

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Council

Date: **Thursday, 29th November, 2018**

Time: **7.00 pm**

Venue: **Council Chamber, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

Lynn Cain

l.cain@ashfield.gov.uk

01623 457317

COUNCIL

Membership

Chairman: Councillor Glenys Maxwell

Vice-Chairman: Councillor Tony Brewer

Councillors:

Lee Anderson	Jim Aspinall
Chris Baron	Rachel Bissett
Amanda Brown	Tim Brown
Cheryl Butler	Christian Chapman
Don Davis	Joanne Donnelly
David Griffiths	Helen Hollis
Tom Hollis	Jackie James
John Knight	Rachel Madden
Cathy Mason	Lauren Mitchell
Keir Morrison	Lachlan Morrison
Mick Murphy	Nicolle Ndiweni
Christine Quinn-Wilcox	Paul Roberts
Kevin Rostance	Phil Rostance
Robert Sears-Piccavey	Helen-Ann Smith
Mike Smith	John Wilmott
Sam Wilson	Jason Zadrozny
Vacancy	

FILMING/AUDIO RECORDING NOTICE

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SUMMONS

You are hereby requested to attend a meeting of the Council to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



R. Mitchell
Chief Executive

AGENDA

Page

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
3. To receive and approve as correct records the minutes of the meetings of the Council held on 11th October and 23rd October, 2018. 9 - 28
4. To receive any announcements from the Chairman, Leader, Members of the Cabinet and the Head of Paid Service.
5. To receive questions from the Public in accordance with Council Procedure Rule 11, if any.
 1. From Ms. Natalie Bryan:

To the Portfolio Holder for Environment:

"It has been revealed that during the 'Ashfield Big Spring Clean' that asbestos was dumped in the skip on Babbacombe Way (in Hucknall). Will the portfolio holder now accept responsibility for exposing the public, council workers and contractors to this hazardous, carcinogenic material?"
 2. From Ms. Lynda Mcleod on behalf of Butlers Hill Project Community Group, Hucknall:

To Councillor Helen-Ann Smith as the Portfolio Holder responsible for Parks and Open Spaces:

"The proposed banning of dogs from Ashfield sports pitches & parks is a move which will punish responsible dog owners who clean up after their pets. Will the portfolio holder responsible confirm that these proposals will not go any further?"
6. To receive and consider any petitions submitted in accordance with Council Procedure Rule 12, if any.

(None received for this meeting)

7. **In accordance with Council Procedure Rule 2 (viii) to receive reports from the Cabinet in relation to the Council's budget and policy framework, reports of the Overview and Scrutiny Committee for debate and reports from Officers of the Council:-**
- a **Report on Urgent Key Decision.**
- b **Polling District and Polling Places Review.** 29 - 64
8. **In accordance with Council Procedure Rule 2 (ix), to receive recommendations from the Cabinet and the Council's Committees and resolve in accordance with the Council's rules of debate as per the attached schedule.** 65 - 156
9. **Notices of Motion.** 157 - 158

Motion 1

To consider a notice of motion proposed by Councillor Lachlan Morrison and seconded by Councillor Don Davis, as follows:-

“Breaking Point campaign

This Council notes that many council budgets are now at Breaking Point. Austerity has caused huge damage to communities up and down the UK, with devastating effects on key public services that protect the most defenceless in society – children at risk, disabled adults and vulnerable older people – and the services we all rely on, like clean streets, libraries, and children’s centres;

- Tory cuts mean councils have lost 60p out of every £1 that the last Labour Government was spending on local government in 2010;
- Councils had to spend an extra £800m last year to meet the demand on vital services to protect children by over;
- With an aging population and growing demand adult social care faces a gap of £3.5 billion – with only 14% of council workers now confident that vulnerable local residents are safe and cared for;
- Government cuts have seen over 500 children’s centres and 475 libraries close, potholes are left unfilled, and 80% of councils’ workers now say have no confidence in the future of local services;
- Northamptonshire has already gone bust due to Tory incompetence at both national and local level, and more councils are predicted to collapse without immediate emergency funding;
- Councils now face a further funding gap of £7.8 billion by 2025 just to keep services ‘standing still’ and meeting additional

demand. Even [Lord Gary Porter](#), the Conservative Chair of the Local Government Association, has said 'Councils can no longer be expected to run our vital local services on a shoestring';

