted on behalf of a non commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Temporary Use Notice	To allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
Tote [or Totalisator]	Pool betting on tracks.
Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and

	gaming is permitted.
Vulnerable Persons	No set definition, but likely to mean group to include people who:- <ul style="list-style-type: none"> <li><input type="checkbox"/> gamble more than they want to</li> <li><input type="checkbox"/> gamble beyond their means</li> <li><input type="checkbox"/> who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs</li> </ul>
Young Person	An individual who is not a child but who is less than 18 years old.

## **APPENDIX D**

### **TEMPORARY USE NOTICES**

The organisations designated to receive TUNs and to issue objections are:-

- The Licensing Authority
- The Gambling Commission
- Essex Police
- HM Commission for Revenues and Customs
- If applicable, any other Licensing Authority in whose area the premises are situated (if the premises crosses the border between two Licensing Authority's areas).

**APPENDIX E**  
**DELEGATION OF FUNCTIONS**

<b>Matters to be dealt with</b>	<b>Licensing Committee</b>	<b>Director of Public Places</b>	<b>Public Health &amp; Protection Services Manager</b>
<b>Application for a premises licence</b>	Where representations have been received and not withdrawn. Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary	Where no representations are received/representations have been withdrawn.	
<b>Application for a variation to a licence</b>	Where representations have been received and not withdrawn. Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary	Where no representations are received/representations have been withdrawn.	
<b>Application to transfer a licence</b>	Where representations have been received from the Gambling Commission	Where no representations received from the Gambling Commission	
<b>Application for a provisional statement</b>	Where representations have been received and not withdrawn. Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b)	Where no representations are received/representations have been withdrawn.	

<b>Matters to be dealt with</b>	<b>Licensing Committee</b>	<b>Director of Public Places</b>	<b>Public Health &amp; Protection Services Manager</b>
<b>Review of a premises licence</b>	<b>X</b>		
<b>Decision as to whether a representation is relevant</b>		<b>X</b>	
<b>Licensing Authority to make representations as a responsible authority</b>			<b>X</b>
<b>Proposal to attach a condition to a premises licence in accordance with section 169(1)(a) of the Act in addition to the mandatory or default conditions</b>			<b>X</b>
<b>Proposal to exclude a default condition from a premises licence under S169(1)(b) of the Act</b>			<b>X</b>
<b>Request a review of a premises licence under sections 197 or 200 of the Act as a responsible authority</b>			<b>X</b>
<b>Give a notice of objection to a temporary use notice under S221 of the Act</b>			<b>X</b>
<b>Determine that any representations received under part 8 of the Act are vexatious, frivolous or certainly will not influence the Authority's determination of an application</b>	<b>X</b>		
<b>Reject all or part of any application for a review of a premises licence in accordance with Section 198 of the Act</b>		<b>X</b>	
<b>Revoke a premises licence for non-payment of the annual fee (s193)</b>		<b>X</b>	

Matters to be dealt with	Licensing Committee	Director of Public Places	Public Health & Protection Services Manager
Application for a club gaming/club machine permit	Where objections have been received and not withdrawn. Refusal of permit proposed on the grounds listed in Sch 12 paragraph 6(1)(a)-(d), or paragraph 10(3) as applicable unless Authority and all relevant parties agree that a hearing is unnecessary.	Where no objections/objections have been withdrawn.	
Cancellation of a club gaming/club machine permit	<b>X</b>		
Application for other permits/registrations		<b>X</b>	
Cancellation of licensed premises gaming machine permits	All cases where permit holder requests a hearing under paragraph 16(2) or makes representations.	All other cases	
Consideration of temporary use notice	All cases where an objection notice has been received unless each person who would be entitled to make representations agrees that a hearing is unnecessary and the Environmental Services Manager is satisfied that a counter notice is not required.	All other cases	
Serve notification of intended refusal of any of the following:- Family Entertainment Centre Gaming Machine Permit (Sch 10 para 10) Prize Gaming Permits (Sch 14 para 11) Licensed Premises Gaming Machine Permits (Sch 13 para 6) And also in the latter case notice of intention to grant the application but for a smaller number of machines than specified and/or a different category of machines from that specified in the		<b>X</b>	

Matters to be dealt with	Licensing Committee	Director of Public Places	Public Health & Protection Services Manager
application			
Serve notification of lapse of any of the following:- <b>Family Entertainment Centre Gaming Machine Permit (Sch 10 para 14 and 15(1)(b))</b>		<b>X</b>	
Serve notice of intention to cancel or vary any of the following:- <b>Club Gaming Permit or Club Gaming Machine Permit (Sch 12 para 21)</b> <b>Licensed Premises Gaming Machine Permits (Sch 13 para 16)</b>		<b>X</b>	
Create and amend the Authority's application procedures in relation to applications for the following in accordance with any relevant legislation:- <b>Family Entertainment Centre Gaming Machine Permits ( Sch 10 paras 5 and 7)</b> <b>Licensed Premises Gaming Machine Permits(Sch 13 para 2)</b> <b>Prize Gaming Permits (Sch 14 paras 6 and 8)</b>		<b>X</b>	

The Director of Public Places be given delegated power to administer and carry out all other functions of the Licensing Authority capable of delegation under The Gambling Act 2005 and its subordinate legislation, (and any other legislation which may subsequently amend or replace it) which is not otherwise delegated to the Authority or the Licensing Committee.

## APPENDIX F

### APPLICATION PROCESS

This guidance covers those aspects that are the responsibility of the Licensing Authority only; guidance on aspects dealt with by the Gambling Commission can be obtained via the following link: - [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

### PREMISES LICENCES

A Premises Licence is required for any premises where gambling activity is carried out of a type requiring Personal and Operators' Licences to have been issued by the Gambling Commission.

An application may only be made by persons having the right to occupy the premises and who have, or have applied for, an Operating Licence allowing the proposed activities to be carried out. The Premises Licence cannot be granted until the necessary Operator's Licence has been issued.

Premises Licences are issued by the Licensing Authority and are required for Casinos, Bingo premises, Betting premises (including tracks and premises used by betting intermediaries) Adult Gaming Centres and Family Entertainment Centres providing category C gaming machines.

A licence is restricted to one premises only. However one set of premises may have separate licences issued in respect of different parts of the building.

Licensing Authorities are obliged to grant an application for a Premises Licence, provided the application is made in accordance with the Act, the Gambling Commission's guidance and the Licensing Authority's Gambling Licensing Policy Statement. Licences will be subject to mandatory and default conditions applied by regulations issued under the Act.

Premises Licences are valid indefinitely from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the Licensing Authority.

### **BINGO, BETTING, ARCADES (Adult Gaming Centres & Licensed Family Entertainment Centres)**

#### **New Licences or Permissions**

Applicants wishing to commence operating on or after 1 September 2007 may apply from 1 January 2007 to the Gambling Commission for an Operator's Licence and from 31 January 2007 to the Licensing Authority for a Premises Licence.

### **TRACKS**

An Operator's Licence is not required from the Gambling Commission to operate a track but a Premises Licence from the Licensing Authority is required. A number of Premises Licences may be granted for one track, provided each is for a different part of the track.

Betting is usually divided into on-course, off-course and pool betting, the provision of which requires operators to hold either a general Betting Operator's Licence or a Pool Betting Operating Licence from the Commission.

Pool betting on tracks may only be offered by the Tote (in relation to horse tracks) and by the Premises licence holder (in relation to dog tracks). Pool betting may not be provided elsewhere.

Gaming machines, consisting of a maximum of 4 machines of categories C – D, may be operated at a track by the Premises licence holder provided they hold a Pool Betting Operator's Licence (for siting and other special considerations in respect of gaming machines at tracks, see *'the Gambling Commission's guidance'* at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

Betting machines may also be operated at tracks (see *'Betting machines'*).

