



Tuesday, 7 December 2021

Dear Sir/Madam

A meeting of the Council will be held on Wednesday, 15 December 2021 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

Chief Executive

To Councillors:

E H Atherton	L A Lally
D Bagshaw	P Lally
S A Bagshaw	H Land
L A Ball BEM	R D MacRae (Chair)
M Brown	G Marshall
B C Carr	J W McGrath
S J Carr	J M Owen
M J Crow	P J Owen
E Cubley	J P T Parker
T A Cullen	S Paterson
S Dannheimer	J C Patrick
S Easom	D D Pringle
L Fletcher	M Radulovic MBE
J C Goold	R S Robinson
D Grindell (Vice-Chair)	P Roberts-Thomson
T Hallam	C M Tideswell
M Handley	I L Tyler
M Hannah	P D Simpson
R I Jackson	H E Skinner
E Kerry	D K Watts
S Kerry	E Williamson
H G Khaled MBE	R D Willimott

AGENDA

1. APOLOGIES FOR ABSENCE

To receive apologies.

2. DECLARATIONS OF INTEREST

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 7 - 12)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 13 October 2021.

4. MAYOR'S ANNOUNCEMENTS

5. PRESENTATION OF PETITIONS

6. LEADER'S REPORT

7. PUBLIC QUESTIONS

8. MEMBERS' QUESTIONS

9. MEMBERS' SPEECHES ON WARD ISSUES

10. QUESTIONS ON OUTSIDE BODIES

11. APPOINTMENTS TO COMMITTEES AND WORKING GROUPS

Council is asked to RESOLVE that Councillor I L Tyler be replaced by Councillor B C Carr as Chair of the Leisure & Health Committee, and Councillor B C Carr be replaced by Councillor I L Tyler as Vice Chair of the Housing Committee.

12. APPOINTMENTS TO OUTSIDE BODIES

Council is asked to CONSIDER an appointment to the Greater Nottingham Groundwork Trust and RESOLVE accordingly.

13. APPOINTMENTS TO THE LIBERTY LEISURE LTD BOARD OF DIRECTORS

At its meeting due to be held on 14 December 2021, the Liberty Leisure Board will consider the appointment of Mr Jamie Bennett to the Board of Directors. Members will be updated as to the outcome of the Board meeting at the Full Council meeting.

The Council is asked to CONSIDER amendments to the Directors of the Board of Liberty Leisure Limited and RESOLVE accordingly.

14. DECISIONS FROM COMMITTEE MEETINGS

(Pages 13 - 38)

To note the decisions made by the Council's Committees.

15. NOTICE OF MOTION

15.1 The following motion has been received from Councillor D K Watts:

"Broxtowe Borough Council notes with dismay the proposal to fell ten trees on Ilkeston Road in Stapleford for the creation of a new cycle path. These trees are perfectly healthy and this proposed felling is completely unnecessary. Broxtowe Borough Council calls on Nottinghamshire County Council to ensure that these plans are changed to avoid the felling of these trees."

15.2 The following motion has been received from Councillor M Radulovic MBE:

"Following the announcement of the Integrated Rail Plan (IRP) this Council expresses its concern regarding future funding of the East Midlands Levelling Up agenda.

- a) In the light of the changes announced by the IRP Broxtowe Borough Council calls on the government, through the East Midlands Development Corporation, to fully fund the review of the business case for the Toton Masterplan and the HS2 growth strategy to

ensure that:

1. A clear fully funded connectivity package for Toton to include:
 - tram connectivity to a new station
 - the provision of wider transport improvement connectivity to the areas of Eastwood and Kimberley to ensure level up these areas and connect them to skills and economic growth opportunities
 - wider road infrastructure improvements for Toton including improvements to Bessel Lane and connectivity to the A52 and M1.
 2. The fully funded delivery of the full aspiration of the Toton/Erewash Valley environmental vision of networked green and blue infrastructure.
 3. A national centre for biodiversity at Toton.
 4. A national skills centre at Toton.
 5. The delivery of the full ambition of high quality jobs and economic growth at Toton rather than a watering down of this ambition in favour of more or lower quality housing development.
 6. The delivery of well integrated high quality spacious environmentally sustainable homes in accordance with the original masterplan vision.
 7. Electrification of the Midlands Main Line as an immediate priority.
 8. The revised HS2 east link now infers the line will stop at East Midlands Parkway.
 9. Previous Midlands Connect proposals were that there should be a 'heavy' rail link from Parkway to the airport to facilitate passenger connection, which would be supported. This Council also supports an alternative proposal to run trains out of Nottingham via Ilkeston which will enable a station to be built at Toton. There would have to be a significant review of traffic movement in the Trent Junction area.
- b) Further to the announcement of the HS2 built at Parkway, the line for the HS2 is reserved for potential future development and has reserved the line proposals. This has caused considerable concern in communities across Broxtowe and neighbouring authorities because of the blight that continues because of the reserved line. This Council therefore calls on the government to make a definitive decision on the future of HS2 leg northern link to end the uncertainty and bring to a conclusion any further speculation.”

16. REFERENCES

- 16.1 Alcohol and Entertainments Committee (Pages 39 - 90)

16 November 2021

Review of the Gambling Act 2005 Statement of Principles
2022-2024

RECOMMENDED to Full Council that the Statement of Licensing Policy be approved for adoption for publication by 3 January 2022 and implementation on 31 January 2022.

17. CHANGES TO GOVERNANCE ARRANGEMENTS/DRAFT PROGRAMME OF MEETINGS FOR MAY 2022 TO APRIL 2023 (Pages 91 - 94)

To update Members with the draft Programme of Meetings for May 2022 to April 2023 for Cabinet, Council, Governance, Audit and Standards Committee and Planning Committee and seek resolution on issues in relation to the changes to governance arrangements.

18. EXTERNAL AUDITOR APPOINTMENTS - DECISION TO OPT INTO THE NATIONAL SCHEME MANAGED BY PUBLIC SECTOR AUDIT APPOINTMENTS AS THE 'APPOINTING PERSON' (Pages 95 - 102)

To provide the Council with the proposals for appointing the external auditor to the Council for the accounts for the five-year period from 2023/24.

19. APPOINTMENT OF INDEPENDENT PERSON (Pages 103 - 104)

To enable the Council to appoint two additional Independent Persons pursuant to the provisions in Section 28 of the Localism Act 2011 ('The Act') and the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 to serve for a term of four years.

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COUNCIL

WEDNESDAY, 13 OCTOBER 2021

Present: Councillor R D MacRae, Chair

Councillors: E H Atherton
B C Carr
S J Carr
M J Crow
E Cubley
T A Cullen
S Dannheimer
S Easom
J C Goold
D Grindell
T Hallam
M Handley
M Hannah
R I Jackson
H G Khaled MBE
L A Lally
P Lally
H Land
G Marshall
J W McGrath
J M Owen
P J Owen
J P T Parker
S Paterson
D D Pringle
M Radulovic MBE
R S Robinson
P D Simpson
H E Skinner
P Roberts-Thomson
C M Tideswell
I L Tyler
D K Watts
E Williamson
R D Willimott

Apologies for absence were received from Councillors D Bagshaw, S A Bagshaw, L A Ball BEM, M Brown, L Fletcher, E Kerry, S Kerry and J C Patrick.

25 DECLARATIONS OF INTEREST

Councillor J W McGrath declared a pecuniary interest in agenda item 8 as his business falls outside the definition of a town centre. Minute number 31 refers

26 MINUTES

The minutes of the meeting held on 21 July 2021 were confirmed and signed as a correct record.

27 MAYOR'S ANNOUNCEMENTS

The Mayor gave a resume of his engagements since the last meeting including the Civic Service and a charity bike ride. This had raised £2,051 with the donations going towards the Mayor's Charity, Broxtowe Youth Homelessness.

Future events planned included supporting local people in need through the food banks and raising funds for the Mayor's charity.

The Mayor was saddened to inform the meeting of the recent death of ex-Councillor Martin Plackett. There was a minute's silence to remember him by and offered his thoughts and prayers to his family at this difficult time of grief. Tributes were read out at the meeting from fellow Councillors.

28 PRESENTATION OF PETITIONS

There were no petitions presented.

