



Tuesday, 1 October 2024

Dear Sir/Madam

A meeting of the Council will be held on Wednesday, 9 October 2024 in the Council Chamber, Council Offices, Foster Avenue, Beeston NG9 1AB, commencing at 7.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ruth E Hyde'.

Chief Executive

|                 |                |                   |
|-----------------|----------------|-------------------|
| To Councillors: | D Bagshaw      | H Land            |
|                 | S A Bagshaw    | D L MacRae        |
|                 | P J Bales      | R D MacRae        |
|                 | L A Ball BEM   | T J Marsh         |
|                 | R E Bofinger   | G Marshall        |
|                 | M Brown        | J W McGrath       |
|                 | R Bullock      | W Mee             |
|                 | G Bunn         | J M Owen          |
|                 | B C Carr       | P J Owen          |
|                 | C Carr         | S Paterson        |
|                 | S J Carr       | D D Pringle       |
|                 | A Cooper       | M Radulovic MBE   |
|                 | H L Crosby     | H E Skinner       |
|                 | T A Cullen     | P A Smith         |
|                 | S Dannheimer   | V C Smith         |
|                 | H J Faccio     | A W G A Stockwell |
|                 | K Harlow       | C M Tideswell     |
|                 | G S Hills      | D K Watts         |
|                 | S P Jeremiah   | S Webb            |
|                 | S Kerry        | E Williamson      |
|                 | H G Khaled MBE | E Winfield        |
|                 | A Kingdon      | K Woodhead        |

## A G E N D A

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest

(Pages 7 - 14)

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. Minutes

(Pages 15 - 28)

Council is asked to confirm as a correct record the minutes of the meeting held on 10 July 2024.

4. Mayor's Announcements

5. Leader's Report

To receive a report from the Leader and to receive questions and answers on the report should there be any.

6. Public Questions

7. Portfolio Holder Reports

7.1 Portfolio report for Resources and Personnel Policy

(Pages 29 - 36)

7.2 Report of the Portfolio Holder for Leisure and Health

(Pages 37 - 42)

7.3 Report of the Portfolio Holder for Environment and Climate Change

(Pages 43 - 48)

7.4 Report of the Portfolio Holder for Economic Development and Asset Management

(Pages 49 - 54)

7.5 Report of the Portfolio Holder for Community Safety

(Pages 55 - 62)

7.6 Report of the Portfolio Holder for Housing (Pages 63 - 66)

8. References

8.1 Governance, Audit and Standards Committee

8.2 Bramcote Bereavement Services Joint Committee Agreement (Pages 67 - 88)

Governance, Audit and Standards Committee  
22 July 2024

The Committee considered the updates to the Agreement in respect of the Bramcote Bereavement Services Joint Committee.

**RECOMMENDED to the respective Councils that the revised Agreement be approved and that the consequential changes to the Constitution be made.**

8.3 Deputy Portfolio Holders (Pages 89 - 90)

Governance, Audit and Standards Committee  
23 September 2024

Following a recommendation made at the Cabinet meeting held on 3 September 2024, the Committee was informed of the Leader's intention to allow for the appointment of Deputy Portfolio Holders, as necessary, following an amendment to the Constitution.

**RECOMMENDED to full Council, to allow the Leader to appoint Deputy Portfolio Holders as appropriate to undertake functions such as those set out in in the report.**

Reason

The appointment of Deputy Portfolio Holders would allow for Cabinet members to have contingency for responsibilities following the added responsibility for the current Portfolio Holders.

8.4 Licensing and Appeals Committee

8.5 Modernisation of Conditions to be Attached to Licences Issued for Premises Provided Massage, Special Treatments, Laser Treatments, Tanning and Sauna Services - Result of public consultation (Pages 91 - 114)

Licensing and Appeals Committee  
10 September 2024

Members were updated with the response from the public consultation on the draft conditions to be attached to licences issued for premises providing massage, special treatments, laser treatments, tanning and sauna services under the Nottinghamshire County Council Act 1985.

**RECOMMENDED to full Council that the conditions be approved for adoption, to give licence holders fair notice and opportunity to meet the standards which will be introduced on 1 January 2025.**

8.6 Review of the Gambling Act Statement of Principles 2025-2027 (Pages 115 - 162)

Licensing and Appeals Committee  
10 September 2024

Members were advised of the response to the consultation on the Council's draft revised Gambling Act 2005 Statement of Principles for 2025-2027. The Committee noted a number of comments that had been received following the consultation and agreed for the recommendations from GamCare within Appendix 1 to be considered by the Overview and Scrutiny Committee.

**RECOMMENDED to full Council that the Statement of Principles be approved for adoption for publication on 3 January 2025 and implementation on 31 January 2025.**

9. Update on Scrutiny Matters

The Chair of the Overview and Scrutiny Committee will give an update to full Council and answer questions on Scrutiny matters.

10. Motions

The following motion has been submitted by Councilor P J Owen on behalf of the Conservative Group:

“This Council notes:

The Labour Government recent decision to restrict Winter Fuel Payment to only pensioners in receipt of means-tested benefits like Pension Credit as announced by the Chancellor of the Exchequer.

Council resolves to:

- (1) Bring forward a Council-led local awareness campaign to alert those eligible for Pension Credit to help them access the Winter Fuel Payment.
- (2) Request that the Leader of the Council write to the Chancellor of the Exchequer urging a review of the decision to means-test the Winter Fuel Payment and asking the Government to ensure that vulnerable pensioners, particularly those who do not claim pension credit are protected from fuel poverty.
- (3) Commit the Council to signing the 'Save the Winter Fuel Payment for Struggling Pensioners' being run by Age UK and urge all members to individually sign the petition.
- (4) Encourage local efforts to promote Pension Credit uptake through council services and partnerships with local charities and community organisations to ensure that all eligible pensioners in the Broxtowe Borough Council area are supported in claiming their entitlement.

11. Youth Mayor's Report on Broxtowe Youth Voice Activities

12. Members' Speeches on Ward Issues

13. Questions on Outside Bodies

14. Members' Questions

15. Appointments to Committees, Working Groups and Outside Bodies.

**Members are asked to RESOLVE that Councillor P Smith be appointed to The Attenborough Nature Reserve Steering Group as an Outside Body.**

## Report of the Monitoring Officer

### DECLARATIONS OF INTEREST

#### 1. Purpose of Report

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda. The following information is extracted from the Code of Conduct, in addition to advice from the Monitoring Officer which will assist Members to consider any declarations of interest.

#### **Part 2 – Member Code of Conduct**

##### **General Obligations:**

#### **10. Interest**

10.1 You will register and disclose your interests in accordance with the provisions set out in Appendix A.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the Council. The register is publically available and protects you by demonstrating openness and willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting which allows the public, Council employees and fellow Councillors know which of your interests gives rise to a conflict of interest. If in doubt you should always seek advice from your Monitoring Officer.

**You should note that failure to register or disclose a disclosable pecuniary interest as defined in Appendix A of the Code of Conduct, is a criminal offence under the Localism Act 2011.**

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#### **Advice from the Monitoring Officer:**

On reading the agenda it is advised that you:

1. Consider whether you have any form of interest to declare as set out in the Code of Conduct.
2. Consider whether you have a declaration of any bias or predetermination to make as set out at the end of this document
3. Update Democratic Services and the Monitoring Officer and or Deputy Monitoring Officers of any declarations you have to make ahead of the meeting and take advice as required.
4. Use the Member Interest flowchart to consider whether you have an interest to declare and what action to take.
5. Update the Chair at the meeting of any interest declarations as follows:

‘I have an interest in Item xx of the agenda’

'The nature of my interest is ..... therefore the type of interest is  
DPI/ORI/NRI/BIAS/PREDETERMINATION  
'The action I will take is...'

This will help Officer record a more accurate record of the interest being declared and the actions taken. You will also be able to consider whether it is necessary to send a substitute Members in your place and to provide Democratic Services with notice of your substitute Members name.

**Note: If at the meeting you recognise one of the speakers and only then become aware of an interest you should declare your interest and take any necessary action**

6. Update your Member Interest Register of any registerable interests within 28days of becoming aware of the Interest.

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**Ask yourself do you have any of the following interest to declare?**

**1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

A "Disclosable Pecuniary Interest" is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land, Licences, Tenancies and Securities.

**2. OTHER REGISTERABLE INTERESTS (ORIs)**

An "Other Registerable Interest" is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
  - (i) exercising functions of a public nature
  - (ii) anybody directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a Member or in a position of general control or management.

**3. NON-REGISTRABLE INTERESTS (NRIs)**

"Non-Registrable Interests" are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

A matter "directly relates" to one of your interests where the matter is directly about that interest. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you has a financial interest.



A matter “affects” your interest where the matter is not directly about that interest but would still have clear implications for the interest. For example, the matter concerns a neighbouring property.

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## **Declarations and Participation in Meetings**

### **1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

- 1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:

#### **Action to be taken**

- **you must disclose the nature of the interest** at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council’s register of interests of Member and Co-opted Members or for which you have made a pending notification. If it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not participate in any discussion** of that particular business at the meeting, or if you become aware of a disclosable pecuniary interest during the meeting you must not participate further in any discussion of the business, including by speaking as a member of the public
- **you must not participate in any vote** or further vote taken on the matter at the meeting and
- **you must withdraw from the room** at this point to make clear to the public that you are not influencing the meeting in anyway and to protect you from the criminal sanctions that apply should you take part, unless you have been granted a Dispensation.

### **2. OTHER REGISTERABLE INTERESTS (ORIs)**

- 2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:

- **you must disclose** the interest at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council’s register of interests of Member and Co-opted Members or for which you have made a pending notification. If it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not take part in any discussion or vote** on the matter, but may speak on the matter only if members of the public are also allowed to speak at the meeting
- **you must withdraw from the room** unless you have been granted a Dispensation.

### 3. NON-REGISTRABLE INTERESTS (NRIs)

3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:

- **you must** disclose the interest; if it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
  - **you must not take part in any discussion or vote**, but may speak on the matter only if members of the public are also allowed to speak at the meeting; and
  - **you must withdraw** from the room unless you have been granted a Dispensation.
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#### **Dispensation and Sensitive Interests**

A “Dispensation” is agreement that you may continue to participate in the decision-making process notwithstanding your interest as detailed at section 12 of the Code of the Conduct and the Appendix.

A “Sensitive Interest” is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation. In any case where this Code of Conduct requires to you to disclose an interest (subject to the agreement of the Monitoring Officer in accordance with paragraph 2.4 of this Appendix regarding registration of interests), you do not have to disclose the nature of the interest, if it is a Sensitive Interest in such circumstances you just have to disclose that you have a Sensitive Interest under S32(2) of the Localism Act 2011. You must update the Monitoring Officer when the interest is no longer sensitive, so that the interest can be recorded, made available for inspection and published.

#### **BIAS and PREDETERMINATION**

The following are not explicitly covered in the code of conduct but are important legal concepts to ensure that decisions are taken solely in the public interest and not to further any private interests.

The risk in both cases is that the decision maker does not approach the decision with an objective, open mind.

This makes the local authority’s decision challengeable (and may also be a breach of the Code of Conduct by the Councillor).

Please seek advice from the Monitoring Officer or Deputy Monitoring Officers, if you need assistance ahead of the meeting.

## **BIAS**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest:

- a) you should not take part in the decision-making process
- b) you should state that your position in this matter prohibits you from taking part
- c) you should leave the room.

## **PREDETERMINATION**

Where a decision maker has completely made up his/her mind before the decision is taken or that the public are likely to perceive you to be predetermined due to comments or statements you have made:

- a) you should not take part in the decision-making process
- b) you should state that your position in this matter prohibits you from taking part
- c) you should leave the room.

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## Registerable Interests

These are interests that you are required to register in accordance with the Code of Conduct. They are interests that you would know about in advance of an item coming up (e.g. land you own) and you should have included them when filling in your register of interests.

What type of Registerable Interest do you have in this matter?

### Disclosable Pecuniary Interests

These are any interests that are described as DPIs under the Code of Conduct and include both the interests of yourself and of your partner.

### Other Registerable Interests

These are personal interests that relate to certain types of bodies that you may be involved in as set out in the Code of Conduct.

Does the matter directly relate to one of your Disclosable Pecuniary Interests?

No

Does the matter directly relate to the financial interest or wellbeing of one of your Other Registerable Interests?

No

Does the matter affect a financial interest or the wellbeing of yourself or of a friend, relative or close associate?

No

Is the financial interest or wellbeing affected to a greater extent than the financial interests or wellbeing of the majority of inhabitants?

No

Would a reasonable member of the public knowing all the facts believe that it would affect your view of the wider public interest?

No

You must:

- Disclose the interest;
- Not speak on the matter;
- Not participate in any discussion or vote; and
- Not remain in the room unless you have a Dispensation

You must:

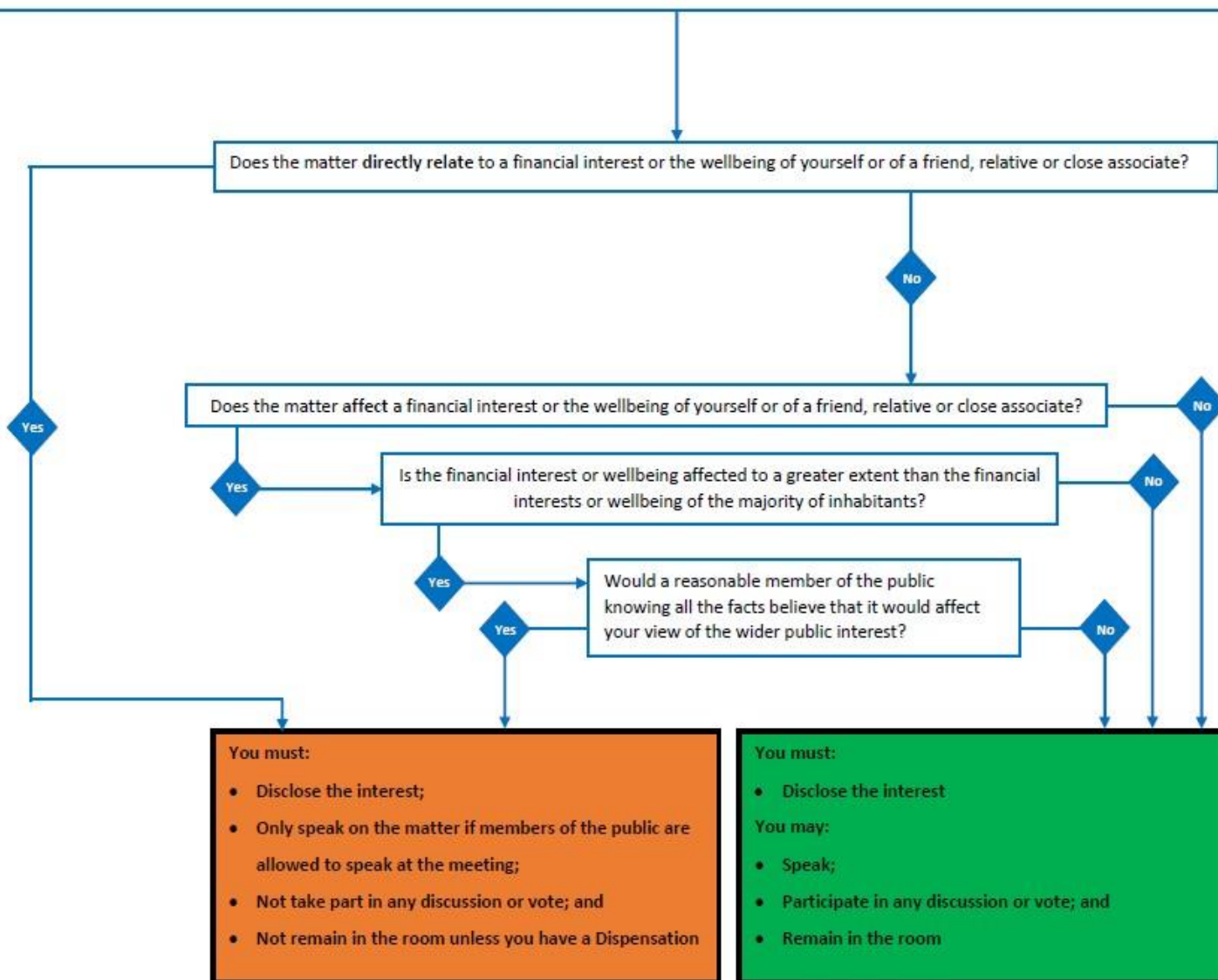
- Disclose the interest;
- Only speak on the matter if members of the public are allowed to speak at the meeting;
- Not take part in any discussion or vote; and
- Not remain in the room unless you have a Dispensation

You must:

- Disclose the interest
- You may:
- Speak;
  - Participate in any discussion or vote; and
  - Remain in the room

## Non-Registerable Interests

These are interests that you are not required to register but may become relevant when a particular item arises. These are usually interests that relate to other people you are connected with (e.g. friends, relatives or close associates) but can include your own interests where you would not have been expected to register them.



## COUNCIL

**WEDNESDAY, 10 JULY 2024**

Present: Councillor S Paterson, Mayor

Councillors: P J Bales  
R E Bofinger  
M Brown  
R Bullock  
G Bunn  
B C Carr  
C Carr  
S J Carr  
A Cooper  
H L Crosby  
T A Cullen  
S Dannheimer  
H J Faccio  
K Harlow  
G S Hills  
S P Jeremiah  
A Kingdon  
H Land  
D L MacRae  
R D MacRae  
T J Marsh  
G Marshall  
J W McGrath  
W Mee  
J M Owen  
P J Owen  
D D Pringle  
M Radulovic MBE  
H E Skinner  
P A Smith  
V C Smith  
C M Tideswell  
D K Watts  
S Webb  
E Williamson  
E Winfield  
K Woodhead

### 22 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Bagshaw, S A Bagshaw, L A Ball B E M, S Kerry, H G Khaled MBE and A G W A Stockwell.

23 DECLARATIONS OF INTEREST

There were no declarations of interest.

24 MINUTES

The minutes of the meetings held on 15 and 24 May 2024 were confirmed as a correct record.

25 MAYOR'S ANNOUNCEMENTS

The Mayor gave a brief résumé of her engagements including her attendance at the Freedom of Entry Parade which attracted over 1,400 people in Stapleford Town Centre, and reminded Members that Play Days were arranged over the next few weeks in the Borough's four town centres, in addition to the forthcoming D H Lawrence Festival.

26 LEADER'S REPORT

The Leader informed the Council that he would be writing to the Prime Minister and Foreign Secretary regarding recent events in Ukraine. A number of Councillors expressed their support for the letter.

It was further stated that following the LGA Peer review of December 2022, the Peer Team had made a re-visit and provided a report to the Council on their latest findings on the progress the Council is making. The Peer Team highlighted the opportunity of the election of a new East Midlands combined authority Mayor for Broxtowe and the importance of good communications to residents and employees on the role of the new Mayor. Furthermore, the Peer Team highlighted the opportunity of the adoption and launch of a new Corporate Plan to give focused attention to how the golden thread, from the Council's aims, through service team and individual's objectives to reinforce ownership of the Corporate Plan's priorities aims and objectives.

Congratulations were offered to a number of Officers following their work in the Civic, Finance and Elections Teams.

27 PUBLIC QUESTIONS

There were no questions from members of the public.

28 PORTFOLIO HOLDERS' REPORTS

28.1 REPORT OF THE PORTFOLIO HOLDER FOR ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

The Portfolio Holder for Economic Development and Asset Management addressed the meeting. Responses to comments included concern over fly-tipping and an



assurance that garages would be added to the list for the asbestos survey programme.

The Cycle hub had been successful and a well-used system. There was a need to be wary of antisocial behaviour and vandalism. There was a further need to continue to consider and promote the cycle network.

There was confidence that the money that had been awarded through the Kimberley Levelling Up Fund would be spent in time, and it was important to ensure the vibrancy of town centres.

#### 28.2 REPORT OF THE PORTFOLIO HOLDER FOR RESOURCES AND PERSONNEL POLICY

The Portfolio Holder for Resources and Personnel Policy presented his report. Responses to comments included that the underspend on the Capital Programme was largely due to the Stapleford Towns bid and the Kimberley Levelling UP Fund, it was stated that this was frustrating as it was not all within the Council's control.

#### 28.3 REPORT OF THE PORTFOLIO HOLDER FOR HOUSING

The Portfolio Holder for Housing presented her report. Responses to questions included comments that the percentage of people that had been prevented from becoming homeless was well above the target, and appreciation was given to the Housing Options Team for their hard work.

#### 28.4 REPORT OF THE PORTFOLIO HOLDER FOR ENVIRONMENT AND CLIMATE CHANGE

The Portfolio Holder for Environment and Climate Change presented her report and responses to questions included that working with students on recycling rates was problematical as there was no set system of recycling across the country, therefore students from different areas were used to different systems. There was no provision for daily bulky waste collections due to the resource that would be involved, however, there were a number of organisations that collected a variety of items.

#### 28.5 REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITY SAFETY

The Portfolio Holder for Community Safety presented her report. Responses to questions included that recent updates to CCTV cameras had been to those in Beeston and that all Councillors should be encouraged to become White Ribbon ambassadors.

#### 28.6 REPORT OF THE PORTFOLIO HOLDER FOR LEISURE AND HEALTH

The Portfolio Holder for Leisure and Health presented her report and in relation to a question about swimming lesson membership the Portfolio Holder stated that it was

Kimberley School that was responsible for the closure of the swimming pool and not the Borough Council.

## 29 REPORT ON SCRUTINY MATTERS

The Chair of the Overview and Scrutiny Committee stated that there would be no update at this Council meeting as the recent scheduled Committee meeting had been postponed due to the election.

## 30 REFERENCES

### 30.1 CORPORATE PLAN 2024-2029

Members were informed that the Policy Overview Working Group had considered an early iteration of the Corporate Plan in November 2023 prior to consideration by Cabinet in June 2024. Full Council was informed that immediately following the Borough Council election, a Borough-wide survey was launched seeking the views of local residents about which priorities the council should pursue in its next Corporate Plan period.

A total of 820 responses were received to the survey, compared to 527 in 2019. There were 716 online responses and 104 were on paper. In addition, Senior Council Officers and local Councillors held drop in events at six different places in Broxtowe. In total, 97 people attended the public roadshow events. The results of public feedback and public support for the Council's proposed plan priorities informed a report to Policy Overview Working group in November 2023.

It was stated that the Corporate Plan was a living document that needed to be constantly reviewed and all groups would be offered the opportunity to participate in setting a positive direction for the future.

**RESOLVED that the Corporate Plan be approved.**

#### Reason

The Corporate Plan sets out best practice for the Council's ambitions and priorities as an organisation over the next four years.

### 30.2 ANNUAL CONSTITUTIONAL REVIEW

Members were informed that an annual review of the Constitution had been undertaken again in which Officers had been engaged and commented and a proportional Task & Finish group had met on two occasions, furthermore, all Members had been invited to input into the review.

At the meetings, the Group considered amendments to the Council Procedure Rules, in particularly start times, duration and number of meetings, the role of Ex-Officio Members, reports on Outside Bodies, time allowed for public questions and considering supplementary questions by the public being permitted during Council meetings, the petition scheme, call-in Process, revisions to the criteria for

Extraordinary Council meetings, changes to allow for Budget Council meetings to consider items of urgency and amendments to the Scheme of Delegation.

**RESOLVED that the amendments to the Constitution, as detailed in the change table at appendix, be approved.**

### 30.3 DEBATE NOT HATE MOTION

On 11 October 2023 a Motion was brought to full Council by Councillor R D MacRae to sign up to the LGA 'Debate Not Hate' campaign. Council referred the Motion to Governance, Audit and Standards Committee to work with Officers to get a better understanding of what signing up to the LGA 'Debate Not Hate' Campaign would mean and to explore the range of support currently available to deal with Member abuse and intimidation and to consider what further support could be developed.

It was considered that the motion was necessary as Members were in need of mechanisms to be able to explore the range of support available to deal with abuse and intimidation against Councillors.

**RESOLVED that the Council commits to the following:**

- a. **To signing up to the 'Debate Not Hate' campaign**
- b. **To take a zero-tolerance approach to Councillors and Officers**
- c. **To write to the Government to ask them to work with the LGA to develop and implement a plan to address abuse and intimidation of politicians and to legislate that Councillors can withhold their home addresses to ensure parity with MPs**
- d. **To work together, across the political groups to promote and uphold exemplary standards of public and political debate**
- e. **To improve the reporting mechanism to record and monitor incidents of harassment and abuse for Councillors facing intimidation and abuse**
- f. **To regularly review the support available for Councillors and Officers who are experiencing intimidation and abuse**
- f. **To work with the local police to ensure there is a clear and joined-up mechanism for reporting threats and other concerns about the safety of Councillors and their families**
- g. **To include as part of the Member training programme support available and relevant training to Councillors in relation to abuse and intimidation and Councillor safety.**

### 31 PRESENTATION OF PETITIONS

There were no petitions to be presented.

### 32 MOTIONS

#### 32.1 THE FOLLOWING MOTION WAS RECEIVED BY THE BROXTOWE INDEPENDENT GROUP

The motion was proposed by Councillor R D MacRae and seconded by Councillor S J Carr.

“Broxtowe Borough Council will work with Nottinghamshire Police towards setting up Community Speed Watch (CSW) schemes across Broxtowe Borough if enough interest and where enough volunteers come forward to form a scheme, in areas where Town and Parish Councils have not already set up schemes.

Community Speed Watch is a scheme which would allow trained volunteers to address speeding concerns in their communities, with a view to raising awareness and altering driver behaviour. Community Speed Watch will not be considered as enforcement. Volunteers report details of speeding vehicles to the Police who will in turn send out advisory letters to the registered keepers of vehicles recorded over the threshold speed limit.

Nottinghamshire police will provide Employers Liability and Public Liability Insurance for the volunteers taking part. Any additional cover, for example, personal accident, is for individuals or the local speed watch group or council to consider and provide.

Broxtowe Borough Council will help promote and support Community Speed Watch in our area.

Each scheme requires a minimum of three volunteers who must be aged 18 years or over. The volunteers would identify areas/streets of concern which would be risk assessed by Nottinghamshire Police and areas/streets would be risk assessed by Nottinghamshire Police. Volunteers should be prepared to commit to at least 1 hour a week to carry out the speed monitoring.

The minimum equipment kit list required is:

- 1 x Document folder with scheme paperwork and risk assessment.
- 1 x Hand Held Radar Gun in case.
- 2 x Portable folding signs in cases
- 1 x Hand held counting device.
- 1 x tuning fork
- 3 x Hi-Viz Jackets with CSW logo to the rear and front.

The approximate costs of purchasing our own CSW equipment as above would be in the region of £600 - £700. This cost is per scheme.”

On being put to the meeting the motion was carried.

### 33 MEMBERS' SPEECHES ON WARD ISSUES

Councillor D D Pringle updated Members on issues relating to the Awsworth, Cossall and Trowell Ward.

### 34 YOUTH MAYOR'S REPORT ON BROXTOWE YOUTH VOICE ACTIVITIES

The Youth Mayor, Libby Bales, updated Members and stated that the first few months that she had held the post had been busy. Events had included a meeting with the High Sheriff, and attendance at youth organisations, the Hemlock Happening and the White Ribbon Campaign.