This Council condemns Chief Secretary to the Treasury Liz Truss for stating on BBC Newsnight on 1st October 2018 that the government is "not making cuts to local authorities", when all independent assessments of government spending show that this is entirely false; and that this Council further notes that Prime Minister Theresa May has also claimed that "austerity is over" despite planning a further £1.3bn of cuts to council budgets over the next year;

This Council agrees with the aims of the 'Breaking Point' petition signed by Labour councillors across the country, in calling for the Prime Minister and Chancellor to truly end austerity in local government by:

- Using the Budget to reverse next years planned £1.3bn cut to council budgets;
- Immediately investing £2bn in children's services and £2bn in adult social care to stop these vital emergency services from collapsing;
- Pledging to use the Spending Review to restore council funding to 2010 levels over the next four years;

This Council resolves to:

- Support the 'Breaking Point' campaign, recognising the devastating impact that austerity has had on our local community;
- Ask the Leader of the Council to write to the Chancellor of the Exchequer, the Prime Minister, and the Secretary of State for Housing, Communities and Local Government setting out the funding pressures faced by our local council, and calling on the Government to truly end austerity in local government."

Motion 2

To consider a notice of motion proposed by Councillor Mike Smith and seconded by Councillor David Griffiths, as follows:-

"This council notes

- Though slavery was abolished in the UK in 1833, there are more slaves today than ever before in human history. Figures from the International Labour Organisation (ILO) suggest that there are more than 40 million people in modern slavery across the world, with nearly 25 million held in forced labour.

- There were 3805 victims of modern slavery identified in the UK in 2016. A rising number but still well below the 10,000 and 13,000 potential victims estimated by the Home Office.
- Modern Slavery is happening nationwide. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. This can include sexual and criminal exploitation.

This council believes:

- That action needs to be taken to raise awareness of modern slavery and the fact that it is happening all over the UK.
- That the current support for victims is not sufficient and needs to go beyond the 45 days they are currently given by the government.
- That councils have an important role to play in ensuring their contracts and supplies don't contribute to modern day slavery and exploitation.

This council resolves:

- To adopt the Co-operative Party's Charter against Modern Slavery to ensure our procurement practices don't support slavery."

(Charter attached)

10. To answer any questions submitted in writing by Members in accordance with Council Procedure Rule 13, if any.

Question 1

Question from Councillor Lee Anderson to the Leader of the Council:

"Could the council leader please advise on what damage, if any has been caused to our war memorials in Sutton and Huthwaite Cemeteries?"

Question 2

Question from Councillor Lee Anderson to the Leader of the Council:

"Could the council leader please advise why there has been an apparent lack of money spent of keeping all our War Memorials in good condition?"

Question 3

Question from Councillor Keir Morrison to the Cabinet Member
(Outward Focus):

“Given that Cllr. Wilmott was the deputy leader of the council at the time the decision was taken to close Hucknall’s public toilets, could he inform the council when new public toilets will be built in Hucknall?”

Question 4

Question from Councillor Don Davis to the Deputy Leader of the
Council (Outward Focus):

“It’s clear that there’s a demand in the Ashfield District to accommodate the travelling community, instead of travellers setting up encampments illegally, does the portfolio holder agree that the council needs to explore options in order to reach a long term sustainable solution for all parties?”

- 11. To receive a list of minutes and a web link to access Cabinet and Committee meeting minutes that have been published since the last ordinary meeting of the Council for Members to give notice of their intention to ask a question of a relevant Chairman under Procedure Rule 13.2. 159 - 160**

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COUNCIL

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Thursday, 11th October, 2018 at 7.00 pm

Present: Councillor Glenys Maxwell in the Chair;

Councillors Lee Anderson, Rachel Bissett, Tony Brewer, Amanda Brown, Tim Brown, Cheryl Butler, Don Davis, David Griffiths, Helen Hollis, Tom Hollis, Jackie James, John Knight, Rachel Madden, Cathy Mason, Lauren Mitchell, Keir Morrison, Nicolle Ndiweni, Christine Quinn-Wilcox, Paul Roberts, Kevin Rostance, Phil Rostance, Robert Sears-Piccavey, Helen-Ann Smith, Mike Smith, John Wilmott, Sam Wilson and Jason Zadrozny.