29 LEADER'S REPORT

The Leader updated the Councillors on relevant matters of interest including the housing delivery programme. Good process was being made with the five new homes for rent to veterans in Stapleford, At the meeting, Council was asked to endorse a report to build fifty-one new homes for rent and shared ownership, Contracts had been exchanged on a site to build eighteen new housing units, subject to the planning process, Six underused garage sites had been sent to Architects to draw up plans for social housing and five former right to buy properties had been bought back along with the two new dementia friendly bungalows that were delivered last year. The application for four hundred and six modular homes on the Boots enterprise zone site was also encouraging.

Live events had been taking place again in Broxtowe. Hemlock Rocks with live music took place on Saturday 18 September and the DH Lawrence Music Festival with over one hundred acts in over ten venues across Eastwood had also taken place. The Leader thanked all those involved in the planning and organising of them. The delivery of the summer holiday activity programme in Broxtowe had been provided including food and activities for children from lower income families. There had been 1,035 places for primary age children and 129 for secondary age. The project cost £45,931 provided through the Nottinghamshire County Council from the government.

Progress had been made on the content of the levelling up bids for both Eastwood and Kimberley. A strong health and wellbeing theme had been emerged from ideas that had been put forward. The Leader had meetings planned with the MP for Eastwood to seek continued support with the ideas. In Kimberley the task group would

continue to work productively on their ideas that included creation of a new community asset, transformational investment in the Town Centre to support its vitality and viability post COVID-19, investment in leisure and access to business, town centre and recreational opportunities in the area of Kimberley.

The Leader expressed his disappointment with the length of time it had taken for the publication of the Governments integrated rail plan. The HS2 eastern leg extension would provide economic benefits from this investment. The ambitions that were being developed with DevCo for zero carbon growth were exciting and would result in levelling up as improvement to the environment through a new network of green and blue infrastructure to balance and complement the housing growth within the area.

Discussions had been progressing well with the County Council, all district council leaders and the City Council Leader to discuss a County deal for the area. The conversations were advancing constructively and included themes of environmental improvement, transport and economic development investment, skills advances, improvements to health and social care and exploring ways to make the current structure streamlined and efficient between layers of government.

The recent green festival in Chilwell had been a great success. The Council was making good progress towards implementing the carbon reduction strategy. The Leader thanked Councillors Skinner and Marshall for their support in the event.

30 PUBLIC QUESTIONS

30.1 THE FOLLOWING QUESTION HAD BEEN SUBMITTED BY MR KEN RIGBY FOR THE LEADER OF THE COUNCIL

“Is the Leader of the Council aware of the fact that if the Borough Council’s proposal for boundary change to Cossall Parish is adopted in its entirety the loss of income would force Cossall Parish Council to cease operation, having been in existence since 1894. In addition, is he aware that Cossall Parish Council has ceased out a secret and proper ballot of the 118 properties affected of which 84 replies were received, all of which indicated that they wished that they wish to remain in the Parish of Cossall. Therefore, would he agree that the alternative proposal submitted by Cossall Parish Council, (Whereby 52 properties in the The Glebe would move into the Parish of Cossall, whilst land in the area of the proposed new housing development, currently in Cossall, would be surrendered into the Parish of Awsworth, approx. 50 new properties) would ensure the long term future of Cossall Parish Council?”

The Leader responded by saying that a task and finish group had been set up and the recommendations from the consultation would be reported at the next Governance, Audit and Standards Committee. The Leader was aware of the strong feeling from residents’ responses to the consultation and sympathised with Parishes and Villages. The Leader agreed some areas needed to be tidied up. However, the recommendation from the task and finish group indicated that there would be no changes made to the area of Cossall.

31 MEMBERS' QUESTIONS

The following questions had been submitted by Councillor J W McGrath for the Leader of the Council.

“What has the Borough got planned for parking restrictions on the lead up to Christmas? All our towns in the Borough have had a lean time, this is an opportunity to help businesses in the lead up to Christmas, by at least allowing parking restrictions to be lifted in the month of December please. I am aware some towns in the Borough are having Christmas light switch-ons so is it possible to have free parking from Thursday 9 December including Friday and Saturday and the following Thursday, Friday and Saturday leading up to Christmas to help the businesses Christmas arrangements in our towns and give them a boost.”

“It was an honour to be chosen as part of the towns deal board and with others to have a say in the shaping of our towns future. Members from Eastwood and Kimberley will also have that change now thanks to the government’s levelling up fund. But, a question, I would like to ask is, on the one million COVID-19 recovery fund for businesses in Stapleford why or is it limited to the town centre? There are forty-one businesses outside the limit, all within three minutes walking of the town centre. Some or many are still not up to pre-pandemic footfall and as I said before it will be a long time to get confidence back. So can we look at this please, and yes, I declare an interest as my business falls outside.”

The Leader responded to both questions together. He sympathised to the shops and businesses. During the pandemic over 2,500 businesses ranging from self-employed through to larger corporations had been awarded business grants and they had been delivered quickly and in an efficient manner. Future planning to support the whole of Broxtowe over Christmas was in the pipeline this would be seen through the Jobs and Economy, Finance and Policy and Performance Committees to provide the relevant boost. The COVID-19 recovery grants specifically define town centre for receiving grants and was useful in providing COVID Marshalls to the town centres. There had been a number of other initiatives that offered grants over the Borough. There will be a future comprehensive review to support and help businesses through government grants. The key will be to look at regenerate, refresh and re-activate to bounce back from COVID-19 pandemic. The executive on the town centre board took the decision to define what a town centre was.

A supplementary question was asked to the Leader by Councillor J W McGrath.

“I cannot recall a decision of what the executive board defined as a town centre?”

The Leader responded that the executive board took the decision at the Town Centre board meeting over what was defined as a town centre and that Councillor J W McGrath was present at that meeting.

32 MEMBERS' SPEECHES ON WARD ISSUES

There were no Members’ speeches on ward issues.

33 QUESTIONS ON OUTSIDE BODIES

There were no questions on Outside Bodies.

34 APPOINTMENTS TO COMMITTEES AND WORKING GROUPS

Councillors noted the update on the composition of committees of the Council for the purposes of proportionality after Councillor M Handley advised that she had ceased representing the Conservative Group and intended to sit as an Independent member of the Council.

RESOLVED that the appointments laid before the meeting be approved.

35 DECISIONS FROM COMMITTEE MEETINGS

Members noted the decisions made by the Council's Committees. It was highlighted that if they became aware of any businesses or suspicious activity to report it to the Chief Executive. Modern Slavery and Human trafficking was very much happening and to seek further advice if they had concerns.

36 CHANGES TO GOVERNANCE ARRANGEMENTS

Members considered a proposal to change the Council's system of governance. With the introduction of the Government's 'levelling up' agenda that required member involvement through accountability, transparency, scrutiny and delivery and along with the initial consideration of County devolution under way, aligned decision-making structures would allow for greater continuity between the authorities.

The current committee style of governance had enabled the involvement of all councillors in the decision-making process. However, over a number of years the remits of these committees had changed and on occasions a report had been submitted to numerous committees for approval. The Leader and cabinet system would allow for quicker and more streamlined decision making, with clear lines of communication, responsibility and accountability.

Discussions ensued with acknowledging the Committees had become embedded with noting reports and the proposed change to a Cabinet and Strong Leadership system would support the delivery of some of the major projects that were arising from the government's devolution bill, levelling up agenda and the borough's delivery of major projects through the capital programme. Having a strong scrutiny committee would support transparency and accountability and this should be considered in the decision.

All Councils would like a devolution deal across Nottinghamshire and without a cabinet and strong leadership model in place it would impede the Governments request and failing government. Broxtowe was in the heart of the development opportunities and we need to re-align our corporate policies.

The broad principles of the arrangements would be provided within a report at a future Full Council meeting with the arrangement to be agreed and adopted in early 2022 prior to its implementation at the Annual meeting in May 2022.

RESOLVED to agree in principle that a Leader and Cabinet style of governance be adopted from May 2022.

37 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Act.

38 LAND SALE ADJACENT TO THE CREMATORIUM SITE

RESOLVED that:

- 1. The surplus land at the Crematorium be sold to the developer as a private treaty disposal in line with the developer as a private treaty disposal in line with the Council's land disposal policy and**
- 2. A delegation be made to Broxtowe's Deputy Chief Executive and s.151 officer, in consultation with the Chair and Vice Chair of the Bramcote Bereavement Services Joint committee and the Group Leaders, to progress all key approvals relating to the subsequent sale of the land.**

Report of the Executive Director

DECISIONS FROM COMMITTEE MEETINGS1. Purpose of report

To note the decisions made by the Council's Committees.