35 QUESTIONS ON OUTSIDE BODIES

There were no questions on Outside Bodies.

36 MEMBERS' QUESTIONS

The following question was submitted by Councillor P J Owen for the Portfolio Holder for Leisure and Health, Councillor T A Cullen:

"Could the Cabinet member please advise Council of the final redundancy costs and pension strain costs incurred as a result of the closure of Kimberley Leisure Centre. could she further advise Council of the total number of employees made redundant as a result of the closure?"

In response, Councillor Cullen stated that there had been a total of 37 redundancies at a total cost of £278,000.

Councillor Owen put a supplementary question whether this made good economic sense for the Council.

The Portfolio Holder stated that no one in the Council wanted the closure of Kimberley Leisure Centre, but Liberty Leisure Ltd was unable to enter into an agreement with the School and there could not be a risk of bankrupting the Council. Therefore, Liberty Leisure Ltd was left with the painful decision

The following question was submitted by Councillor S J Carr for the Portfolio Holder for Environment and Climate Change, Councillor H E Skinner:

"Free bulky waste action days are to take place during 2024. Can you advise me of the rationale for there not being such an event in the Borough's largest town of Beeston?"

In response Councillor Skinner stated that officers had highlighted the areas of greatest challenge. However, other areas would be considered and Members were encouraged to suggest further areas.

Councillor Carr asked if the Portfolio Holder had listened to the information that had been given and considered the ward by ward figures, and what was the rationale for not having collections in Beeston.

The Portfolio Holder replied that estate clearances and fly-tipping were treated with different solutions.

37 APPOINTMENTS TO COMMITTEES AND WORKING GROUPS

Members noted the appointments to Cabinet and committees of the Cabinet as follows:

## **Cabinet**

M Radulovic MBE (Chair) - Portfolio Holder for Economic Development and Asset Management  
G Marshall (Vice Chair) - Portfolio Holder for Resources and Personnel Policy  
H E Skinner - Portfolio Holder for Environment and Climate Change  
V C Smith - Portfolio for Housing  
H J Faccio - Portfolio Holder for Community Safety  
T A Cullen - Portfolio Holder for Leisure and Health  
P Bales  
G Bunn  
C Carr  
J W McGrath

## **Policy Overview Working Group Membership**

### **Labour**

|                     |             |                    |
|---------------------|-------------|--------------------|
| P Smith (Chair)     | Substitutes | 1. M Radulovic MBE |
| G Bunn (Vice-Chair) |             | 2. G Marshall      |
| H Skinner           |             | 3. W Mee           |
| P J Bales           |             | 4. V C Smith       |
| S A Bagshaw         |             | 5. H J Faccio      |
| R Bullock           |             | 6. R Bofinger      |
| D Bagshaw           |             | 7. C Carr          |
| J W McGrath         |             |                    |

### **Conservatives**

D D Pringle  
G S Hills  
M Brown

### **Broxtowe Independent Group**

|            |             |             |
|------------|-------------|-------------|
| B C Carr   | Substitutes | 1. S J Carr |
| D L MacRae |             |             |

## **Events, Arts, Culture and Heritage Working Group Membership**

### **Labour**

T Cullen (Chair)  
P Smith  
W Mee  
V Smith  
C Carr  
J McGrath  
S A Bagshaw  
D Bagshaw

Conservative

L A Ball BEM  
H G Khaled MBE  
S Kerry

Broxtowe Independent Group

B C Carr (Vice-Chair)  
D L MacRae

**Shared Prosperity Fund Members Advisory Panel (UKSPF Panel) Membership**

Labour

M Radulovic MBE (Chair)  
G Marshall (Vice-Chair)  
G Bunn

Conservative

P J Owen

Broxtowe Independent Group

S J Carr

**RESOLVED that the Appointments to Committees and Working Groups be as follows:**

**Planning Committee**

Labour

D Bagshaw (Chair)  
S Jeremiah (Vice Chair)  
G Marshall  
R E Bofinger  
H E Skinner  
G Bunn  
P A Smith  
P J Bales

Substitutes    1. R Bullock  
                     2. A Cooper  
                     3. S Webb  
                     4. K Woodhead  
                     5. V C Smith  
                     6. W Mee  
                     7. S A Bagshaw  
                     8. S Paterson

Conservative

L A Ball BEM  
D D Pringle  
G S Hills

Substitutes    1. H G Khaled MBE  
                     2. J M Owen  
                     3. P J Owen

Broxtowe Independent Group

S J Carr

Substitute

## 1. E Williamson

Liberal Democrat Group

D K Watts

Substitute

## 1. H Land

## Licensing & Appeals Committee

Labour

R Bullock (Chair)

S Webb (Vice-Chair)

E Winfield

## A Cooper

C M Tideswell

T Cullen

K Woodhead

## S Jeremiah

## Conservative

D D Pringle

G S Hills

S Kerry

Broxtowe Independent Group

B C Carr

Liberal Democrat Group

H Land

## Overview & Scrutiny Committee

Labour

S Dannheimer (Chair)

E Winfield

K A Harlow

C M Tideswell

T Marsh (Vice-Chair)

S Webb

K Woodhead

## Conservatives

J M Owen

A W G A Stockwell



H L Crosby

Broxtowe Independent Group

R D MacRae  
E Williamson (Vice-Chair)

Liberal Democrat Group

H Land

**Governance, Audit & Standards Committee**

Labour

|                         |             |                  |
|-------------------------|-------------|------------------|
| E Winfield (Vice Chair) | Substitutes | 1. P Smith       |
| S Jeremiah              |             | 2. R Bofinger    |
| R Bullock               |             | 3. A Cooper      |
| K Woodhead              |             | 4. T Marsh       |
| S Dannheimer            |             | 5. C M Tideswell |
| K A Harlow              |             |                  |
| W Mee                   |             |                  |
| S Webb                  |             |                  |

Conservative

|           |            |             |
|-----------|------------|-------------|
| M Brown   | Substitute | 1. P J Owen |
| J M Owen  |            |             |
| G S Hills |            |             |

Broxtowe Independent Group

|                  |            |             |
|------------------|------------|-------------|
| S J Carr (Chair) | Substitute | 1. B C Carr |
|------------------|------------|-------------|

Liberal Democrat Group

|           |            |              |
|-----------|------------|--------------|
| A Kingdon | Substitute | 1. D K Watts |
|-----------|------------|--------------|

**Advisory Shareholder Sub-Committee**

Labour

|                    |             |               |
|--------------------|-------------|---------------|
| S Jeremiah (Chair) | Substitutes | 1. K A Harlow |
| W Mee (Vice-chair) |             | 2. R Bullock  |
| S Webb             |             | 3. K Woodhead |

Conservative

|           |            |            |
|-----------|------------|------------|
| G S Hills | Substitute | 1. M Brown |
|-----------|------------|------------|

Broxtowe Independent Group

|          |            |             |
|----------|------------|-------------|
| B C Carr | Substitute | 1. S J Carr |
|----------|------------|-------------|

## **Chief Officer Employment Committee**

### **Labour**

G Marshall (Chair)  
V C Smith  
K Woodhead  
H J Faccio

Substitutes    1. M Radulovic MBE  
                      2. H E Skinner

### **Conservative**

P J Owen  
D D Pringle

Substitute    1. J M Owen

### **Broxtowe Independent Group**

R D MacRae

Substitute    1. S J Carr

### **Independent Members**

Two Independent Persons to be appointed to the Committee solely in relation to disciplinary matters for statutory chief Officers within the relevant Terms of Reference for the Chief Officer Employment Committee.

## **Local Joint Consultative Committee**

### **Labour**

H E Skinner  
G Marshall  
A Cooper  
E Winfield

### **Conservative**

D D Pringle  
G S Hills

### **Broxtowe Independent Group**

R D MacRae

## **Bramcote Bereavement Services Joint Committee**

The Executive or Council shall appoint from its own membership 3 Members which shall reflect the political balance of each membership.

### Labour

M Radulovic MBE

### Conservative

H G Khaled MBE

### Broxtowe Independent Group

S J Carr

## 38 ATTENDANCE AT MEETINGS

The Local Government Act 1972 states that when a Councillor fails to attend any meeting for six consecutive months from the date of their last attendance, then, subject to certain exceptions, they cease to be a Member of the authority, unless the Council accepts a reason for the failure to attend before the six months expires. Councillor S A Bagshaw is currently unable to attend Council meetings and in the circumstances, it is put before Members to consider a dispensation under Section 85 (1) of the Local Government Act 1972 for the period of six months from 10 July 2024 before which forfeiture applies.

Members considered the dispensation and it was stated there had recently been opportunities to hold a by-election with no extra cost to the Council.

A recorded vote was requested and the voting was as follows:

| <u>For</u>   | <u>Against</u> | <u>Abstain</u> |
|--------------|----------------|----------------|
| P Bales      | S J Carr       | B C Carr       |
| R E Bofinger | A Kingdon      |                |
| M Brown      | H Land         |                |
| R Bullock    | D L MacRae     |                |
| G Bunn       | R D MacRae     |                |
| C Carr       | D K Watts      |                |
| A Cooper     | E Williamson   |                |
| H Crosby     |                |                |
| T A Cullen   |                |                |
| S Dannheimer |                |                |
| H J Faccio   |                |                |
| K A Harlow   |                |                |
| G S Hills    |                |                |
| S P Jeremiah |                |                |
| T J Marsh    |                |                |
| G Marshall   |                |                |
| J W McGrath  |                |                |
| W Mee        |                |                |
| J M Owen     |                |                |
| P J Owen     |                |                |
| S Paterson   |                |                |
| D D Pringle  |                |                |

M Radulovic MBE  
H E Skinner  
P A Smith  
V C Smith  
C M Tideswell  
S Webb  
E Winfield  
K Woodhead

**RESOLVED that a dispensation be granted for Councillor S A Bagshaw for a period of six months from the date of this meeting.**

39 VOTE OF THANKS

A Vote of Thanks to Michelle Leonforte, was proposed by Councillor S Paterson, seconded by Councillor M Radulovic MBE. Michelle was leaving the Council after having held the post of Council's Communication and Civic Officer, and worked closely with the Borough Council's Mayors for eight years.

Upon being put to the meeting, the vote of thanks was carried.

## **Portfolio for Resources and Personnel Policy Councillor G Marshall**

### **Report to Council – 9 October 2024**

#### **Revenues, Benefits, Quality and Control and Customer Services**

##### **Revenues**

The Revenues Team are responsible for the administration of Council Tax and Business Rates, including the recovery of these.

Council Tax is collected by Broxtowe Borough Council on behalf of the main major precepting authorities, such as Nottinghamshire County Council, Nottinghamshire Police and Crime Commissioner and Nottinghamshire Fire as well as the Parish Councils. In 2023/24, the net charge is £79.9m, with 8% of this being retained by Broxtowe.

Business Rates is a significant income generator for the Council with us being able to retain 40% of the amounts collected (with limits imposed by Central Government), with the remaining amounts being split between central government, NCC and Nottinghamshire Fire. A business is evaluated on its Rateable Value, as determined by the valuation office agency. This Council now collects over £28m in business rates.

The Council Tax collection rate for 2023/24 was 97.6%, an improvement of over 0.2% on the previous year. Business Rates collection rate was 97.6. The projected collection rates on both Council Tax and Business Rates is in line with the target.

##### **Benefits**

The Benefits Team is responsible for the administration of Housing Benefit and Council Tax Support. Both of these are designed to support the most vulnerable in our community. With the introduction of Universal Credit (UC) we have seen a reduction on the number of Housing Benefit claims processed, however, most of those receiving UC will still be required to apply for assistance on Council Tax Support.

The role out of Universal Credit has increased during 2023/24 and as a result the number of Housing Benefit cases continue to reduce. The Benefits team was restructured in December 2023 in preparation of this and has managed this migration well and performance in Benefits continues to be in the upper quartile of the Country.

##### **Quality and Control**

Q&C is a small team that is responsible for the recovery of Sundry Debtors, Housing Benefit Overpayments and the Discretionary Housing Payments (DHP's).

DHP's are to assist those receiving Housing Benefit or the Housing Element of Universal Credit and experiencing hardship. This pot of money is received by Central Government but is reducing year on year. This year's balance is £88k, which is equivalent to the 2023/24 amount but lower than previous years. Nottinghamshire County Council have awarded a further £28k that the Council can add to the DHP fund through their allocation of Household Support Fund (HSF). It has recently been announced that a further phase of HSF will be provided. It is expected that a further £28k will be provided to support the DHP pot. However, this requires ratification from Nottinghamshire County Council Members.

## **Customer Services**

The Customer Services Team is responsible for handling phone calls and face to face interviews for the following services as well as the switchboard. Outside of these, it is the responsibility of the back office team:

- Council Tax
- Housing Benefits & Council Tax Support
- Business Rates
- Housing Rents
- Grounds Maintenance
- Street Cleansing
- Refuse

The Council receives over 100,000 telephone calls per annum (an average of 380 per day), as well as an average of 200 switchboard calls. In addition to this, they provide a reception service at the Council Offices in Beeston as well as seeing customers face to face.

The main Key Performance Indicator for Customer Services is the number of abandoned calls as a percentage of calls received. In the latest rolling year, September 2023 to August 2024, the Customer Services Team have achieved an abandonment rate of 9.13% which is significantly improved from previous years and exceeds the target of 10%.

## **Finance Services Update**

### **Audit of the Statement of Accounts**

After reporting the financial outturn to Cabinet on 23 July 2024, the draft Statement of Accounts for 2023/24 was produced and published on the Council's website. The accounts will be scrutinised by Forvis Mazars, the Council's appointed external auditors, with the audit expected to conclude in November.

In terms of the previous year, Forvis Mazars have concluded their audit work and issued an unqualified opinion on the 2022/23 accounts. The auditors have also completed their work in respect of the Value for Money conclusion for the year ended 31 March 2023 having considered the adequacy of the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources. Again it was pleasing that Forvis Mazars did not identify any significant weaknesses that would

require it to make a recommendation. Further details were provided in the Auditors Annual Report to the recent Governance, Audit and Standards Committee.

### **Launch of Budget Setting 2025/26**

The Deputy Chief Executive, as the Council's designated Section 151 Officer, has recently launched the budget setting process for 2025/26. Officers are now busy preparing new business plans, revenue and capital budgets and reviewing the lists of fees and charges.

The proposed business plans and financial estimates will be scrutinised by Overview and Scrutiny Committee on 20 and 21 January 2025, in advance of consideration at Cabinet on 4 February 2025 with a final recommendation onto Council to approve the budget on 5 March 2025.

### **Medium Term Financial Strategy and Business Strategy**

Cabinet will shortly be considering the updated Medium Term Financial Strategy (MTFS) and looking to approve the refreshed Business Strategy for 2025/26.

As reported previously, there was an underspend of £1.8m on the General Fund revenue budget in 2023/24. This was due to a variety of underspends, additional income, budget carry forwards, changes in provisions, government grants and effective financial management across the Council. Overall, after transfers to and from earmarked reserves, there was a net withdrawal of £326k from balances resulting in a closing General Fund Reserve of £6.1m as at 31 March 2024.

The latest MTFS will show that the Council continues to experience significant budgetary pressures that will impact on its 2024/25 and 2025/26 budgets. These include the cost of pay awards and price inflation, including the cost of energy, fuel, construction and other supplies.

Further details, including the refreshed Business Strategy to identify potential revenue savings and additional growth and income to meet the projected budget gap, will be presented to Cabinet on 5 November 2024.

This is inevitably going to be another challenging budget round, particularly with the impact of inflation and the significant pressures on local government finances. Officers will continue to review the situation as part of the budget setting process and update the MTFS accordingly.

### **Budget Consultation**

Cabinet recently agreed the content of the Budget Consultation for 2025/26. The survey includes questions relating to a resident's opinion on Council services, methods of access to these services, the preferred means of interaction with the Council, the impact of the ongoing cost of living crisis, climate change and digital strategy. The web-based questionnaire, which is open until 14 November 2024, is being promoted through social media, 'email-me' bulletins, press releases, website and direct engagement with those on the Council's stakeholder map. All responders will be entered into a prize draw.

The Council received an encouraging level of response last year and is looking for similar levels of public engagement again to feed into the latest budget round.

### **Complaints and Compliments**

Regular Complaints and Compliments reports have started to be submitted to Cabinet quarterly in accordance with the new Complaints Policy, in addition to the reports being submitted to the Governance, Audit and Standards Committee. This enables a wide-range of cross-party Members to consider complaints submitted to the Council in a Committee forum. The reports detailed recommendations from the Complaints and Compliments Officer to the service areas on areas where improvements should be made.

The Housing Ombudsman (HO) has introduced a new portal to enable local authorities to communicate with the HO and provide updates on ongoing complaints. Broxtowe's Complaints and Compliments Officer has been asked by the HO to work with other Council's nationwide to assist them with their use of the system because of the expertise he has displayed using the new Portal.

### **Human Resources and Learning & Development**

#### **National Pay Award Negotiations**

The 2023/24 Local Government Pay Award has still not yet been agreed, with the Trade Unions request for £1,925 increase as per previous years being rejected by the National Employers. A counter-offer of £1,290 has been tabled as a full and final offer, and Unison and Unite are currently balloting members on industrial action. Unison's ballot runs from 4 September to 16 October, whilst Unite's runs from 30 August until 15 October.

#### **Learning and Development**

The Council's rolling Institute of Leadership and Management course commences in October. Fourteen employees will be undertaking certificates in Level 3 and Level 5 in Leadership and Management. Six employees have completed their Level 5 qualification from the previous course, with a further ten still undertaking their assignments.

The HR Team continues to deliver it's rolling programme of support to Managers, providing face to face training sessions covering Probation, Capability, Attendance Management, Disciplinary, Annual Leave along with additional support relating to managing bereavement in the workplace and how to support employees.

Professional qualifications continue to be supported with employees undertaking courses such as Health and Safety (NEBOSH), Learning and Development (Diploma in Learning and Organisational Development) and Association of Electoral Administrators (certificate).

An Introduction to Trauma training was delivered to officers across all departments in July, giving an overview of how trauma may impact us and further, more in-depth



trauma training is being arranged for front-line employees within our Communities and Housing Teams to provide knowledge, practical advice and resilience.

The Learning and Development Co-ordinator continues to deliver one on one e-learning sessions with new colleagues in Housing Repairs on a regular basis.

### **Work Experience**

Throughout July and August, the Council welcomed eight Work Experience students, including a longer-term placement within the HR Team. Departments included Planning and Economic Development, Bramcote Crematorium, HR/Learning and Development, Legal and Housing.

The longer-term HR placement came via Futures Group Nottingham, who assist people back into work who may have experienced mental health difficulties or disabilities. The student attended for around three months, twice a week and assisted with valuable research projects such as a policy on Adoption Leave. The HR Team assisted with CV writing, interview skills and career development during the placement.

### **Apprenticeships**

The Council has been shortlisted for another award for its Apprenticeships Programme – the Social Justice Employer of the Year at the National Apprenticeship and Skills Awards 2024. The Social Justice Employer of the Year Award recognises employers who can demonstrate their commitment in creating opportunities and support packages for disadvantaged and underrepresented groups.

Charlotte Nicholls, the Council's HR and Apprenticeships Officer has recently become Chair of the East Midlands Area Apprenticeship Network, continuing to promote the Council's profile both regionally and nationally.

The Council currently has seventeen apprenticeship courses being undertaken, with a further four in the pipeline. 42 Apprenticeship courses have been run since the inception of the Apprenticeship Levy.

### **Other News**

The Portfolio holder chaired a Member-led recruitment panel for the new Head of Asset Management and Development vacancy on 6 September, with an excellent candidate, being successfully appointed. The candidate comes from Bassetlaw District Council and has over 20 years' experience in operational and strategic property management within the public and private sector.

The Council's new Head of Health and Safety, Compliance and Emergency Planning commenced her role on 3 September joining us from Nova Education Trust, whilst the new Head of ICT and Corporate Services joined us on 15 July from Rushcliffe BC.

The Human Resources Team continues to have a weekly presence at Kimberley Depot, every Wednesday from 5.30 a.m. to support our front-line colleagues.

The HR Team introduced a 'Wellbeing Passport' to support Managers and employees and ensure that specific support is recorded and maintained regularly. The Wellbeing Passport is designed to support employees who have a physical or mental health condition/disability. It can also be used to support neurodivergent employees and those who may have additional needs that may not fall under a specific condition or disability. It aims to ensure you have access to the relevant support that you may need in the workplace and that everyone has a clear record of what adjustments have been agreed. Training sessions were delivered to Managers to provide practical advice on completing the form. This initiative ensures that the Council continues its duty of care to employees and ensures that new initiatives are being introduced following our Disability Confident Leader award.

## **Communications and Engagement**

### **Tour of Britain**

For the first time the Tour of Britain came through Eastwood, Brinsley and Greasley on Friday 6 September and the Communications Team helped support sharing event information to encourage residents to come out and cheer on the cyclists during Stage 4.

### **Budget Consultation**

Preparations have been made ready to launch the Budget Consultation to our residents this month to ensure that as many of our residents have the opportunity to respond to this as possible, so that we can hear what residents want to see from us as a Council in the new financial year.

### **Corporate Plan**

The Communications Team are working on some upcoming roadshows as part of the launch of the new Corporate Plan in locations across the Borough, where residents can attend in person to learn more about our priorities and how we are going to deliver these over the next 4 years.

### **You Said, We Did**

The team have continued to work on the improving perceptions project following last year's feedback from the Budget Consultation. Messages are being shared twice a week on You Said, We Did – showing residents where we have listened to their feedback and what we have done with this. A couple of recent examples include:

You said: Use parks and open spaces for more events.

We did: We have utilised local green spaces to host events across Broxtowe like:

- The Green Festival in Coronation Park, Eastwood
- Live Music as part of Broxtowe Creates Festival at Kimberley Miners Recreation Ground
- Hemlock Happening at Bramcote Hills Park
- Pop Up Proms at Inham Nook Recreation Ground, Chilwell
- Play Days in Parks across the Borough

You said: Develop community led initiatives to support people with mental health issues and loneliness.

We did: £1,000 from the Council's UK Shared Prosperity Funding has been used to support Warm Spaces and Place of Welcome initiatives. This will help to support social inclusion and keep people warm over winter.

### **Communications and Marketing Projects**

Recent projects undertaken by the Communications Team include:

- Environment – Helped support the annual Parks and Opens Spaces Survey, achieving 450 responses which was higher than last year's figures. The Communications Team are also working with the Environment Team on the Brinsley Headstocks Project Group and will be launching a new recycling campaign in October as part of Recycle Week to help increase recycling and reduce contamination rates.
- Economic Development – The announcement of the works starting at Hickings Lane Recreation Ground for the demolition and start of the new community pavilion, and further developments over the next few months on the Stapleford Towns Fund project, Kimberley Means Business and UKSPF.

### **Civic Office**

The Mayor of Broxtowe marked Nottinghamshire Day and Merchant Navy Day over the last couple of months with a flag raising in Beeston Square.

The Civic Office have been working with The Mayor to organise her Civic Service taking place on Sunday 6 October at The Haven Church in Stapleford. The service will be focussed around community with the addition of the community choir from Pulp Friction, a charity which helps support learning disabled and autistic people across Nottingham.

The Civic Team are also busy making preparations for the annual Remembrance Parade taking place on Sunday 10 November in Beeston at the war memorial. Working with the army from Chetwynd Barracks and local uniformed youth organisations to be part of the parade.

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## Portfolio for Leisure and Health Councillor T A Cullen

### Report to Council – 9 October 2024

#### Armed forces covenant training

A face to face armed forces covenant training session took place on 11 July at 10:00am in the Council Chamber led by the armed forces lead for Nottinghamshire County Council, Neil Bettison. Training has been arranged for employees to make sure they comply with the duty and deliver this within their role. The training was successful with clear sessions held on what the armed forces covenant is and how we can play our part as Broxtowe Borough Council employees.

#### Family Hubs

Children's Centres will be changing into Family Hubs by April 2025. They will offer services for families from pregnancy through to a young person's 18<sup>th</sup> birthday. Family Hub Networks to support Family Hubs will also be launched this year. There will be changes to the Children's Centre Service as the age range increases. Family Hubs will be working with other teams and organisations and extending some of their current services. The same support will still be available from the Children's Centre Service as they change to Family Hubs. The publicity and the signs on the buildings will change too. For information about the services please see [www.nottinghamshire.gov.uk/childrenscentreservice](http://www.nottinghamshire.gov.uk/childrenscentreservice).

#### Short Term Placements for 2<sup>nd</sup> Year Psychology Students

Short term placements for psychology students from Nottingham Trent University have been offered to partners.

Examples of placements are:

- Support Worker
- Youth Support Worker / Learning Mentor/ Classroom Assistant
- Mental Health or Wellbeing Assistant
- Marketing Assistant / Social Media Assistant
- Content Creator
- PR (Public Relations) and Communications Assistant
- Sales / Business Development
- HR (Human Resources) Assistant
- Recruitment Officer
- Research Assistant
- Data Insight Analyst

For further information, such as dates, [please see here](#) (opens pdf, 222 KB)

### **Nottinghamshire wins coveted Sustainable Food Place Bronze Award**

Nottinghamshire Sustainable Food Network has won a prestigious Sustainable Food Places Bronze award. The award recognises the Nottinghamshire Network's work to promote healthy, sustainable and local food and to tackle some of today's greatest social challenges - including food poverty and diet-related ill health.

The Nottinghamshire Sustainable Food Network is a dynamic forum for discussion and action on all key food issues. It brings together a range of partners working to improve the local food system such as community and voluntary organisations, the County Council's Public Health team, district and borough health leads, along with health and academic organisations. Partners work together to achieve the vision of the Nottinghamshire Food Charter, that everyone in Nottinghamshire no matter what their age and where they live should have access to healthy tasty affordable food which should also be positive for the environment and local economy.

Working with communities and through collaboration with organisations such as FareShare Midlands, Feeding Britain and many others, the Network has helped communities to gain access to affordable healthy food, to withstand and recover from any disruptions in food supply and to combat food waste.

The Bronze Award will be celebrated at The Nottinghamshire Food Summit on 16 October.

### **Nottinghamshire Food Summit**

In partnership with Nottinghamshire County Council and other stakeholders, Nottinghamshire's first Food Summit is being planned for 16 October 2024. It aims to raise awareness of the food ecosystem across Nottinghamshire and develop a 2024 to 2027 Food Plan, and shift the dial to the whole food system - economy, environment/ sustainability and communities (Nottinghamshire Food Charter)

### **UK Shared Prosperity Fund**

UKSPF funding has provided the opportunity to secure Strategic Food Support across Broxtowe, in partnership with Hope Nottingham. It will aim to bring all food banks, food clubs and other food support offers together to see how they can work together to coordinate the food response across Broxtowe and explore a partnership with Feeding Britain to create a Feeding Broxtowe partnership.

### **Carers Roadshows**

Successful Carers Roadshows have been held across Broxtowe and planning now begins for next year's events.

- Eastwood Town Council on Wednesday 3rd July (135 attended)
- Stapleford Care Centre on 16 July (320 attended)
- Middle Street Resource Centre 24 June (208 attended)

**Dementia**

A Dementia Event had been organised for 20 September at Trowel Parish Hall. The event was for people living with dementia, carers and professionals to share information and how we meet the needs of 1000 people with dementia in Broxtowe.