Apologies for Absence: Councillors Jim Aspinall, Chris Baron, Steve Carroll, Christian Chapman, Joanne Donnelly, Lachlan Morrison and Mick Murphy.

Officers Present: Lynn Cain, Richard Crossland, Ruth Dennis, Mike Joy, Robert Mitchell, Paul Parkinson and Justine Wells.

C.35 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

Councillors Cheryl Butler, Don Davis and Paul Roberts declared a Non Disclosable Pecuniary/Other Interest in relation to agenda item 7 (Notice of Motion 1). They stated that their interests arose from being responsible dog owners.

C.36 Minutes

RESOLVED

that the minutes of the meetings of the Council held on 26th July and 6th September, 2018, as now submitted, be received and approved.

C.37 Announcements from the Chairman, Leader, Members of the Cabinet and the Head of Paid Service

Leader of the Council

“Thank you, Madam Chairman and firstly can I say how good it is to see you back in the Chair. I know that you’ve been so poorly lately and for you to come back even though you’re not fully well I think shows your strength and determination and I’m very pleased for one to see you back here.

Madam Chairman, I’d first like to just update Members on a few urgent items that have happened in my Portfolio since the last meeting. Firstly with the Place Enhancement Board. Work on the place is really beginning to take shape and I’m pleased that it’s being led by a very pro-active private sector led partnership. The next steps will be in the upcoming Cabinet report in November which will then be pushed out to Members.

In terms of economic growth, Madam Chairman, on Friday the 21st September the Annual Ashfield Jobs Fair was held at the Festival Hall in Kirkby. The event was attended by almost a thousand people and they were able to visit sixty five stands which were occupied by a mixture of employers, agents and training providers with local and national employers like the Armed Forces. There were well over a thousand jobs on offer. I spoke to all the exhibitors and local residents as usual and the feedback was very positive.

We continue to manage our successful business grant scheme which is aimed at stimulating business start-up, business growth and shop front improvements. Almost £60,000 still remains in that pot, Madam Chairman, and it’s therefore still open for local businesses to apply. Andrew I’m looking at you, we want some good news in the Chad about that, about how much money we’ve got available and we’re very keen for businesses to come forward and apply for some of that funding we’ve got.

Of course, Madam Chairman, I meet regularly with major local businesses to find out their concerns. Just recently I’ve met with a very large national retailer about their growth plans, with successful local manufacturing businesses and also with the Mansfield and Ashfield 2020 network of small and medium sized businesses. Yesterday was my fifth business breakfast with those groups and again it was incredibly successful. I’m determined to ensure that the procurement for the new Kirkby Leisure Centre is a model of good practice as well regarding local businesses and apprenticeships across all trades and services.

With regard to planning, we have begun the research and development work on the new Local Plan 2018 to 2037. As I said at the Extraordinary Council meeting on the 6th September, I want a greater degree of ambition and creativity in the next Plan. A Cabinet report setting out the next steps went to the 1st October Cabinet Meeting and we are currently working up a more detailed timeline of activities which I will bring back to Members in due course.

Also at the 1st October meeting, I announced a consultation on a new design guide for those who might want to convert vacant retail premises into residential. While our retail vacancy rates are not out of step with other comparable areas, there are too many which are simply being left. I hope

Members will support this new guidance and I would want to bring a report back to Cabinet in due course.

Conservation Area status is being investigated for Hucknall Town Centre following a year of development including engagement with the local Historic Society, a proposed conservation area has been developed and was presented to Cabinet on October the 1st. Wide ranging consultation is now underway and I will be bringing forward another report in due course.

We are prioritising dealing with dilapidated and empty commercial and industrial land and premises. We much prefer to work with the owners to bring this premises or land up to a reasonable standard but if they are not willing to work with us we will not hesitate to enforce. We are in the process of taking enforcement action against several of the worse grot spots. I will keep Members briefed on progress and we have already, Madam Chairman, had two or three successful court orders ruling in our favour. We will be tough on those that leave our District untidy or unpleasant to view.