2. Background

Decisions from Committee meetings prior to the new Council year are attached to enable questions to the Chairs of the relevant Committees. The following committee decisions are attached in the appendix:

- Finance and Resources Committee
- Bramcote Bereavement Joint Committee
- Community Safety Committee
- Housing Committee
- Jobs and Economy Committee
- Environment and Climate Change Committee
- Leisure and Health Committee
- Governance, Audit and Standards Committee
- Personnel Committee
- Policy and Performance Committee

Recommendation

Council is asked to NOTE the report.

Background papers

Nil

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Agenda Item Number	Committee Name	Committee Date	Report	Decision
3.	Finance and Resources Committee	Thursday, 7 October 2021	MINUTES	The minutes of the meeting held on 8 July 2021 were confirmed and signed as a correct record.
4.	Finance and Resources Committee	Thursday, 7 October 2021	MEDIUM TERM FINANCIAL STRATEGY 2021/22 TO 2025/26 AND BUSINESS STRATEGY 2022/23	RESOLVED that the updated Medium Term Financial Strategy and the Business Strategy 2022/23 in the appendices be approved.
5.	Finance and Resources Committee	Thursday, 7 October 2021	BUDGET CONSULTATION 2022/23	RESOLVED that the budget-setting process for 2022/23 and the Budget Consultation questionnaire be approved.
6.	Finance and Resources Committee	Thursday, 7 October 2021	CAPITAL PROGRAMME 2021/22 UPDATE	RESOLVED that the capital budget variations for 2021/22 as set out in the appendix be approved.
7.	Finance and Resources Committee	Thursday, 7 October 2021	GENERAL FUND REVENUE BUDGET AMENDMENTS 2021/22	RESOLVED that the amendments to the General Fund revenue budget 2021/22 as set out in the appendix be approved.
8.	Finance and Resources Committee	Thursday, 7 October 2021	CHARGING FOR LAND CHARGES INFORMATION	RESOLVED that: <ol style="list-style-type: none"> 1. The introduction of an optional paid for enhanced e-mail service to PSC's be approved. 2. The fee for the enhanced service be set by the Executive Director in consultation with the Chair of the Committee.

Agenda Item Number	Committee Name	Committee Date	Report	Decision
10.	Finance and Resources Committee	Thursday, 7 October 2021	GRANT AID REQUESTS FROM NUTHALL PARISH COUNCIL	RESOLVED that: 1. The grant aid request of £1,905 towards the cost of traffic management at the Remembrance Sunday Parade in 2021 be approved. 2. The grant aid request for up to £2,590 towards the purchase of two new defibrillators be deferred to allow for a wider programme of proposals of equipment across the Borough.
11.	Finance and Resources Committee	Thursday, 7 October 2021	CAPITAL GRANT REQUEST - EASTWOOD TENNIS CLUB	RESOLVED to withdraw the capital grant aid request and to include as part of the Eastwood Levelling Up bid.
13.	Finance and Resources Committee	Thursday, 7 October 2021	PERFORMANCE MANAGEMENT - REVIEW OF BUSINESS PLAN PROGRESS - SUPPORT SERVICE AREAS	NOTED the performance and progress made in achieving the actions in the Business Plans 2021-24 for the support service areas.
14.	Finance and Resources Committee	Thursday, 7 October 2021	WORK PROGRAMME	RESOLVED that the Work Programme be approved.

Agenda Item Number	Committee Name	Committee Date	Report	Decision
16.	Finance and Resources Committee	Thursday, 7 October 2021	TRAM COMPENSATION UPDATE	RESOLVED that the final adjustments to the claim be delegated to the Deputy Chief Executive and in consultation with the Chair of this Committee and the three main party Leaders.
17.	Finance and Resources Committee	Thursday, 7 October 2021	IRRECOVERABLE ARREARS	RESOLVED that the arrears in excess of £1,200 on national non-domestic rates, council tax, rents, housing/council tax benefit overpayment and sundry debtors as set out in the report be written off and to note the exercise of the Deputy Chief Executive's delegated authority under financial regulation 5.9.

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Agenda Item Number	Committee Name	Committee Date	Report	Decision
4.	Bramcote Bereavement Services Joint Committee	Thursday, 21 October 2021	CHANGE IN COST OF DIRECT CREMATION AND INTRODUCTION OF A LOW COST CREMATION	RESOLVED that a change in cost for a direct cremation and the introduction of a low cost cremation be approved.
5.	Bramcote Bereavement Services Joint Committee	Thursday, 21 October 2021	CHANGE IN CREMATION SERVICE TIMES	RESOLVED that a change to a 60 minute cremation service time is approved.
6.	Bramcote Bereavement Services Joint Committee	Thursday, 21 October 2021	EXTERNAL ADVICE ON CREMATOR REPLACEMENT	RESOLVED to delegate to the Broxtowe Deputy Chief Executive, in consultation with the Chair and Vice Chair of this Committee, the appointment of specialist advisors.

Agenda Item Number	Committee Name	Committee Date	Report	Decision
12.	Bramcote Bereavement Services Joint Committee	Thursday, 21 October 2021	WORK PROGRAMME	<p>RESOLVED the work programme and schedule of meetings, subject to the below additional reports being added to the work programme, be approved.</p> <ul style="list-style-type: none"> • 6 Month Review of the Change Cremation Costs • 6 Month Review of the Change in Cremation Times • Charitable donations
13.	Bramcote Bereavement Services Joint Committee	Thursday, 21 October 2021	EXCLUSION OF PUBLIC AND PRESS	<p>RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Schedule 12A of the Act.</p>

Agenda Item Number	Committee Name	Committee Date	Report	Decision
3.	Community Safety Committee	Thursday, 11 November 2021	MINUTES	The minutes of the meetings held on 9 September 2021 and 16 October 2021 were confirmed and signed as a correct record.
6.	Community Safety Committee	Thursday, 11 November 2021	HATE CRIME STRATEGY AND ACTION PLAN	RESOLVED that the Hate Crime Strategy and Action Plan be approved.
7.	Community Safety Committee	Thursday, 11 November 2021	CYCLE THEFT PREVENTION ACTION PLAN	RESOLVED that the Cycle Theft Prevention Action Plan with the addition of bike security marking action and associated funding be approved and RECOMMENDED that the Finance and Resources Committee approve supplementary funding of £2,500 to deliver the plan.
8	Community Safety Committee	Thursday, 11 November 2021	ANTI-SOCIAL BEHAVIOUR ACTION PLAN 2021 - 2023	RESOLVED that the Anti-Social Behaviour Action Plan 2021-2023 be approved.
11.	Community Safety Committee	Thursday, 11 November 2021	WORK PROGRAMME	RESOLVED that the work programme be approved.

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Agenda Item Number	Committee Name	Committee Date	Report	Decision
4.	Housing Committee	Wednesday, 17 November 2021	HOUSING PERFORMANCE GROUP MINUTES - 2 NOVEMBER 2021	The Committee NOTED the report.
5.	Housing Committee	Wednesday, 17 November 2021	GAS AND ELECTRICAL POLICIES	RESOLVED that the revised Gas and Electrical Policies be approved.
6.	Housing Committee	Wednesday, 17 November 2021	DECANT POLICY	RESOLVED that the amended Decant Policy be approved.
7.	Housing Committee	Wednesday, 17 November 2021	REVIEW OF ALLOCATIONS POLICY	RESOLVED that the proposed changes to the Council's Allocations Policy be approved.
8.	Housing Committee	Wednesday, 17 November 2021	LAND AROUND 51 ILKESTON ROAD, BRAMCOTE - FISHPOND COTTAGE	RESOLVED to proceed as per the current planning approval.
9.	Housing Committee	Wednesday, 17 November 2021	GENERAL NEEDS - COMMUNAL AREAS	RESOLVED that communal block and window cleaning is introduced in General Needs Accommodation.