**Bursary Scheme**

Following the closure of Kimberley Leisure Centre, exploration of possible projects to increase physical activity in the north of Broxtowe was undertaken. Seven proposed projects were taken to Cabinet on 3 September, all of which are new initiatives and support some “hidden voices” within our communities:

- Eastwood Young People’s Centre - to bring the music studio into use and create music / dance based activities to support mental and physical health.
- Menopause Support Group
- Peer Support Group for Macular Degeneration / visually impaired people
- Establishment of Boccia Club (learning disabilities)
- Establishment of Nordic Walking (learning disabilities)
- Tai chi for respiratory conditions (open to all not just for respiratory conditions)
- Intergenerational exercise classes - will allow parents with babies / toddlers to attend a care home with residents to do an hour’s exercise – older people through seated exercise/pilates/bands and toddlers with pom poms/hula hoops/balls etc.

**Cultural Services****D.H. Lawrence Birthplace Museum****Pop-Up Museum**

For the first time this summer the D.H. Lawrence Museum had a pop-up museum at our 5 Plays Days. 800 people came to visit, engage and learn more about the 5 Facts of D.H. Lawrence.

**D.H.L Festival**

The Museum has been very busy from August through to September with the return of the annual D.H. Lawrence Festival.

**Events Programme****Summer Events Programme**

The Culture and Events Team have successfully delivered five Plays Days across the Borough over the summer in Eastwood, Stapleford, Kimberley, Beeston and Chilwell. With a total attendance of 5,300 despite challenges from the weather with extreme heat in Stapleford, wet weather in Kimberley and thunder in Beeston.

Friday18 also returned this year for its third and most successful year yet, with over 900 people attending to enjoy an hour of free live music in Beeston Square at 6pm every Friday. The summer sessions also ended for the first time with a special 2-hour finale.

The team have been working with the Environment Team to deliver the third Green Festival in Eastwood in September and have been helping to support the Civic Office to deliver the Remembrance Parade in Beeston in November.

### **Christmas Light Switch On Events**

The team are now working on the upcoming Christmas Light Switch On events taking place in Eastwood on Tuesday 26 October, Stapleford on Saturday 23 November, Beeston on Saturday 30 November and Kimberley on Saturday 22 November which is organised by Kimberley Town Council. They will see the return of the official light switch on by The Mayor of Broxtowe, Santa's Grotto, fair rides, community stalls and a firework finale.

### **C-City Project**

#### **Oxjam**

Broxtowe will be hosting the C-City Stage at Oxjam on Saturday 5 October in Beeston Square. The stage will host some retuning acts from Friday18 such as Anteloupe. The Council was looking forward to the visit but unfortunately, due to a change to scheduled flights between Limoges and East Midlands Airport, the student choir from Chateroux had to cancel their visit and were unable to perform on stage.

### **Liberty Leisure Limited (LLL)**

#### **2024/25 Performance**

LLL budget for 2024/25 is a deficit of £95k and is currently forecasting a deficit of £75k which will be reviewed at the end of Q2. The deficit position is primarily as a result of increased staffing and utility costs, and a reduced management fee. Higher income levels through increased usage from new and members retained from Kimberley as well as price rises are largely offsetting these changes to date.

Since LLL stopped operating Kimberley Gym & Swim there has been a period of consolidation following a period of significant change and with the new building project LLL is in a good position to develop moving forwards.

### **Building Projects**

LLL is working with the Council to assist in the development of the Stapleford Pavillion on Hickings Lane and the process of moving through to RIBA stage 4 for the new Bramcote Leisure Centre.

There have been some very productive meetings with the Members Project Group for Bramcote around the requirements and design of the replacement leisure centre.



The new facility will provide much needed reassurance around the longevity of the leisure facilities in Broxtowe as well as helping to improve the financial stability of the leisure provision.

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**Portfolio for Environment and Climate Change  
Councillor H E Skinner**

**Report to Council – 9 October 2024**

**Environment**

The Environment team continues to work hard to deliver on its commitment to 'Protect the Environment for the future', engaging with residents on sustainability issues as well as working on ways to enhance biodiversity and increase carbon capture using the Borough's natural assets. I will now highlight some of the key projects that have or will be taking place.

**Waste and Recycling**

At the last full Council meeting on 10 July 2024, I said that I would provide a full briefing on the work that has been undertaken by the Waste and Recycling Engagement Officer, on the different methodologies the team have been utilising to increase recycling and reduce the level of contamination.

There have been three trials in total and I will now provide a brief summary of the actions taken and the results for each of them.

**Trial 1 Contamination Trial – Beeston Central and the Rylands area**

In August 2023, Beeston Central and the Rylands, were identified as having the highest level of contamination across all recycling bin collection rounds. This round, comprising of over 1,000 properties had an average contamination rate of 16.9% (This was across six samples). Two of these samples were above 20%.

Recycling contamination is defined as materials going into the recycling bin, that cannot currently be recycled.

Since February 2024, the round has been sampled on six occasions and up until June 2024 still had a high contamination rate. However, in July the round received its lowest contamination rates to date, achieving rates of 6.5% and 11%. This is very positive.

Glass initially was one of the key contaminants, with 7% of the green lidded bin being contaminated with this material. In July, the rate dropped to 0.56%. Since the start of the trial, the glass set out rate for this round also increased by 2.52%.

The refuse and recycling team that undertakes collections in this area, has doubled the number of bin inspections and bin rejections. This is compared to the previous year. Supporting this has been the amendments to the contamination bin labels, which were suggested by the teams. They asked for smaller/simpler contamination bin tags, so that they could carry these in their trouser pockets, rather than going back to the cab each time there is a problem with a recycling bin.

Further adjustments will be made to this tag before it is used by the rest of the teams.

Since the start of the trial the recycling rate has been monitored and although the recycling rate fluctuates, it is noted that regular communications with residents have a positive short term influence on recycling. The team are now working on a waste and recycling communication plan that could be rolled out across the whole of the Borough.

In October, the Council will continue to work with the University of Nottingham's Student Ambassadors to support engagement with students on waste and recycling issues. It is expected that the recycling and contamination rate will be impacted by their return in September. This is because students coming from different parts of the Country will be used to recycling differently at home.

Residents in this trial area will be issued with a final leaflet in October to summarise the positive progress they have made.

#### Trial 2 - Kimberley Communal Bin Stores – Alma Hill, Almond Close, Cornfield Road.

The Environment team wanted to look at the impact that different housing types have on recycling and selected an area that consisted of blocks of flats owned by Places for People (Housing Association). These flats have shared bin storage areas.

There is a long term problem with fly tipping and bin contamination in this area and the collection teams regularly have to report and miss collections at multiple bin stores as they cannot either access them due to the amount of fly tipped waste or the bins are missed due to being badly contaminated.

The Council held an Action Day on 22 May 2024, where Refuse and Street Cleansing teams litter picked, emptied all the bins, provided more bins and cleared out debris, litter and fly tipping from all the bin stores.

Unfortunately, regular reports of fly tipping continue in this area so the Environment team is working with the Housing Association to run another Action Day in November.

#### Trial 3 - Eastwood Glass Recycling

The purpose of this trial was to increase the number of glass bags and bins put out for collection, which in turn would reduce the amount of glass going in the general waste and recycling bins. The methodology behind this trial was using nudge techniques to try and change householder recycling behaviour. An average bin collection round was selected in Eastwood, which had no new developments or student housing.

A letter was sent to all householders in June 2024 encouraging residents to recycle their glass. The letter also included a recycling survey, which was sent to gain insight into residents recycling habits.

Since the start of this trial, the glass set out rate has increased by nearly 2% and the green bin recycling rate has increased by 1.6%!

The survey was completed by 275 residents (approximately 25% of householders on the bin round) and this has helped to give insight on resident's waste and recycling habits and will help the Council to tailor communications and operations accordingly.

The survey highlighted that 88% of residents get their recycling information from the bin collection calendars.

80% of residents use the kerbside collections for their glass recycling, but only 47% put their glass out every month for collection. The other 53% put their glass out for collection less frequently. This information provides a great baseline for future recycling projects.

This round will continue to be monitored and will receive an update letter with round specific information at the end of September.

#### Free bulky waste days

In December 2023, in response to an item raise at Full Council, I indicated that a number of free bulky household waste collection days would be delivered in 2024.

This year, the Environment team have already undertaken three events, with a further three planned for the following locations:

#### Wednesday 9 October 2024

9am-12pm Inham Nook/Ulldale Court – Chilwell

#### Wednesday 13 November 2024

9am-10.30am Church Walk, Brinsley  
10.45am-12pm Brinsley Parish Car Park

#### Wednesday 11 December 2024

9am – 9.45am Ludlow Close car park NG9 3BY  
10am – 10.45am Boundary Road NG9 2RB  
10.50am – 11.30am King Street NG9 2DL  
11.35am – 12.15pm Ryland Close NG9 1LT (Beeston)

Further dates and locations are being planned for 2025. To encourage as much participation as possible, please can Members encourage their residents to bring their bulky waste items for collection.

#### Parks and Open Spaces

#### Update on Blue/Green infrastructure

The refresh of the Blue/Green infrastructure strategy is currently in progress and the Environment team are currently in the process of undertaking a procurement exercise to identify an appropriate consultant to support the project. I will keep Members updated on progress.

#### Bramcote Bio-blitz

On 25 August 2024, working in partnership with a number of experts, including Nottinghamshire Wildlife Trust, the Environment team undertook a bio blitz at Sandy Lane Local Nature Reserve in Bramcote. Residents were able to get involved with a number of surveying activities including the netting of insects, dragonflies and

spiders. There were a number of stalls available where you could learn more about bats, amphibians and birds. The Friends of Bramcote Ridge were also there to assist at the event. The day was well supported by residents and over 74 different species were recorded on site during the day.

#### Unauthorised Encampment upgrades and progress

Work is continuing on all our high priority sites to ensure the security of our parks and open spaces from unauthorised encampments. The Environment team have been working with a local fabricator to reinforce existing infrastructure, install new gates with shrouded locks and add new disc locks, which are built to withstand attacks from power tools. A number of sites will also receive new overhead barriers at the access points. It is expected that all these works will be completed by the end of September.

#### Pride in Parks programme

Works on the Pride in Parks programme is continuing with a number of projects either completed, out for costings or awaiting a start date.

Hall Park path resurfacing works has now been completed included the re-topping of path surfaces with consolidated stone and repairs to the steps leading up to the football pitches.

Surface repairs and improvements to the tarmac paths at King George V Park and Eastcote Avenue, Bramcote, and Colliers Wood, Newthorpe have been measured and are waiting for contractor pricing.

Further works at Colliers Wood will include the removal of the current dipping platform, a re-profile of the pond bed (At present the platform sits over the dry pond bed in summer as the water level recedes) and the installation of a new floating platform. Works on site will be finished in October.

As part of a programme of wider works, Colliers Wood, will also benefit from improvements to the performance area.

#### Blue infrastructure audit.

During the summer, the Environment team undertook an inspection of the Borough's Brooks.

From these inspections, reports have been created documenting the condition of the watercourses and include any remedial works that also need to be undertaken.

A programme of works from these audits has been created including the removal of vegetation and the clearance of any potential blockages obstructing the water waterway.

As part of a wider exercise to promote responsible land ownership, all riparian owners will be written to reminding them of their responsibilities to ensure that

watercourses stay clear and free of any potential obstructions. These letters will be sent out by the beginning of October.

#### Winter works planned by Grounds Maintenance

The Grounds Maintenance teams are currently gearing up for autumn and winter, although grass growth may have slowed down, autumn and winter maintenance works are just beginning. This includes:

- Pruning and planting shrubs and trees.
- Sweeping paths and car parks.
- Weeding.
- Repair work, including mending fences, tying back climbing plants, repairing holes and bare patches in grass areas.
- Sports pitch maintenance.

#### Brinsley Headstocks update

I am pleased to update Members on the progress regarding the Brinsley Headstocks. A site investigation team has approached the Coal Board to conduct a ground survey, ensuring that the ground for new Headstocks is stable for the new structure. The Environment team are also in the process of procuring an Engineer to develop the necessary design and bill of quantities.

In the autumn, various biodiversity works will be undertaken on site including:

- Widening the pond in collaboration with the Nottinghamshire Wildlife Trust to attract the endangered Water Vole.
- Creating a hay meadow
- Planting a woodland memorial copse, featuring heritage fruit tree varieties, including damsons and apples.

Groundworks are anticipated to start in April/May 2025, with construction completed by October 2025 (although this timeline is weather dependant).

The Environment team are also in discussions with a sculptor to incorporate wood from the previous Headstocks into memorial plinths, honouring those miners who lost their lives at the site.

#### Climate Change

##### Carbon progress to date

There are 1,178 days remaining for the Council to achieve its Carbon Neutral target by 31 December 2027.

The Council's carbon footprint for 2023/24 has been calculated at 2,343tCO<sub>2</sub>e, a 37% reduction since the 2018/19 re-baseline and a 1% reduction on the previous year. The trajectory towards carbon neutrality has slowed slightly over the last couple of reporting years; however, the recent transition to HVO is expected to result

in an acceleration once again, with at least 700 tonnes CO<sub>2</sub>e savings to be reported for 2024/25.

As approved at Cabinet on 3 September 2024, a new baseline for 2022/23 has been agreed and now incorporates the Council's scope 3 emissions. The Council's total operational carbon emissions for 2022/23 has been calculated at 22,990tCO<sub>2</sub>e. Following the re-baselining, a net zero target and roadmap highlighting potential budget implications will be brought back to Cabinet.

#### Free trees 2024/25

Preparations are now underway for this year's free trees offer to our residents. This is now in its fifth year.

There will be a selection of fruit trees on offer, as well as soft fruit plants, available for those residents who have limited outside space.

This offer will be launched in October on a first come first served basis and will again be tied into Green Rewards.

#### Green Rewards

There are currently 2,923 residents signed up to the Green Rewards platform. Since the launch of platform, Nottinghamshire residents have collectively avoided emitting over 1,000 tonnes of CO<sub>2</sub>. (That would be enough gas to fill 1,000 hot air balloons).

As we are so close to gaining our 3,000<sup>th</sup> member to join the Green Rewards, the Environment team is offering a £50 gift voucher as an incentive to sign up.

I am also pleased to inform Members that the latest ward to win the Green Rewards Biodiversity Ward prize is Watnall and Nuthall West. Users of the Green Rewards platform within this ward were asked to vote on their preferred biodiversity project for the area and they chose the installation of bird and bat boxes at Watnall Spinney. Local bird and bat groups will be hand making these boxes and installation will be taking place in November.



## **Portfolio for Economic Development and Asset Management Councillor M Radulovic MBE**

**Report to Council – 9 October 2024**

### **Planning Policy**

#### **Strategic Plan**

The Council is currently consulting on a Reduction of Carbon in New Development Supplementary Planning Document (SPD). The SPD has been produced in conjunction with Nottingham City Council. The SPD sets out how new developments can meet low carbon requirements through energy and carbon reduction and sustainable construction. The comments received will be considered and the document will then be updated accordingly prior to the Council considering whether the SPD should be adopted.

The Greater Nottingham Strategic Plan is progressing with a consultation on the Publication Draft due to take place this autumn. Following this consultation, the aim is to submit the Strategic Plan for examination in late spring 2025. The Strategic Plan has had to be updated based on recent proposed planning reforms announced by the Government. The Council has responded separately to these proposed reforms.

#### **Economic Development**

The vacancy of the Town Centre Initiatives and Contracts Manager, has now been filled. This should increase the capacity of the team to improve interaction with local businesses in the four town centres, events programs and work with regard to markets, and do a little more business as usual economic development work.

The Council is launching a series of business forums to strengthen and increase engagement with local businesses. A forum will take place in each town centre offering the opportunity for businesses to network, increasing engagement, identifying priorities for business support and tackling issues affecting businesses in town centres and to hear more about how the Council can help their business.

There will be a guest speaker and opportunity to tell the Council about local business requirements. Initial meetings have been arranged for October.

#### **Stapleford Town Deal**

##### **Key Project Updates**

The Project Adjustment Request to the Ministry of Housing, Communities and Local Government (MHCLG) has been approved with newly adjusted budgets, moving Derby Road into the Street Improvement Scheme. The cycle network has become 'Active Travel'.

The Library Learning Facility phase two is now complete and the year one anniversary celebration was held at the end of July.

### **Community Pavilion**

GEDA won the construction contract and the Pavilion contract has been signed. There will be an alternative route through the park to the rear while demolition and construction is ongoing, as the footpath to the front will form part of the site enclosure. The appointment of an additional Ecologist to support with removal of last tree is to be considered.

The Football Foundation (FF) application submitted for a 3G AGP (artificial grass pitch) has now been approved. The Football Foundation required a multi-use games area to be included in the application and to be completed by McArdles.

The Cricket land purchase has been completed with a coordinated communication to go out with support of Stapleford Cricket Club and England Cricket Board.

Issues around the temporary facilities for football and bowls continue to be considered.

There have been meetings with a number of partners regarding the designs for the Cricket Club and concerns about flooding.

### **Pencil Works**

The Royal Institute of British Architects stage two design has been adjusted to avoid the Nottinghamshire County Council adopted land area, in order for the project to move into stage 3 in July, with the application to go to Planning Committee in November.

A two stage tender process will be undertaken with support from Welland procurement, with an aim to appoint a contractor by December and to be on site by February 2025. Public engagement is planned for the 11 July, with feedback required from residents following sharing updated designs.

### **Derby Road Car Park (131-133, Derby Road)**

The contractor is in receipt of site details and the current proposal is to go for a direct award of contract to GEDA to get this project moving quickly. There is to be a 44 space car park replacing 51 spaces lost at this site on Victoria Road.

### **Town Centre COVID-19 Recovery Grants and UKSPF**

Open - on hold until Post Office comes forward and DDA ramps completed by VIA.

### **Street Improvement Scheme**

The brief including adjustments regarding the adopted land issue to be distributed to contractors to get comparable quotes for works.

## **Active Travel Network and Associated Infrastructure**

The changes to outputs and outcomes with ATE (Active Travel England) were discussed, and Nottinghamshire County Council agreed to progress with an integrated approach to including pedestrians and cyclists. The adjusted brief had been confirmed with Nottinghamshire County Council and ATE and sent to VIA and to other prospecting contractors for comparable quotes.

## **UK Shared Prosperity Fund (UKSPF)**

The Government's UKSPF contract for the current £1.6 million into Broxtowe Borough Council will end on 31 March 2025. All project expenditure must be completed by this time, to avoid any possibility of clawback, with a final report required due by 1 May 2025. The meeting of the East Midlands Combined County Authority Board, on 16 September 2024 agreed a twelve-month extension for the funding review and that Business Support will be dealt with regionally. Some local projects will continue for this period and discussions are ongoing for this new funding mechanism for future years.

There is less than six months left to deliver on the current programme.

The commissioned services continuing to deliver are:

- Communities and Place - Citizens Advice Bureau Financial Resilience Project
- People and Skills – Transform Your Future
- Business Support - Broxtowe Accelerator.

The Council is committed to deliver the programme as approved at Cabinet on 6 February 2024.

## **The Kimberley Means Business Project (formerly Levelling Up Fund)**

The eastern ramp of the Bennerley Viaduct has been constructed, although a delay in opening occurred due to the settlement of top soil. Contractors are now satisfied that the soil movement has slowed to such an extent that final touches, such as path edging, can now be completed.

A value engineering exercise has taken place on phase two of the Bennerley project, namely to construct a Visitor Centre. The Council has taken the view that the centre should be constructed to a high specification in order to provide an exciting new tourism offer for the north of the Borough.

Negotiations with Harworth Estates for the construction of industrial units on land to the north of Bennerley Viaduct, although complicated, are nearing a completion thanks to hard work on behalf of all parties. Revised heads of terms are now agreed in a draft format and following legal overview will be in a position to be signed.

The active travel work remains a challenge. Sustrans are working with the Economic Development team to provide design and concept for Local Transport Note (LTN

1/20) compliant routes linking Bennerley with Phoenix Park. However, housing development sites at either end of the project are a consideration. In addition, working on Nottinghamshire County Highways assets is also proving challenging to secure agreement.

Work in Kimberley Town Centre is continuing apace. A revitalised Toll Bar Square with new cycle parking is now complete, and a living wall showing historic Kimberley is also open. In addition, work with the Town Council on the illuminations project is nearing completion with the expectation of the first major light show taking place this Halloween. Work also continues with the Town Council on the demolition of the existing Parish Rooms and the construction of the new Kimberley Hub.

The Council continues to work with Kimberley Town Council and other partners to improve sporting provision in the town. A planning application has now been submitted for a new sporting pavilion at The Stag Ground.

Finally, over 38 grants have been issued to businesses in Kimberley to support trade vibrancy in the town. Furthermore, the Council has been proactive in supporting Kimberley businesses through the recent Cadent gas works on Main Street with a series of relief grants.

## Asset Management

### 2024/25 Delivery Performance

A one-year planned maintenance programme has been produced for this financial year which aligns with the extended contract period with current suppliers.

The core work streams are shown in the table below. All works identified as requiring replacement are undergoing sense checks and validation through physical inspection by our Modernisation Officers so the work in progress can be managed, with attritions and additions to the programme.

This work will be further supported by the recently commissioned stock condition survey of our properties which will continue to inform the ongoing programme of planned maintenance over future years.

The Council has also recently recruited to the vacant Disabled Adaptation Officer role and they have been working through the backlog of aids and adaptations with the majority of major adaptation requests now dealt with.

| Work Stream   | Forecast | Ordered | Completed (Aug 24) |
|---|----------|---------|--------------------|
| 16910/9002 Heating Replacement and Energy Efficiency Works (Planned)                                | 135      | 135     | 83                 |
| 16910/9002 Heating Replacement and Energy Efficiency Works (Beyond economical repair and unplanned) | 100      | 13      | 81                 |

| Work Stream  | Forecast | Ordered | Completed (Aug 24) |
|--|----------|---------|--------------------|
| 16919/9002 Housing Modernisation Programme (Kitchens)  | 75       | 58      | 47                 |
| 16919/9002 Housing Modernisation Programme (Bathrooms) | 75       | 23      | 16                 |
| 16919/9002 Housing Modernisation Programme (Roofs)     | 45       | 0       | 23                 |
| 16946/9002 Window and Door Replacement (Doors)         | 18       | 51      | 16                 |
| 16946/9002 Window and Door Replacement (Windows)       | 252      | 252     | 206                |

## Major Projects Executive Summary

### Chilwell Quarry

Derbyshire Geo-Technical were appointed to carry out remedial works which commenced in July 2024. The stabilisation of the collapsed cliff is now largely complete within the programmed timeframe. Positive feedback has been received from the residents including on how the contractors have communicated the works to residents. Fairhurst, the Council's employer's agent, are currently undertaking an assessment of the wider quarry including the trees. They will be producing a management plan which includes how to treat the trees, some of which may need removing and other pruning. The Council is currently within the approved budget for works and this will continue to be monitored. There is still capacity within the existing agreed budget to implement recommendations from the management plan. Once the recommendations from the management plan and associated costs are understood, Cabinet will be updated further on the budget position.

### Beeston Council Offices update.

Reception refurbishment works at the Council Offices are progressing well. With completion by October 2024.

### Procurement on Capital Works Contracts

After carrying out a market testing exercise to identify a procurement approach, the Council has decided to progress with Procure Plus, who are a framework provider to help to carry out a procurement exercise on all Capital Works activities to ensure there is demonstration of Value for Money.

The ITT is now live and will close in October with a target to enter into new contracts by the end of the year.

### Energy Performing Certificates(EPC) Programme

Although 3576 EPC's have been completed the Council is experiencing some delivery issues with the current contractor. To ensure the meeting of the delivery target, the Council has appointed Nottingham City Council to undertake EPC's A breakdown of the current EPCs by band is shown below.

| EPC Band     | Completed    |
|--------------|--------------|
| A            | 2            |
| B            | 61           |
| C            | 2,068        |
| D            | 1,288        |
| E            | 141          |
| F            | 13           |
| G            | 3            |
| <b>Total</b> | <b>3,576</b> |

### Stock Condition Programme

The Council has instructed Michael Dyson Associates to undertake the stock condition survey and the first 1,000 properties will be completed by October 2024. The stock condition template has been agreed and surveys will be uploaded to systems upon internal validation.

### Bramcote Leisure Centre Works

The below works that have taken place since Cabinet approval.

- ✓ RAAC exposure works and surveys
- ✓ Roof works to clear debris to allow for inspection
- ✓ Concrete repair works for the training pool
- ✓ Additional design works to support the defective RAAC
- ✓ Multiple asbestos surveys and instruction of a management plan.

#### Next Steps:

- Understand the cost and risk for future operation delivery of services at the centre (RAAC/Asbestos)
- Obtain quotations for the asbestos encapsulation and/or removal
- Obtain repair costs for RAAC support
- Decide on the approach to the basement concrete repair or inspection
- Source quotations for roof and window repairs

## Portfolio for Community Safety Councillor H Faccio

### Report to Council – 9 October 2024

#### Hot Spot Patrols

Funding of £19,291.66 over 2024/25 was successfully applied for through the Police for Hot Spot Patrols in Eastwood to address ASB, Violence and Environmental ASB. Patrols are being delivered by Communities and Environment Officers.

#### Safer Streets 5

The two Help Points in Beeston will be installed in October/November with the delay due to a newer version being produced with the capability of web access. Car park ticket advertising has been purchased with the underspend and these will be installed into the machines when they are next topped-up.

#### Potassium

There has been a successful bid to the Police and Crime Commissioner to fund the Potassium project delivered in Beeston last year in the north of the Borough for 9 months from July 2024.

#### Counter Terrorism

The 2024/25 Nottinghamshire Counter Terrorism Local Profile is being produced and a countywide workshop is being held to identify content for the Broxtowe Situational Risk Assessment which will be produced before the end of the year.

#### Golden Triangle of Protection – Social Media Webinar

A series of three successful webinars took place week commencing 8 July 2024 aimed at parents, teachers and community groups. The webinars addressed how social media can negatively affect young people backed with research and gave practical tips to approach this subject. The webinars were led by University of Oxford, Doctoral Research Fellow, Ellen Froustis, MEd, MA, DPhil (C).

A total of 44 people registered their interest in the webinar and slides were distributed to primary and secondary schools in Broxtowe Borough. Parents, teachers and community groups found the sessions useful and commented on the importance of addressing the influence social media has on young people. Ellen also included her intern Amelia as a young voice to share her thoughts to parents, teachers and community groups.

## Equation GREAT Project

Equation is a specialist provider of Relationships Education and has funding from the Nottinghamshire Police and Crime Commissioner to deliver it's GREAT (Good Relationships Are Equal and Trusting) Project and the Equate Project to all Primary and Secondary Schools in Broxtowe and Rushcliffe.

The GREAT Project is delivered to year 5 or 6 classes over a period of 4 weeks (2 hours per week). The project covers topics such as healthy relationships, domestic abuse, gender equality in a sensitive and age-appropriate way, leaving the children equipped with support services if ever needed. The project is positive and fun, filled with activities and engaging video content. To find out more and book in, please contact [ilda@equation.org.uk](mailto:ilda@equation.org.uk) - GREAT Project Coordinator.