**The licensing process is the same as for other premises described above.**

## BETTING MACHINES

Betting machines are used for accepting bets on live events such as racing, in place of making bets at a counter, e.g. in a betting shop or on a track. These machines are not classed as gaming machines. The Licensing Authority may impose a limit on the number of betting machines that may be used in conjunction with a premise's licence.

## GAMING MACHINE SUPPLY & REPAIR

These activities require Operators' Licences to be issued by the Gambling Commission. For advice on applying for licences from the Commission, see their website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

## GAMING MACHINES IN LICENSED PREMISES

Premises Licences issued under the Gambling Act 2005 automatically authorise the provision of gaming machines, according to the type of premises and gambling activities permitted (but see also *'Tracks'*).

The Gambling Act 2005 introduces new classes of gaming machines, as shown in figure 1 below. The category and number of machines that may be operated under a Premises Licence are shown in figure 2 below.

**Fig. 1**

Category of machine	Maximum Stake £	Maximum Prize £
A	Unlimited	Unlimited
B1	£5	£10,000
B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize
D Non money prize (other than a crane machine)	30p	£8
D Non money prize (crane grab machine)	£1	£50
D - money prize (other than a coin pusher or penny falls machine)	10p	£5
D - combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)

D - combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)
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**Fig. 2**

Premises Type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)			Maximum of 150 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio).					
Small casino (machine/table ratio of 2-1 up to maximum)			Maximum of 80 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio).					
Pre-2005 Act casinos (no machine / table ratio)			Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead.					
Betting premises and tracks occupied by Pool Betting				Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo Premises					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 **		No limit on category C or D machines	
Adult gaming centre					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Family entertainment centre (with premises licence)							No limit on category C or D machines	
Family Entertainment Centre gaming machine permit							No limit on category D machines	
Club Gaming permit					B3A, B4, C and D		3 total Cat B3A machines are lottery only machines which are only permitted in members clubs and miners welfare institutes.	
Club machine permit					B3A, B4, C and D		3 total	
Licensed premises: automatic entitlement					C and D		2 total	

Licensed premises gaming machine permit					C and D		Unlimited
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\* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

\*\* Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

## TEMPORARY USE NOTICES (TUNs)

A TUN may only be issued by a person or company holding an Operating Licence relevant to the proposed temporary use of the premises and may be issued in respect of a 'set of premises' for a maximum of 21 days in any 12 month period. (NB. A TUN may not be issued in respect of a vehicle).

A 'set of premises' is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a notice in respect to different parts.

In considering whether a place falls within the definition of 'a set of premises', the Licensing Authority will consider, amongst other things, the ownership/ occupation and control of the premises.

The Licensing Authority will generally aim to permit gambling activities under a TUN but will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises

### Issue

Not less than 3 months and 1 day prior to the day on the which the gambling event is to take place, a TUN must be given to: -

- the Licensing Authority
  - the Chief Officer of Police
  - HM Commissioners for Revenue and Customs
- and, if applicable,
- any other Licensing Authority in whose area the premises are situated

The notice must include details of: -

- the date the notice is given
- the gambling activity to be carried on
- the premises where it will take place
- the dates and times it will take place
- any periods during the preceding 12 months that a TUN has had effect for the same premises, and
- any other information prescribed by Regulations

If there are no objections, the notice will be endorsed by the Licensing Authority and returned to the issuer for display upon the premises at the time the activity takes place.

### Objections

Having regard to the Licensing Objectives, those Authorities upon whom the TUN is served may make objections to the gambling activity taking place within 14 days of the date of the notice. Objections must be made to the Licensing Authority and TUN issuer.

Modifications to the notice may be suggested by those objecting to it. If accepted by the issuer, a new notice must be issued. It should be noted that the 3 month, 1 day time limit and a new fee will not apply to the new notice, nor may the original objector[s] object to the new notice.

A Hearing must be held before the Premises/Personal Licences Sub-Committee to hear representations from all parties, unless agreement is reached that a Hearing is unnecessary [e.g. by modification of the notice] within 6 weeks of the date of the notice.

Following a Hearing the Licensing Authority must issue a counter notice setting out whether or not the TUN will have effect, any limitations to the activities permitted, the time period when activities may take place and any conditions that are imposed.

### **OCCASIONAL USE NOTICES (OUNs)**

Occasional Use Notices may only be issued in relation to tracks that are used on eight days or less in a calendar year.

A track can be any part of a premises on which a race or other sporting event takes place or is intended to take place. Tracks need not be a permanent fixture.

OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. An OUN dispenses with the need for a Betting Premises Licence for the track.

#### **Issue**

The notice may be issued by the person responsible for the administration of events on the track or the occupier of the track. **The notice must be served on the Licensing Authority and a copy on the Chief Officer of Police.**

#### **Objections**

Generally objections may not be made to the issue of an OUN, except the Licensing Authority must issue a counter notice where the effect of the OUN would result in betting facilities being made available for more than 8 days in a calendar year.

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## PREMISES LICENCES

PREMISES WHERE AN OPERATOR'S LICENCE HAS BEEN GRANTED TO OPERATE A CASINO, BINGO PREMISES, BETTING PREMISES, ADULT GAMING CENTRE OR LICENSED FAMILY ENTERTAINMENT CENTRE

1. Attach required documentation
2. Pay prescribed fee

1. Licence lasts indefinitely unless surrendered, lapsed etc.
2. Annual charge payable to licensing authority

## GAMING PERMITS

Certain types of gambling are authorised by permits issued by the Licensing Authority. The permits generally authorise low stake gambling for small prizes by: -

- Gaming machines in alcohol-licensed premises, Members' Clubs, unlicensed Family Entertainment Centres (FEC's) and certain other premises, e.g. taxi offices (see '*Other premises*' below)
- Equal chance gaming, games of chance and gaming machines in Members' Clubs, and
- Prize gaming, e.g. at Travelling Fairs.

## GAMING MACHINES

The Gambling Act 2005 introduces new classes of gaming machines that may be operated under a permit, as shown in figure 3 below.

**Fig. 3**

<b>Category of machine</b>	<b>Maximum Stake £</b>	<b>Maximum Prize £</b>
A	Unlimited	Unlimited
B1	£5	£10,000
B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize
D Non money prize (other than a crane machine)	30p	£8
D Non money prize (crane grab machine)	£1	£50
D - money prize (other than a coin pusher or penny falls machine)	10p	£5
D - combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D - combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

The category and number of machines that may be operated under a premise's licence are shown in Figure 2 above.

**Fig. 4**

Premises Type	Machine category							
	A	B1	B2	B3	B3A	B4	C	D
Clubs or Miners' Welfare Institutes with permits				B3A		Maximum of 3 category B3A or B4 to D machines		
Qualifying alcohol licensed premises upon notification						Automatic entitlement of 1 or 2 category C or D machines		
Qualifying alcohol licensed premises with gaming machine permit						Unlimited category C or D machines - number specified on permit		
Family Entertainment Centre (with permit)								Unlimited category D machines
Travelling Fair								Unlimited category D machines

**ALCOHOL-LICENSED PREMISES**

Certain types of gambling may take place on alcohol-licensed premises under the Licensing Act 2003 without any authorisation being required. Generally these consist of the playing of cribbage, dominoes and other games for low stakes.

Premises holding a Premises Licence may be authorised to operate machines of Class C or D provided the Premises Licence authorises the sale and supply of alcohol for consumption on the premises without it being a condition that the sale and supply of alcohol has to be accompanied by food.

The following paragraphs apply only to those premises.

**Automatic Entitlement**

The Gambling Act 2005 gives an automatic entitlement for the holder of a Premises Licence under the 2003 Act to provide up to two gaming machines on their premises.