10.	Housing Committee	Wednesday, 17 November 2021	HOUSING DELIVERY PLAN UPDATE	The Committee NOTED the report.
11.	Housing Committee	Wednesday, 17 November 2021	PERFORMANCE MANAGEMENT - REVIEW OF BUSINESS PLAN PROGRESS - HOUSING	The Committee NOTED the report.
12.	Housing Committee	Wednesday, 17 November 2021	WORK PROGRAMME	RESOLVED that the Work Programme be approved.
13.	Housing Committee	Wednesday, 17 November 2021	EXCLUSION OF PUBLIC AND PRESS	RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Schedule 12A of the Act.
14.	Housing Committee	Wednesday, 17 November 2021	RENT TO MORTGAGE PROPERTY ACQUISITION	RESOLVED to allow the occupiers of the property to remain in occupation following the property acquisition.

Agenda Item Number	Committee Name	Committee Date	Report	Decision
3.	Jobs and Economy Committee	Thursday, 18 November 2021	MINUTES	The minutes of the meeting held on 10 June 2021 were confirmed and signed as a correct record, with a minor amendment.
10.	Jobs and Economy Committee	Thursday, 18 November 2021	WORK PROGRAMME	RESOLVED that the Work Programme be approved with the addition of the following: <ul style="list-style-type: none"> • Jobs Clubs in conjunction with Parish and Town Councils. • An update on starters and leavers in Planning and Economic Development. • Town Centre Trading Policy.

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Agenda Item Number	Committee Name	Committee Date	Report	Decision
4	Environment and Climate Change Committee	Monday, 22 November 2021	CHRISTMAS CAR PARKING CHARGES 2021	RESOLVED that appropriate arrangements regarding the cessation of charges in car parks over the Christmas period are delegated to the Head of Governance to enact as detailed in the report.
5	Environment and Climate Change Committee	Monday, 22 November 2021	GARDEN WASTE SUBSCRIPTION CHARGES FOR 2022/23	RECOMMENDED to the Finance and Resources Committee that: 1. The price for the first bin for 2022/23 be increased by £1.00 2. The price for additional bins for 2022/23 be increased by £1.00
6	Environment and Climate Change Committee	Monday, 22 November 2021	UPDATE ON CARBON EMISSIONS AND PROGRESS TOWARDS CARBON NEUTRALITY BY 2027	RESOLVED that the new carbon reporting baseline be approved.
7	Environment and Climate Change Committee	Monday, 22 November 2021	CLEAN AND GREEN	RESOLVED that: 1) A revenue growth bid is submitted to the Finance and Resources Committee for the approval of £4,000 in the 2022/23 budgets to finance four green themed community engagement events. 2) An annual litter audit is undertaken.

8	Environment and Climate Change Committee	Monday, 22 November 2021	FUNDING STREAM AVAILABILITY FOR HOUSING IMPROVEMENTS	The Committee NOTED the report.
9	Environment and Climate Change Committee	Monday, 22 November 2021	TREE PLANTING	The Committee NOTED the report.
10	Environment and Climate Change Committee	Monday, 22 November 2021	CLIMATE CHANGE AND GREEN FUTURES PROGRAMME UPDATE	The Committee NOTED the report.
11	Environment and Climate Change Committee	Monday, 22 November 2021	PERFORMANCE MANAGEMENT - REVIEW OF BUSINESS PLAN PROGRESS - ENVIRONMENT AND CLIMATE CHANGE	The Committee NOTED the report.
12	Environment	Monday, 22	WORK	RESOLVED the Work Programme be approved with the additional

	and Climate Change Committee	November 2021	PROGRAMME	items of Review of Waste Days, Options for Tree Planting, Dog Control Policy and Fees and Charges be added be added.
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Agenda Item Number	Committee Name	Committee Date	Report	Decision
3.	Leisure and Health Committee	Wednesday, 24 November 2021	MINUTES	The minutes of the meeting held on 15 September 2021 were confirmed and signed as a correct record.
4.	Leisure and Health Committee	Wednesday, 24 November 2021	EVENT OPTIONS APPRAISAL - CULTURAL SERVICES	RESOLVED that Option C in appendix 1 that will require £60,934 in addition to the management fee to cover additional 1.5 FTE event officers posts and increased base budget incorporating existing Council events be approved. RECOMMENDED to the Council that the chosen option carries a ring-fenced event delivery budget, separate to the operational and staffing budgets of the local authority trading company.
5.	Leisure and Health Committee	Wednesday, 24 November 2021	TOBACCO CONTROL ACTION PLAN 2021-23	RESOLVED that the tobacco control action plan 2021-23 with the addition of the Vape bus and Youth Clubs to be added to the action plan be approved.
6.	Leisure and Health Committee	Wednesday, 24 November 2021	FOOD CLUBS UPDATE	Committee noted the update report on the progression of the development of Food Clubs.
7.	Leisure and Health Committee	Wednesday, 24 November 2021	PERFORMANCE MANAGEMENT - REVIEW OF BUSINESS PLAN PROGRESS - LIBERTY LEISURE LIMITED	Committee noted the performance and progress made in achieving the Business Plan for Liberty Leisure Limited 2021-2024.

8.	Leisure and Health Committee	Wednesday, 24 November 2021	PERFORMANCE MANAGEMENT - REVIEW OF BUSINESS PLAN PROGRESS - HEALTH	Committee noted the performance and progress made in achieving the actions in the Health Business Plan 2021-2024.
9.	Leisure and Health Committee	Wednesday, 24 November 2021	WORK PROGRAMME	RESOLVED that the work programme, with the additional item of play days be approved.

Agenda Item Number	Committee Name	Committee Date	Report	Decision
4.	Governance, Audit and Standards Committee	Monday, 29 November 2021	COMMUNITY GOVERNANCE REVIEW	RESOLVED that the draft recommendations put forward by the Task and Finish Group be approved.
5.	Governance, Audit and Standards Committee	Monday, 29 November 2021	AUDIT OF ACCOUNTS 2020/21 AND ASSOCIATED MATTERS	RESOLVED that: (i) the Statement of Accounts 2020/21 and the letter of representation as circulated with this agenda be approved; and (ii) delegation be given to the Deputy Chief Executive and Section 151 Officer along with the Chair of this Committee to approve any minor changes required to the Statement of Accounts 2020/21, with any substantial changes being reported back to Committee.
6.	Governance, Audit and Standards Committee	Monday, 29 November 2021	GOING CONCERN STATEMENT	The Committee NOTED the report.
7.	Governance, Audit and Standards Committee	Monday, 29 November 2021	INTERNAL AUDIT PROGRESS REPORT	RESOLVED that the revisions to the Internal Audit Plan for 2021/22, as set out, in appendix 2 be approved.
8.	Governance, Audit and Standards Committee	Monday, 29 November 2021	GOVERNANCE ARRANGEMENTS FOR THE BEESTON TOWN CENTRE	The Committee NOTED the report.

			DEVELOPMENT PROJECT	
9.	Governance, Audit and Standards Committee	Monday, 29 November 2021	REVIEW OF STRATEGIC RISK REGISTER	RESOLVED that the amendments to the Strategic Risk Register and the actions to mitigate risks as set out in appendix 2 be approved.
10.	Governance, Audit and Standards Committee	Monday, 29 November 2021	REPORT OF THE MONITORING OFFICER	The Committee NOTED the report.
11.	Governance, Audit and Standards Committee	Monday, 29 November 2021	WORK PROGRAMME	RESOLVED that the Work Programme be approved.

Agenda Item Number	Committee Name	Committee Date	Report	Decision
3.	Personnel Committee	Tuesday, 30 November 2021	MINUTES	The minutes were confirmed and signed as a correct record.
4.	Personnel Committee	Tuesday, 30 November 2021	REFERENCES	
4.1	Personnel Committee	Tuesday, 30 November 2021	Local Joint Consultative Committee	RESOLVED that the amended Evaluation and Re-evaluation of Posts policy be approved and that there be a review of the two tier pay scheme.
4.2	Personnel Committee	Tuesday, 30 November 2021	Local Joint Consultative Committee	RESOLVED that the Flexible Retirement Policy, with the suggested amendments, be approved.
5.	Personnel Committee	Tuesday, 30 November 2021	EMPLOYEE SURVEY 2021-RESULTS	NOTED
6.	Personnel Committee	Tuesday, 30 November 2021	PERFORMANCE MANAGEMENT - REVIEW OF BUSINESS PLAN PROGRESS	NOTED
7.	Personnel Committee	Tuesday, 30 November 2021	PAY POLICY STATEMENT - 2022/23	NOTED
8.	Personnel Committee	Tuesday, 30 November 2021	WORK PROGRAMME	RESOLVED that the work programme be approved.