Equate is delivered to Secondary School classes or assemblies. Some of the topics covered are: Healthy and Unhealthy Relationships, Gender Equality, Personal Space, Consent and Controlling Behaviours. The hour-long sessions are engaging and positive. To find out more, please contact [molly@equation.org.uk](mailto:molly@equation.org.uk) - Equate Project Coordinator.

## Night Angel

The Night Angel Project is continuing providing personal safety, Strut Safe and Ask Angela information. Anti-spiking straws, anti-spiking glass covers and personnel alarms have also been distributed to members of the public enjoying the night time economy.

## White Ribbon

This year's White Ribbon '16 days of action' events are being set up with the White Ribbon Flag Raising being a key event, we have confirmation of attendance by the mayor, several partner organisations and elected members. Stapleford Town Council are also holding a Flag Raising event giving greater coverage across the Borough.

White Ribbon informational materials are now available around several venues in the Borough including surgeries, churches and leisure centres.

A White Ribbon presentation was given to the Annual Parish Council Meeting and parishes were encouraged to get involved and spread the message where possible.

The White Ribbon message has been promoted across the Borough through promotion and information stands at a variety of local community events to ensure that we are raising awareness of the campaign as much as possible.



## **Heathy Relationships Teaching in Schools**

Members of the Communities Team alongside Broxtowe Women's Project and a White Ribbon Ambassador will be visiting schools on the lead up to White Ribbon Day in November. Workshops, assemblies and the chance to paint 'kindness rocks' will be delivered to Lawrence View School, Priory Catholic School and Springbank. These sessions focus on teaching young people about healthy relationships, what is and isn't appropriate in relationships and how to act with kindness towards other people.

## **Sanctuary Scheme**

Broxtowe Sanctuary Scheme is running effectively and all policies and procedures relating to the sanctuary scheme have recently been updated in line with a County-wide effort to standardise procedures across the County and Broxtowe has recently taken over the task of undertaking property assessments from the Police.

There has been a notable uptick in sanctuary applications this year. It is not yet clear what the cause is, as it could be due to housing shortages making staying in a property the best option or that the new standardised and streamlined process has made it clearer to DA workers when/if they should apply.

## **Serious Violence Duty**

The South Notts Serious Violence Duty (SVD) Response Plan is on track for being completed and a countywide workshop is being hosted in October by the Violence Reduction Partnership to assist countywide organisations to input into all CSP Response Plans.

## **Environmental Health**

### **Food Safety and Infectious Disease Control**

The inspection plan for 2024/25 is on track to meet the yearly inspections. There is a peak of inspections due January-March 2025 due to bunching of inspections following COVID-19. The team is working to bring some of these inspections forward for inspection to ensure a more even spread of visits throughout this and future years.

The turnover of businesses and number of new food businesses continues to impact the team. There have been 60 new food business registration forms received since 1 April 2024. Officers are finding that many of these new businesses require assistance prior to opening due to lack of food safety knowledge, adding to their workload.

There has been seven reportable disease notifications and investigations for July and August, which has included one confirmed Legionella case requiring water sampling at their home address to attempt to find the source of the infection. These samples are currently being processed by the laboratory.

Regular monthly food and environmental sampling has taken place with officers following national sampling plans. Whole raw shell eggs (non-Lion Branded) and pre-packed cheeses are the current projects and re-sampling at a butchers (environmental swabbing and food samples) has also taken place following poor results earlier this year.

### **Health and Safety/Special Projects**

There have been six reportable accidents at businesses where the Council is the enforcing authority for health and safety over the last two months. These are being investigated by Officers.

As a response to the events at Legacy Independent Funeral Directors in Hull and East Riding, the government requested the assistance of Councils to check on all funeral directors and premises in their area. There is currently no national oversight or regulation of the sector apart from general health and safety legislation enforced by local authority health & safety inspectors. The Borough has 11 funeral homes split between five providers (two national companies, one regional company and one local company) ranging in size from a small office with a chapel of rest to larger premises that include storage of the deceased and mortuary facilities (one with chilled storage for up to 96 people). The team responded to the request to check on:

- dignity of the deceased,
- fair practice in the selling of pre-paid funeral plans,
- traceability of the deceased and their possessions throughout, including the final collection of ashes; and
- general health and safety and infection control.

All eleven sites were visited in July and August and 2-3 hour audits undertaken with full co-operation from managers/owners of the businesses. They were all found to be well run with the care and traceability of the deceased the primary aim of the providers. A couple of health and safety issues were noted at two funeral homes and officers are working with these premises to ensure the safety of their employees. The results of the project will be fed back to government and will aid in deciding on what future regulation, if any, is placed on the industry.

### **Animal and Special Treatments Licensing**

The owner of an unlicensed commercial dog boarding kennels in the Borough has been successfully prosecuted. Officers worked with the Police and the RSPCA to bring a successful prosecution. Mr Craig Halls pleaded guilty to two offences of causing unnecessary suffering to dogs and to operating a commercial dog boarding kennels without a licence in Stapleford, Nottinghamshire, between March and August 2023. He was sentenced on Wednesday 31 July 2024 to a 26-week custodial sentence, suspended for 18 months; and an indefinite disqualification order preventing him from owning, keeping, dealing and transporting any animals.

The defendant was also ordered to pay £500 costs to the RSPCA and a £1000 contribution to the Council's costs.

The team continues to receive allegations of unlicensed dog breeders and home boarders in the area. These allegations are being investigated and, if evidence of illegal activity is found, will be followed up by appropriate enforcement action. Investigation of the breeding and selling of puppies is complex with information being requested from local veterinarians, national online animal selling platforms and microchip companies to try and build a picture and prove a case.

One new home dog Breeder has been inspected and licensed in the last few months.

There are a total of eleven animal activities businesses with their licences due for renewal by the end of December 2024. Renewals have been sent out and Officers will ensure that the businesses are inspected and re-licensed.

There have been three new registration applications received for skin piercing activities in July and August (acupuncture and tattooing). One new special treatment application has been received, inspected and processed (chiropractor).

### **Environmental Health Joint Working with Other Agencies**

The team continues to work with partners within the council and at regional and national level:

- Joint working with the RSPCA and Police led to the successful prosecution of Mr Halls for animal cruelty and running a dog boarding kennels without a licence.
- Over the last 12 months' contacts have been made with local veterinarians in and around the borough to look into allegations of unlicensed dog breeders.
- The team have worked with the Ministry of Justice and the Department for Levelling Up, Housing & Communities and to successfully execute the funeral homes project in the Borough. This has included joint working with other Nottinghamshire Authorities to ensure a consistent and effective approach.
- The team continues to work with UKHSA, assisting in trying to locate the source of infectious disease.

### **Environmental Health – Environmental Protection**

#### **Enforcement**

Community Protection Warnings – 1

Community Protection Notices – 3

Abatement Notice – 1

The team continues to be responsible for over 50% of resident complaints received to the Environmental Health service. There has been a Prosecution for Breach of a Criminal Behaviour Order, and not guilty plea entered now listed for Court February 2025.

A Prosecution file has been submitted for breach of Abatement Notice, causing smoke nuisance and disposing of waste in a manner likely to cause harm to human health and/or environment. A Local property developer has been charged with five offences and the Court hearing was 9 September. This followed numerous advisory visits and warnings. An increase in bonfire and waste disposal complaints is usual during the warmer summer months.

An Abatement Notice was served relating to a Beeston pub for noise nuisance from live/amplified music and speech and failing to control external customer noise after 11pm.

Several licenced premises are causing issues locally with noise and require ongoing monitoring. Premises in Giltbrook and Kimberley are being monitored regularly at the current time and are likely to require formal action.

The smoke control order revocation has been submitted to the Secretary of State for approval. Once approved a new smoke control order can be sealed and brought into effect in May 2025.

## **Licensing**

Since the last report we have received the following number of applications:

Personal Licences = 10  
Temporary Events Notices = 37  
Vary Designated Premises Supervisor = 11  
Premise Transfer = 3  
Full Variation = 2  
New Premise = 4

New taxi licences issued (June, July August)  
1 new driver  
10 new vehicles

Two licensing hearings for new premise licence applications have been completed.

The Lion at Brinsley - the applicant amended the application slightly at hearing and the licence was granted with the following variations/conditions:

- The withdrawal of the provision of recorded music and live music outdoors
- All music to cease at midnight on Fridays and Saturdays only.
- Withdrawal of seasonal variations for St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.
- To add a condition for the management to notify neighbours of planned events that will continue past midnight.

- To add a condition not to remove and dispose of glass in the glass bins between the hours of 11pm and 7am.

The Queen's Head, Kimberley application was rejected in its entirety and here is link to the article that Notts TV, BBC and The post ran: <https://nottstv.com/new-licence-for-kimberley-pub-rejected-by-council/>

Beeston, Eastwood and Kimberley Pub watches have been attended and safeguarding training to taxi drivers has been delivered.

### **Licenced Premises Checks**

Licence premises checks are being carried out including some evening and weekend visits and joint visits with the Police Licensing Officer or Local Beat Team. This can be proactive such as during the Euros where premises were showing football or if there has been a reported issue. Whilst completing licensing checks in B&M in Beeston, the Licencing Enforcement Officer was able to apprehend a shoplifter. They are also working with B&M to ensure removal of their abandoned shopping trollies in and around the area. Spot checks and patrols have been taking place in Stapleford and Eastwood reporting any issues such as graffiti and broken glass outside licensed premises. Patrols in Eastwood are funded by the Police Hot Spot Patrol fund.

### **Taxi Spot Checks**

Taxi spot checks are being carried out on Broxtowe drivers throughout the Borough. Taxis' that are not licenced in Broxtowe such as Wolverhampton, are checked for defects and issues are reported to the appropriate Council. Spot checks on Broxtowe drivers are also being carried out in the city centre and surrounding areas.

Two Broxtowe Borough Council taxi drivers have recently had their licences revoked for public safety, one for plying for hire in the city centre and the other for an ongoing Police investigation.

### **Licensing Safeguarding Training**

Safeguarding training is being delivered for new taxi drivers and existing taxi drivers on renewal of their three-year licence. Safeguarding training including the Ask Angela Campaign and the White Ribbon information is being delivered to Pub Watch groups within the Borough. Training in Eastwood and Kimberly has already taken place and Stapleford will be delivered in early September, Beeston and Chilwell sessions will then be arranged.

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## **Portfolio for Housing Councillor V C Smith**

### **Report to Council – 9 October 2024**

#### **Private Sector Housing**

Since the end June 2024 private sector housing have served:

- Two Notices under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.
- One Smoke and Carbon Monoxide Remedial notice.
- Three Civil Penalties totalling £15,000 – one in respect of breaches of HMO Management Regulations, one for failure to licence an HMO that is required to be licenced and one for breaching the permitted number of occupants in a licensed HMO.

A Formal Caution has been issued for failure to licence an HMO that is required to be licenced. An ongoing programme of compliance work is continuing in respect of some of our larger Licensed HMO providers.

The Caseworker and Housing Grants Officers have 55 on going cases and 9 on the waiting list. In addition, there are 5 cases on hold for various reasons beyond the team's control.

Nine Disabled Facilities Grants (DFGs) were completed in the last two months. The total spend for mandatory and discretionary DFGs for the year to 28.8.2024 includes £382,900 with an approved grant commitment of £270,337.

Empty Homes work continues to be a focus for the team, providing advice and guidance to owners and dealing with any complaints that arise and to date this has resulted in 7 properties being returned to use (as of 19/8/24) since the beginning of April 2024.

#### **Income**

Rent arrears are continuing to remain low. At the end of August, rent arrears were £347,348. At the end of August 23, rent arrears were £374,187, so there has been a decrease of over £26,000, even though rents were increased in April 24.

The Financial Inclusion team continue to support our tenants in financial hardship. The team have recently assisted a tenant who had over £2000 of Council Tax arrears. The team established that she was not claiming Council Tax Support and helped her make a claim and backdate the request. This reduced the debt to £463. A full benefit review was undertaken and the tenant's monthly income has now increased by £601 per month.

## **Independent Living**

The Council's Independent Living Manager has recently started to attend the weekly 'Huddle Meetings' organised by the Primary Integrated Community Services (NHS). Other attendees include a Team Manager from a social services section, usually from the Broxtowe Ageing Well Team, the social prescribing team, community matrons and district nurses from around the borough. The meeting has a case list, which is discussed in turn. Health colleagues, social care, social prescribing and the Independent Living Manager work together to ensure the independent living team are aware of, and are working with that person. Often the work continues outside the meeting with colleagues, there is a need to discuss joint working in more detail. The meetings have been very successful in us obtaining the required support for our tenants from other agencies.

Historically, the Activities team have struggled to engage with residents who live at Cloverlands Court, Watnall and the surrounding areas. They would regularly advertise activities such as hobby clubs, coffee mornings and other activities that worked at other schemes. However, many tenants only wanted to attend lunch clubs and fitness classes sporadically. In an attempt to increase engagement, the Activities Coordinator decided to utilise different partners to offer new activities. One partner delivers activities to improve dexterity, such as origami, paper crafts, clay modelling and flower arranging. These have been very successful with 114 tenants attending activities at Cloverlands Court so far this year.

On 6 September 2024 we reopened the communal lounge at Templar Lodge following redecoration and delivery of new modern furniture. The mayor attended and gave a speech and cut the red ribbon. She spent time chatting to the 18 tenants who attended over coffee and cake. She discussed all of the activities that take place in the lounge with tenants, who were delighted with the new décor.

## **Housing Repairs**

The team is now almost fully staffed, in both office based and operative roles. The increase in the number of operatives has led to improvements in the number of jobs we can deliver in house and the response times to complete repairs. Improvements made to the reporting within our housing management system ensures that we are able to monitor these areas on a daily basis.

The team has recently recruited a new Compliance Manager that is overseeing the compliance of gas, electrical, legionella and lifts in our housing stock. This manager will also be responsible for ensuring that fire safety actions are completed.

## **Housing Options**

In August we received 56 applications from people who approached us as homeless or were at risk of homelessness. Some of these cases are still ongoing. However, we have managed successful early intervention in 21 cases resulting in these applicants not becoming homeless.



Rough sleeping, particularly people sleeping in tents, has increased nationally and local over recent months. In August we have worked with 8 rough sleepers in our borough. All of these were accommodated within either our own temporary accommodation or bed and breakfast accommodation, where our own accommodation was not available.

### **Allocations**

We are continuing to see the benefit of our new Homechoice portal for applicant to apply to our housing register. The new portal is much more user friendly for residents and has additional functionality in comparison to our previous system which has reduced admin tasks and means that our team can spend more time supporting residents with their applications. Due to the success of the recent drop-in sessions to support applicants, we will be continuing to offer these on a regular basis. Since the new portal was launched we have received 1636 applications.

### **Tenancy Services**

In August the team received 95 cases that required investigation. 17 of these were reports of anti-social behaviour and 78 were for other tenancy matters, such as abandoned properties or property condition. Our Tenancy Sustainment Officers are currently working with 22 tenants who require support to maintain their property to the required standard.

Over the summer months our Tenancy Services Team along with our Housing Engagement Team have completed a series of 'pop-up' events throughout the Borough. Areas that were identified as having higher levels of dissatisfaction in our annual survey were particularly chosen. The officers set up a stall close to our properties and spoke with tenants to answer any questions and obtain feedback on the housing service. Issues raised included queries regarding damp and mould, allocation banding, grounds maintenance and fly tipping.

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**Report of the Monitoring Officer**

|  |
|--|
| <b>Bramcote Bereavement Services Joint Committee Agreement</b> |
|--|

1. Purpose of Report

To recommend to the respective Councils a number of updates to the Agreement in respect of the Bramcote Bereavement Services Joint Committee.

2. Recommendation

**The Committee is asked to RECOMMEND to the respective Councils that the revised Agreement be approved and that the consequential changes to the Constitution be made.**

3. Detail

An Agreement was made between the two constituent Councils in 1977 for the provision, operation, maintenance and management of the Crematorium. This was revised in July 2001 to recognise the change to executive responsibilities for the Joint Committee.

The Joint Committee meeting of 20 January 2005 considered a report on Corporate Governance and resolved that appropriate scrutiny arrangements be implemented by the constituent Councils and that the delegation arrangements and Agreement be reviewed. The Agreement was last amended in September 2006.

Due to the passage of time since the last review it is considered necessary to review and amend the Agreement further to accommodate the current legislative requirements and reflect operational practices. The proposals are contained within a change table at **Appendix 1** while the proposed amended Agreement is attached at **Appendix 2**. It is further proposed that the Agreement be reviewed again after a period of two years.

Changes to the Agreement require the consideration by each of the constituent Council's appropriate Committees and full Council meetings prior to implementation. Should the Agreement progress accordingly, it will be considered by at Broxtowe Borough Council's Governance, Audit and Standards Committee on 22 July, followed by a full Council meeting 9 October 2024. Erewash Borough Council would be due to consider the Agreement at a meeting of its Executive prior to a full Council meeting on 31 October 2024.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

The Treasurer to the Bramcote Bereavement Services Joint Committee will continue to be the Deputy Chief Executive and Section 151 Officer at Broxtowe Borough Council. Whilst the changes being proposed to the Joint Committee Agreement do provide further clarity, it is not thought that these updates will significantly alter the current operational and strategic arrangements.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

Failure to have a legally sound governance structure could increase the likelihood of legal challenge and/or customer complaints relating to the operation of the Crematorium. This review has taken place to ensure the Joint Committee continues to operate with a sound governance structure that fairly apportions the risk and reward of operating the Crematorium site. The review has incorporated changes in legislation and reflects current operational practices.

6. Human Resources Implications

Not applicable

7. Union Comments

Not applicable

8. Climate Change Implications

The climate change implications are contained within the report.

9. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

As there is no change to policy an equality impact assessment is not required.

11. Background Papers

There are no background papers.

## Appendix 1

| Section        | Suggested Change  | Reason for Change  |
|----------------|---|--|
| Cover Page p.1 | <b>Agreement with Erewash Borough Council Establishing The Joint Committee for Bramcote crematorium Bereavement Services</b>  | To reflect the change of name of the Service.                        |
| (1) p.2        | THIS <del>DEED</del> OF AGREEMENT is made the day of Two Thousand and <b>Twenty Four</b>  | Removal of the unnecessary word 'deed' and provide the correct date. |
| 1. p.2         | <b>Bereavement Services</b> at Bramcote <b>Crematorium</b>  | 'Crematorium' inserted to define what the Services relate to         |
| 1.1 p.2        | <b>"Bereavement Services" the Services related to the provision, maintenance and management of Bramcote Crematorium</b>   | Inserted for clarification   |
| 1.1 p.3        | "Clerk" the person appointed by virtue of paragraph 16.1 to carry out certain duties allocated by this Agreement <b>or one of the Clerk's nominated deputies in the case of absence or illness</b>  | For reasons of contingency   |
| 1.1 p.3        | "Monitoring Officer" Broxtowe's <b>Monitoring Officer</b> being the person designated under Section 5 of the Local Government and Housing Act 1989 <b>or one of the Monitoring Officer's nominated deputies</b> in the case of absence or illness | For reasons of contingency   |
| 1.1 p.4        | Addition of: <b>"Treasurer" the person appointed by virtue of paragraph 16.1 to carry out certain duties allocated by this Agreement or one of the Treasurer's nominated deputies in the case of absence or illness</b>                           | For reasons of contingency   |
| 3 p.6          | Addition of <b>Bereavement Services</b>   |  |
| 9 p.8          | <u>Voting</u><br>Every <b>motion</b> or question at a meeting of the Joint Committee shall be decided by a majority vote  | To include motions for debate.                                       |

| Section           | Suggested Change   | Reason for Change                                  |
|-------------------|--|--|
| 10.1 and 10.4 p.9 | Minutes<br>The Clerk <b>to the Joint Committee</b>   | For reasons of clarification                       |
| 13.1 p.9          | If the Joint Committee shall at any time <b>determine</b> require to <del>that</del> incur capital expenditure <b>shall be incurred</b> for  | To clarify financial roles                         |
| 13.1.3 p.10       | unless the Joint Committee shall in their discretion decide to <del>delay</del> <b>defray</b> such expenditure out of revenue  | To clarify financial roles                         |
| 14.1 p.10         | All expenses incurred by the Joint Committee out of income <b>arising out of the provision of the Bereavement Services</b> in any financial year shall be borne equally by the Authorities   | To clarify financial roles                         |
| 14.2 p.10         | the Joint Committee <del>might</del> <b>may</b> estimate as half of the expected deficit <b>incurred in connection with the provision of the Bereavement Services</b> for that financial year  | To clarify financial roles                         |
| 14.3 p.10         | As soon as possible after the end of any financial year the Joint Committee shall calculate the exact <b>amount of</b> net revenue <b>and net</b> expenditure <b>in connection with the provision of the Bereavement Services</b> for the preceding <b>financial</b> year and shall make the appropriate adjustment <b>of in relation to</b> the payments already made <b>to the Joint Committee</b> by each Authority | To clarify financial roles                         |
| 14.4 p.10         | The Joint Committee may use or carry forward part or all of any profit or surplus <b>arising out of the provision of the Bereavement Services</b> made in any financial year for the purpose of  | To clarify financial roles                         |
| 16.3 p.11         | The <del>functions</del> Joint Committee shall <b>delegate the provision of the Bereavement Services to be dealt with</b> by Broxtowe Officers in accordance with the attached Schedule.   | Rewording  |
| 19. p.12          | <u>Termination</u><br>If <b>either of</b> the Authorities <b>wish to terminate this Agreement they shall be required to give to the other authority not less than 24 months' notice to expire [at any time/on 31 March in any year]</b>  | Clarification of the termination of the Agreement. |

| Section       | Suggested Change   | Reason for Change  |
|---------------|--|--|
| 20. p.12      | <u>Variation</u><br>No variation of this Agreement shall be effective unless it is in writing and signed by the authorised representatives of the parties.   | Clarification of the variation of the Agreement.   |
| 21 p.12       | <u>Arbitration</u><br>Any dispute between the Authorities under or arising out of this Agreement shall be referred to a single arbitrator to be agreed upon by the Authorities or in default of Agreement to be nominated by the Secretary of State for Communities and Local Government or such other Government Minister as shall be appropriate in accordance with and subject to the provisions of the Arbitration Act 1996 or any statutory modification or re-enactment thereof of them for the time being in force  | To reference the year of the Act.  |
| 22 p.12       | <u>Complaints</u><br>Any complaint received by the Joint Committee or either or both of the Authorities relating to the Bereavement Services or any Officer of the Authority employed thereat or to the performance of functions under arising out of the provision of the Bereavement Services this Agreement shall be dealt with in the first instance in accordance with Broxtowe's formal complaints procedure and if the complaint is not resolved as a result of that process. or if a complaint is received from the Local Government Ombudsman by the Monitoring Officer | Updates to the term 'Bereavement Services'<br><br>To reflect the current complaints procedure. |
| 24 p.12       | <u>General</u><br>The Contracts (Rights of Third Parties Authorities) Act 1999 shall not apply to this Agreement   |  |
| Schedule p.14 | Various updates to post titles   |  |

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*Broxtowe Borough Council  
Constitution*

*Chapter 6*

**AGREEMENT WITH EREWASH BOROUGH COUNCIL  
ESTABLISHING THE JOINT COMMITTEE FOR  
BRAMCOTE **BEREAVEMENT SERVICES****

**THIS DEED OF AGREEMENT** is made the                      day of  
Two Thousand and ~~Twenty Three~~ **Four** **BETWEEN:**

- (1) **BROXTOWE BOROUGH COUNCIL** of Council Offices Foster Avenue Beeston Nottingham NG9 1AB ("Broxtowe") and
- (2) **EREWASH BOROUGH COUNCIL** of Town Hall Ilkeston Derby DE7 5RP ("Erewash")

**WHEREAS:**

1. The Authorities to this Agreement ~~Deed~~ have by their respective Executive Cabinets and by virtue of Section 102 (1) of the Local Government Act 1972 the Local Government Act 2000 the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and all and every power enabling them agreed and resolved to constitute a Joint Committee to exercise the powers which each of the Authorities hereto might respectively have exercised by virtue of the Cremation Acts 1902 and 1952 for the provision ~~running~~ maintenance and management of the existing **Bereavement Services** at Bramcote **Crematorium** within the Borough of Broxtowe which is more particularly described in paragraph 1 below
2. The said Authorities now wish to constitute the said Joint Committee on the terms set out below and to the intent that the Deeds of Agreement between the said Authorities and dated 15 July 1976, 30 July 2001 and 1 September 2006 shall forthwith cease to have any effect

**NOW** in pursuance of the said Agreement ~~and the respective resolutions~~ and in consideration of these presents **THIS AGREEMENT WITNESSES** as follows:

1. Definitions and interpretation

- 1.1 In this Agreement the following expressions have the meanings set out below, unless the context otherwise requires:

"Authority" either Broxtowe or Erewash and "Authorities" shall be construed accordingly

"Annual Meeting" the annual meeting of the Joint Committee held each year in accordance with paragraph 7.2 of this Agreement

**"Bereavement Services" the services related to the provision, maintenance and management of Bramcote Crematorium**

"Blue Land" land forming part of the Crematorium Site and shown shaded blue on the Plan

"Chief Executive" the head of an Authority's paid service being the person designated as such under Section 4 of the Local Government and Housing Act 1989

“Clerk” the person appointed by virtue of paragraph 16.1 to carry out certain duties allocated by this Agreement or one of the Clerk's nominated deputies in the case of absence or illness

“Commencement Date” the                      day of                      2024

“Council” the Council of elected Members of one or other of the Authorities to this Agreement

“Crematorium” the crematorium known as Bramcote Crematorium which includes all buildings grounds equipment and other property appurtenant thereto

“Crematorium Site” the land shown edged red on the north-west side of Coventry Lane Bramcote in the Borough of Broxtowe and comprising the Blue Land and the Pink Land

“Executive Cabinet” in relation to each Authority the group of Executive Members including the Leader of the Council appointed by the Council of the Authority to act with the Leader for the purposes of Section 15 of the Local Government Act 2000

“Financial Year” the period running from 1 April in one calendar year until 31 March in the next calendar year (inclusive)

“Joint Committee” the Bramcote Bereavement Services Joint Committee constituted by this Agreement

“Member” unless the context otherwise so requires, a Member of the Joint Committee

“Monitoring Officer” Broxtowe’s Monitoring Officer being the person designated under Section 5 of the Local Government and Housing Act 1989 or one of the Monitoring Officer's nominated deputies in the case of absence or illness

“Ordinary Meeting” any meeting of the Joint Committee that is not an Annual Meeting or a Special Meeting

“Pink Land” land forming part of the Crematorium Site and shown shaded pink on the Plan

“Plan” the plan attached hereto

“Principal Office” in the case of Broxtowe the Council Offices and in the case of Erewash the Town Hall as referred to at the beginning of this Agreement