An application for a permit is not required but Premises Licence holders must notify their Licensing Authority in writing of their intention to provide the machines and pay the prescribed fee.

The entitlement may be withdrawn if:-

- provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives
- gaming has taken place on the premises that has breached a condition of the Act, e.g. they do not comply with siting and operation requirements
- the premises are mainly used for gaming; or where an offence under the Gambling Act 2005 has been committed on the premises

The Licensing Authority may not exercise their powers to remove the entitlement without first giving the permit-holder the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

### **New permits**

Where the holder of a Premises Licence wishes to provide more than two gaming machines, an application for a permit must be made to the Licensing Authority with the prescribed fee. There is no restriction on the number of machines that may be applied for and applications to vary the number of machines may be made at any time.

In determining an application for an increase in the number of machines, the Licensing Authority will consider: -

- the size of the premises
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons
- any documentary evidence [ e.g. supporting statistical evidence providing details of usage, etc.]
- each application on its own merits
- the Codes of Practice or Guidance issued under the Gambling Act 2005

Where the Authority grants the application, a permit will be issued for the number of machines authorised, which will include the automatic entitlement of 2 machines.

Where the Authority intends to refuse an application, or grant it for a different number or category of machines to that requested, the applicant will be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary

Where the Premises Licence is transferred, the gaming machine permit must also be transferred or it will lapse. In all other cases the permit will last indefinitely, unless surrendered or revoked.

Although the permit will not need to be renewed, an annual charge will have to be paid to the Licensing Authority.

### **MEMBERS' CLUBS**

The Gambling Act 2005 permits a Members' Club holding a Club Premises Certificate issued under the Licensing Act 2003, or Miners' Welfare Institute, to hold a **Club Gaming Permit** allowing participation in equal chance gaming or playing games of chance (see Annex C for definitions of 'equal chance gaming' and 'games of chance'). In addition they may operate a maximum of 3 machines of either Class B3A, B4, C or D.

The Act also permits a Members' Club holding a Club Premises Certificate or a Commercial Club holding a Premises Licence under the Licensing Act 2003 to operate a maximum of 3 machines of either Class B3A, B4, C or D under a **Club Machine Permit**.

### **New Permits**

Applications for a permit for premises already holding a Club Premises Certificate are subject to a 'fast track' procedure that prevents the making of objections, and restricts the ability of the Licensing Authority to refuse the application.

An application under this process may be refused if the club is established primarily for gaming (other than that permitted); if, in addition to the permitted gaming, facilities are provided for other gaming; or that a club machine permit issued to the applicant within the preceding 10 years has been cancelled.

An application and payment of the prescribed fee is required. A permit has effect for 10 years unless surrendered or revoked.

Applications for a permit for premises not holding a Club Premises Certificate e.g. a Commercial Members' Club with a Premises Licence, may be refused by the Licensing Authority on the grounds that:-

- the applicant does not fulfil the requirements for a Members' or Commercial Club
- the premises are used wholly or mainly by children and/or young persons; an offence under the Act or breach of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous 10 years
- an objection has been made by the Police or Gambling Commission

Permits may be varied at any time to meet changing circumstances, other than an increase above 3 to the number of machines. Licensing Authorities may only refuse a variation if, on consideration of the proposed variation as a new application, they would refuse a permit.

A permit will lapse if the holder no longer qualifies as a Members' Club or no longer qualifies under the 'fast track' system, or the permit is surrendered. A permit may be cancelled if the premises are used wholly or mainly by children and/or young persons or where an offence under the Act or breach of a permit condition has been committed by the applicant in the course of gaming activities.

Permits are valid for 10 years from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the Licensing Authority.

### **OTHER PREMISES**

Premises such as taxi offices, take-away restaurants, cafes etc are prohibited from obtaining a gaming machine permit under the Act and will be unable to operate gaming machines of any kind.

### **UNLICENSED FAMILY ENTERTAINMENT CENTRES**

The Licensing Authority may grant an application for a permit for category D gaming machines in an unlicensed Family Entertainment Centre (FEC) provided it is satisfied the premises will be used as an unlicensed FEC and that the Chief Officer of Police has been consulted. There are no limits to the number of machines that may be applied for in an unlicensed FEC.

The Authority will apply its Gambling Policy Licensing Statement in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Records Bureau or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the CRB certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

The Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority Officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives.

Where the Authority intends to refuse an application, the applicant will be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

A permit will last for 10 years unless it ceases to have effect because it is surrendered, it lapses or it is renewed. There is no annual charge payable to the Licensing Authority.

Unlicensed FEC's may also offer equal chance gaming under the authority of their Gaming Machine Permit.

### **New permits**

Applications for new permits may be made to the Licensing Authority.

### **PRIZE GAMING**

Prize gaming may be carried on in premises under a permit issued by the Licensing Authority. A Prize Gaming Permit will **not** authorise the use of gaming machines.

The Authority may apply its Gambling Licensing Policy Statement in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

The Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority Officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Records Bureau or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the CRB certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

Where the Authority intends to refuse an application, the applicant must be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

A prize gaming permit will last for 10 years unless it ceases to have effect or is renewed. There is no annual charge payable to the Licensing Authority.

### **New permits**

Applications for new permits may be made to the Licensing Authority.

### **Prize gaming without a permit**

Prize gaming without a Prize Gaming Permit may be carried on in any premises with a Premises Licence issued under the Gambling Act 2005, except that casinos may not offer prize bingo.

Unlicensed FEC's may also offer equal chance gaming only, under the authority of their gaming machine permit.

Travelling Fairs may also offer equal chance gaming only without a permit provided the facilities for gaming are ancillary amusements to the fair.

### **TRAVELLING FAIRS**

Travelling Fairs do not require a permit to provide gaming machines but must comply with codes of practice on how they are operated.

Travelling fairs may provide an unlimited number of category D machines and prize gaming in the form of equal chance gaming provided that facilities for gambling amount to no more than ancillary amusement at the fair.

## ALCOHOL LICENSED PREMISES

**PREMISES WHERE THE LICENCE PERMITS THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AND THE SALE IS NOT CONDITIONAL UPON FOOD BEING SOLD MAY HAVE GAMING MACHINES OF CLASS C OR D**

### UP TO 2 MACHINES

1. Automatic entitlement to 2 machines
2. Notify Licensing Authority in writing of proposed intention to operate machines.
3. Pay prescribed fee

### MORE THAN 2 MACHINES

1. Apply to Licensing Authority
2. Attach statistical justification showing 'need'
3. Attach plan of premises showing location of machines
4. Pay prescribed fee

1. Permit has effect from date of grant unless surrendered or cancelled
1. Annual charge to be paid to Licensing Authority

1. Licensing Authority can withdraw entitlement for 2 machines where their provision is not consistent with Licensing Objectives; gaming has taken place in breach of a condition; premises are used mainly for gaming; an offence under the Act has been committed.
2. Licensing Authority can cancel a permit where the premises are used wholly or mainly by children or young persons or an offence under the Act has been committed.

### **BUT**

1. Permit holder must be given 21 days notice of the intention to withdraw or cancel
2. Hearing must be held if permit holder requests one
3. Withdrawal or cancellation has no effect until 21 days has elapsed from notice being served where no hearing is requested or 21 days following a hearing or appeal.

## MEMBERS' CLUBS

**MAXIMUM OF 3 CATEGORY B3A, B4, C OR D MACHINES**

Applications for new permits and renewals must be made to Licensing Authority

**ATTACH TO APPLICATION**

1. Club Premises Certificate (for fast track applications)
2. Rules of club (if not CPC)
3. Plan of premises showing location of machines
4. Prescribed fee

1. Copy of application and accompanying documents to Police and Gambling Commission
2. Objections may be made (except to 'fast track' applications)
3. Permit lasts 10 years

Application for grant may be refused if: -

1. Applicant does not qualify as a Members' or Commercial Club or Miners' Welfare Institute.
2. The premises are used wholly or mainly by children or young persons.
3. An offence under the Act or a breach of a permit has been committed while providing gaming facilities.
4. A permit held by the applicant has been cancelled in previous 10 years.
5. An objection has been made by Police or Commission.