9.	Personnel Committee	Tuesday, 30 November 2021	EXCLUSION OF PUBLIC AND PRESS	The Committee RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, and 2 of Schedule 12A of the Act.
10.	Personnel Committee	Tuesday, 30 November 2021	MARKET SUPPLEMENT: PLANNING OFFICERS	RESOLVED that the market supplements as set out in the appendix be approved.
11.	Personnel Committee	Tuesday, 30 November 2021	RECRUITMENT AND RETENTION ISSUES AND NEW POSTS	NOTED

Agenda Item Number	Committee Name	Committee Date	Report	Decision
3.	Policy and Performance Committee	Thursday, 2 December 2021	MINUTES	The minutes of the meeting held on 30 September were approved and signed as a correct record.
4.	Policy and Performance Committee	Thursday, 2 December 2021	BEESTON TOWN CENTRE REDEVELOPMENT	<ol style="list-style-type: none"> 1. NOTED the report and any further verbal updated provided. 2. RESOLVED to continue to delegate to the Deputy Chief Executive all key approvals, in consultation with the cross-party project Board, and subject to the overall project cost remaining within the financial limits already set or subsequently changed by the Finance and Resources Committee and/or Full Council as appropriate.
5.	Policy and Performance Committee	Thursday, 2 December 2021	ENERGY PROCUREMENT STRATEGY 2021 - 2025	RESOLVED that the Strategy and the four strategic principles set out within be adopted.
6.	Policy and Performance Committee	Thursday, 2 December 2021	LAND AT REDWOOD CRESCENT: APPLICATION FOR DEDICATION AS VILLAGE GREEN	RESOLVED that an application to the County Council be made to register the open space at Redwood Crescent identified in red on the plan in appendix 1 as village green.
7.	Policy and Performance Committee	Thursday, 2 December 2021	ADDITIONAL FACILITIES CO-ORDINATOR-HOUSING COMPLIANCE	RESOLVED that the creation of an additional Facilities Co-ordinator post be approved.

9.	Policy and Performance Committee	Thursday, 2 December 2021	COUNTY DEAL FOR NOTTINGHAMS HIRE	NOTED the report.
10.	Policy and Performance Committee	Thursday, 2 December 2021	REVIEW OF CORPORATE PLAN PROGRESS AND FINANCIAL PERFORMANCE	NOTED the progress made in achieving the Corporate Plan priorities and with regard to the financial position for 2021/22.
11.	Policy and Performance Committee	Thursday, 2 December 2021	LEISURE FACILITIES STRATEGY - UPDATE ON PROGRESS	NOTED the report.
12.	Policy and Performance Committee	Thursday, 2 December 2021	WORK PROGRAMME	RESOLVED that the work programme was approved.
13	Policy and Performance Committee	Thursday 2 December 2021	EXCLUSION OF PUBLIC AND PRESS	RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1,2 and 3 of Schedule 12A of the Act.

Report of the Chief Executive

**REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES
2022-2024**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 2022-2024.

2. Detail

Members approved the content of the draft Statement of Principles on 28 September 2021 for statutory consultation between 30 September 2021 and 29 October 2021.

No comments have been received following the consultation. Members are therefore asked to approve the Statement of Principles attached at Appendix 1 and recommend that it be approved by Full Council on 15 December 2021.

The Equality Impact Assessment which accompanied the report on the draft Statement of Principles is attached at appendix 2

The Council is required to publish the Statement by 3 January 2022 and implement the policy on 31 January 2022.

Recommendation

The Committee is asked to RECOMMEND to Full Council that the Statement of Licensing Policy be approved for adoption for publication by 3 January 2022 and implementation on 31 January 2022.

Background papers

Nil

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Report of the Chief Executive

REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES1. Purpose of report

To seek approval of the Council's draft revised Gambling Act 2005 Statement of Principles for statutory consultation.

2. Background

Section 349 of the Gambling Act 2005 (the Act) requires licensing authorities to prepare and publish a Statement of Principles that they propose to apply in exercising their functions under the Act. The Statement of Principles must be reviewed every three years. The previous statutory three-year period began on 31 January 2019. Consequently, the authority must review, adopt and publish a new Statement of Principles by 31 January 2022.

Considerable work has been undertaken by inter-authority groups to produce core documents common to the districts which reflect the statutory guidance. The draft revised Statement of Principles reflects the co-operation between the Nottinghamshire authorities

The Act obliges the licensing authority to consult widely on the revision of its licensing statement and, to enable that to be done effectively, the Council has established a list of consultees comprised of representatives of the various groups and bodies whose views will be sought. There are also a number of statutory consultees outlined in the Act. A link to the approved draft will be circulated to all of those so identified.

There are no fundamental changes to legislation and no substantive changes to the current Statement of Principles. A list of the proposed amendments is attached at appendix 1. Appendix 2 shows a proposed timescale for consideration of the document and its adoption in time for the revised policy to be implemented. An Equality Impact Assessment is attached at appendix 3. A copy of Broxtowe's proposed draft Statement of Principles is attached at appendix 4 and a copy will be placed on the Council's website as part of the consultation process.

Recommendation

The committee is asked to RESOLVE that the draft of the revised Statement of Principles be approved for the purposes of statutory consultation.

Background papers

Nil

APPENDIX 1

Proposed Changes to Statement of Principles

Front Cover;	Change to date of document Change to date of publication
Page 6:	1.8. Date of consultation amended 1.9 Link to local area profile to Council's website profile updated
Page 9:	1.17 Data Protection Act added 1.17 The following information added. 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 1.18 Link to Equality and Diversity policy updated
Page 10:	2,8 Gambling Harms link updated.
Page 17:	4.14 Safeguarding Children now partnership not board
Page 27	6.9 Reference to the Regulators Code added.
Page 30:	List of consultees updated

APPENDIX 2

TIMESCALE FOR ADOPTION OF REVISED STATEMENT OF PRINCIPLES

Draft statement presented to Alcohol and Entertainment Committee for approval	28 September 2021
4 week consultation commences	30 September 2021
4 Week consultation finishes	29 October 2021
Consideration of consultation responses and amendment of draft statement as necessary.	30 October 2021
Revised Statement of Principles presented to Alcohol and Entertainment Committee for approval	16 November 2021
Adoption of Statement of Principles by Council	15 December 2021
Publish Statement of Principles and place on website	3 January 2022
Implementation	31 January 2022

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	Suzanne Hickey
Name of the policy or function to be assessed:	Gambling Act 2005 Statement of Principles 2019 – 2021		
Names of the officers undertaking the assessment:	John Miley		
Is this a new or an existing policy or function?	Existing		
<p>1. What are the aims and objectives of the policy or function?</p> <p>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</p>			

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) a licensing authority in England and Wales in whose area the premises is wholly or partly situated
- (b) the Gambling Commission
- (c) the chief officer of police or chief constable for the area in which the premises is wholly or partially situated
- (d) the fire and rescue authority for the same area
- (e) in England and Wales, the local planning authority, or in Scotland, the planning authority
- (f) the relevant authority as defined in s.6 of the Fire (Scotland) Act 2005
- (g) an authority which has functions in relation to pollution to the environment or harm to human health
- (h) anybody, designated in writing by the licensing authority, as competent to advise about the protection of children from harm
- (i) HM Revenue & Customs
- (j) 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 behavior 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 16 premises in the Borough. 8 betting shops, 7 Adult Gaming Centres and 1 Bingo Premises. There have been no reported issues relating to any of the equality strands.

6. 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 92.74% and the 'White British' population is 89.51%. 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, 50.6% of the population was female and 49.4% 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.

7. 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

Should any response from the 2022- 24 consultation indicate concerns, the matter will be reported to the Alcohol and Entertainments Committee for consideration and resolution.

8. 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?**

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.

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

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 NALG

• **What further evidence is needed to understand the impact on equality?**

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.

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age:

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).

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.

Disability:

No adverse impact has been identified through previous consultations, premises visits and on-going monitoring

Gender Reassignment:

No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.

Marriage and Civil Partnership:

No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.