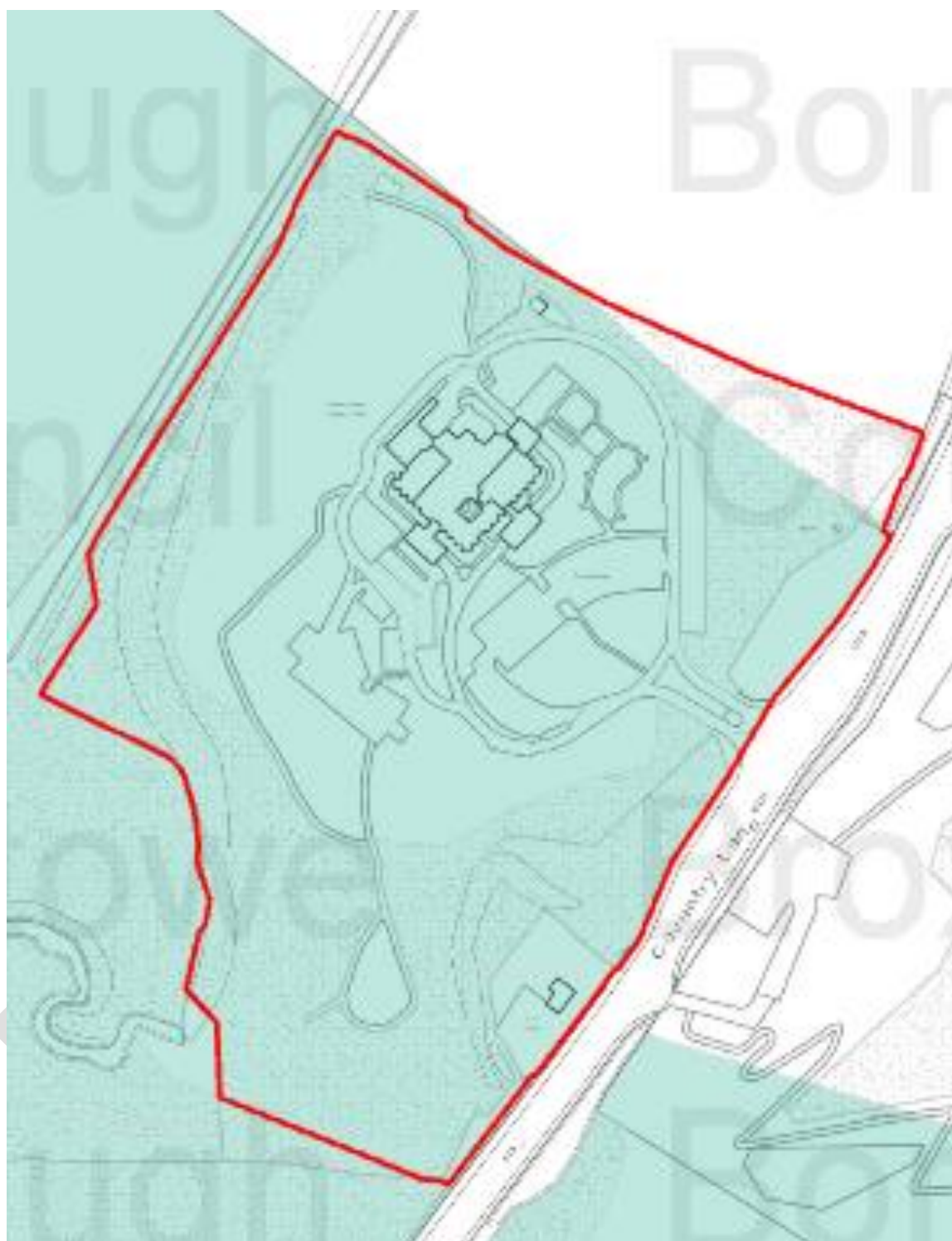
“Special Meeting” a meeting of the Joint Committee convened in accordance with paragraph 7.6 of this Agreement

“Treasurer” the person appointed by virtue of paragraph 16.1 to carry out certain duties allocated by this Agreement or one of the Treasurer’s nominated deputies in the case of absence or illness

- 1.2 Words importing one gender include all other genders; and
- 1.3 Words importing the singular include the plural and vice versa
- 1.4 The clause paragraph and schedule headings do not form part of this Agreement and shall not be taken into account in its construction or interpretation

REFERENCE

Bramcote Crematorium



1.5 References to statutes sections of statutes or statutory instruments shall include any statutory modifications or re-enactment thereof from time to time and for the time being in force

2. Duration of Joint Committee

The Authorities shall constitute the Joint Committee from the Commencement Date and the Joint Committee shall continue thereafter unless and until determined by either Authority or both of them under the provisions contained in this Agreement

3. Name of Joint Committee

The Joint Committee shall be known as the Bramcote **Bereavement Services** Joint Committee

4. Provision and location of Crematorium

4.1 The Crematorium is located on the Crematorium Site which site was acquired by the Authorities prior to the date hereof and more particularly the Blue Land was acquired on 3 June 1976 and the Pink Land was acquired on 6 November 1996

4.2 The Crematorium Site is now vested in Broxtowe by virtue of Section 120(4) of the Local Government Act 1972 and all and every power so enabling and registered at HM Land Registry with Title Absolute under Title Number NT66152

5. Membership

5.1 The Joint Committee shall consist of Members appointed by the Authorities as follows:

5.1.1 The Executive Cabinet or Council (as appropriate) of each Authority shall appoint from its own membership three Members which appointments shall reflect the political balance of each membership

5.1.2 Subject to the provisions of this Agreement each Member shall continue in office for a period of one year or until such time as he shall cease to be a Member of the Council by whom he is appointed whichever is the sooner and any provisions in the Procedure Rules of either Authority to the contrary is hereby waived

5.1.3 If either Authority does not appoint the number of Members which it is entitled to appoint the other Members of the Joint Committee shall be competent to carry out the business thereof pursuant to this Agreement

5.1.4 Any person who is a Member of the Councils of both Authorities shall only represent the first Authority to appoint him as a Member and any subsequent appointment by the other Authority shall be void

- 5.2 The Chief Executive of each Authority shall notify the Chief Executive of the other Authority and the Clerk within fourteen days of any appointment of a Member of his Council to the Joint Committee
  - 5.3 Any Member may at any time resign his office as such Member by notice addressed to the Clerk who shall forthwith notify the respective Chief Executives of each of the Authorities
  - 5.4 Any Member may be removed at any time by resolution by the Executive Cabinet or Council (as appropriate) of the Authority by whom he was appointed but such removal should only become effective upon receipt by the Clerk of notification thereof
6. Chair and Vice Chair
- 6.1 At the first meeting of the Joint Committee and subsequently at its Annual Meeting in each successive year the Joint Committee shall select one of its Members as Chair and another as Vice-Chair for the forthcoming year provided that at no time shall the Chair and Vice Chair be Members of the same Authority
  - 6.2 The offices of Chair and Vice-Chair shall in successive years alternate between Members from each Authority so that no Authority has in office a Member or Members for more than the period from one Annual Meeting to the next
  - 6.3 The elected Chair and Vice-Chair shall remain in office until the next Annual Meeting unless by reason of death resignation disqualification or any other cause before that time and upon a vacancy occurring during the term of office another Member from the same Authority shall be appointed by the Joint Committee to fill the vacancy until the next Annual Meeting
  - 6.4 If there is equality of votes as to the appointment of Chair or Vice-Chair then the Chair for the time being of that meeting shall have a casting vote
7. Meetings of the Joint Committee
- 7.1 The first meeting of the Joint Committee shall be convened by the Clerk
  - 7.2 The Joint Committee shall hold an Annual Meeting before the end of June in each year
  - 7.3 Other than the Annual Meetings, meetings shall be held at such places and on such dates and at such times as the Joint Committee may decide from time to time save that meetings shall be held not less than quarterly
  - 7.4 Ordinary meetings and Annual Meetings of the Joint Committee shall be convened by the Clerk who shall deliver notice thereof to each Member at least five clear days before the date of the meeting (provided that failure to serve such a notice on any Member of the Joint Committee shall not affect the validity of the meeting)



- 7.5 With the notice referred to in paragraph 7.4 the Clerk shall send a copy of the agenda for the meeting which shall include:
- 7.5.1 provision for the declaration of disclosable pecuniary interest and/or other interest for the purposes of the Code of Conduct
  - 7.5.2 all items of business which have been, or are deemed to have been, referred to the Joint Committee by a Scrutiny Committee, the Cabinet or a Council resolution of either Authority;
  - 7.5.3 all reports submitted by any Officer of either Authority; and
  - 7.5.4 any item of business directed to be included by the person appointed to preside at the meeting
- 7.6 A quorum of three Members must be present to constitute a meeting provided that there is at least one Member present from each Authority
- 7.7 The Chair and two or more Members of the Joint Committee may at any time by notice specifying the business to be transacted and sent to the Clerk require a Special Meetings of the Joint Committee to be convened and the Clerk shall accordingly convene a Special Meetings which shall be held within thirty clear days of receipt by the Clerk of the said notice
- 7.8 The Clerk shall give Members of the Joint Committee at least five clear days' notice of the Special Meeting and such notice shall specify the business proposed to be transacted
- 7.9 No business shall be transacted at a Special Meeting other than that specified in the notice sent to the Clerk and referred to in paragraph 7.7 above
8. Persons<sup>s</sup> presiding at Meetings
- The Chair or in his absence the Vice-Chair shall preside at every meeting provided that if both the Chair and the Vice-Chair are absent the Members present shall elect another Member of the Joint Committee who shall preside at that meeting
9. Voting
- 9.1 Every **motion or** question at a meeting of the Joint Committee shall be decided by a majority vote of those Members present and in the case of an equality of votes the person presiding at the meeting shall have a second and casting vote
  - 9.2 Except where a requisition is made under the next paragraph 9.3, the method of voting at meetings of the Joint Committee shall be by show of hands
  - 9.3 If a requisition for a recorded vote is made by any Member present before a vote is taken on any question or motion, the voting shall be recorded so as to show whether each Member present voted for or against that question or motion or abstained from voting



## 10. Minutes

- 10.1 The Clerk **to the Joint Committee** shall be responsible for keeping a record of attendance and a record of the business transacted at every meeting of the Joint Committee and the minute book shall be submitted to, and signed at the next following meeting
- 10.2 The person presiding at the next following meeting referred to in paragraph 10.1 shall put the question that the minutes be approved as a correct record of the previous meeting
- 10.3 No discussion shall take place upon the minutes, except upon their accuracy. If no question is raised as to the accuracy or if it is raised then as soon as it is disposed of, the person presiding shall sign the minutes
- 10.4 Copies of the minutes of every meeting of the Joint Committee and any Sub-Committee thereof shall as soon as possible after each meeting be sent by the Clerk **to the Joint Committee** to the Chief Executive of each Authority and each Chief Executive shall submit a copy of the minutes to the appropriate Committee of his Council for consideration at the next meeting thereof, subject to proper notice in accordance with that Council's Procedure Rules
- 10.5 If any matter or decision arising from the minutes of the Joint Committee is referred **back** by a Committee of either Authority to the Joint Committee, it shall be reconsidered in the light of the Committee's reference and reasons by the Joint Committee at the next Joint Committee meeting of which proper notice of the matter can be given and the Joint Committee's decision after such reconsideration shall be final

## 11. Sub-Committees

- 11.1 The Joint Committee may from time to time appoint Sub-Committees for any general or special purposes in connection with their powers and functions. Any Sub-Committee so appointed shall consist only of Members but shall include at least one Member from each Authority
- 11.2 The Joint Committee shall at the time of appointing any Sub-Committee resolve what shall be the terms of reference of that Sub-Committee

## 12. Vacancies

No act or proceeding of the Joint Committee shall be questioned on account of any vacancy or on account of any defect in the appointment of any Member

## 13. Capital Expenditure

- 13.1 If the Joint Committee shall at any time **determine** ~~require to~~ **that** incur capital expenditure **shall be incurred** for

- 13.1.1 the acquisition of property;
- 13.1.2 the construction of works; or
- 13.1.3 any other capital purposes in connection with its powers

then (unless the Joint Committee shall in their discretion decide to ~~delay~~ defray such expenditure out of revenue) the Authorities shall, either pay such sums in equal shares to the Joint Committee at such times as the Joint Committee shall direct, or if the Joint Committee so decides and subject to any necessary statutory or other consents borrow the sum required in equal shares on the terms and conditions prescribed or approved by the Joint Committee

13.2 The Joint Committee shall from time to time pay the amounts of all interests and all instalments of principal or other payments that become due under any loan raised pursuant to paragraph 13.1 above.

#### 14. Revenue and Expenditure

14.1 All expenses incurred by the Joint Committee out of income arising out of the provision of the Bereavement Services in any financial year shall be borne equally by the Authorities

14.2 The Joint Committee may require each Authority to pay to the Joint Committee on 1 April or such other date as the Authorities may determine in each financial year such sum as the Joint Committee might may estimate as half of the expected deficit incurred in connection with the provision of the Bereavement Services for that financial year

14.3 As soon as possible after the end of any financial year the Joint Committee shall calculate the exact amount of net revenue and net expenditure in connection with the provision of the Bereavement Services for the preceding financial year and shall make the appropriate adjustment of in relation to the payments already made to the Joint Committee by each Authority

14.4 The Joint Committee may use or carry forward part or all of any profit or surplus arising out of the provision of the Bereavement Services made in any financial year for the purpose of

- 14.4.1 paying debts
- 14.4.2 meeting contingencies or
- 14.4.3 meeting future expenses

But any amount of such profit or surplus not so applied shall be returned to the Authorities in equal shares

#### 15. Interest on sums due

Any sum properly payable by either of the Authorities to the Joint Committee whether of a capital or revenue nature, which is not paid by the due date shall be liable to interest at the base lending rate of the Barclays Bank plc until such time as the sum due is paid in full

## 16. Appointment of Officers

- 16.1 (a) The Clerk shall be the Chief Executive of Broxtowe
  - (b) The Treasurer shall be the Deputy Chief Executive of Broxtowe
  - (c) Erewash shall appoint a Liaison Officer to the Joint Committee and the Chief Executive of Erewash shall notify and keep notified the Clerk of the person appointed by Erewash to the post
- 16.2 The Joint Committee shall appoint and pay such employees as it is deemed necessary to provide equip maintain and manage the Crematorium and all services and duties ancillary thereto and required to be provided by virtue of this Agreement or by statute and such employees shall be enabled to join any pension scheme which employees of Broxtowe are entitled to join by virtue of their individual contracts of employment
- 16.3 The ~~functions~~ Joint Committee shall **delegate the provision of the Bereavement Services to be dealt with by** Broxtowe Officers in accordance with the attached Schedule. For the avoidance of doubt the identified Officers shall include Officers succeeding to the named Officers' responsibilities on any re-organisation

## 17. Accounts

- 17.1 The Treasurer shall keep accounts of all moneys received by and all expenditure of the Joint Committee as may be required for the purposes of Part 8 of the Local Government Act 1972
- 17.2 As soon as practicable after the end of the Financial Year the Joint Committee shall send to each Authority a full report of the operations of the Joint Committee during the last financial year and a copy of the accounts therefore
- 17.3 Broxtowe will carry out an annual audit of the accounts and the Joint Committee will provide a copy of the report thereof to each of the Authorities as soon as practicably possible after receipt of the same

## 18. Performance of Agreement

- 18.1 The Authorities shall at all times take all or any action as may be necessary for giving full effect to this Agreement and every provision and obligation contained herein and any decision made by the Joint Committee pursuant hereto
- 18.2 Each Authority shall bear its own costs for the negotiation preparation completion and stamping of this Agreement

18.3 If either Authority shall fail to carry out any necessary act required to be taken pursuant to paragraph 18.1 above, the other may implement any reasonable measures necessary to give effect to this Agreement or any proper decision of the Joint Committee and the reasonable costs thereof shall be recoverable as a debt from the Authority which so failed to act

## 19. Termination

~~19.1~~ If either of the Authorities wish to terminate this Agreement they shall be required to give to the other authority not less than 24 months' notice to expire [at any time/on 31 March in any year]

## 20. Variation

No variation of this Agreement shall be effective unless it is in writing and signed by the authorised representatives of the parties. ~~wish to make any alterations to the terms hereof then in default of agreement between the Authorities the matter shall be referred to arbitration in accordance with paragraph 20 below~~

## 21. Arbitration

Any dispute between the Authorities under or arising out of this Agreement shall be referred to a single arbitrator to be agreed upon by the Authorities or in default of Agreement to be nominated by the Secretary of State for Communities and Local Government or such other Government Minister as shall be appropriate in accordance with and subject to the provisions of the Arbitration Act 1996 or any statutory modification or re-enactment thereof of them for the time being in force

## 22. Complaints

Any complaint received by the Joint Committee or either or both of the Authorities relating to the Bereavement Services or any Officer of the Authority employed thereat or to the performance of functions under arising out of the provision of the Bereavement Services this agreement shall be dealt with in the first instance in accordance with Broxtowe's formal complaints procedure and if the complaint is not resolved as a result of that process. ~~or if a complaint is received from the Local Government Ombudsman by the Monitoring Officer~~

## 23. Notices

Notices under this Agreement shall be in writing and except where otherwise specifically provided herein delivered or dispatched by first class post to the Principal Office of the Authority or the Principal Office of the Authority by whom the Clerk is employed as the case may be. A notice given by first class post is deemed to be have been received three working days after it has been sent

## 24. General

The Contracts (Rights of Third Parties) Act 1999 shall not apply to this agreement

**EXECUTED** by the Authorities the day and year first before written

**EXECUTED** by )

**BROXTOWE BOROUGH COUNCIL** )

In the presence of: )

Mayor

Duly Authorised Officer

**EXECUTED** by )

**EREWASH BOROUGH COUNCIL** )

In the presence of: )

Mayor

Duly Authorised Officer

## **SCHEDULE**

(Functions of the Joint Committee dealt with by Broxtowe Officers)

Meetings: agendas

Clerk (Chief Executive)

Minutes: preparation and distribution

Clerk to the Joint Committee  
(Head of Democratic Services)

Governance: procedure rules, complaints Monitoring Officer

Finance: treasurer, financial regulations, budgets, accounts, insurance, audit, medium-term financial strategy, risk management

Treasurer (Deputy Chief Executive)

Head of Paid Service: Officer liaison on all Bereavement Services matters and overall management control, service delivery plan, performance management

Executive Director

Conditions of service, employee relations, establishment, payroll, employee appeals and consultation, recruitment and training, health and safety, IT development and maintenance

Executive Director

Public relations: press releases, Communications

Executive Director

Information Governance: freedom of information

Executive Director

Legal services: legal advice, bad debts

Monitoring Officer

Buildings & Land: estates, assets, contracts & leases, architect, surveyor, developer of grounds

Clerk (Chief Executive)

Environment: noise, pollution (monitoring and control)

Strategic and Business Development Manager

Cremations: specialist professional and statutory advice on cremation administration, procedures, rules and regulations, liaison with users

Strategic and Business Development Manager

Funeral services supervision, interments and ancillary activities

Strategic and Business Development Manager

Building grounds maintenance,  
supervision and security

Strategic and Business Development  
Manager

Income and expenditure control  
within financial regulations

Strategic and Business Development  
Manager

REFERENCE

**DATED** 2024

**B E T W E E N**

**BROXTOWE BOROUGH COUNCIL**

**and**

**EREWASH BOROUGH COUNCIL**

**A G R E E M E N T**

**Relating to Joint Use Arrangements  
for Bramcote **Bereavement Services**,  
Bramcote in the County of Nottingham**

*Bramcote Bereavement Services/Draft Joint  
Committee Agreement 2024*



## Report of the Leader of the Council

### Deputy Portfolio Holders

#### 1. Purpose of Report

To inform Cabinet of the Leader's intention to allow for the appointment of Deputy Portfolio Holders, as necessary, following an amendment to the Constitution.

#### 2. Recommendation

**Cabinet is asked RECOMMEND to the Governance, Audit and Standards Committee, and subsequently full Council, to allow the Leader to appoint Deputy Portfolio Holders as appropriate to undertake functions such as those set out in paragraph 3 below.**

#### 3. Detail

The Constitution allows the Leader to appoint Portfolio Holders but is currently silent on the appointment of Deputy Portfolio Holders.

Three Cabinet Members have been appointed to the East Midlands Combined County Authority Committees, two as substitutes and one as a full committee member, (the latter being Councillor Gabrielle Bunn who has been appointed to the Jobs and Skills Committee). It is considered that the appointment of Councillor Bunn as Deputy Economic Development and Asset Management Portfolio Holder will assist with her role on the Jobs and Skills Committee through the reporting procedure. Councillor Bunn is already a member of Cabinet.

It is further suggested that the appointment of a Deputy will assist the Portfolio Holder for Economic Development and Asset Management, Councillor Milan Radulovic MBE, whose role has grown recently to include the following:

- Board Membership of the East Midlands Combined County Authority
- Representative of EM DEVCO Ltd Oversight body until its closure
- Membership of the Railways Growth Board and Economic Prosperity Committee
- Chair of the Joint Planning Advisory Board
- Oversight of the Stapleford New Town Deal, Kimberley LUF and UKSPF funding streams
- Oversight of the Brinsley Headstocks, within Colliers Wood.

4. Key Decision

This report is not a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

5. Updates from Scrutiny

Not applicable.

6. Financial Implications

There are no direct financial implications from the report. The Independent Remuneration Panel considers allowances before making recommendations that are submitted to full Council for a decision.

7. Legal Implications

The comments from the Deputy Monitoring Officer were as follows:

There are no legal implications from the report.

8. Human Resources Implications

The comments from the Human Resources Manager were as follows:

Not applicable.

9. Union Comments

The Union comments were as follows:

Not applicable.

10. Climate Change Implications

The climate change implications are contained within the report.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

Not applicable.

13. Background Papers

Nil.

## Report of the Chief Executive

### **Modernisation of Conditions to be Attached to Licences Issued for Premises Providing Massage, Special Treatments, Laser Treatments, Tanning and Sauna Services - Result of Public Consultation**

#### 1. Purpose of Report

To advise Members of the response to the public consultation on the draft conditions to be attached to licences issued under Nottinghamshire County Council Act 1985.

#### 2. Recommendation

**The Committee is asked to RECOMMEND to full Council that the conditions be approved for adoption. To give licence holders fair notice and opportunity to meet the new standards, the new standards will be introduced on 1 January 2025.**

#### 3. Detail

Members approved the content of the modernisation of conditions to be attached to the licences issued for premises providing Massage, Special Treatments, Laser and IPL Treatments, Tanning and Sauna Services under the Nottinghamshire County Council Act 1985 for public consultation between 17 June 2024 and 28 July 2024.

The current conditions attached to such licences have been in need of modernisation for some time, and this report is the conclusion of the work undertaken by relevant teams across all of the Nottinghamshire authorities, to promote and update the conditions attached to such licences.

A Massage and/or Special Treatments Licence is required under Part IV of the Nottinghamshire County Council Act 1985, by any person carrying on a business to provide the following services:

- Full body and part body massage
- Electric treatment
- Radiant heat, light or electric vapour treatment
- Sauna or other baths for therapeutic treatment
- UV tanning equipment including sunbeds and sun showers

- Laser and/or Intense Pulse Light (IPL) treatment using Class 3B and Class 4 Lasers.

All local authorities in Nottinghamshire, including Broxtowe Borough Council, have reviewed the conditions applied to Massage and Special Treatment Licences to ensure consistency across the County, and to ensure the minimum standards of safety and hygiene for clients and practitioners are promoted through the conditions attached to such licences.

No comments have been received following the consultation. Members are therefore asked to approve the conditions attached at **Appendix 1** and recommend that it be approved by full Council on 11 December 2024.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council at this stage with any costs being contained within existing budgets.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

The legal implications are set out in the report, these conditions derive from the Nottinghamshire County Council Act 1985 (Part IV). This is applicable to all the relevant licensing authorities in Nottinghamshire and is to ensure a high safety standard across the board and to ensure consistency.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

Not applicable.

7. Union Comments

The comments from the Union were as follows:

Not applicable.

8. Climate Change Implications

There are no Climate Change implications contained within the report.

9. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

As there is no change to policy an equality impact assessment is not required.

11. Background Papers

Nil.

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## Appendix 1

**Nottinghamshire County Council Act 1985 (Part IV)**  
**Licensing of Premises for Massage and/or Special Treatments**

**Part 1 – Conditions applicable to Establishments offering Massage and Special Treatments**

In these conditions:

**“Council” or “Local Authority”** means the Local Authority who may issue a massage and special treatments licence.

**“Establishment”** means and includes any premises used or represented as being or intended to be used for the reception or treatment of persons requiring massage or special treatment.

**“Licence Holder”** means the holder of this Licence issued by the Council under Part IV of the Nottinghamshire County Council Act who is responsible for compliance with these conditions

**“Massage and Special Treatment or Licensable Treatment”** means and includes (a) massage, or (b) electric treatment or radiant heat, light, electric vapour or sauna or other baths for therapeutic treatment or (c) other similar treatment that requires a licence from the Local Authority under Part IV of the Nottinghamshire County Council Act 1985.

**“Operator”** means any person providing a licensable treatment on behalf of the Licence Holder.

**“Premises”** means the premises identified in the body of this licence as the place from which the Licence Holder operates.

**“User(s) or Client(s)”** means any person receiving the massage or special treatment provided or operated by the Licence Holder.

1. This licence relates only to Licensable Treatments of the kind specified at the Establishment listed on this licence.
2. The Licence Holder shall notify the Council in writing of all new Operators engaged in giving treatment with their names, addresses and qualifications within 28 days of those Operators commencing treatment.
3. An application for the grant or renewal of a licence shall be made on the official form supplied by the Council, which shall be properly completed and signed by the person or persons actually proposing to or carrying on the Establishment.
4. Unless the licence is previously revoked, the licence will expire twelve months from the date of issue.
5. The Council may on application of the Licence Holder, or of any person to whom he wishes to assign the licence, transfer the licence to that person after receipt of a completed application form and payment of the appropriate fee.

### **Documents**

6. The Licence Holder shall set a list of fees and charges for all Licensable Treatments given at the Establishment. The list of fees and charges shall be displayed in a prominent place in the Establishment for Clients to see and on any website for the Establishment.
7. The Licence Holder shall not, suffer or permit in the Establishment, any act of an indecent or disorderly character and shall take all necessary steps to exclude from the Establishment a Client or any other person who has committed such an act in the Establishment.
8. Unless the Licence Holder has written consent from the Council, the Licence Holder shall not employ anyone at the premises whose licence has previously been revoked or who has been refused a licence because they were unsuitable to hold a licence or employ anyone at the premises where the Council has previously considered that individual to be unsuitable because of misconduct.

### **Practitioners and Clients**

9. All Operator(s) shall be adequately trained and competent or supervised by a competent Operator.
10. The Licence Holder shall prepare and maintain a register of all Operators including trainees who carry out Licensable Treatments at the Establishment. The register shall include the following:
  - a. Name and home address
  - b. Date of birth
  - c. A photograph of the Operator
  - d. A list of licensable treatments the operator can carry out
  - e. Details of their qualifications and training including any copies of certificates



11. Trainee and newly qualified Operators shall be supervised until the Licence Holder is satisfied that they are competent to practice. Trainees can only carry out Licensable Treatments under the supervision of an Operator who has attained the relevant qualification and/or experience for that Licensable Treatment.
12. The Licence Holder shall ensure all Operators employed in the Establishment shall be decently and properly dressed at all times, except for those persons receiving treatment in accordance with the conditions of this Licence.
13. The Licence Holder shall ensure all Operators complete a consultation form for all Clients prior to treatment that shall include:
  - a. Their name, date of birth and contact details
  - b. Nature of the treatment
  - c. Relevant medical history, health related questions and assessment including contraindications to treatment
  - d. Name of the operator giving the treatment.
  - e. A declaration that the risks associated with the treatment have been explained to the Client and understood.
14. The Licence Holder shall ensure that all Clients are provided with verbal and written aftercare advice that can be made available to them following the treatment. Evidence that Clients have received written aftercare advice shall be retained.