Application for renewal must be sent to Licensing Authority with fee between 3 and 6 weeks before permit expires and may only be refused on the same grounds as for original grant.

Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

## UNLICENSED FAMILY ENTERTAINMENT CENTRE

**PERMIT MAY BE ISSUED FOR PREMISES WHOSE PRIMARY USE IS AS AN UNLICENSED FAMILY ENTERTAINMENT CENTRE TO HAVE AN UNLIMITED NUMBER OF GAMING MACHINES OF CLASS D**

1. Attach information required by Gambling Licensing Policy Statement
2. Attach plan of premises showing location of machines
3. Consult Chief of Police
4. Pay prescribed fee
5. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the licensing objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding

Permits will lapse if: -

1. Licensing Authority notifies holder premises are no longer being used as an unlicensed FEC
2. Holder no longer occupies premises
3. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
4. Court orders holder to forfeit permit
5. Holder surrenders or fails to renew

## PRIZE GAMING PERMIT

**PRIZE GAMING PERMITS MAY ONLY BE ISSUED IN RESPECT OF PREMISES FOR WHICH THERE IS NO PREMISES LICENCE OR CLUB GAMING PERMIT ISSUED UNDER THE GAMING ACT 2005**

1. Attach information required by Gambling Licensing Policy Statement
2. Attach plans of premises
3. Pay prescribed fee
4. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the Licensing Objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

Permits will lapse if: -

1. Holder no longer occupies premises
2. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
3. Court orders holder to forfeit permit
4. Holder surrenders or fails to renew

## LOTTERIES

A lottery is unlawful unless it is run in accordance with an Operating Licence issued by the Gambling Commission, or it is exempt. This advice covers only those categories of lottery that are exempt. For more information on the licensing requirements for lotteries, see the Gambling Commission's website on [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

The Gambling Act 2005 defines 4 categories of lottery that are exempt from needing an operating licence: -

- Incidental non-commercial lottery
- Private lottery
- Customer lottery
- Small society lottery

Only a small society lottery is required to be registered with the Licensing Authority.

Applications must be made by the promoting society to the Licensing Authority for the area in which the principal address of the society is located. The Licensing Authority must record details of the society in a register and notify the applicant and the Gambling Commission of the registration.

The Licensing Authority will require applicants to declare: -

- the purposes for which the society is established
- that they represent a bona fide non-commercial society, and
- that they have no relevant convictions

The Licensing Authority may refuse an application if: -

- it considers the applicant is not a non-commercial society
- any person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with an application is false or misleading

An application shall be refused if an Operating Licence held or applied for by the applicant has been revoked or refused in the previous 5 years.

The Licensing Authority may revoke a registration where it believes the grounds exist that would permit or require it to refuse an application for registration.

Where the Licensing Authority intends to refuse or revoke the registration application it will give the society: -

- details of the reasons,
- evidence upon which it reached the decision, and
- the opportunity to make written and/or oral representations.

## NEW REGISTRATIONS

An application for registration with the prescribed fee must be made to the Licensing Authority under the Gambling Act 2005. The registration will be valid indefinitely with an annual fee being payable to the Licensing Authority.

## **Lottery Requirements**

To ensure the main purposes of the lottery are met: -

- the society must apply a minimum of 20% of the proceeds of the lottery to the purposes of the society;
- no single prize may exceed £25,000.
- rollovers may be permitted provided every lottery affected is also a small society lottery by the same society and the maximum single prize does not exceed £25,000; and
- every ticket must cost the same and must be paid for before being entered into the draw.

## **Returns**

No later than 3 months after making the draw (or in the case of a rollover, the last draw), a return must be sent to the Licensing Authority that: -

- has been signed by 2 members of the society over 18 years of age who are appointed for the purpose in writing by the society or its governing body, if it has one,
- is accompanied by a copy of each member's letter of appointment, and include the following details: -
  - the dates when tickets were available for sale;
  - the dates of any draw and value of prizes, including any rollover;
  - the proceeds raised;
  - the amounts deducted for prizes and expenses incurred in organising the lottery;
  - the amount applied or to be applied to the purposes of the promoting society; and
  - whether any expenses incurred in connection with the lottery were paid for other than from the proceeds of the lottery and, if so, the amount and the source(s) from which they were paid.

## **EXTERNAL LOTTERY MANAGERS**

External Lottery Managers require Operators' Licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## SMALL SOCIETY LOTTERIES

**PROMOTED BY A NON-COMMERCIAL SOCIETY ESTABLISHED FOR CHARITABLE PURPOSES; FOR PURPOSE OF ENABLING PARTICIPATION IN OR OF SUPPORTING SPORT, ATHLETICS OR CULTURAL ACTIVITY; OR FOR OTHER NON –COMMERCIAL PURPOSES OTHER THAN PRIVATE GAIN**

1. Attach information required: -
  - (a) Purpose for which society established
  - (b) Confirm bona fides of society as non-commercial
  - (c) Declare convictions, if any
- 2 Pay prescribed fee
- 3 Registration valid for life, annual fee payable to Licensing Authority

Lottery requirements: -

1. Society must apply minimum 20% of proceeds to purposes of society
2. No single prize to exceed £25000
3. Rollovers permitted provided all lotteries affected are small society lotteries & maximum single prize does not exceed £25000
4. Tickets must cost the same, be paid for before being entered in draw and include details of society, price, name and address of the person responsible for promotion of the lottery and date of draw

Returns, which must be made no later than 3 months after draw, must be signed by 2 members and include details of: -

5. Dates tickets were available for sale, dates of draw and value of prizes
6. Proceeds raised, amounts deducted for prizes, expenses incurred in organising lottery and where any were paid for other than from proceeds of lottery, the amount and source
7. Amount to be applied to purposes of the promoting society

Registration may be refused if: -

1. Society is not considered to be non-commercial
2. Any person connected with promotion of lottery has been convicted of relevant offence , or
3. Information provided in application is false/misleading

Registration must be refused if an operating licence held by or applied for by the applicant has been revoked or refused in the previous 5 years

Registration may be revoked where grounds exist for an application for registration to be refused.

BUT a registration will not be refused or revoked unless the society has been informed of the reasons and the evidence supporting them and been given the opportunity to make representations

## ANNEX G

### FEES

The Gambling Act allows licensing authorities to set their own fees for premises licences, subject to maximum levels that have been specified by central government.

- The relevant fee must be sent with an application, in order for the application to be valid.
- The application fee is not refundable if the application is withdrawn or if it is unsuccessful
- A first annual fee is payable within 30 days of the date of licence issue, details regarding this payment will be provided at the time of licence issue
- An annual fee is payable before the anniversary of the licence being granted

Non statutory fees are reviewed by the Licensing Authority on an annual basis in accordance with the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007.

Details of current fees can be obtained from the Council's website [www.chelmsford.gov.uk](http://www.chelmsford.gov.uk)

or by contacting        The Licensing Department,  
Chelmsford City Council,  
The Civic Centre,  
Duke Street,  
Chelmsford,  
CM1 1JE

Tel: 01245 – 606727

E-mail: [licensing@chelmsford.gov.uk](mailto:licensing@chelmsford.gov.uk)



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Chelmsford City Council

**18<sup>th</sup> December 2024**

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## **Audit and Risk Committee Annual Report 2023/24**

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Report by:

Audit and Risk Committee

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Officer Contact:

Elizabeth Brooks, Audit Services Manager, [elizabeth.brooks@chelmsford.gov.uk](mailto:elizabeth.brooks@chelmsford.gov.uk)

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### **Purpose**

This report summarises the work that the Audit and Risk Committee has undertaken during 2023/24 in line with CIPFA's Position Statement for Audit Committees 2022.