Pregnancy and Maternity:

No adverse impact has been identified through previous consultations,

premises visits and on-going monitoring.
Race: No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.
Religion and Belief: No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.
Sex: No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.
Sexual Orientation: No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.
Head of Service: 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. Signature of Head of Service: Suzanne Hickey

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**Broxtowe
Borough
COUNCIL**

Gambling Act 2005
Statement of Principles
2022-2024
Published 3 January 2022



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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 30 September 2021 to 29 October 2021.

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 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.

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%).

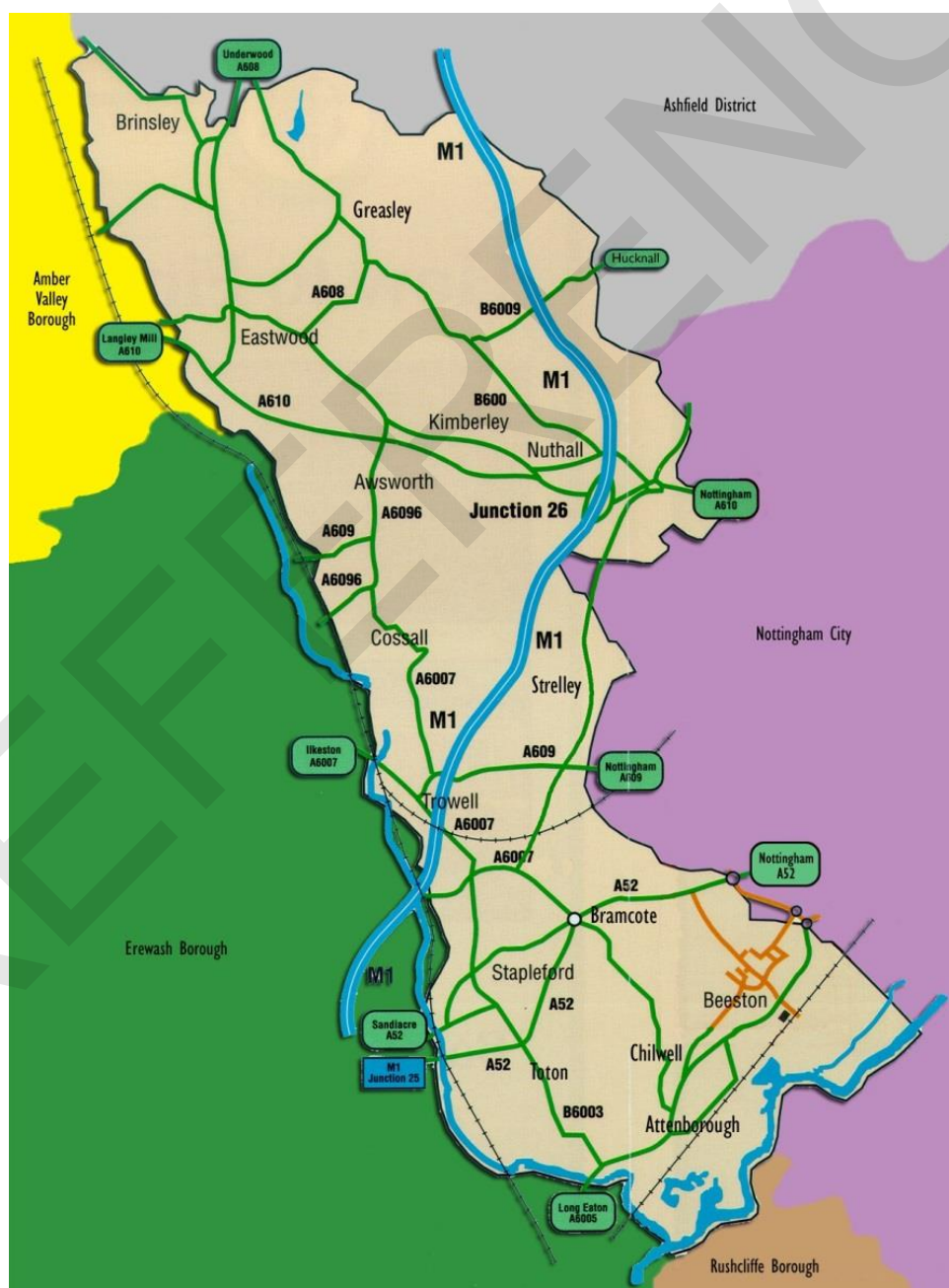
The percentage of the borough's population in the 25 – 44 age group (26.21%), is slightly lower than that for England (27.53%).

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%).

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%).

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. The local area profile can be viewed on the Council's website at <https://www.broxtowe.gov.uk/media/1416/the-profile-of-broxtowe.pdf>

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 <https://www.broxtowe.gov.uk/media/4314/equality-and-diversity-policy.pdf>

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 apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.
- 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 assessment 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
- low IQ
- substance abuse/misuse
- poor mental health.

It is estimated that there are over 270,000 problem 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.

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. Problem 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 applicant's 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 tenant's 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 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 its 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.

- 513 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

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.
- 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 effect on the licensing objectives**
- **management record.**
- **Local risk assessment**

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, and 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.

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

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APPENDIX 2

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	
Name of the policy or function to be assessed:		Statement of Gambling Policy	
Names of the officers undertaking the assessment:		John Miley	
Is this a new or an existing policy or function?		Existing	
1. What are the aims and objectives of the policy or function?			
<p>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.</p>			
2. What outcomes do you want to achieve from the policy or function?			
<p>The policy 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.</p> <p>It will also assist in supporting the Council's policies as set out in the Equality and Diversity Policy</p>			
3. Who is intended to benefit from the policy or function?			
<p>Applicants, Responsible Authorities, other stakeholders, the public and the licensing authority will benefit from the policy.</p>			
4. Who are the main stakeholders in relation to the policy or function?			

Operators of gambling premises, holders of gambling permits, Responsible Authorities (as defined in the Gambling Act 2005), the public and the licensing authority are all stakeholders in the policy. The Policy is statutorily reviewed every 3 years. The policy 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?

None

6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?

None available

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

Previous consultations have not indicated any impact.

8. 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.

- **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?**

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.

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

The implementation of the Gambling Act 2005 and the Statement of Gambling Policy engendered a close working relationship with all stakeholders across the County. Safeguarding and vulnerability issues have been and continue to be dealt with by the Nottinghamshire Authorities Licensing Group (NALG)

• **What further evidence is needed to understand the impact on equality?**

None. However, should any evidence arise as a result of the comprehensive consultation process, It will be considered and if necessary acted upon. No evidence has emerged from previous consultations.

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age:

No adverse impact has been identified

Disability:

No adverse impact has been identified.

Gender Reassignment:

No adverse impact has been identified.

Marriage and Civil Partnership:

No adverse impact has been identified.

Pregnancy and Maternity:

No adverse impact has been identified.

Race:

No adverse impact has been identified.

Religion and Belief:

No adverse impact has been identified

Sex:

No adverse impact has been identified

Sexual Orientation:

No adverse impact has been identified.

Head of Service:

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.

Signature of Head of Service:

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Report of the Executive Director

**CHANGES TO GOVERNANCE ARRANGEMENTS/DRAFT
PROGRAMME OF MEETINGS FOR MAY 2022 TO APRIL 2023**1. Purpose of report

To update Members with the draft Programme of Meetings for May 2022 to April 2023 for Cabinet, Council, Governance, Audit and Standards Committee and Planning Committee and seek resolution on issues in relation to the changes to governance arrangements.

2. Detail

Following the Changes to Governance Arrangements report that was submitted to full Council on 13 October 2021 the proposal in principal is to adopt a Leader and Cabinet style of governance from May 2022.

Attached at the appendix is a proposal for the draft programme of meetings for Cabinet, Council, Governance, Audit and Standards Committee and Planning Committee. This is a noting report, as the programme of meetings is partial and does not give dates for committees that might arise from the detailed discussions about the new governance arrangements, of which members are requested that a Working Group be assembled to assist with before reporting back to Full Council.

Consideration has been given to the requirements of the timing of meetings to approve the relevant budget reports for financial purposes.

In accordance with the Member Development Charter criteria the programme takes account school holidays, cultural and faith commitments and has been composed so as to avoid collision with any significant dates.

3. Further information

A further report will be provided with the governance arrangements and programme of meetings for approval at a future Council meeting.