#### Premises

15. All internal walls, doors, windows, partitions, floors and floor coverings, ceilings shall be kept clean and in good repair as to enable them to be cleaned effectively.
16. All treatment rooms shall ensure the privacy of Clients at all times.
17. All treatment rooms that are provided with door locks shall be capable of being opened from the outside in the case of an emergency.
18. The premises, all furniture, instruments and equipment used for treatment purposes shall be kept clean, fit for purpose and in such good repair as to enable them to be cleaned effectively.
19. All tables, couches and seats used by Clients in the treatment areas shall have a smooth impervious surface and be cleaned and disinfected between each Client's use or have such suitable covering which shall be changed and where appropriate disposed of after each Client's use.
20. Operators shall ensure that any article or instrument used in the treatment:
  - a. is clean and in good repair and so far, as is appropriate, is sterile.
  - b. has not previously been used in connection with any other Client unless it consists of a material which can be and has been adequately cleaned and,

so far as is appropriate, sterilised.

21. The Licence Holder shall provide suitable and sufficient washing facilities to enable hygienic practices by all Operators including:
- a. A wash hand basin located to minimise the risk of cross contamination
  - b. Hot and cold running water at the wash hand basin
  - c. Drainage to the wash hand basin
  - d. Antibacterial soap
  - e. Drying facilities

All waste material and other litter from the treatment shall be placed in a suitably covered receptacle with adequate facilities provided for the disposal of the waste.

REFERENCE

**Nottinghamshire County Council Act 1985 (Part IV)****Licensing of Premises for Massage and/or Special Treatments****Part 2 – Conditions applicable to Establishments offering Sauna, Steam Rooms and/or Spa Pool Treatments**

In these conditions:

**“Council” or “Local Authority”** means the Local Authority who may issue a massage and special treatments licence.

**“Establishment”** means and includes any premises used or represented as being or intended to be used for the reception or treatment of persons requiring massage or special treatment.

**“Licence Holder”** means the holder of this Licence issued by the Council under Part IV of the Nottinghamshire County Council Act who is responsible for compliance with these conditions

**“Premises”** means the premises identified in the body of this licence as the place from which the Licence Holder operates.

**“Sauna”** means an insulated enclosure usually made of wood, together with heat generating equipment usually in the form of a heat-generating stove. Benches are provided within the sauna enclosure. Saunas provide a dry heat and the temperature may range from 85°C to 100°C for up to a 10 minute treatment.

**“Spa Pool”** means a pool full of warm water at approximately body temperature, designed for sitting in rather than swimming. It has jets of water, air bubbles or combination of both to provide a warm water massage. This includes jacuzzi and hot tubs in communal areas.

**“Steam Room”** means an enclosure made of an impervious material and steam generating equipment. They are designed to operate at temperatures of up to 50°C regulated by a thermostat with relative humidity of 80 to 100%. They produce a wet humid heat and are intended for indoor use. The treatment usually lasts between 6 and 12 minutes.

**“User(s) or Client(s)”** means any person receiving the massage or special treatment provided or operated by the Licence Holder.

**Age**

1. The Licence Holder shall ensure no person under the age of 16 is permitted to use the Sauna or Steam Room facilities alone. Persons aged 14 or 15 years are permitted to use the Sauna or Steam Room if accompanied by a parent or guardian.

**Facilities**

2. Guidelines on the safe use of the Sauna, Steam Room and/or Spa Pool shall be clearly displayed upon the entrance to the Sauna and/or Steam Room or near each unit.
3. Sauna/Steam Rooms shall have:
  - a) Adequate lighting to enable users to enter and exit safely
  - b) High and low level vents to provide adequate ventilation
  - c) A glazed panel to allow safe access and egress by Clients and supervising staff
  - d) A clock or timer visible to users from within the Sauna/Steam Room in order to monitor time elapsed in the Sauna and/or Steam Room facility
  - e) A thermometer indicating the temperature inside the sauna and/or steam room
4. Shower facilities shall be provided close to the Sauna, Steam Room and/or Spa Pool and Clients shall be advised to shower before entering.
5. A supply of fresh drinking water shall be available close to the Sauna and/or Steam Room, free of charge.
6. The temperature control device shall not be accessible to users of the Sauna and/or Steam Room.
7. Where the Sauna has hot coals, the coals shall be suitably protected by a guard rail or barrier that extends at least 100mm above the height of the coals.
8. There shall be a non-verbal alarm system in the facility linked to a manned reception area for summoning help when users are left unattended. The alarm shall continue to sound until it is manually switched to the 'off' position in order to silence it. The non-verbal alarm system shall be fitted within easy reach of a person using the equipment
9. The alarm system shall be tested daily when the Sauna, Steam Room and/or Spa Pool is available for use and the Licence Holder shall ensure records are maintained to show these checks are carried out by a competent person.
10. Clients shall be made aware of the alarm mechanism and how to use it.

**Procedures**

11. The Licence Holder shall have a written policy detailing the action to be taken in the event of the alarm system being activated. This shall be communicated to all relevant Operators.
12. The surface of the Sauna and/or Steam Room shall be cleaned and disinfected each day in accordance with manufacturer's instructions and with cleaning materials specified by the manufacturer.
13. The Licence Holder shall provide a procedure whereby all Steam Rooms are checked on a half hourly basis for cleanliness and for state of health of the user e.g. signs of fainting.

**Spa Pool Management**

14. Regular testing of the Spa Pool water shall be carried out by or on behalf of the Licence Holder to confirm that the water is chemically and bacteriologically within acceptable limits.
15. Records showing the pH and disinfectant levels (Chlorine, Bromine etc) shall be retained at the Establishment and be available to a Local Authority Officer upon request.
16. The Licence Holder must have a written policy of action to be taken in the event of an unsatisfactory microbiological result or other health concerns associated with use of the pool.
17. The Licence Holder shall have a written procedure detailing steps taken to ensure the maximum bather load for the facility is not exceeded.
18. The Spa Pool shall be emptied and refilled at regular intervals in accordance with the manufacturer's guidance and usage but in any event at least every week.
19. The water circulation system shall be in operation for a minimum of three hours per day.
20. Water jets shall be operated for a minimum of one hour per day.
21. The pool shall be drained and refilled if left unused for 5 days or more.

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**Nottinghamshire County Council Act 1985 (Part IV)**  
**Licensing of Premises for Massage and/or Special Treatments**

**Part 3 – Conditions applicable to Establishments offering the use of UV Tanning Equipment**

In these conditions:

**“Council” or “Local Authority”** means the Local Authority who may issue a massage and special treatments licence.

**“Establishment”** means and includes any premises used or represented as being or intended to be used for the reception or treatment of persons requiring massage or special treatment.

**“Licence Holder”** means the holder of this Licence issued by the Council under Part IV of the Nottinghamshire County Council Act who is responsible for compliance with these conditions

**“Operator”** means any person providing a licensable treatment on behalf of the Licence Holder.

**“Premises”** means the premises identified in the body of this licence as the place from which the Licence Holder operates.

**“User(s) or Client(s)”** means any person receiving the massage or special treatment provided or operated by the Licence Holder.

**“UV Tanning Equipment”** means any electrically-powered device designed to produce tanning of the human skin by the emission of ultra-violet radiation, provided by or made available at the Establishment.

1. The Licence Holder shall not permit:
  - The use of UV tanning equipment by
  - the hire of UV tanning equipment by, or
  - the sale of UV tanning equipment to persons aged under 18 years
2. All UV tanning equipment shall be adequately supervised. Tanning equipment shall not be used without the knowledge and authorisation of staff. Self-service UV tanning equipment is prohibited.
3. The Licence Holder shall ensure appropriately trained and competent Operators are available to provide adequate advice, supervision and assistance to Users. The training shall include suitable instruction in the control, use and operation of UV tanning equipment and its health and safety aspects. This shall be documented and available upon request by an Authorised Officer of the Local Authority.
4. Users shall be given full instruction on how to operate the equipment correctly and safely.
5. The Licence Holder shall ensure all Users are assessed and the following details recorded:
  - the Users skin type
  - any Contra Indicators relevant to this type of treatment
  - a record of the date and details of each use by the User
  - confirmation that full instruction on how to operate the equipment correctly and safely has been given
6. The Licence Holder shall ensure the details recorded for each User required by Condition 5 above are reviewed on an annual basis. Evidence of the annual review shall be retained by the Licence Holder.
7. The Licence Holder shall prepare a schedule of maximum exposure times based on the information supplied by the manufacturer of the UV Tanning Equipment and/or bulbs and the Operator shall advise Clients of suitable exposure levels to avoid over-exposure.
8. The Licence Holder shall ensure that the user is only exposed to a suitable strength and length of treatment appropriate for the user's skin category thereby not exposing Clients to any undue risk from using UV tanning
9. All UV tanning equipment shall be compliant with a maximum UV output of  $0.3\text{W/m}^2$  as specified in BS EN 60335-2-27 and any superseding standard.
10. Service and repair of the UV Tanning Equipment shall be carried out by a competent person in accordance with the manufacturer's instructions or operating manual for the UV Tanning Equipment. The Licence Holder shall produce, upon request by an Authorised Officer of the Local Authority, maintenance records for the UV tanning equipment.



11. A readily identifiable emergency stop mechanism shall be provided within easy reach of the User using the UV tanning equipment for use in an emergency to enable the user to switch off the equipment.
12. A suitable and sufficient warning system shall be provided that is accessible by the User to enable them to summon assistance. This shall be maintained in working order at all times.
13. All doors to treatment areas and individual tanning booths shall be able to be locked for user privacy and be capable of being overridden in an emergency, to allow access and egress.
14. The Licence Holder shall provide adequate protective eyewear free of charge. The user shall be advised to wear eye protection at every tanning session. Eye protection shall be properly cleaned and disinfected between each use or single-use protection provided.
15. The Licence Holder shall provide suitable facilities for Users to enable the removal of cosmetics; body sprays etc before using of the UV tanning equipment.
16. Arrangements shall be made to ensure that the surface of the UV tanning equipment is cleaned and disinfected after each use in accordance with manufacturer's instructions.
17. Signs shall be displayed in prominent positions giving current guidance to users as to the risks associated with UV Tanning treatments.
18. Where new tubes are fitted to UV tanning equipment, signs shall be displayed in a prominent position advising users to reduce their exposure times. These warning signs shall be displayed in accordance with timeframes specified by the tube manufacturer.

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**Nottinghamshire County Council Act 1985 (Part IV)****Licensing of Premises for Massage and/or Special Treatments****Part 4 – Conditions for the Use of Class 3B and Class 4 Lasers and Intense Light Systems (ILS)**

In these conditions:

|   |   |
|---|---|
| <b>Authorised User</b>                                  | Means any person who is suitably qualified to use Class 3B and Class 4 Lasers and/or Intense Light Systems at the Premises  |
| <b>The Controlled Area</b>                              | Means the room in which a specified piece of the Prescribed Equipment is used   |
| <b>Duty Holder</b>                                      | Means the legal duty holder for the purposes of the Nottinghamshire County Council Act 1985 and health and safety legislation   |
| <b>Expert Registered Healthcare Professional (ERHP)</b> | The ERHP is an expert doctor, dentist, clinical scientist or registered nurse with verifiable clinical expertise in using laser/ILSs to treat patients/clients and who can demonstrate that they have the necessary knowledge and experience to produce a treatment protocol. The ERHP must also be registered with their appropriate professional body and must ensure that any protocols written are within their area of expertise   |
| <b>Intense Light System (ILS)</b>                       | Means an intense light, being broadband non-coherent light which may or may not be filtered to produce a specified range of wavelengths; such radiation being delivered to the body with the aim of causing thermal, mechanical or chemical damage or physiological changes to structures such as the hair follicles, skin blemishes, or blood vessels while sparing surrounding tissues as far as is reasonably practicable. ILS includes IPL's (Intense Pulsed Light System). |
| <b>Laser</b>  | Means a Class 3B or Class 4 laser product, as defined in part 1 of the BS EN 60825-1 (Safety of laser products – Equipment classification and requirements)   |
| <b>Laser Protection Advisor (LPA)</b>                   | Means any person holding a current Certificate of Competence from a recognised assessing body to act as a Laser Protection Advisor or Radiation Protection  |

Adviser e.g. a member of the RPA 2000 or Association of Laser Safety Professionals (ALSP).

The LPA is the person providing expert advice on laser/ILS safety. The LPA will be knowledgeable and have expertise in matters relating to optical radiation equipment safety. The duties of the LPA include undertaking hazard analysis and risk assessment for each laser and IPL installation which are accepted by the employer to form part of the service's overall risk assessment framework. The LPA advises on laser/ILS safety training, the suitability of personal protective eyewear and ensuring that Local Rules are produced, signed, dated and implemented for each installation.

**Laser Protection Supervisor (LPS)**

Means a person having undergone the laser safety Core of Knowledge as defined by the Medicines and Healthcare Products Regulatory Agency and who is employed at the Premises to ensure that the Local Rules, risk assessments, operating practices, policies and procedures are implemented

**The Local Rules**

Means the Risk Assessments and Operating Practices prepared in accordance with condition 3 below

**The Premises**

Means the premises identified in the body of this licence as the place in which the Prescribed Equipment is operated

**The Prescribed Equipment**

Means the Laser/Intense Light System(s) identified in the body of this licence, as stipulated in the Premises Licence. The equipment must be legitimately CE-marked to indicate conformity with the relevant European Directive(s)

**Specified Treatments**

Means the treatments identified in the body of this Licence which are permitted to be carried out in the Premises using the Prescribed Equipment

**The Treatment Protocol**

Means a protocol produced or approved by an Expert Registered Healthcare Professional (ERHP) in relation to the practitioner's relevant area of practice which includes the matters specified in Condition 2.2 below

**1. USE OF LASERS AND INTENSE LIGHT SYSTEMS (ILS)**

- 1.1. Only the Specified Treatments may be provided at the Premises and only the Prescribed Equipment may be used to provide those Treatments.
- 1.2. No person shall be permitted to use the Prescribed Equipment unless they are appropriately trained in accordance with Section 7 and listed on the Register of Authorised Users in accordance with Section 4.
- 1.3. This Licence shall be displayed in a prominent position within the Premises where it can be easily viewed by Clients.
- 1.4. Written confirmation shall be provided by the Client prior to treatment that the risks and complications associated with the treatment which they are about to receive have been explained to them and have been understood by them, and that they consent to the treatment.
- 1.5. No persons under the age of eighteen (18) years may receive Specified Treatment(s) unless for the purpose of medical treatment provided under the supervision or direction of a registered medical practitioner.

**2. TREATMENT PROTOCOL**

- 2.1. A Treatment Protocol shall be produced by an Expert Registered Healthcare Professional (ERHP) and submitted to the Council for each treatment, specific to the Prescribed Equipment used, before that treatment is carried out or the equipment is used. If any revisions or amendments are made to the Treatment Protocol during the term of the licence, a copy of the revised Protocol shall be submitted to the Council as soon as is reasonably practicable and in any event within seven working days of those revisions taking effect.
- 2.2. A Treatment Protocol shall include the following:
  - 2.2.1. name and technical specifications of the equipment to which the Protocol relates
  - 2.2.2. contraindications to treatment
  - 2.2.3. treatment technique – general
  - 2.2.4. the treatment technique specific to application
  - 2.2.5. the risks and complications to be explained to the Client prior to treatment
  - 2.2.6. cleanliness and infection control
  - 2.2.7. pre-treatment tests
  - 2.2.8. post-treatment care
  - 2.2.9. recognition of treatment-related problems
  - 2.2.10. emergency procedures
  - 2.2.11. permitted variation on machine variables

2.2.12.procedure in the event of equipment failure

2.2.13.a version number or date

- 2.3. The treatment protocol shall be signed by the Expert Registered Healthcare Professional (ERHP) to confirm that the document is fit for purpose.
- 2.4. The Treatment Protocol shall be followed at all times this licence is in force and the equipment remains Prescribed Equipment.

### **3. LOCAL RULES**

- 3.1. Local Rules shall be produced and submitted to the Council for the Prescribed Equipment and if applicable for each handpiece on multi-platform laser/ILS to be used at the Premises before that equipment is used. If any revisions or amendments are made to the Local Rules during the term of the licence, a copy of the revised Local Rules shall be submitted to the Council as soon as is reasonably practicable and in any event within seven working days of those revisions taking effect.
- 3.2. The Licence Holder shall employ the services of a certified LPA to assist in the production of the Local Rules. Evidence of the LPA's laser/ILS certification should be available for reference on site.
- 3.3. The Local Rules document shall be issued, signed and dated by both the LPA and the duty holder.
- 3.4. The LPA shall visit the Premises in person initially to produce the Local Rules, risk assessments and operating practices. The risk assessment shall be signed, dated and include a date for next review/assessment.
- 3.5. A laser/ILS safety audit shall be completed every year and an on-site visit at least every four years by the LPA.
- 3.6. The Prescribed Equipment shall only be used in accordance with the Local Rules.
- 3.7. The Local Rules shall include information on the following:
  - 3.7.1. An assessment of the risks associated with the use of the Prescribed Equipment
  - 3.7.2. Device description (including output, serial numbers etc.) for all Prescribed Equipment
  - 3.7.3. Written procedures for safe use of the Prescribed Equipment (to include information on prevention of use by unauthorised persons; safe operation of device etc.)
  - 3.7.4. Adverse incident procedures including actions that shall be taken in cases of emergency e.g. eye exposure and details of the local accident and emergency department
  - 3.7.5. Emergency shutdown procedures (as set down in manufacturer's instruction manual or treatment protocol)

- 3.7.6. Details of the nominated LPA (including his or her name, business address and telephone number)
- 3.7.7. Details of nominated the LPS (including his or her full name, business address and telephone number)
- 3.7.8. Training requirements for Authorised Users for the use of Prescribed Equipment
- 3.7.9. A detailed plan of the Controlled Area(s), showing each piece of the Prescribed Equipment to be used in the Area and details of access to the Equipment, together with a complete plan of the Premises
- 3.7.10. Responsibilities of Authorised Users
- 3.7.11. Details of Protective eyewear (including information relating to when eyewear be worn and the minimum specification of protection required)
- 3.8. The Local Rules shall be updated if there are any changes made to any of the items detailed in Condition 3.7 above. Each update shall be approved by the LPA.
- 3.9. The Local Rules relevant to each specific piece of Prescribed Equipment shall be kept in the Controlled Area relating to that piece of Equipment whilst it is being operated.

#### **4. REGISTER OF AUTHORISED USERS**

- 4.1. A Register of Authorised Users shall be kept at the Establishment which includes details of trained personnel and signed declarations by those individuals stating that they accept and understand the procedures drawn up for the use of Prescribed Equipment.
- 4.2. Copies of any training or qualification certificates held by the Authorised Users shall be kept with the Register of Authorised Users.
- 4.3. Authorised Users shall sign statements to the effect that they have read, understood and will follow Local Rules at all times.

#### **5. REGISTER OF LASER/ILS USE**

- 5.1. A register shall be maintained for each piece of Prescribed Equipment to record the following information each time that the equipment is operated:
  - 5.1.1. the full name, date of birth and address of the person treated or a unique link to the customer details kept elsewhere
  - 5.1.2. date and time of treatment
  - 5.1.3. the Authorised User's signature
  - 5.1.4. the treatment given, including the site and an indication of the size of the area treated, type of treatment; equipment used and Laser/ILS parameters used
  - 5.1.5. any accident or adverse effects

5.2. The Register shall be either:

- a. A bound hard copy book with sequentially numbered pages with the front page containing details of the name and serial number of Prescribed Equipment, or;
- b. An electronic record that does not allow overwriting to the original entry

## **6. LASER PROTECTION SUPERVISOR (LPS)**

6.1. A suitably qualified and authorised member of staff having day to day responsibility for the premises shall be identified as the Laser Protection Supervisor (LPS), who shall ensure that the Register is maintained and the Local Rules and licence conditions are adhered to.

## **7. TRAINING**

- 7.1. All Authorised Users shall hold the Core of Knowledge Training Certificate. Core of knowledge training shall be repeated periodically at least every 5 years.
- 7.2. Authorised Users shall only use the Prescribed Equipment for treatments for which they have received the appropriate training; including suitable and sufficient training provided by the manufacturer or supplier for each specific piece of Prescribed Equipment and if applicable each handpiece that they operate on a multi-platform laser/ILS.
- 7.3. All Authorised Users shall receive regular update training, both planned and in reaction to relevant technological and medical developments.
- 7.4. Details of all training shall be recorded in the Register of Authorised Users required by Condition 4.1 above.

## **8. CONTROLLED AREA**

- 8.1. Prescribed Equipment shall only be used in a Controlled Area designated for its use in accordance with Condition 3.7.9 above.
- 8.2. The Controlled Area shall be clearly defined and not used for any other purposes, or as access or egress to other areas when treatment is being carried out.
- 8.3. An approved warning sign or light entry system which complies with current British Standards shall be in place on the door of the Controlled Area which shall only be on display when the Prescribed Equipment is in use.
- 8.4. The door to the Controlled Area shall be fitted with a suitable locking device to control access, which can be operated from the outside in an emergency.
- 8.5. Any windows in the Controlled Area shall be fitted with opaque blinds approved by the LPA, unless otherwise agreed in writing by the Local Authority.
- 8.6. The Controlled Area shall be kept clear of clutter.



- 8.7. Surfaces within the Controlled Area shall be of a matt or eggshell finish wherever possible. Mirrors and/or other reflective surfaces shall be covered or removed during treatment, and jewellery shall not be worn by the Authorised User or Client.
- 8.8. All Prescribed Equipment shall comply with current and any superseding standards (BS EN 60601-2-22; and BS EN 60601-2-57 for ILS) and shall display labels identifying them, their wavelength or range of wavelengths and the maximum output fluence, energy or power of the radiation emitted. The labels shall be clearly visible on the Prescribed Equipment.
- 8.9. Lasers/ILS's shall be serviced annually or in accordance with the Manufacturers' Instructions, by a competent person. A record of all such servicing, and any repairs to the Laser/ILS equipment shall be kept at the Premises.
- 8.10. The LPS shall ensure that the key or access code to any Prescribed Equipment is kept secure and only Authorised Users have access to the key or access code.
- 8.11. No more than one Prescribed Equipment shall be switched on in the Controlled Area during Client treatment.
- 8.12. When the Prescribed Equipment is in stand-by mode or in operation, the number of persons in the room shall be kept to a minimum.

## **9. PROTECTIVE EYEWEAR**

- 9.1. Protective eyewear which has been approved in writing by the LPA shall be worn by everyone within the Controlled Area whenever there is a risk of exposure to the laser beam/intense light radiation.
- 9.2. All protective eyewear shall be clearly marked with the wavelength range and protection offered as detailed in the Local Rules and shall comply with BS EN 207:2009 for lasers and BS ISO 12609-1 and -2:2013 for ILS, as amended.
- 9.3. Protective eyewear shall be maintained in a clean serviceable condition. Suitable storage shall be provided for protective eyewear, to prevent damage and unauthorised access to the equipment. Eyewear shall be cleaned as per the manufacturer's instructions.

## **10. INSPECTION OF RECORDS**

- 10.1. All records, training attendance certificates, and documents to which these conditions refer shall be kept on the Premises and shall be available for inspection by an Officer authorised by the Local Authority upon request.

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## Report of the Chief Executive

### **Review of the Gambling Act Statement of Principles 2025-2027**

#### 1. Purpose of Report

To advise Members of the response to the consultation on the Council's draft revised Gambling Act 2005 Statement of Principles for 2025-2027.

#### 2. Recommendation

**The Committee is asked to RECOMMEND to full Council that the Statement of Principles be approved for adoption for publication on 3 January 2025 and implementation on 31 January 2025 by full Council on 11 December 2024.**

#### 3. Detail

Members approved the content of the draft Statement of Principles on 11 June 2024 for statutory consultation between 17 June 2024 and 28 July 2024.

A number of comments have been received following the consultation and a schedule of the comments and the proposed response together with any proposed amendments to the Statement of Principles as attached at **Appendix 1**.

Members are therefore asked to approve the Statement of Principles attached at **Appendix 2** and recommend that it be approved by full Council on 11 December 2024.

The Equality Impact Assessment which accompanied the report on the draft Statement of Principles is attached at **Appendix 3** and a change table is attached at **Appendix 4**.

The Council is required to publish the Statement by 3 January 2025 and implement the policy on 31 January 2025.

#### 4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no anticipated financial implications for the Council's approved budget.

#### 5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

The relevant legislation is set out in the report, Section 349 of the Gambling Act

2005 (The Act) requires the Council in its role as Licensing Authority to prepare and publish a statement of the principles they propose to apply in exercising their functions under the Act. The statement of licensing policy must be reviewed and if necessary revised every three years with the Statement of Licensing Policy then being published.

The form of the statement of licensing policy or any revision is a matter for the Council however, this is subject to Regulations 4 to 6 of the Gambling Act 2005 (Licensing Authority Policy Statement) (England & Wales) Regulations 2006.

it.

All consultation responses should be fully considered when forming the statement of licensing policy, this is in order to minimise the risk of legal challenge. In accordance with the Act, the Council must publish a statement of licensing policy. A failure to adopt and publish a statement of licensing policy will leave the Council open to a significant risk of challenge, including potential judicial review. The Council must also ensure that all aspects of the legislative process, as outlined above, are followed. Pursuant to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the Council's Gambling Policy is required to be part of the Council's policy framework and adoption of that Policy is within the remit of Licensing and Appeals.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

Not applicable.

7. Union Comments

The Union comments were as follows:

Not applicable.

8. Climate Change Implications

The climate change implications are contained within the report.

9. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no data protection issues in relation to this report.

10. Equality Impact Assessment

As this is a change to policy an equality impact assessment is included in **Appendix 3** to this report.

11. Background Papers

Nil.