### **Recommendations**

The Council is requested to note the content of the 2023/24 Annual Report of the Committee.

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## **1. Introduction**

- 1.1. Audit Committees are a key component of the Council's governance framework. Their purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. The Committee's role in ensuring that there is sufficient assurance over governance risk and control gives greater confidence to all those charged with governance that those arrangements are effective.
  
- 1.2. In Chelmsford, the Audit and Risk Committee has been delegated governance responsibilities but remains accountable to Full Council. The Committee has oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability.

1.3. The CIPFA Position Statement for Audit Committees 2022 outlines the core functions of the Audit Committee and advises how Audit Committees should demonstrate their independence and effectiveness. Part of this includes reporting regularly on their work, and at least annually reporting an assessment of their performance.

## 2. Conclusion

The Audit and Risk Committee Annual Report 2023/24 is attached for Committee to note and agree.

**List of appendices:** Appendix 1 - Audit and Risk Committee Annual Report 2023/24

**Background papers:** None

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### Corporate Implications

#### Legal/Constitutional:

The Council has a duty to maintain an effective internal provision to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance (Regulation 5 (Part 1) of the Accounts and Audit Regulations 2015). Various guidance emphasises the importance of the Audit Committee, including:

- Delivering Good Governance in Local Government: Framework
- Public Sector Internal Audit Standards
- the Code of Practice on Managing the Risk of Fraud and Corruption.

#### Financial:

Failure to have appropriate risk management arrangements puts the Council financial management in a weakened position and therefore increases the risk of failing to deliver Our Chelmsford Our Plan.

#### Potential impact on climate change and the environment:

None

#### Contribution toward achieving a net zero carbon position by 2030:

None

#### Personnel:

None

#### Risk Management:

The role of the Audit and Risk Committee in relation to risk management covers: assurance over the governance of risk, including leadership, integration of risk management into wider governance arrangements and the top level ownership and accountability for risks; keeping up to date with the risk profile and the effectiveness of risk management actions and; monitoring the effectiveness of risk management arrangements and supporting the development and embedding of good practice in risk management.

#### Equality and Diversity:

None

Health and Safety:

None

Digital:

None

Other:

None

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**Consultees:** Councillor Walsh, Chair of the Audit and Risk Committee

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**Relevant Policies and Strategies:** None

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## **Audit and Risk Committee Annual Report 2023-24**

### **Introduction from the Chair of Audit and Risk Committee**

I am pleased to present the Annual Report of the Audit and Risk Committee which outlines the Committee's work and achievements for 2023/24.

I hope that this Annual Report helps to demonstrate to the City's residents and the Council's other stakeholders the role that is carried out by the Audit and Risk Committee and the contribution that it makes to the Council's overall governance. All meetings are open to members of the public.

To provide ongoing assurance over the Council's risk management, governance and internal control arrangements, the Committee has been supported during 2023/24 by the Audit Services Manager, the Accountancy Services Manager (S151 Officer), the Procurement and Risk Services Manager, and the Public Health and Protection Services Manager, as well as service representatives on request.

I would like to express my thanks to those officers and Members who have supported the work of this Committee by presenting and discussing reports.

**Cllr Nora Walsh**

**June 2024**

## 1. Overview

- 1.1. Audit Committees are a key component of the Council's governance framework. Their purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. The Committee's role in ensuring that there is sufficient assurance over governance risk and control gives greater confidence to all those charged with governance that those arrangements are effective.
- 1.2. In Chelmsford, the Audit and Risk Committee has been delegated some governance responsibilities but remains accountable to Full Council. The Committee has oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability.
- 1.3. As outlined in CIPFA Position Statement for Audit Committees, the core functions of the Audit Committee are to provide oversight of a range of core governance and accountability arrangements, responses to the recommendations of assurance providers and helping to ensure robust arrangements are maintained.
- 1.4. The specific responsibilities include:
  - **Maintenance of governance, risk and control arrangements**
    - Support a comprehensive understanding of governance across the organisation and among all those charged with governance, fulfilling the principles of good governance.
    - Consider the effectiveness of the authority's risk management arrangements. It should understand the risk profile of the organisation and seek assurances that active arrangements are in place on risk-related issues, for both the body and its collaborative arrangements.
    - Monitor the effectiveness of the system of internal control, including arrangements for financial management, ensuring value for money, supporting standards and ethics and managing the authority's exposure to the risks of fraud and corruption.
  - **Financial and governance reporting**
    - Be satisfied that the authority's accountability statements, including the annual governance statement, properly reflect the risk environment, and any actions required to improve it, and demonstrate how governance supports the achievement of the authority's objectives.
    - Support the maintenance of effective arrangements for financial reporting and review the statutory statements of account and any reports that accompany them.
  - **Establishing appropriate and effective arrangements for audit and assurance**
    - Consider the arrangements in place to secure adequate assurance across the body's full range of operations and collaborations with other entities.
    - In relation to the authority's internal audit functions:
      - oversee its independence, objectivity, performance and conformance to professional standards
      - support effective arrangements for internal audit
      - promote the effective use of internal audit within the assurance framework.

- Consider the opinion, reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control, and monitor management action in response to the issues raised by external audit.
  - Contribute to the operation of efficient and effective external audit arrangements, supporting the independence of auditors and promoting audit quality.
  - Support effective relationships between all providers of assurance, audits and inspections, and the organisation, encouraging openness to challenge, review and accountability.
- 1.5. In addition to the CIPFA Position Statement for Audit Committees, various associated guidance also emphasises the importance of the Audit Committee, including:
- CIPFA's Delivering Good Governance in Local Government Framework
  - The Public Sector Internal Audit Standards (PSIAS)
  - CIPFA's Code of Practice on Managing the Risk of Fraud and Corruption

## **2. Membership and Committee Administration**

- 2.1. There were four meetings of the Committee during 2023/24 (June 2023, September 2023, December 2023 and March 2024). Membership of the Committee for 2023/24 is attached at Appendix A.
- 2.2. The work programme is based around the Committee's Terms of Reference (see Appendix C), along with items requested during the year, and is reviewed at each Committee meeting. A list of the items that have been considered by the Committee during 2023/24 is attached at Appendix B to the report.
- 2.3. The Committee was supported by the Audit Services Manager, the Accountancy Services Manager (S151 Officer), the Procurement and Risk Services Manager, and the Public Health and Protection Services Manager, as well as service representatives on request.
- 2.4. In June 2023, the Committee received a report outlining the revised Terms of Reference for Audit & Risk Committee and actions to be considered to ensure that the Committee was operating in line with the recently published CIPFA Audit Committees Position Statement. The notable changes included considering reports on the effectiveness of financial management arrangements in compliance to the CIPFA's Financial Management Code (see 3.5 below), providing free and unfettered access to the audit committee chair for the external auditors which was noted has always been available, and for a conclusion on the compliance with the CIPFA Position Statement to be included in the annual report (see 2.6).
- 2.5. Other best practice actions recommended included:
- Recruitment of co-opted Independent Members to gain independent support and expertise. To this end, Audit and Risk Committee recruited two external members acting in an independent capacity during 2023/24.
  - Consideration of training to fulfil their role in the Committee, which was facilitated by circulation of a training needs self-assessment during 2023. Officers are now progressing options for training provision.
  - Undertaking an effectiveness self-assessment which will be issued to Members by Officers in 2024.
- 2.6. The Committee operated under its Terms of Reference in line with the CIPFA Position Statement. The agendas for the Committee's meetings are published on

the Council's website not later than five clear days before the date of each meeting. The minutes of each meeting are also published on the website as soon as possible after each meeting has taken place. The agendas for meetings can be accessed from: [Committees and Panels - Chelmsford City Council](#).