Recommendation

Council is asked to:

- 1. NOTE the draft Programme of Meetings for May 2022 to April 2023.**
- 2. RESOLVE that a budget of up to £10,000 be approved for the appointment of external support for the necessary amendments to the Constitution.**
- 3. RESOLVE that a Working Group be formed to consider the necessary arrangements prior to a further report being submitted to Full Council.**

Background papers

Nil

Meeting dates for May 2022 to April 2023

Date	Meeting
4 May 2022	Planning Committee
11 May 2022	Council
16 May 2022	Governance, Audit and Standards Committee
24 May 2022	Cabinet
8 June 2022	Planning Committee
16 June 2022	Bramcote Bereavement Joint Services
21 June 2022	Cabinet
6 July 2022	Planning Committee
13 July 2022	Council
18 July 2022	Governance, Audit and Standards Committee
19 July 2022	Cabinet
22 July 2022	Annual Borough Parish
27 July 2022	Planning Committee
7 September 2022	Planning Committee
13 September 2022	Cabinet
26 September 2022	Governance, Audit and Standards Committee
5 October 2022	Planning Committee
11 October 2022	Cabinet
12 October 2022	Council
2 November 2022	Planning Committee
15 November 2022	Cabinet
28 November 2022	Governance, Audit and Standards Committee
7 December 2022	Planning Committee
13 December 2022	Cabinet
14 December 2022	Council
4 January 2023	Planning Committee
10 January 2023	Cabinet
1 February 2023	Planning Committee
7 February 2023	Cabinet
1 March 2023	Council

Date	Meeting
8 March 2023	Planning Committee
13 March 2023	Governance Audit and Standards Committee
14 March 2023	Cabinet

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Report of the Deputy Chief Executive

EXTERNAL AUDITOR APPOINTMENTS – DECISION TO OPT INTO THE NATIONAL SCHEME MANAGED BY PUBLIC SECTOR AUDIT APPOINTMENTS AS THE ‘APPOINTING PERSON’1. Purpose of report

To provide the Council with the proposals for appointing the external auditor to the Council for the accounts for the five-year period from 2023/24.

2. Background and Summary

The current external auditor appointment arrangements cover the period up to and including the audit of the 2022/23 Statement of Accounts. The Council previously opted into the ‘appointing person’ national auditor appointment arrangements established by Public Sector Audit Appointments (PSAA).

PSAA is now undertaking a procurement for the next appointing period, covering audits from 2023/24 to 2027/28. All local government bodies need to make important decisions about their external audit arrangements from 2023/24. They have options to arrange their own procurement and make the appointment themselves or in conjunction with other bodies, or they can join and take advantage of the national collective scheme administered by PSAA.

It is anticipated that a sector-wide procurement conducted by PSAA will produce better outcomes and will be less burdensome for the Council than a procurement undertaken locally. Further details are provided in the appendix.

If the Council wishes to take advantage of the national auditor appointment arrangements, it is required under the local audit regulations to make the decision at full Council. The opt-in period closes shortly and to opt into the national scheme from 2023/24, the Council needs to return completed opt-in documents to PSAA by 11 March 2022.

3. Financial Implications

There is a risk that current external audit fee levels could increase when the current contracts end. The budgets will be adjusted at the appropriate time when the outcome of the procurement exercise is known.

Recommendation

Council is asked to RESOLVE that the Council accepts the Public Sector Audit Appointments’ invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023 be approved.

Background papers – Nil

APPENDIX

Procurement of External Audit for the period 2023/24 to 2027/28

Under the Local Government Audit and Accountability Act 2014 (“the Act”), the Council is required to appoint an external auditor to audit its accounts for each financial year. In doing this, the Council has three options:

- To appoint its own auditor, which requires it to follow the procedure set out in the Act.
- To act jointly with other authorities to procure an auditor following the procedures in the Act.
- To opt in to the national auditor appointment scheme administered by a body designated by the Secretary of State as the ‘appointing person’. The body currently designated for this role is Public Sector Audit Appointments Limited (PSAA).

In order to opt into the national scheme, the Council must make a decision at a meeting of the Full Council.

Appointed Auditor

The auditor appointed at the end of the procurement process will undertake the statutory audit of accounts and best value assessment of the Council in each financial year, in accordance with all relevant codes of practice and guidance. The appointed auditor is also responsible for investigating questions raised by electors and has powers and responsibilities in relation to Public Interest Reports and statutory recommendations.

The auditor must act independently of the Council and the main purpose of the procurement legislation is to ensure that the appointed auditor is sufficiently qualified and independent.

The auditor must be registered to undertake local audits by the Financial Reporting Council (FRC) and employ authorised Key Audit Partners to oversee the work. There is a shortage of registered firms and Key Audit Partners. Auditors are regulated by the FRC, which will be replaced by a new body with wider powers, the Audit, Reporting and Governance Authority (ARGA) during the course of the next contract.

Local authorities have limited influence over the nature of the audit services they are procuring, the nature and quality of which are determined or overseen by third parties.

Appointment by the Council (itself or jointly)

The Council may elect to appoint its own external auditor under the Act, which would require the council to:

- Establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the Council itself, and the members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing to which audit firm to award a contract for the Council's external audit.
- Manage the contract for its duration, overseen by the Auditor Panel.

Alternatively, the Act enables the Council to join with other authorities to establish a joint auditor panel. Again, this will need to be constituted of wholly or a majority of independent appointees. Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.

National Auditor Appointment Scheme

PSAA is specified as the 'appointing person' for principal local government under the provisions of the Act and the Local Audit (Appointing Person) Regulations 2015. PSAA let five-year audit services contracts in 2017 for the first appointing period, covering audits of the accounts from 2018/19 to 2022/23. It is now undertaking the work needed to invite eligible bodies to opt in for the next appointing period, from the 2023/24 audit onwards, and to complete a procurement for audit services. PSAA is a not-for-profit organisation whose costs are around 4% of the scheme with any surplus distributed back to scheme members.

In summary the national opt-in scheme provides the following:

- the appointment of a suitably qualified audit firm to conduct audits for each of the five financial years commencing 1 April 2023;
- appointing the same auditor to other opted-in bodies that are involved in formal collaboration or joint working initiatives to the extent this is possible with other constraints;
- managing the procurement process to ensure both quality and price criteria are satisfied. PSAA has sought views from the sector to help inform its detailed procurement strategy;
- ensuring suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise during the appointment period;
- minimising the scheme management costs and returning any surpluses to scheme members;
- consulting with authorities on auditor appointments, giving the Council the opportunity to influence which auditor is appointed;
- consulting with authorities on the scale of audit fees and ensuring these reflect scale, complexity, and audit risk; and

- ongoing contract and performance management of the contracts once these have been let.

The report concludes that the sector-wide procurement conducted by PSAA will produce better outcomes and will be less burdensome for the Council than a procurement undertaken locally because:

- collective procurement reduces costs for the sector and for individual authorities compared to a multiplicity of smaller local procurements;
- if it does not use the national appointment arrangements, the Council will need to establish its own auditor panel with an independent chair and independent members to oversee a local auditor procurement and ongoing management of an audit contract;
- it is the best opportunity to secure the appointment of a qualified, registered auditor - there are only nine accredited local audit firms, and a local procurement would be drawing from the same limited supply of auditor resources as PSAA's national procurement; and
- supporting the sector-led body offers the best way of ensuring there is a continuing and sustainable public audit market into the medium and long term.

Pressures in the Local Audit Market

PSAA report that much has changed in the local audit market since audit contracts were last awarded in 2017. At that time the audit market was relatively stable, there had been few changes in audit requirements, and local audit fees had been reducing over a long period. 98% of those bodies eligible opted into the national scheme and attracted very competitive bids from audit firms. The resulting audit contracts took effect from 1 April 2018.

During 2018 a series of financial crises and failures in the private sector year led to questioning about the role of auditors and the focus and value of their work. Four independent reviews were commissioned by the government: Sir John Kingman's review of the Financial Reporting Council (FRC) – the audit regulator; the Competition and Markets Authority review of the audit market; Sir Donald Brydon's review of the quality and effectiveness of audit; and Sir Tony Redmond's review of local authority financial reporting and external audit. The recommendations are under consideration by the government, with the clear implication that significant reforms will follow. A new audit regulator (ARGA) is to be established and arrangements for system leadership in local audit are to be introduced. Further change will follow as other recommendations are implemented.