REFERENCE

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| Gambling Policy Representation Response   |  |  |
|---|--|--|
| Representation  | Comment  | Action Recommended   |
| <b>GamCare's comments on the revision of the statement of principles:</b>   | <p>GamCare is an independent charity and the leading national provider of information, advice, support and free treatment for anyone affected by problem gambling. They operate the National Gambling Helpline, provide structured support for anyone harmed by gambling, and create awareness about safe gambling and treatments.</p> <p>GamCare interacts with all parties involved in Gambling.</p> | The response is noted and appreciated. However no action is required.  |
| • Page 119<br>We welcome the position Broxtowe Borough Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles.   |  | Noted. No action.  |
| • Local authorities can play a greater role in reducing gambling harm, particularly for those of our clients who experience harm in land-based gambling venues, due to council's licensing responsibilities.  |  | Noted. No action.  |
| • It is vital that Broxtowe Borough Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision. This could be achieved by gathering data from the National Gambling Helpline, as well as those already providing services in the area. |  | Noted. It is suggested that the Committee consider putting this forward as a potential topic for a future Overview and Scrutiny Committee. |

| Representation   | Comment   | Action Recommended  |
|--|---|---|
| <ul style="list-style-type: none"> <li>Building on the proactive approach the council is already taking, we would like to see Broxtowe Borough Council commit in its statement of principles <b>to a public health approach</b> to gambling.</li> </ul>  | <p>Whilst it is recognised that Public Health is not a licensing objective. NALG entered into dialogue with the County's Public Health Team a number of years ago as part of the licensing process. The team has written paragraph 2.8 to reflect the Gambling Commission's concerns and give an overview of the issue.</p> | <p>Noted. No action.</p>  |
| <ul style="list-style-type: none"> <li>This commitment should include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers. GamCare has worked with Haringey Council to implement a similar system, that has received widespread support.</li> </ul> |   | <p>Noted. The Council will explore the training undertaken by Haringey Council and consider whether to adopt a similar approach</p> |
| <p>In the absence of Cumulative Impact Assessments as a method by which the "aim to permit" approach can be challenged, Broxtowe Borough Council should continue to pursue a <a href="#">Local Area Profile</a> approach that specifically analyses gambling risk, and use this data as a basis from which to scrutinise and possibly oppose a licensing application.</p>      |   | <p>Noted. See above comment relating to the potential to refer this to the Overview and Scrutiny Committee for consideration</p>    |
| <p>The changes to Broxtowe Borough Council's statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so take account of the rapidly changing regulatory environment.</p>   |   | <p>Noted. No action</p>   |





Broxtowe  
Borough  
COUNCIL

# Gambling Act 2005 Statement of Principles 2025-2027

Published 3 January 2025



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## **1.0 Introduction and Scope**

### **Introduction**

1.1 Section 349(1) of the Gambling Act 2005 ["the Act"] imposes a statutory requirement upon Broxtowe Borough Council as the statutory Licensing Authority ["the Authority"] to prepare a Statement of Principles ["the Statement"] and to review it every three years. However, should the need arise, the Authority may review and alter the policy within that period.

1.2 In exercising their functions under Section 153 of the Act the Authority shall aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives
- in accordance with the Authority's statement of licensing principles.

In exercising their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The three objectives are as follows:

- 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
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.3 The aim of the Authority in this Statement is to address the impact of licensed premises in terms of crime and disorder arising from gambling and to ensure that their location and internal layout are appropriate with a view to protecting children and vulnerable persons. The Authority is committed to partnership with all stakeholders with a view to the promotion of this aim. The Authority recognises the impact that unregulated gambling may have on its community and sustainability as a viable local economy and in delivering the gambling regime will, with regard to the principles set out in this Statement, seek to support its local economy and protect vulnerable people. In doing so it will consider each application on its own merits within the context of this Statement, the legislation and guidance and codes of practice issued by the Gambling Commission.

1.4 The Authority will, in the statutory discharge of its functions, have particular regard to the principles to be applied in exercising its powers:

- under Section 157 of the Act to designate in writing a body competent to advise the Authority about the protection of children from harm
- under Section 158 of the Act to determine whether a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence.

1.5 Subject to statutory provision, a review of this Statement will take place periodically and any revisions to the Statement will be made taking into account information

collated over a period of time, the outcomes of related initiatives at central and local government level and following appropriate consultation.

- 1.6 Nothing in this Statement should be regarded or interpreted as any indication that any statutory requirement of gambling or other law is to be overridden.

### **Declaration**

- 1.7 The Authority in preparation of this Statement has had due regard to:

- the Gambling Act 2005
- the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006
- current guidance issued by the Gambling Commission and by the Secretary of State under Section 25 of the Act
- responses from those consulted on the Statement and the reviews thereof.

### **Consultation**

- 1.8 The Gambling Act requires the licensing Authority to consult the following on the Licensing Authority Statement of Policy or any subsequent revision:

- in England and Wales, 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
- one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

The Council has consulted various bodies and organisations upon this Statement. The consultation period ran from 17 June 2024 to 28 July 2024.

A full list of consultees is shown in Appendix 1.

### **Local Area Profile**

- 1.9 The Borough of Broxtowe is situated in the south west of Nottinghamshire and forms the western edge of the Greater Nottingham conurbation with the City of Nottingham bordering much of the eastern boundary of the Borough. To the west lie the Derbyshire boroughs of Erewash and Amber Valley.

Broxtowe is compact, covering an area of only 8,028 hectares of which two thirds is green belt, and has a population of 110,900 (2021 census). This figure represents 14% of the total population of the county of Nottinghamshire. The administrative centre for the Council is at Beeston, situated 5 miles from the centre of Nottingham. This is also the largest of the four principal towns in the Borough, the others being Stapleford, Eastwood and Kimberley, all of which have a thriving evening economy.

In 2021, 16.7% of the Borough's population was aged 0 – 15. This is slightly lower than that for England (18.5%). 9.8% of the population was aged 16 – 24. This was comparable with England (10.6%) but higher than Nottinghamshire (4%) and the East Midlands (4.8%)

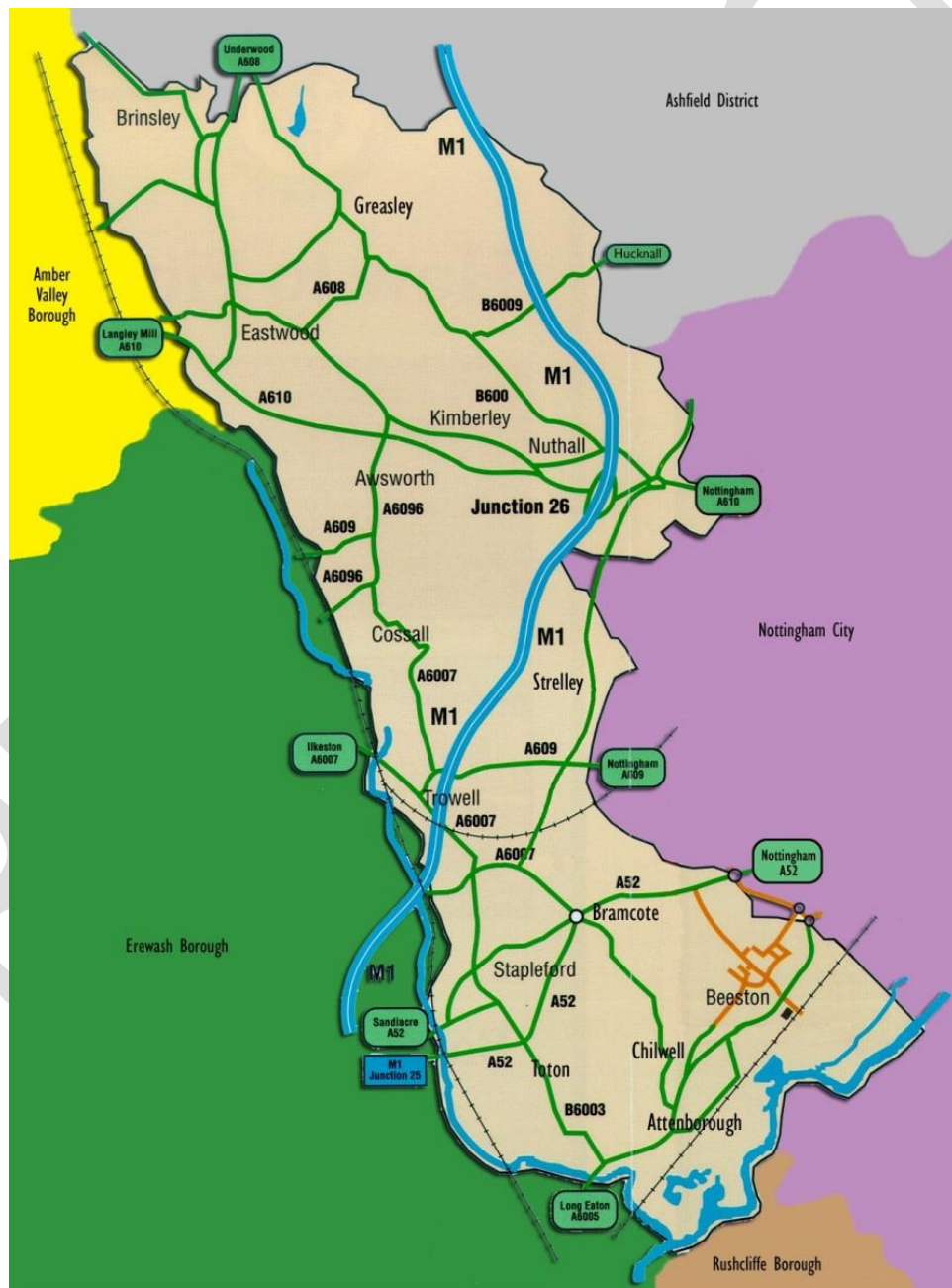
The percentage of the Borough's population in the 25 – 49 age group (31.3%), is slightly lower than that for England (33%).

At the time of the Census, 20.3% of the Borough's population was aged 50 – 64, similar to the county figure of 21.1%, similar to the figure for the East Midlands (20.1%) and slightly higher than England (19.4%).

Finally, the percentage of the Borough's population aged 65 and over was 21.8% at the time of the Census, higher than that for England (18.3%).

A local area profile has been prepared based on local knowledge taking into account a wide range of factors, data and information held by the licensing authority and its partners. It is anticipated that the local area profile will give operators and a better awareness of the local area and the risks, which includes both potential and actual risks.

1.10



## **Authorised activities**

1.11 The Act gives licensing authorities a number of important regulatory functions in relation to gambling. Their main functions are to:

- licence premises for gambling activities
- issue provisional statements for premises
- consider notices given for the temporary use of premises for gambling
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes
- regulate gaming and gaming machines in alcohol licensed premises
- grant permits to Family Entertainment Centres for the use of certain lower stake gaming machines
- grant permits for prize gaming
- consider occasional use notices for betting at tracks
- register small societies' lotteries.

**N.B.** Spread betting is regulated by the Financial Services Authority.

- Remote gambling, Operator Licences and Personal Licences are dealt with by the Gambling Commission
- The National Lottery is regulated by the Gambling Commission
- Spread betting is regulated by the Financial Services Authority.

In carrying out its licensing functions within the framework established by this Statement, the Authority will have particular regard to:

- maintaining a close working relationship with the responsible authorities
- taking necessary and appropriate steps for the protection of children and other vulnerable persons
- the need to treat each application on its own merits taking into account the individual circumstances at each premise.

## **Relationship with other legislation**

1.12 In complying with the provisions of the Gambling Act 2005, whilst the Authority recognises the requirements of other legislation, this Statement is not intended to duplicate the existing legislation and regulatory orders which incur statutory obligations.

1.13 In particular, in making a determination in respect of any application, the Authority will not take into account irrelevant matters, such as the likelihood of the application receiving planning permission or building regulation approval.

## **"Demand" for gaming premises**

1.14 The Authority will not consider the demand for gaming premises when making decisions about applications for a premises licence under the Act.



## **Rights of applicants and third parties**

- 1.15 This Statement does not override the right of any person to make an application under the Act and have that application considered on its individual merits.
- 1.16 Similarly this Statement does not undermine the right of any third party to make representations on an application or to seek a review of a licence where provision has been made for them to do so.

## **Data sharing and data security**

- 1.17 The Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulations and Data Protection Act 2018 will not be contravened. The Authority will also have regard to any guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

The Gambling Act also allows the exchange of information with persons or bodies for them to exercise their functions under the Act which are listed in Schedule 6 (1).

The Council details its approach to the protection of and access for information on the Council's website

## **Equality and Diversity**

- 1.18 Broxtowe Borough Council is committed to promoting equal opportunities, valuing diversity and tackling social exclusion. The Council will aim to provide opportunities that meet the diverse needs of different people and groups of people by ensuring that services and employment opportunities are accessible to all. Everyone will be treated fairly and with respect. Diverse needs will be understood and valued. The Council will aim to eradicate all forms of discrimination.

Further information on the Council's policy can be viewed on the website at [Strategies, Plans & Policies \(broxtowe.gov.uk\)](https://www.broxtowe.gov.uk/Strategies-Plans-Policies)

## **2.0 Local Risk Assessments**

- 2.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) formalise the need for operators to consider local risks. Local risk assessment applies to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.
- 2.2 Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk



assessments, they must take into account relevant matters identified in this policy statement.

2.3 Licensees must review and update as necessary their local risk assessments:

- a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing 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
- d) in any case, undertake a local risk assessment when applying for a new premises licence.

2.4 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Risk assessments must also be reviewed:

- when applying for a variation of a premises licence
- to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.

2.5 The social responsibility provision is supplemented by an ordinary code provision recommending as good practice that licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority.

2.6 Where concerns do exist, perhaps prompted by new or existing risks, a licensing authority may request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions is required.

2.7 The licensing authority has an expectation that all local risk assessments will take into account the local area profile of the area.

2.8 The 3 statutory licensing objectives for gambling include protecting children and other vulnerable persons from harm and exploitation. Licensing policies are not currently required to address Public Health concerns and Public Health is not a responsible authority, as in the case of alcohol, however the Gambling Commission has recognised the benefits of a Public Health whole population approach (February 2018). The Commission has identified specific groups of people who are particularly at risk:

- ethnic groups
- youth
- people who abuse or misuse substances
- people who have poor mental health
- other vulnerable users.

It is estimated that there are over 270,000 compulsive gamblers in England (0.5% of uk adult population).

There are no local level estimates available. Gambling harm includes poor physical and mental ill-health and is associated with substance misuse problems especially alcohol and with smoking. It also contributes to debt problems, relationship breakdown and criminality.

Further information on the Gambling Commissions position on Gambling as a public health issue is available on the Commissions website at the following link.

<https://www.gamblingcommission.gov.uk/authorities/guide/reducing-gambling-harms-resources>

There is less evidence available to support gambling SOLPs (Statement of Licensing Principles at a local level. Nationally there is a significant amount of gambling that takes place on the internet which reduces barriers to where people can gamble. Compulsive gambling is linked with areas of socio-economic deprivation, so identifying areas with potentially higher levels of gambling harm can therefore be informed by the alcohol licensing maps.

### 3. Making Representations

#### Who can make a representation?

- 3.1 The Gambling Act allows “responsible authorities” (identified in section 157 of the Act) and “interested parties” to make representations to applications relating to **premises licences and provisional statements**. In the case of reviews, that right is also given to the licensee. With regard to other forms of notification and permit, the right to object is restricted to specified bodies. The following section therefore only relates to representations in respect of **premises licences and provisional statements**.
- 3.2 Premises licences are only necessary for the types of gambling listed below and interested parties may therefore only make representations in respect of:
- casino premises
  - bingo premises
  - betting premises (including tracks)
  - adult gaming centres
  - licensed family entertainment centres.

#### Interested parties

- 3.3 Interested parties are defined as persons who, **in the licensing Authority’s opinion:**
- live sufficiently close to the premises to be likely to be affected by the authorised activities
  - have business interests that might be affected by the authorised activities, or
  - represent either of the above. This could include, e.g. democratically elected persons such as Councillors or Members of Parliament.

## **Policy One**

**3.4 In determining if someone lives sufficiently close to the premises to be likely to be affected by the authorised activities or have business interests that are likely to be affected, the Authority may take any or all of the following into account:**

- the proximity of their home or business to the application premises
- the nature of their residency (e.g. private resident, resident in home for the vulnerable etc)
- the nature of the business making the representation
- the nature of the authorised activities to be conducted on the application premises
- the size and capacity of the application premises
- the likely catchment area for the application premises
- the routes likely to be taken to and from the application premises
- the character of the area
- the density of the built up area
- the topography of the area
- local area profile
- mitigating measures contained within the applicants risk assessment.

**REASON: To ensure that those who are likely to be directly affected by the proposed activities can exercise their right to be heard.**

**3.5** The Authority will interpret the phrase “business interest” widely and not merely confine the phrase to meaning those engaged in trade and commerce. It may therefore include charities, churches, medical practices, schools and other establishments and institutions.

**3.6** Similarly a wide interpretation will be given to those categories of persons and organisations that represent residents and businesses. These may include residents and tenants associations, trade unions and other associations, as well as individuals whose role is to represent the interests of one or more residents or businesses such as a councillor, MP or legal representative.

**3.7** If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, then without further evidence relating to the licensing objectives supporting the representation, the Authority would not consider this to be a relevant representation because it relates to “demand” or competition.

**3.8** It is for the Authority to determine on a case by case basis whether or not a person making a representation is an “interested party”. The Authority may ask for evidence to identify who is being represented and show that they have given authority for representations to be made on their behalf. In cases which are not clear-cut, the benefit of the doubt will usually be exercised in favour of the person making the representation.

## **Form and content of representation**

- 3.9 The Act places a duty on the Authority to aim to permit the use of premises for gambling in so far as the Authority thinks the application is in accordance with:
- this Policy Statement
  - the Commission's Guidance
  - local area profile and applicants risk assessment
  - the Codes of Practice
  - where the application is reasonably in accordance with the licensing objectives.
- 3.10 As these are the main criteria against which an application is to be assessed, representations which address these issues are more likely to be accepted and given weight.
- 3.11 All representations must be made in writing and must be received by the Authority within the time limits set by the relevant regulations. For a representation to be relevant it should:
- be positively tied or linked by a causal connection to particular premises, and
  - relate to the licensing objectives, or
  - raise issues under this policy, the Commission's Guidance or Codes of Practice.
- 3.12 Representations received outside the statutory period for making such representations or which otherwise do not comply with the Regulations will be invalid and will not be taken into consideration when the application is determined. In addition the Authority expects representations to be made in accordance with policy two.

## **Policy Two**

### **3.13 A representation should indicate the following:**

- (i) The name, address and a contact number for the person making the representation**
- (ii) The capacity in which the representation is made (e.g. interested party, responsible authority, licensee) and if made as a representative should indicate who is being represented**
- (iii) The name and address of the premises in respect of which the representation is being made**
- (iv) The licensing objective(s) relevant to the representation**
- (v) Why it is felt that the application:**
  - is not reasonably consistent with the licensing objectives or
  - is not in accordance with this Policy, the Commission's Guidance or the relevant Codes of Practice or
  - the local risk assessments are not considered suitable and sufficient or
  - otherwise should not be granted or
  - should only be granted subject to certain specified conditions.
- (vi) Details of the evidence supporting the opinion in (v).**

REASON: To ensure the representation is made by a responsible authority or interested party and that it is relevant and directly related to the application premises.

- 3.14 A preferred form of representation is available and can be downloaded at [www.broxtowe.gov.uk](http://www.broxtowe.gov.uk) or requested directly from the service. Whilst representations which are not in the preferred form or which do not fully comply with Policy Two will not automatically be rejected, they may be less likely to comply with the law relating to representations, resulting in them ultimately being rejected or given little or no weight.
- 3.15 Ordinarily where representations are received the Authority will hold a hearing. However, a hearing does not have to be held where the Authority thinks that a representation is frivolous, vexatious or will certainly not influence the Authority's determination of the matter. It is for the Authority to determine whether a representation falls within these categories, however, representations which comply with Policy Two are unlikely to do so.
- 3.16 It is in the interest of those making representations that they include as much detail and evidence as possible at the time the representation is made. The Authority will determine whether a representation should be excluded as frivolous or vexatious based on the normal interpretation of the words. A representation may therefore be excluded if it obviously lacks seriousness or merit, or is designed to be antagonistic. An example may be a representation received from a rival operator which is based solely on the fact that the new premises would compete with their own business.

#### **Irrelevant considerations**

- 3.17 Whilst not intended to provide an exhaustive list, the following matters cannot be taken into account and representations relating to them are likely to be discounted:
- need and demand for the relevant premises
  - issues relating to nuisance
  - traffic congestion and parking
  - likelihood of the premises receiving planning permission or building regulation approval.
  - Moral grounds
- 3.18 Any person seeking to operate gambling premises must first have applied for or obtained an operating licence from the Gambling Commission. The Commission will therefore have made a judgement as to the applicant's suitability to operate the proposed form of gambling and therefore this issue is not relevant to the subsequent assessment of the premises licence application. The only exception is in relation to track premises licences. In this case an operator's licence is not required and the suitability of the applicant may, in appropriate cases, be taken into consideration.

#### **Reviews**

- 3.19 A premises licence may be reviewed by the Authority of its own volition or following the receipt of an application for a review from a responsible authority or interested party. Reviews cannot be delegated to an officer of the Authority – the lowest level of delegation permitted is to a licensing subcommittee (licensing panel).
- 3.20 The Act provides that licensing authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Officers of the

Council or of a responsible authority may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution techniques prior to a full scale review being conducted.

- 3.21 If at any time the Authority considers it necessary in their scheme of delegation, they will establish a system that determines who initiates reviews and that may include a “filter” system to prevent unwarranted reviews from being conducted.
- 3.22 In relation to a class of premises, the Authority may review the use made of premises and, in particular, the arrangements that premises licence holders may have made to comply with licence conditions. In relation to these general reviews, the Authority would most likely be acting as a result of specific concerns or complaints about particular types of premises which would cause it to want, for example, to look at the default conditions that apply to that category of licence. In relation to particular premises, the Authority may review any matter connected to the use made of the premises if it has reason to suspect that licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate.
- 3.23 Representations and review applications will be considered by the Authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement of Principles, Codes of Practice, local area profile and the premises licence holders local risk assessment.

#### **4. Licensing Objectives**

##### **Preventing Gambling from being a Source of Crime and Disorder**

- 4.1 The Gambling Commission will play a leading role in preventing gambling from becoming a source of crime and will maintain rigorous licensing procedures that aim to prevent inappropriate people from providing facilities for gambling.
- 4.2 The Authority places considerable importance on the prevention of crime and disorder and will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in it's area. A high standard of control is therefore expected to be exercised over licensed premises.
- 4.3 The Authority will, when determining applications, consider whether the granting of a premises licence will result in an increase in crime and disorder. In considering licence applications, the Authority will particularly take into account the following:
- the design and layout of the premises
  - the training given to staff in crime prevention measures appropriate to those premises
  - physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed
  - where premises are subject to age restrictions, the procedures in place to conduct age verification checks
  - the likelihood of any violence, public order or policing problem if the licence is granted.

- 4.4 Where an application is received in relation to premises in an area noted for particular problems with organised crime, part of this determination will include consultation with the police and other relevant authorities. The Authority may then consider whether specific controls, such as a requirement for the provision of door supervisors, need to be applied in order to prevent those premises being a source of crime.
- 4.5 As far as disorder is concerned, there are already powers in existing anti-social behaviour and other legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Authority does not therefore intend to use the Act to deal with general nuisance issues, for example parking problems, which can easily be dealt with using alternative powers. The Authority has no jurisdiction under the Act to deal with general nuisance issues.
- 4.6 In accordance with the Guidance, the Authority will only seek to address issues of disorder under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if police assistance were required to deal with it. Another factor the Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 4.7 The Authority will consult with the police and other relevant authorities when making decisions in this regard and will give due weight to any comments made by the police or other relevant authorities.

### **Policy Three**

- 4.8 **The Authority will have particular regard to the likely impact of licensing on related crime and disorder in the district particularly when considering the location, impact, operation and management of all proposed licence applications.**

REASON: Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area.

### **Ensuring gambling is conducted in a Fair and Open Way**

- 4.9 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business (and therefore relevant to the Operating Licence) or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence).
- 4.10 Both issues will be addressed by the Commission through the operating and personal licensing regime. This is achieved by ensuring that:
- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry

- easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted
- the rules are fair
- advertising is not misleading
- the results of events and competitions on which commercial gambling takes place are made public
- machines, equipment and software used to produce the outcome of games meet standards set by the Commission and operate as advertised.

4.11 Because betting track operators do not need an operating licence from the Commission the Authority may, in certain circumstances, attach conditions to a licence to ensure that the betting is conducted in a fair and open way. The Authority may in these circumstances also consider the suitability of the applicant to hold a track premises licence. Such factors which the Authority may take into consideration are set out below:

- references to adduce good character
- criminal record of the applicant
- previous experience of operating a track betting licence
- any other relevant information.

### **Protection of children and other vulnerable persons from being harmed or exploited by gambling**

#### **Access to licensed premises**

- 4.12 The access of children and young persons to those gambling premises which are adult only environments will not be permitted.
- 4.13 The Authority will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 4.14 The Authority will consult with the Nottinghamshire Safeguarding Children Partnership and the Nottinghamshire Safeguarding Adults Board on any application that indicates there may be concerns over access for children or vulnerable persons.
- 4.15 Broxtowe Borough Council expects operators of gambling premises to have in place policies and measures to ensure children and other vulnerable people are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.

The efficiency of such policies and procedures will be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truanting school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems.



The Council will pay particular attention to measures proposed by operators to protect children from harm in Adult Gaming Centres and Family Entertainment Centres. Such measures may include, but would not be limited to, the following:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Specific opening hours
- Self-barring schemes
- Notices/signage
- Measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognise signs of potential child sexual exploitation
- Clear policies that outline the steps to be taken to protect children from harm
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

- 4.16 The Act provides for a Code of Practice on access to casino premises by children and young persons and the Authority will work closely with the police to ensure the appropriate enforcement of the law in these types of premises.

### **Vulnerable persons**

- 4.17 The Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children. The Act does not define “vulnerable persons” but it will assume for regulatory purposes that “vulnerable persons” include:

- people who gamble more than they want to
- people who gamble beyond their means
- people who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

- 4.18 The Authority encourages applicants to offer controls that limit access by customers to gambling or further access to alcohol where the customer shows signs of inebriation.

- 4.19 Where the legislation allows, the Authority will look particularly closely at applications that are made for premises close to sensitive areas or developments, for example:

- Residential areas
- Schools and other educational establishments
- Residential hostels for vulnerable adults
- Premises licensed for alcohol or gambling.

## **5. Premises Licences**

### **General Principles**

- 5.1 In the Act, “premises” is defined as including “any place”. Section 152 therefore prevents more than one premises licence applying to any place. But a single building

could be subject to more than one premises licence provided they are for different parts of the building and different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences where safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and ensure that mandatory conditions relating to access between premises are observed.

In relation to an application to split existing licensed premises, thereby creating multiple premises, the Authority will expect the primary use of each premise to be the main business in accordance with the type of licence held. Any activities other than the primary use will be considered ancillary to the main business.

- 5.2 The procedure for obtaining Premises Licences is set by regulations. Should a licence be granted it will be made subject to mandatory and/or default conditions set by the Secretary of State. The Authority may choose to exclude default conditions if it thinks it appropriate and may also impose other specific conditions which are appropriate to the application where there is a specific evidenced risk
- 5.3 The Gambling Commission plays a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling. With the exception of applicants for track premises, anyone applying to the Authority for a premises licence will have to hold an operating licence from the Commission before a premises licence can be issued. The Authority will not generally therefore be concerned with the suitability of an applicant. Where concerns arise about a person's suitability, the Authority will bring those concerns to the attention of the Commission.
- 5.4 The Authority will however be concerned with issues such as the impact of the licensed premises in terms of crime and disorder and matters such as the location of the premises and their internal layout in terms of protecting children and vulnerable persons. Such issues are discussed in more detail in the paragraphs below relating to the specific types of gambling premises. See local risk assessments at section 2.