### **3. Governance Risk and Control**

#### **Risk Management**

- 3.1. In June 2023, Audit and Risk Committee received the Spring/Summer 2023 Risk Management Report. The report summarised the current position for the Council's Principal Risks, reviewed risk management activity for 2022/23, and outlined immediate priorities for the risk management function.
- 3.2. In March 2024, the Committee received a further Risk Management Report, which summarised the current position for the Council's Principal Risks and outlined proposed risk management activity for 2024/25. Members were given an overview of the work in the last year including identifying and managing risks to achieve certain objectives. The Committee were also shown a demonstration of the Council's Lighthouse module.

#### **Countering Fraud and Corruption**

- 3.3. In September 2023, the Committee received a report updating them on the Counter Fraud Action Plan with the work undertaken since the last update in March 2023 including:
  - Undertaking a role-based Bribery and Corruption risk assessment to help develop training and awareness activities for new and existing staff and Members to underpin understanding of anti-fraud and corruption responsibilities.
  - The plans for rolling out the new training modules which will also provide a good opportunity to publicise the Council's refreshed suite of Counter Fraud documents and remind all Members and Officers of their role and responsibility in preventing, detecting and reporting any suspected theft, fraud, bribery or corruption, which forms a key part of the Council's Counter Fraud and Corruption Strategy.
  - The development of an NFI operations protocol outlining the roles and responsibilities across services for partaking in NFI exercises and investigating matches.
  - Review of Safer Recruitment procedures to ensure they mitigate fraud and corruption risks.
- 3.4. Committee also received detailed confidential updates during the year regarding a recent audit investigation.

#### **CIPFA Financial Management Code Assessment**

- 3.5. In December 2023, the Committee received a report regarding an update of the CIPFA Financial Management Code (FM Code) and the Council's self-assessment since September 2022. It was found that the Council was compliant with the FM Code and that the improvement process would remain continuous. Members were also informed of the underlying principles of the code including accountability and transparency. They were also reminded of the areas covered by the standards. Members heard that there would always be room to improve financial

management and there were three reassessment points to be considered which were the capital projects; counter-fraud work; and the capital revenue processes.

#### **4. Financial and Governance Reporting**

- 4.1. The Audit and Risk Committee received a report from the Accountancy Services Manager in June 2023 on the provisional revenue outturn position for 2022/23. The report included a list of key material variations that made up the overspend, the amount and the cause of each variation, and the actions recommended to manage each variation. For each affected service, action or variance, the report identified associated risks. Committee also received a report which detailed the capital expenditure incurred in 2022/23, updated the Committee on the approved Capital Schemes and variations in cost which had been identified at outturn and to date.
- 4.2. The Council's Annual Governance Statement (AGS) forms part of the Council's Statement of Accounts and its purpose is to provide assurance regarding the Council's governance arrangements and the extent to which the Council complies with its Local Code of Corporate Governance. The Audit and Risk Committee reviewed the Annual Governance Statement for 2022/23 jointly with Governance Committee in June 2023. Progress on outstanding governance issues from 2022/23 were noted along with areas identified for 2023/24, such as Counter Fraud, Cyber Security, Records Management and Constitution/Policy Alignment.
- 4.3. In September 2023, the Committee received a presentation from officers on the Unaudited Accounts for 2022/23. It was noted that these had been published in July 2023 and the presentation covered the role of the Committee in reviewing the accounts, the core statements and some of the key items for consideration, including the role of the Audit and Risk Committee, deadlines for the year, what determines the format of the accounts, the statutory entries, the main chapters in the accounts, S151 officer's key messages and key risks.
- 4.4. In March 2024, Committee approved the Accounting Policies which would be used in completing the 2023/24 Statement of Accounts in line with Code of Practice on Local Authority Accounting in the United Kingdom.

#### **5. Establishing appropriate and effective arrangements for audit and assurance**

##### **Internal Audit**

- 5.1. The original audit plan for 2023/24 was approved by Audit and Risk Committee in March 2023. A change of approach was adopted in 2023 where instead of a full twelve-month plan, a 6-month rolling plan is now produced to ensure Internal Audit continue to be aligned to reviewing the highest risks in the Council. The updated plan outlining the suggested areas for review from October to March 2024 was therefore presented to Committee in September 2023.
- 5.2. During 2022/23, Audit and Risk Committee received several reports from Internal Audit, updating them on Internal Audit progress against the plan and high-risk issues identified. This included:
  - Internal Audit Annual Report 2022/23 which provided an overall annual opinion of "moderate" assurance (June 2023)
  - Interim Annual Report 2023/24 (December 2023)
- 5.3. In line with Public Sector Internal Audit Standards, the Audit and Risk Committee approved the Internal Audit Charter in March 2024.

- 5.4. Committee also received detailed confidential updates during the year regarding a recent audit investigation.

### External Audit

- 5.5. In June 2023, Committee received a report from the S151 officer regarding an update on the backlog of external audit assessments nationally and at the Council, and BDO's assurance that the delays are not due to any failing of the Council. The Committee were informed that there are national discussions on how to tackle this issue, however, there was no certainty on when the accounts for 2021/22 or 2022/23 would be completed. The report noted that the Council is to have a new auditor Ernst and Young for 2023/24.
- 5.6. In September 2023, the Committee received and noted the letter from the Parliamentary Under-Secretary of State, Lee Rowley MP. The officers identified key positive actions to be developed by Government to ensure audit delays were managed effectively, which included that the accounts to be more focused on local government risks; change statutory deadlines for publication; allowing Auditors the option not to audit sections of account; produce Value for Money assessments for outstanding years; Financial Reporting Council to increase emphasis on the timelines, and; improve external auditor capacity. It was however noted that as the audits were delayed by so much, they would be limited in the value they could add.
- 5.7. In December 2023, the Committee were advised of the continuing delays regarding external audits with only 1% of the audits for 2022/23 being completed nationally. It was reiterated that the reasons given by external auditors for not meeting the deadlines were audit-firms problems with resourcing and capacity. It was also advised that there are ongoing discussions in Government to provide a complete reset of the whole system nationally. It was perceived that the accounts from the previous years could be disregarded, effectively enabling some years accounts never to be audited.
- 5.8. In March 2024, the Committee heard details on a report containing the Government's proposals to clear the nationwide backlog of external audits. Members were advised that as per December 2023, there were 771 overdue external audits, representing in most cases 2 years of accounts remaining unaudited. The Council's audits of 2021/22 and 2022/23 by BDO have not yet started. It was emphasised that this was not a reflection of the Council's financial management. Members were advised that backstops would be put in place by legalisation, requiring auditors to offer an opinion by set date on accounts each year, even if the auditor had not completed the audit. There are different types of audit opinions that could arise as external auditors would be required by statute to report no matter the progress. This included disclaimed; partially disclaimed; complete; and, qualified. It was also advised that BDO would sign off the rest of their audits by September 2024 on the basis of a disclaimed opinion reflecting they would undertake no in-depth audit work in the remaining period of their contract. EY was anticipated to sign off the 2023/24 accounts by the end of May 2025 on a partially disclaimed basis, due to the lack of audit work by BDO. The Council welcomed the proposed changes and consultation from the government as there was a realistic view of the time it would take to clear the national backlog (2028). However, there were some concerns, including the matter of the pension funds and the wording of the disclaimer. There were also changes to the Value for Money assessments that officers welcomed, including that it would become a higher priority for the Auditor, and it would be more focused on the health of the Council's finances.