The Kingman review has led to an urgent drive for the FRC to deliver rapid, measurable improvements in audit quality. This has created a major pressure for audit firms to ensure full compliance with regulatory requirements and expectations in every audit they undertake. By the time firms were conducting 2018/19 local audits during 2019, the measures they were putting in place to respond to a more focused regulator were clearly visible. To deliver the necessary improvements in audit quality, firms were requiring their audit teams to undertake additional work to

gain deeper levels of assurance. However, additional work requires more time, posing a threat to the firms' ability to complete all their audits by the target date for publication of audited accounts. Delayed opinions are not the only consequence of the FRC's drive to improve audit quality. Additional audit work must also be paid for. As a result, many more fee variation claims have been needed than in prior years.

This situation has been accentuated by growing auditor recruitment and retention challenges, the complexity of local government financial statements and increasing levels of technical challenges as bodies explore innovative ways of developing new or enhanced income streams to help fund services for local people. These challenges have increased in subsequent audit years, with Covid-19 creating further significant pressure for finance and audit teams.

None of these problems is unique to local government audit. Similar challenges have played out in other sectors, where increased fees and disappointing responses to tender invitations have been experienced during the past two years.

Invitation

PSAA is now inviting the Council to opt in for the second appointing period, for 2023/24 to 2027/28, along with all other eligible authorities. Based on the level of opt-ins it will enter into contracts with appropriately qualified audit firms and appoint a suitable firm to be the Council's auditor.

Procurement

The prices submitted by bidders through the procurement will be the key determinant of the value of audit fees paid by opted-in bodies. PSAA will:

- seek to encourage realistic fee levels and to benefit from the economies of scale associated with procuring on behalf of a significant number of bodies;
- continue to pool scheme costs and charge fees to opted-in bodies in accordance with the published fee scale as amended following consultations with scheme members and other interested parties (pooling means that everyone within the scheme will benefit from the prices secured via a competitive procurement process – a key tenet of the national collective scheme);
- continue to minimise its own costs, around 4% of scheme costs, and as a not-for-profit company will return any surplus funds to scheme members. In 2019 it returned a total £3.5million to relevant bodies and in 2021 a further £5.6million was returned.

PSAA will seek to encourage market sustainability in its procurement. Firms will be able to bid for a variety of differently sized contracts so that they can match their available resources and risk appetite to the contract for which they bid. They will be required to meet appropriate quality standards and to reflect realistic market prices in their tenders, informed by the scale fees and the supporting information provided about each audit. Where regulatory changes are in train which affect the amount of

audit work suppliers must undertake, firms will be informed as to which developments should be priced into their bids.

The scope of a local audit is fixed. It is determined by the Code of Audit Practice (currently published by the National Audit Office), the format of the financial statements (specified by CIPFA/LASAAC) and the application of auditing standards regulated by the FRC. These factors apply to all local audits irrespective of whether an eligible body decides to opt into PSAA's national scheme or chooses to make its own separate arrangements. The requirements are mandatory; they shape the work auditors undertake and have a bearing on the actual fees required.

There are currently nine audit providers eligible to audit local authorities and other relevant bodies under local audit legislation. This means that a local procurement exercise would seek tenders from the same firms as the national procurement exercise, subject to the need to manage any local independence issues. Local firms cannot be invited to bid. Local procurements must deliver the same audit scope and requirements as a national procurement, reflecting the auditor's statutory responsibilities.

Option Assessment

If the Council did not opt in there would be a need to establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the Council itself, and the members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing to which audit firm to award a contract for the Council external audit.

Alternatively, the Act enables the Council to join with other authorities to establish a joint auditor panel. Again, this will need to be constituted of wholly or a majority of independent appointees. Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.

These would be more resource intensive processes to implement for the Council, and without the bulk buying power of the sector-led procurement would be likely to result in a costlier service. It would also be more difficult to manage quality and independence requirements through a local appointment process. The Council is unable to influence the scope of the audit and the regulatory regime inhibits the council's ability to affect quality.

The Council and its auditor panel would need to maintain ongoing oversight of the contract. Local contract management cannot, however, influence the scope or delivery of an audit.

The national offer provides the appointment of an independent auditor with limited administrative cost to the council. By joining the scheme, the Council would be acting with other local authorities to optimise the opportunity to influence the market

that a national procurement provides. The recommended approach is therefore to opt in to the national auditor appointment scheme.

Way Forward

Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt in must be made by a meeting of the Council (meeting as a whole), except where the authority is a corporation sole.

The Council then needs to respond formally to PSAA's invitation in the form specified by PSAA by the close of the opt-in period (11 March 2022).

PSAA will commence the formal procurement process in early February 2022. It expects to award contracts in August 2022 and will then consult with authorities on the appointment of auditors so that it can make appointments by the statutory deadline of 31 December 2022.

Risk Management

The principal risks are that the Council fails to appoint an auditor in accordance with the requirements and timing specified in local audit legislation; and/or does not achieve value for money in the appointment process. These risks are considered best mitigated by opting into the sector-led approach through PSAA.

Legal Implications

Section 7 of the Local Audit and Accountability Act 2014 requires a relevant Council to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year.

Section 8 governs the procedure for appointment including that the Council must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor. Section 8 provides that where a relevant Council is a local Council operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the Council under those arrangements.

Section 12 makes provision for the failure to appoint a local auditor. The Council must immediately inform the Secretary of State, who may direct the Council to appoint the auditor named in the direction or appoint a local auditor on behalf of the Council.

Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a sector-led body to become the appointing person. In July 2016 the Secretary of State specified PSAA as the appointing person.

Financial Implications

There is a risk that current external audit fee levels could increase when the current contracts end. It is clear that the scope of audit has increased, requiring more audit work. There are also concerns about capacity and sustainability in the local audit market.

Opting into a national scheme provides maximum opportunity to ensure fees are as realistic as possible, while ensuring the quality of audit is maintained, by entering into a large scale collective procurement arrangement.

If the national scheme is not used some additional resource may be needed to establish an auditor panel and conduct a local procurement. Until a procurement exercise is completed it is not possible to state what, if any, additional resource may be required for audit fees from 2023/24.

Report of the Monitoring Officer

APPOINTMENT OF INDEPENDENT PERSON1. Purpose of report

To enable the Council to appoint two additional Independent Persons for a term of four years.

2. Detail

Section 28 of the Localism Act 2011 and our arrangements for dealing with Member Code of Conduct complaints require an Independent Persons views to be sought by the Monitoring Officer before making a decision on a Member Code of Conduct allegation.

The best practice recommendations report published in January 2019 by the Committee on Standards in Public Life recommends that local authorities should have access to at least two Independent Persons.

An Independent Person should be appointed for a term of no more than four years.

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, also requires at least two Independent Persons to be consulted and to sit on the disciplinary Panel when dealing with Statutory Officers disciplinary or dismissal processes.

The Council has been operating with one Independent Person since 2013. Recruiting two new Independent Persons will ensure the Council is following best practice recommendations, is able to call on two Independent Persons should the need arise and will provide more resilience should a conflict or sickness issue arise.

In accordance with the requirements set out in the Localism Act 2011, a public recruitment exercise has taken place in October and November 2021, further details are provided in the attached Appendix.

3. Financial implications

Although the role of the Independent Person is voluntary, an allowance of £1,342 per annum will be paid (per role) to cover any expenses incurred whilst carrying out the role. There are sufficient budget provisions to accommodate the proposed roles.

Recommendation

The Council is asked to RESOLVE that David Halstead and Clare Jordan be appointed to serve as Independent Persons from 12 January 2022 for the term of four years and the current Independent Person, Lynda Ogilvie to remain in post until 31 March 2022.

Background papers

Nil.

APPENDIX

Further information

The recruitment exercise attracted six well qualified applicants, with five candidates being shortlisted (one was excluded due to a conflict and therefore was not shortlisted). All were invited to attend a panel interview, the panel consisted of the Monitoring Officer, Head of Governance and Head of Legal Services.

The panel found two candidates particularly suitable for the role, due to their extensive local government backgrounds and specific understanding of the role. The recommendation to Council is to appoint Mr David Halstead and Ms Clare Jordan to serve as the Council's Independent Persons from 12 January 2022.

A four-year term of office is recommended to provide stability of tenure and necessary resilience.

It is proposed that the Council's current Independent Person Ms Lynda Ogilvie remain in post until the 31 March 2022, so the new postholders can be adequately trained and to handover any ongoing matters.