### **Betting Premises and Tracks**

- 5.5 Betting premises relates to those premises operating off-course betting that is other than at a track.
- 5.6 Tracks are sites where races or other sporting events take place. Betting operators may operate self contained betting premises within track premises, although they would normally only open on event days. There may be several licensed premises at any track.
- 5.7 Permitted activities include:
- off-course betting
  - on-course betting for tracks
  - betting by way of betting machines
  - gaming machines as stipulated by regulations.

5.8 Factors for consideration when determining the application will be:

- location, particularly in relation to vulnerable persons
- suitability of the premises
- size of premises in relation to the number of betting machines
- the ability of staff to monitor the use or abuse of such machines
- the provision for licence holders to ensure appropriate age limits are adhered to.

5.9 This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

5.10 Mandatory or default conditions may be attached by regulations issued by the Secretary of State. Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary and appropriate to the application and where there is a specific evidenced risk.

5.11 The Authority shall require an appropriately defined plan of the premises to accompany each application.

### **General Matters Relevant to Tracks**

5.12 The Authority has a number of premises that may apply for a premises licence to operate as a 'Track' for the purposes of the Gambling Act.

5.13 Tracks may be subject to one or more premises licences provided each licence relates to a specified area of the track. The Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) in the determination of premises licence applications for tracks and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

5.14 Track operators are not required to hold an operator's licence granted by the Gambling Commission unless they are operating gambling activities themselves. Therefore, premises licences for tracks issued by the Authority are likely to contain requirements for premises licence holders relevant to their responsibilities in relation to the proper conduct of betting. The Authority recognises that Track operators will have an important role to play in the regulation of gambling activities expect that they will take proactive action appropriate to that role. For example, in ensuring that betting areas are properly administered and supervised.

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

5.16 Applicants are encouraged to offer their own measures to meet the licensing objectives; however, appropriate measures/licence conditions imposed by the Authority may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entrances
- notices / signage
- specific opening hours
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.

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

### **Gaming Machines used on Tracks**

- 5.17 Guidance from the Gambling Commission addresses where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. The Authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

### **Betting Premises in Relation to Tracks**

- 5.18 A Track may hold a betting premises licence allowing betting to take place within defined areas. There may also be a number of subsidiary licences authorising other gambling activities to take place including off-course betting. Unlike betting offices (bookmakers), a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines. Pool betting may also take place on certain types of tracks and the appropriate operating licence to enable this will be required before a premises licence authorising this activity may be determined by the Authority.
- 5.19 In line with the Commission's Guidance, the Authority will expect operators of self-contained units on tracks to seek an ordinary betting premises licence to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

### **Betting Machines on Tracks**

- 5.20 The Authority will take into account the size of the premises and the ability of staff to monitor the use of these machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will

want to consider restricting the number and location of such machines in respect of applications for Track Betting Premises Licences.

- 5.21 When considering whether to exercise its power to restrict the number of betting machines at a track, the Council will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

### **Condition on Rules Being Displayed on Tracks**

- 5.22 The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office." The Authority encourages applicants to demonstrate in their application and in the conduct of their activity that they will comply with this.

### **Applications and Plans for Tracks**

- 5.23 Regulations set out specific requirements for applications for premises licences and, in accordance with the Gambling Commission's suggestion that, to ensure the Authority gains a proper understanding of what it is being asked to licence, the premises licence application pack for a track includes the information that is required which includes detailed plans for the racetrack itself and the area(s) that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses, fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that the Council can be satisfied that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. It would be helpful to the Authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or, at a minimum, by use of a key to denote the use of those areas shown.

### **Adult Gaming Centres (AGCs)**

- 5.24 These premises must be operated by the holder of a gaming machine general operating licence from the Gambling Commission as well as a premises licence from the Authority.

5.25 Permitted activities include:

- the provision of gaming machines as stipulated by regulations.

5.26 Factors for consideration when determining the application for an AGC will include:

- the location
- the ability of operators to minimise illegal access by under 18's to the premises.
- Local Risk Assessment

5.27 This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

5.28 Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary. Mandatory and default conditions will be attached by regulations issued by the Secretary of State. No one under the age of 18 is permitted to enter an AGC.

### **Club Gaming Permits and Club Machine Permits**

5.29 Club gaming permits authorise qualifying clubs to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations.

5.30 Club machine permits allow the provision of higher category gaming machines.

5.31 Commercial clubs may in some circumstances operate with club machine permits but not club gaming permits.

5.32 The Authority may only refuse an application on the following grounds:

- (a) the applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- (b) the applicant's premises are used wholly or mainly by children and/or young persons
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- (d) a permit held by the applicant has been cancelled in the previous ten years or
- (e) an objection has been lodged by the Commission or the police.

And in the case of (a) or (b) must refuse the permit.

5.33 The Authority may grant or refuse a permit, but it may not attach conditions to a permit.

### **Alcohol Licensed Premises**

- 5.34 The Act provides an automatic entitlement to provide two gaming machines of category C or D (see glossary). The premises licence holder must notify the Authority of his or her intention and pay the prescribed fee. Although the Authority has no discretion to refuse the notification, the authorisation may be removed if gaming has taken place on the premises that breaches a condition of section 282 of the Act.
- 5.35 The Authority may also issue “licensed premises gaming machine permits” to premises in this category on application for any additional number of category C and/or D machines. This would replace any automatic entitlement under section 282 of the Act.
- 5.36 The Authority must have regard to the licensing objectives and the Gambling Commission Guidance when granting these permits. Factors for consideration will include:
- location, particularly in relation to vulnerable persons
  - suitability of the premises, size of premises in relation to the number of betting machines
  - the ability of staff to monitor the use or abuse of such machines
  - the provision for licence holders to ensure appropriate age limits are adhered to.
- 5.37 This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.
- 5.38 It is a condition of the automatic entitlement to make available two gaming machines (of category C or D) that any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine is complied with. The Authority will take account of these provisions and the relevant codes of practice are available on the Gambling Commission website. [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

### **Family Entertainment Centres**

- 5.39 There are two classes of Family Entertainment Centres (FECs) dependent upon the type of gaming machines provided on the premises:
- FECs with category C and D machines require a premises licence
  - unlicensed FECs provide only category D machines and are regulated through FEC gaming machine permits. An application for a permit may only be granted if the Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Police have been consulted on the application. Applicants will need to demonstrate:
    - a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's
    - that the applicant has no relevant convictions (i.e. those set out in Schedule 7 of the Act)
    - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 5.40 In determining the suitability of the location, consideration will be given to the following factors:

- proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts)
- proximity to residential areas where there may be a high concentration of families with children
- town centre or edge of town centre locations
- hours of operation
- proposed operational management to regulate entry by children and vulnerable persons.

5.41 It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

5.42 All applicants must be 18 years of age. The Authority will require an applicant to supply appropriate premises and indemnity insurance details.

### **Prize Gaming Permits**

5.43 These permits cover gaming where 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 prize is determined by the operator before play commences.

5.44 Consideration will be given to the following factors:

- proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts)
- proximity to residential areas where there may be a high concentration of families with children
- town centre or edge of town centre locations.

5.45 It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

5.46 The applicant must be 18 years of age or over. Relevant convictions will be taken into account, especially with respect to child protection issues.

### **Travelling Fairs**

5.47 Provided a travelling fair allows only category D gaming machines to be made available, and the facilities for gambling (whether by way of gaming machine or otherwise) amount together to no more than an ancillary amusement at the fair, then no application for a licence is required under the Act. The Authority will want to satisfy itself from time to time that gambling at a travelling fair is within the definition of section 286 of the Act. A guide for those wishing to operate gambling machines at travelling fairs is available on the Commission's website.

### **Small Society Lotteries**

5.48 Small society lotteries are distinguished from large society lotteries by the amount of the proceeds that they generate. A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on



sale in a calendar year is £250,000 or less. Other lotteries are dealt with by the Gambling Commission.

- 5.49 Small society lotteries are required to be registered with the local authority in the area where their principal office is located.

### **Temporary Use Notices**

- 5.50 Premises which are not licensed for gambling may be used by a licensed operator for an aggregate period of 21 days in 12 months for prescribed types of gambling. In order to do so, the operator must serve a temporary use notice (or notices) on the Authority, the Commission and the Police. These are the only bodies who may object to such a notice. There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Authority to decide what constitutes a “set of premises” where Temporary Use Notices are received relating to the same building/site (see Gambling Commission’s Guidance to Licensing Authorities).

### **Occasional Use Notices**

- 5.51 Betting on unlicensed tracks may be authorised for up to 8 days in a calendar year by the service of occasional use notices by the occupier of the track or the person responsible for the administration of the event. The Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Authority will need to consider whether a Notice in respect of premises can be dealt with under the definition of a “Track”. It will also need to consider whether the Applicant is permitted to avail him/herself of the notice, however, there is no provision for objections to be made to this type of activity or for it to be prohibited.

### **Casinos**

#### **No Casino Resolution**

- 5.52 The Authority has not passed a “no Casino resolution” under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Authority decide in the future to pass such a resolution, it will update this Policy Statement with details of that resolution.

### **Bingo**

- 5.53 The holder of a bingo operating licence will be able to apply for a bingo premises licence to provide any type of bingo game including cash and prize bingo. Commercial bingo halls will also require a bingo premises licence from the Authority. If the only type of bingo to be provided is prize bingo, then this may be authorised by way of a permit.
- 5.54 If children are allowed to enter premises licensed for bingo, then controls must be in place to prevent them from participating in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Authority will expect to see that:

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

5.55 The Gambling Commission has issued guidance about the need for licensing authorities to take into account the suitability and layout of bingo premises. Therefore plans should make clear what is being sought for authorisation under the bingo premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. . It would be helpful to the Authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown. The Gambling Commission has issued guidance on the division of a building into more than one premises which can be found at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

5.56 A limited number of gaming machines may also be made available at bingo licensed premises.

5.57 Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold as directed by the law, otherwise it will require a bingo operating licence which will have to be obtained from the Gambling Commission.

## **Provisional Statements**

5.58 Developers may wish to apply to the Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need to hold an operating licence in order to apply for a provisional statement.

## **6. Inspection and Enforcement**

### **General Statement**

- 6.1 The Authority will have regard to its general/corporate enforcement policy, the relevant provisions of the Act, any relevant guidance and/or codes of practice when considering taking enforcement action.
- 6.2 It is the intention of the Authority to establish and maintain enforcement protocols with other enforcement agencies.

### **Inspections**

- 6.3 The Authority will inspect gambling premises and facilities for compliance with the Act and any licence conditions through the application of a risk based inspection programme.

- 6.4 The inspection programme will in principle operate a light touch in respect of low-risk premises whilst applying greater attention to those premises which are considered to present a higher risk.
- 6.5 In addition to programmed inspections, the Authority will also investigate any evidence based complaints that it receives.

#### **Policy Four**

- 6.6 **The Authority will adopt a risk based assessment approach for determining the frequency of compliance inspections. The risk rating will be based broadly on the following factors:**

- **location of the premises and their impact on the surrounding area**
- **enforcement history of the premises**
- **nature of the licensed or permitted operation**
- **potential to have an adverse affect on the licensing objectives**
- **management record.**
- **Local risk assesment**

REASON: To provide a targeted and cost efficient enforcement service which will encourage and improve operating practice, promote the licensing objectives, and drive out poor practices; whilst at the same time meet accepted best practice principles of compliance inspection.

#### **Enforcement**

- 6.7 In general the Gambling Commission will take the lead on the investigation and, where appropriate, the prosecution of illegal gambling. There may be occasions on which the Authority is better placed to take the lead, particularly where there is illegal activity on a smaller scale confined to the Authority's area.
- 6.8 Where a licensed premise is situated in more than one administrative area, then the Authority will liaise with the other authority to determine the most appropriate course of action and who will lead any investigation or prosecution.
- 6.9 Part 15 of the Act gives "authorised persons" power of investigation and section 346 enables licensing authorities to institute criminal proceedings in respect of offences described in that section. In exercising these functions the Authority will have regard to the relevant provisions of the Gambling Act 2005, national guidance, relevant codes of practice, and the enforcement policy of the Council.

The Authority will endeavour to follow the principles of better regulation and the Regulators Code. The principles require that enforcement should be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny
- **Consistent:** rules and standards must be joined up and implemented fairly

- **Transparent:** regulators should be open, and keep regulations simple and user friendly
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

- 6.10 The Authority will work closely with the Gambling Commission and exchange information on suspected illegal gambling and any proposed action that the Authority considers necessary.
- 6.11 The main enforcement and compliance role for the Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for operator and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority but will be notified to the Gambling Commission.
- 6.12 The Authority may institute proceedings in respect of a number of offences as identified in section 346 of the Act.
- 6.13 The Authority will avoid duplication with other regulatory regimes.

## Glossary of terms

Many of the terms used in this statement of licensing policy are defined in the appropriate section of the Act. Section 353 identifies various terminologies and directs the reader to the relevant section of the Act, where appropriate, for a full and complete meaning of the term.

In the interests of clarity the following terms, which are used in this statement of licensing policy, are defined below.

| Terminology                          | Definition   |
|--------------------------------------|--|
| “the Act”                            | The Gambling Act 2005 (c19)  |
| “Authority”                          | This refers to the “Licensing Authority” as defined by section 2 of the Act  |
| “authorised person”                  | An officer of a Licensing Authority, <b>and</b> an officer of an Authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that Authority’s area           |
| “authorised local Authority officer” | An officer of a Licensing Authority who is an authorised person for a purpose relating to premises in that Authority’s area  |
| “gambling commission”                | An organisation established under section 20 of the Act that is responsible for regulating gambling in Great Britain   |
| “guidance”                           | “Guidance to Licensing Authorities”, issued by the Gambling Commission under section 25 of the Gambling Act 2005   |
| “interested parties”                 | Defined at paragraph 2.3 of this statement of licensing principles   |
| “mandatory condition”                | A condition that must be placed on a licence by virtue of regulations  |
| “regulations”                        | Refers to regulations made under the Gambling Act 2005   |
| “responsible authorities”            | Public bodies that must be notified of applications for premises licences and they also have the right to make representations in relation to those applications. They are listed in full in section 157 of the Act. |
| “Category C & D Machines”            | These are machines normally sited in pubs and arcades and are subject to a lower limit for stakes and payout.  |

## **Appendix 1**

### **List of Consultees**

#### **List of bodies and organisations consulted**

Broxtowe Borough Council (All Members)  
All Parish and Town Councils in the Borough  
Licensing Solicitors  
BBPA  
Association of British Bookmakers  
BACTA  
The Bingo Association  
Nottinghamshire Police (CJ) Liquor Licensing  
Nottinghamshire Fire and Rescue Service  
Nottinghamshire Social Services  
Gamcare  
Gamblers Anonymous  
Novomatic Ltd (Luxury Leisure)  
Working Mens Club & Institute Union  
Mecca Bingo  
Equalised Club  
Stapleford Conservative Club  
Safeguarding Children Partnership  
Safeguarding Vulnerable Adults Board  
Gambling Commission  
HM Customs and Excise  
Business in Sport and Leisure

## Appendix 3

**Equality Impact Assessment**

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality



Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

### Equality Impact Assessment (EIA)

|   |   |                                  |                   |
|---|---|----------------------------------|-------------------|
| Directorate:                                      | Chief Executive's                                     | Lead officer responsible for EIA | Licensing Officer |
| Name of the policy or function to be assessed:    | Gambling Act 2005 Statement of Principles 2025 - 2027 |                                  |                   |
| Names of the officers undertaking the assessment: | Licensing Officer                                     |                                  |                   |
| Is this a new or an existing policy or function?  | Existing  |                                  |                   |

#### 1. What are the aims and objectives of the policy or function?

The aim of the Authority in this Statement is to address the impact of licensed premises in terms of crime and disorder arising from gambling and to ensure that their location and internal layout are appropriate with a view to protecting children and vulnerable persons. The Authority is committed to partnership with all stakeholders with a view to the promotion of this aim. The Authority recognises the impact that unregulated gambling may have on its community and sustainability as a viable local economy and in delivering the gambling regime will, with regard to the principles set out in this Statement, seek to support its local economy and protect vulnerable people. In doing so it will consider each application on its own merits within the context of this Statement, the legislation and guidance and codes of practice issued by the Gambling Commission.

The authority must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005 (the Act) i.e.

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

The licensing authority aims to permit the use of premises for gambling:

- 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 and;
- In accordance with the Authority's Statement of Licensing Principles.

## **2. What outcomes do you want to achieve from the policy or function?**

The Statement of Principles is intended to define how applications are made and dealt with under the relevant legislation. It also sets out matters that applicants must consider when making such applications and gives clear guidance on matters to be considered by the licensing authority when determining the applications. It will inform interested parties of the principles that the Licensing Authority will consider when exercising its duties under the Gambling Act 2005.

It will also assist in supporting the Council's objectives as set out in the Equality and Diversity Policy

## **3. Who is intended to benefit from the policy or function?**

Applicants, Responsible Authorities as defined in the Act, other stakeholders, the public and the licensing authority will benefit from the policy. In particular councillors, as decision makers and representatives of their residents will understand the considerations required.

The Responsible Authorities are:

- a licensing authority in England and Wales in whose area the premises is wholly or partly situated
- the Gambling Commission
- the chief officer of police or chief constable for the area in which the premises is wholly or partially situated
- the fire and rescue authority for the same area
- in England and Wales, the local planning authority, or in Scotland, the planning authority
- the relevant authority as defined in s.6 of the Fire (Scotland) Act 2005
- an authority which has functions in relation to pollution to the environment or harm to human health
- anybody, designated in writing by the licensing authority, as competent to advise about the protection of children from harm
- HM Revenue & Customs
- any other person prescribed in regulations by the Secretary of State.

**4. Who are the main stakeholders in relation to the policy or function?**

Operators of gambling premises, holders of gambling permits, operators of gaming machines on licensed premises, Responsible Authorities (as defined in the Gambling Act 2005), the public and the licensing authority are all stakeholders in the policy. The Statement of Principles is statutorily reviewed every 3 years. The Statement of Principles review is widely consulted upon with all stakeholders.

**5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?**

Just under 0.5% of the population in the UK have been identified as 'problem gamblers' with a further 1.4% identified as being of low to moderate risk of problem gambling (Gambling Commission Survey June 2021) While these percentages are small, this amounts to around 250,000 problem gamblers in total and a further 750,000 'at risk'.

Statistics for the Gambling Commission contained within the NatCen "Gambling behaviour in Great Britain" show overall, the highest participation rates in any form of gambling activity were among adults aged between 25 and 64 (between 60% and 62%), while the lowest rates were found among the youngest and oldest age groups; 46% of 16 to 24 year olds and 47% of those aged 75 and over had gambled in the past year.

<https://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2016.pdf>

There are currently 15 premises in the Borough. 7 betting shops, 7 Adult Gaming Centres and 1 Bingo Premises. There have been no reported issues relating to any of the equality strands.

**What baseline qualitative data do you have about the policy or function relating to the different equality strands?**

Certain groups are more likely to experience problems with gambling including those on lower incomes or unemployed, those from Asian/Asian British and Black British backgrounds, homeless people and prisoners. (Problem gambling in Birmingham - A Rapid Assessment Report. Carl Packman, Research and Good Practice Manager, Toynbee Hall Karen Rowlingson, Professor of Social Policy, University of Birmingham May 2018)

Broxtowe's 'White' population is 81%. The largest black and minority ethnic (BME) groups in the Borough are Indian and Chinese and these tend to belong in the younger age groups.

At the time of the last census, 51% of the population was female and 49% male.

The Licensing Authority, Nottinghamshire Police and the Nottinghamshire Authorities Licensing Group (NALG) have worked with representatives of the Gambling Commission and Nottinghamshire county NHS in developing this Statement of Principles to address the impact of licensed premises with a view to protecting children and vulnerable persons.

**6. What has stakeholder consultation, if carried out, revealed about the nature of the impact?**

The Statement of Gambling principles is widely consulted upon every three years. This is a statutory requirement. Previous consultees included:  
Poppleston Allen Licensing Solicitors

Fraser Brown Solicitors

John Gaunt Solicitors

British Beer and Pub Association

Association of British Bookmakers

British Amusement Catering Trade Association.

The Bingo Association

Nottinghamshire Police (CJ) Liquor Licensing

Nottinghamshire Fire and Rescue Service

Nottinghamshire Social Services

Gamcare

Gamblers Anonymous

Novomatic Ltd (Luxury Leisure)

Working Mens Club & Institute Union

Mecca Bingo

Equalised Club

Stapleford Conservative Club

Nottinghamshire Safeguarding Children Board

Nottinghamshire Safeguarding Adults Board

Gambling Commission

- In 2012 there were no responses.

- In 2015 the only response to the consultation was a trade response dealing with application matters.
- In 2018 there were two responses
- In 2021 there were no responses

Should any response from the 2025 - 27 consultation indicate concerns, the matter will be reported to the Licensing and Appeals Committee for consideration and resolution.

**7. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?**

**In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:**

**Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

The policy does not target or exclude any particular body. However, a number of issues of vulnerability and safeguarding are addressed in the statement. See Para 4.15. There are a number of measures aimed at ensuring that no underage activities take place. There are also measures in place to support vulnerable people who may gamble more than they want to, gamble beyond their means or are unable to make informed decisions due to alcohol, drugs or mental impairment.

Applicants are required to submit a local risk assessment with applications to consider the above relevant matters identified in the statement and ensuring that they support the Licensing objectives.

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

**• Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

The revised policy will apply equally across all groups and communities in the borough.

**• Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

|  |
|--|
| <p>There are no barriers in respect of the policy being accessed and utilised by any equality group or community. The policy is available for all to use. However, safeguards are in place to support vulnerable persons and prevent under age gambling.</p>   |
| <p>• <b>Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?</b></p> <p>The implementation of the Gambling Act 2005 and the Statement of Principles engendered a close working relationship with all stakeholders across the County. Safeguarding and vulnerability issues have been and continue to be dealt with by Nottinghamshire Authorities Licensing Group (NALG)</p>  |
| <p>• <b>What further evidence is needed to understand the impact on equality?</b></p> <p>Should any evidence arise as a result of the comprehensive consultation process or indeed become apparent during the life of the statement, it will be considered and if necessary acted upon. There are no barriers to revisiting the statement and revising if necessary throughout the three year period.</p>  |
| <p><b>8. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?</b></p>  |
| <p><b>Age:</b></p> <p>One of the Licensing Objectives is “Protecting children and other vulnerable persons from being harmed or exploited by gambling.” We will consult with the Nottinghamshire Safeguarding Children Board and continue to liaise with them throughout the life of the statement through the Nottinghamshire Authorities Licensing Group (NALG).</p> <p>There are a number of measures in place in the statement that operators may use to protect children from harm, not only from gambling but the wider child protection issues.</p> |
| <p><b>Disability:</b></p> <p>The policy recognises the potential vulnerability associated with learning disabilities and encourages licensees to risk assess their activity with this in mind. No specific adverse impact has been identified through previous consultations, premises visits and on-going monitoring.</p>   |
| <p><b>Gender:</b></p> <p>No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.</p>  |

|  |
|--|
|  |
| <b>Gender Reassignment:</b><br><br>No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.  |
| <b>Marriage and Civil Partnership:</b><br><br>No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.   |
| <b>Pregnancy and Maternity:</b><br><br>No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.  |
| <b>Race:</b><br><br>The policy recognises the potential vulnerability associated with ethnicity and encourages licensees to risk assess their activity with this in mind No specific adverse impact has been identified through previous consultations, premises visits and on-going monitoring.   |
| <b>Religion and Belief:</b><br><br>No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.  |
| <b>Sexual Orientation:</b><br><br>No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.   |
| <b>Care Experience:</b><br><br>It is recognised that this group potentially has particular vulnerability. The location of permitted establishments is a factor to be taken account of in the licensing arrangements set out in the policy. No specific adverse impact has been identified through previous consultations, premises visits and on-going monitoring. |

|   |
|---|
| <b>Head of Service:</b><br><br>I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.<br><b>Signature of Head of Service:</b> <span style="background-color: black; color: black;">[REDACTED]</span> |
|---|

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## Appendix 4

| Policy Section   | Suggested Change  | Reason for Change                                       |
|--|---|---|
| <p>Page 6 - Consultation</p> <p>The Council has consulted various bodies and organisations upon this Statement. The consultation period ran from 30 September 2021 to 29 October 2021.</p>   | <p>The Council has consulted various bodies and organisations upon this Statement. The consultation period ran from 17 June 2024 to 28 July 2024.</p>   | <p>Updating the consultation period for the policy.</p> |
| <p>Page 6 – Local Area Profile</p> <p>Broxtowe is compact, covering an area of only 8,028 hectares of which two thirds is green belt, and has a population of 109,487 (2011 census). This figure represents 14% of the total population of the county of Nottinghamshire. The administrative centre for the Council is at Beeston, situated 5 miles from the centre of Nottingham. This is also the largest of the four principal towns in the borough, the others being Stapleford, Eastwood and Kimberley, all of which have a thriving evening economy.</p> | <p>Broxtowe is compact, covering an area of only 8,028 hectares of which two thirds is green belt, and has a population of 110,900 (2021 census). This figure represents 14% of the total population of the county of Nottinghamshire. The administrative centre for the Council is at Beeston, situated 5 miles from the centre of Nottingham. This is also the largest of the four principal towns in the Borough, the others being Stapleford, Eastwood and Kimberley, all of which have a thriving evening economy.</p> | <p>Updating population figure.</p>                      |

| Policy Section   | Suggested Change   | Reason for Change                                 |
|--|--|---|
| <p>Page 6 and 7 - Local Area Profile</p> <p>In 2011, 15.81% of the borough's population was aged 0 – 14. This was very low by national standards. 12.04% of the population was aged 15 – 24. This was comparable with Nottinghamshire (11.76%), but lower than the East Midlands (13.31%) and England (13.08%).</p> <p>The percentage of the borough's population in the 25 – 44 age group (26.21%), is slightly lower than that for England (27.53%).</p> <p>At the time of the Census, 27.59% of the borough's population was aged 45 – 64, similar to the county figure of 27.87%, but higher than that for the East Midlands (26.48%) and England (25.37%).</p> <p>Finally, the percentage of the borough's population aged 65 and over was 18.35% at the time of the Census, higher than that for England (16.34%).</p> | <p>Page 6 and 7 – Local Area Profile</p> <p>In 2021, 16.7% of the Borough's population was aged 0 – 15. This is slightly lower than that for England (18.5%). 9.8% of the population was aged 16 – 24. This was comparable with England (10.6%) but higher than Nottinghamshire (4%) and the East Midlands (4.8%)</p> <p>The percentage of the Borough's population in the 25 – 49 age group (31.3%), is slightly lower than that for England (33%).</p> <p>At the time of the Census, 20.3% of the Borough's population was aged 50 – 64, similar to the county figure of 21.1%, similar to the figure for the East Midlands (20.1%) and slightly higher than England (19.4%).</p> <p>Finally, the percentage of the Borough's population aged 65 and over was 21.8% at the time of the Census, higher than that for England (18.3%).</p> | <p>Updating information from the 2021 census.</p> |