**Additional Governance and Assurance Reports to Committee**

- 5.9. **Corporate Health and Safety Annual Report** – In September 2023, the Committee received a report updating them on Health and Safety in 2022/23. Members were informed about progress with training, accidents, performance in comparison to other years and the recent audits.
- 5.10. **Procurement Update** – in December 2023, the Committee received the annual procurement report summarising the procurement & sourcing activities as a scheduled report on the delivery of procurement services in line with the work programme. The report also provided an overview of the changes on the new Procurement Bill that would have on procurement activity.

**Membership of Audit and Risk Committee 2023/24**

Councillor Nora Walsh – Chair  
Councillor Ian Grundy – Vice Chair  
Councillor Nicola Bugbee  
Councillor Dan Clark  
Councillor Natacha Dudley  
Councillor Kieron Franks  
Councillor Barry Knight (to June 2023)  
Councillor James Raven  
Councillor Andrew Sosin  
Councillor Roy Whitehead (from September 2023)

**Independent Persons**

Chris Groves (from September 2023)  
Jeannine Hoeckx (from December 2023)

**June 2023**

- **Joint with Governance Committee**
  - Review of the Local Code of Corporate Governance and Annual Governance Statement 2022/23
  
- **Audit & Risk Committee**
  - External Audit Update
  - Revenue Monitoring Report
  - Capital Monitoring Report
  - Risk Management Report
  - Internal Audit Annual Report 2022/23
  - Audit and Risk Committee Annual Report 2022/23
  - Audit and Risk Committee Terms of Reference and Compliance with new CIPFA Audit Committees Position Statement

**September 2023**

- External Audit Update
- Draft 2022/23 Statement of Accounts
- Health and Safety Annual Report 2022/23
- Internal Audit Plan September 2023 to March 2024
- Counter Fraud Strategy Action Plan Update

**December 2023**

- External Audit Update
- CIPFA Financial Management Code Assessment
- Internal Audit Interim Report 2023/24
- Procurement Update
- Confidential Audit Investigation Update

**March 2024**

- External Audit Update
- Risk Management Report
- Internal Audit Plan 2024 and Charter
- Account Policies for the 2023/24 Statement of Accounts
- Confidential Audit Investigation Update

## Audit and Risk Committee

### Terms of Reference

#### Statement of Purpose

Our Audit and Risk Committee is a key component of Chelmsford City Council's corporate governance. It provides an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective.

The committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.

#### Governance, risk and control

1. To review the council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.
2. To monitor the effective development and operation of risk management in the council.
3. To monitor progress in addressing risk-related issues reported to the committee.
4. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
5. To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
6. To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
7. To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
8. To monitor the counter fraud strategy, actions and resources.
9. To review the governance and assurance arrangements for significant partnerships or collaborations.

#### Governance reporting

10. To review the AGS prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.
11. To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.

#### Financial reporting

12. To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.
13. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns

arising from the financial statements or from the audit that need to be brought to the attention of the council.

14. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### **Arrangements for audit and assurance**

15. To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

### **External audit**

16. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
17. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
18. To consider specific reports as agreed with the external auditor.
19. To comment on the scope and depth of external audit work and to ensure it gives value for money.
20. To consider additional commissions of work from external audit.
21. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies
22. To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.

### **Internal audit**

23. To approve the internal audit charter.
24. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
25. To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
26. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
27. To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
28. To consider any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.
29. To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work
  - regular reports on the results of the QAIP

- reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.

30. To consider the head of internal audit's annual report, including:

- the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit)
- the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS).

31. To consider summaries of specific internal audit reports as requested.

32. To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

33. To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.

34. To consider a report on the effectiveness of internal audit to support the AGS as required to do so by the accounts and audit regulations.

35. To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

### **Accountability arrangements**

36. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.

37. To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

38. To publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.



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Chelmsford City Council

**18<sup>th</sup> December 2024**

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## **Annual Report of the Governance Committee 2023/24**

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Report by:  
Governance Committee

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Officer Contact:  
Monitoring Officer – Lorraine Browne, 01245 606560,  
[lorraine.browne@chelmsford.gov.uk](mailto:lorraine.browne@chelmsford.gov.uk)

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### **Purpose**

To report on the work of the Governance Committee in 2023/24.

### **Recommendations**

That the Governance Committee's Annual Report for 2023/24 attached to this report be approved for publication.

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## **1. Background**

- 1.1. The Council annually adopts a Code of Corporate Governance and Annual Governance Statement, which reflect the Council's approach to governance arrangements

- On how well the Council has achieved these in the relevant year and targets set in the previous year for improvement; and then
- Identifies future targets for creating a more robust set of arrangements and compliance with them.

1.2 The suite of documents for 2023/24 was reported for approval to the Joint Audit and Governance Committee that met earlier this evening.

1.3 Annual reports on the Audit and Overview & Scrutiny functions have been presented to and agreed by Full Council at its July meeting for a number of years. There is no statutory requirement to produce an annual report by the Governance Committee but it is recognised as good practice, and Full Council approved the first of such reports in December 2016. This report seeks approval of the Annual Report for the Municipal year ending in May 2024 which appears at the Appendix to this report.

1.4 Members views are sought on the content and to recommend that Full Council approves the Committee's Annual Report for subsequent publication.

#### List of appendices:

Appendix 1 – Annual Report on the work of the Governance Committee 2023/24

#### Background papers:

Nil

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#### Corporate Implications

Legal/Constitutional: These are set out in the report

Financial: The cost of managing the statutory arrangements for dealing with complaints and undertaking standards investigations is borne by the City Council

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: This is set out in the report

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

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**Consultees:**

The Chair of the Governance Committee for the municipal year 23/24 was consulted on this report as well as current members of the Governance Committee.

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**Relevant Policies and Strategies:**

The Councillor Code of Conduct and associated complaints procedure

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**CHELMSFORD CITY COUNCIL  
ANNUAL REPORT ON THE WORK OF  
THE GOVERNANCE COMMITTEE  
2023/24**

**Councillor Chris Davidson  
(Chair of Governance Committee from May 2023 to May 2024)**

[www.chelmsford.gov.uk](http://www.chelmsford.gov.uk)

## CONTENTS

	Page no.
1. Background .....	1
• Statutory and Procedural Requirements under the Standards Regime .....	1
• Other Statutory & Governance Responsibilities and Committee Terms of Reference .....	2
• Membership of the Governance Committee .....	2
• Programme of Meetings .....	3
• Publication of Information .....	3
2. Work undertaken in 2023/24.....	3-4
3. Complaints about Councillors .....	4
4. Future Work Programme .....	4
5. Training and development .....	4
6. Conclusion.....	4-5

## 1. Background

### **Statutory and Procedural requirements under the Standards Regime**

- 1.1 The Localism Act 2011 places all local authorities under a duty to promote high standards of conduct by Councillors. Councils are required to adopt a Code of Conduct which is consistent with the principles set out in the Act, historically known as the “Nolan Principles”, namely: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The City Council adopted the LGA Model Code of Conduct without amendment and this is [Part 5.1.1 of the Constitution](#) and was adopted in 2022.
- 1.2 Local authorities must also have in place arrangements for dealing with any allegations that the Code has been breached. The adopted Complaints Procedure, in [part 5.1.2 of the Council’s Constitution](#), deals with how complaints made about City Councillors, and those of the Parish Tier Councils in its administrative area, will be handled.
- 1.3 The Council’s Monitoring Officer is Lorraine Browne, the Legal & Democratic Services Manager, and they have appointed a deputy, Mr William Butcher, the Legal Services Manager.
- 1.4 The Monitoring Officer has considerable responsibilities under the standards regime including duties to:
  - i. Maintain a register of interests for the City and Parish Tier Councillors, who are all required to declare such interests to them.
  - ii. Consider the best course of action in relation to alleged breaches of the Code, including the responsibility for informally resolving complaints where appropriate in their view.
  - iii. Consult an Independent Person at various stages in the Complaints Procedure.
  - iv. Liaise with the Police where the allegation concerns an alleged breach of the Disclosable Pecuniary Interests requirements.
- 1.5 As part of the Complaints Procedure, the Council is required to establish a committee, which is responsible for dealing with standards issues that cannot be dealt with by the Monitoring Officer or on which they decide Councillors’ views are important. This includes where a formal hearing is necessary to determine if a breach has occurred and if so, what penalties are appropriate. The City Council chose in 2012 to comply with this requirement by establishing the Governance Committee.
- 1.6 The Council is also obliged to appoint at least one Independent Person. Their role is to ensure that the Council is appropriately applying the statutory requirements and its adopted Policies and Procedures in dealing with any complaints received. They:
  - i. Must be consulted before the Council makes a finding as to whether a Councillor has failed to comply with the Code of Conduct or to decide on appropriate sanctions or other measures to be taken in respect of that Councillor;

- ii. May be consulted at other stages of the Complaints Procedure by the Council or by a member or co-opted member of the councils covered by that Procedure.