Madam Chairman, that is my Leader's briefing, thank you."

Cabinet Member (Outward Focus)

"Thank you, Chairman. Can I say how happy I am to see you in the Chair even though you're not a hundred per cent and I know you'll do a fine job as you always do.

Chairman, the Housing Department is pleased to announce that as of the end of Quarter 2, its rent collection figures are the highest they have ever been at this time of year when compared to any previous year. The income collection team is noted as being one of the highest performing income teams in the land and has achieved its success through offering different forms of services to those tenants who can't pay and those who won't pay.

This is a tremendous achievement on the eve of the launch of Universal Credit across the Ashfield District, thus meaning the team can focus on helping tenants with their current financial issues rather than still having to deal with debts from the past. I would also like to thank both the Director of Housing and the Manager of Tenancy Services for providing a very informative Members' briefing on the subject of Universal Credit last week which I attended.

Ashfield Housing Services, whether as the Council or Ashfield Homes, has always had a strong commitment to providing opportunities for apprentices. Building on previous successes I am delighted to announce that Ashfield won not one but two awards at the Association for Public Service Excellence Awards event in Stoke last week. The first award was for our plumbing apprentice, Keaton Pierce, who lives locally in the District. And the second in recognition for Ashfield District Council's commitment as an employer to the apprentice scheme. Further awards have been forthcoming as well after winning the East Midlands Regional Award for energy efficiency in relation to its upgrade work to tenants' homes, we were represented at the region at the national awards last month and received a special commendation for our efforts.

Contracts have been formalised to fit new communal heating systems in both Nuncar and Aspley Courts. The schemes will provide a more responsive heating system to residents as well as lowering the Council's carbon footprint. The Council will this month let nine family units on Hawker Way in Hucknall, with the remaining seven to be let shortly.

The Cabinet visited Rolls Royce with the Director of Housing to view the nine properties being delivered by Persimmon Homes on that site and I can confirm that the homes are built to a very high standard and will be a great addition to Ashfield's housing stock, supplying much needed family accommodation in the face of growing numbers of applicants and the loss of many properties due to Right to Buy which stands at around fifty units lost last year.

The Council is now over half way towards its target of achieving the purchase of twelve properties from the HRA's £1 million acquisition fund in order to provide much needed accommodation for those on the housing waiting list. In addition to this the Council is actively pursuing the purchase of the former Hucknall By-Pass properties from the County Council. I am sure this Council looks forward to the Housing Department coming forward for more funding to buy yet more properties. Thank you, Chairman."

Deputy Leader of the Council (Outward Focus)

"Thank you, Madam Chairman. I echo my colleagues' words, glad to see you back in that chair.

I'll just be very brief, there's just a couple of points that I wanted to bring up. The first one I wanted to talk about was Brierley Visitors Centre. I know a lot has been said on Facebook about Brierley and I thank you for approaching us, Councillor Anderson, about this issue. The Brierley Visitors Centre isn't closing for good, it is having a full revamp, being completely cleaned, gutted, renovated, freshly decorated and that is out to tender at the moment. We're interviewing potential people to go in and take over the use of that unit as we speak.

We've also in the last week had the lady that runs Hucknall's Titchfield Park hand in her notice on the Titchfield Park in Hucknall. So we are also out to tender for that café as well. But there'll be no loss of service during that period.

A couple of things that I'm very happy to announce, that a number of projects presented to Cabinet in October as part of the Play Strategy; to invest up to a £120,000 in each of the four areas across the next four years. The strategy will focus on the Rural areas in the first year with projects due to be progressed through the Council's Capital Gateway process. Subject to approval from the process and approval at Cabinet and Council in November, the following projects are proposed; Friezeland Recreational Ground, Underwood, outdoor gym and scooter park, multi-use games area at Jacksdale Recreation Ground and an extension to the main car park in Jacksdale.