### **Other Statutory, Governance Responsibilities and Terms of Reference**

- 1.7 In establishing the Governance Committee, the Council allocated a wide set of governance roles and responsibilities, which is broader than dealing with the standards regime alone. The Committee’s Terms of Reference are set out in [Part 3.2.3\(c\) of the Council’s Constitution](#). These include:
- i. Oversight of the Council’s arrangements for dealing with all complaints.
  - ii. Reviewing the use of the powers exercised by the Council under the Regulation of Investigatory Powers Act 2000 (RIPA)
  - iii. Approving and monitoring the Code of Corporate Governance and Annual Governance Statement together with the Audit Committee
  - iv. Making recommendations on proposed changes to the Council’s Constitution.
- 1.8 Whilst the Committee is “politically balanced”, in that membership across all committees are drawn from all the parties represented on the Council and in the same proportions, decisions taken, especially those related to the standards regime, are not taken on a political basis. In particular, the Mayor, Deputy Mayor and Leader of the Council cannot be members of the Committee and no more than two members of the Cabinet can sit on the committee at any time.

### **Membership of the Committee**

- 1.9 The Committee consists of 7 City Councillors and 3 Parish tier Councillors. In 2023/24, the membership of the Committee comprised the following:

Liberal Democrats: Councillors Hazel Clark, Chris Davidson (Chair), Donna Eley, Smita Rajesh and Jannetta Sosin

Conservatives: Councillors Jannette Potter, and Mike Steel

Parish-Tier Councillors:  
 Keith Bentley – South Woodham Ferrers Town Council  
 Kuldeep Golla – Chelmsford Garden Community Council  
 Peter Jackson – Great Waltham Parish Council

- 1.10 **Parish-Tier Council representatives** – At least one must be present when issues affecting a Parish Tier Councillor are discussed. They cannot vote but they provide a valuable perspective and insight into how those organisations and their councillors are expected to behave.
- 1.11 **Independent Members** – They are also invited to attend Committee meetings. They receive an allowance for the services they provide. Whilst they attend the

Governance Committee, when standards issues are to be debated or decided, they too have no voting rights. Nevertheless, their input is invaluable to give assurance that the procedures are being correctly applied. The Independent Persons during 2023/24 were Mrs Clarissa Gosling, Mr Phil Jeremiah, Mr Danny Lamb and Mrs Paula Mills. Their contribution is much appreciated by the Monitoring Officer and the Governance Committee.

### **Programme of Meetings**

- 1.12 The Committee receives regular reports on the areas for which it has responsibility. In 2023/24, the Committee met on four occasions and the remainder of this report addresses how the Committee approached its work during the year.

### **Publication of Information**

- 1.13 The agendas for the Committee's meetings are published on the Council's website not later than five clear days before the date of each meeting. This is a requirement of the Local Government Act 1972, which is explained in and complies with the Access to Information Rules in [Part 4.6 of the Council's Constitution](#). The minutes of each meeting are also [published on the website](#) as soon as possible after each meeting has taken place.

## **2. Work Programme 2023-24**

- 2.1 The main areas of activity considered by the Committee during the municipal year (May to May) 2023-24 were as follows:

<b><u>Issues addressed</u></b>	<b><u>Meetings</u></b>
<b>Code of Corporate Governance and the Annual Governance Statement for 2022/23</b> considered by the Joint Audit and Governance Committee	21 June 2023
<b>Proposed Amendments to the Constitution</b>	21 June 2023
<b>Annual Report of the Governance Committee</b>	21 June 2023
<b>Parish Tier Council Representatives on the Committee</b>	21 June 2023
<b>Monitoring Officer Report</b>	18 October 2023
<b>Senior Responsible Officer's Report in relation to Council's RIPA arrangements</b>	18 October 2023
<b>Information Governance Update</b>	18 October 2023
<b>Complaints to the Local Government and Social Care Ombudsman – Annual Review</b>	18 October 2023
<b>Annual Whistleblowing Report</b>	18 October 2023
<b>Proposed Amendments to the Constitution</b>	18 October 2023
<b>Update on Register of Interests in City and Parish-Tier Councils</b>	18 October 2023
<b>Monitoring Officer Report</b>	17 January 2024

<b>Polling District and Polling Places Review 2024</b>	17 January 2024
<b>Proposed Changes to the Constitution</b>	17 January 2024
<b>Monitoring Officer's Report</b>	6 March 2024
<b>Annual Review of the Constitution</b>	6 March 2024
<b>Review of the Whistleblowing Policy</b>	6 March 2024
<b>Gifts and Hospitality Report</b>	6 March 2024

### **3. Complaints About Councillors**

- 3.1.1 The Monitoring Officer regularly reports to the Governance Committee regarding complaints received. The statistical information is then published on the Council's website.
- 3.1.2 For period May 2023 to May 2024, six new complaints were received. None of these complaints required investigation and they were dealt with by the Monitoring Officer in consultation with an Independent Person, as necessary.

### **4. Future Work Programme**

- 4.1 The work of the Committee as regards the Standards Regime is reactive. There are, however, annual reports as well as reviews on the main areas for which the Committee is responsible and these are reflected in paragraph 2.1 above.

### **5. Training and Development**

- 5.1 The Monitoring Officer provides advice and assistance throughout the year to Councillors, members of the public and Parish-tier clerks in relation to the Standards regime. This has resulted in the development of Practice Notes which reflect this advice and the processes and procedures in place. In addition, they provide advice to the Committee and by extension, the public, at Committees by way of open and frank discussion.

### **6. Conclusion**

- 6.1 The arrangements the Council has put in place to promote high standards of behaviour are well established but improvements have been identified and the approach updated to address these to make it clearer. The transparency of the Processes and Procedures is being continually reviewed and guidance issued to assist understanding.
- 6.2 As is evidenced by queries and complaints received, there is a good understanding of the availability of the complaints process and few cases are sufficiently serious to warrant investigation. Complaint casework is dealt with efficiently and the parties are kept informed. The Committee members and the Independent Persons have been a key part in achieving this.
- 6.3 The Committee's focus on its other responsibilities is clear through the use of a published work programme and regular updates. As was set out in the Code of

Corporate Governance and Annual Governance Statement adopted in the summer, there are many examples of good practice and transparency.



Chelmsford City Council

18 December 2024

Membership of Committees

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Report by: Leader of the Council

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Officer contact:

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Purpose

To agree a change to the membership of the Planning Committee.

Recommendation:

- 1) To agree a change to the Planning Committee membership proposed by the Liberal Democrat Group, to replace Councillor Pooley with Councillor Frasca. Cllr Pooley would then take Cllr Frasca's place as a named substitute.
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