The play area at Broomhill Park is being progressed with the play equipment tender process completed. The play areas are expected to be installed by the end of March next year. Works to replace old play equipment at Sutton Lawn,

Morven Park and West Park in Kirkby are due to be completed by February next year. The Council is working with the Sutton Junction Residents Association to complete the replacement of the play areas at Roundhills Recreation Ground. A unique play facility in Ashfield has been installed over the summer at Brierley Forest Park with the Park Trust Group contributing £24,000 towards to the cost of the new equipment. An opening event will take place in October/November incorporating the raising of the green flag.

I'd also like to say that my last point, Madam Chairman, is that yesterday I had a very long meeting with all the bowls clubs across the District and we are doing a lot of work with the bowls clubs to bring all our bowling greens up to a reasonable standard so that we're not having teams from outside of the District refusing to come and play bowls at our fields. It's not on...it's not good and I will put that right.

Thank you, Madam Chairman."

Deputy Leader of the Council (Inward Focus)

"Thank you Madam Chair and I think first I know everybody'll be disappointed that Councillor Chapman's not here to deliver a twenty-two minute speech on his Portfolio but I'm sure he'll make it up at the next one, Madam Chair.

So can I, can I first thank Council officers for the excellent job they are doing. I'm proud to be standing here today doing my first speech as joint Deputy Leader of Ashfield District Council. The first thing I did when I took over the Leisure Portfolio was to scrap the deal to build a new leisure centre in Kirkby on NHS land.

We cancelled a deal with the NHS to buy the former Ashfield Health and Wellbeing Centre on Portland Street, Kirkby. The previous leadership had wanted to demolish it and turn it into the new leisure centre replacing the Festival Hall on Hodgkinson Road. Residents have been promised a new swimming pool for decades in Kirkby and the Ashfield Independents intend to deliver it.

Work continues at a pace on identification of an appropriate site and work with funders on pulling together a financial contribution to provide this new leisure centre. This is one of our top, if not the top, priorities. We are pleased with the support being shown by the Local Enterprise Partnership and Sport England. This is just the type of partnership working we need if we are to deliver a first class facility for residents to enjoy. I have also been using my influence within the Local Government Association to gather support for this ambitious project.

Another thing I did when I took over, Madam Chairman, was to stop the works to demolish the former Huthwaite Leisure Centre. The closed Huthwaite Leisure Centre was weeks away from being knocked to the ground and the site turned into six new homes.

Following the decision to offer the centre as a base for a community group or business, we are delighted to announce that this Council are working with a hugely popular community group to take over the facility. The facility was originally a school and more recently converted into the leisure centre with a gym, a small court hall, bar, kitchen and snooker room, associated changing rooms and office space with off-street parking.

We invited community groups and other interested parties to submit a sustainable business plan to operate the site at no future cost to the Council. It is absolutely critical that we maintain as many community facilities as possible, Madam Chairman. Residents spoke about the lack of community facilities available in Huthwaite and if the plans go ahead with the community group we are talking to, the future of the building will be safe for future generations. Huthwaite Leisure Centre cost the Council £250 a week. A loss of £12,000 a year. We are determined to keep this valuable asset for future generations. The previous Council's decision to demolish it was especially contentious as only last year the Council spent £100,000 on a new roof and electrics.

Speaking of retaining leisure facilities, I was pleased that the Cabinet on the 9th July formally approved the operation of Selston Leisure Centre to the transfer of Selston High School. The transfer of the operation to the school makes perfect sense. It allows Selston High School to manage the leisure provision that already is located on their campus, allowing both pupils and the local community to make best use of the facilities available. The Council commissioned a new review to ensure that community and sporting facilities remain affordable, accessible and fit for purpose. The transfer of operational management to Selston High School will ensure this remains the case. The transfer was a common-sense solution to ensure the leisure centre and facilities remain open to all in the Rurals.

One of the greatest success stories of this Council's leisure centres, is this Council's Lammas Leisure Centre in Sutton. This year it is celebrating its tenth anniversary whereby Dame Kelly Holmes opened it alongside a fresh-faced Councillor Jason Zadrozny who was then Leader of our District. A fantastic activity hosted by an Olympian and TV personality and also Everyone Active sporting champion Colin Jackson is to be hosted on Saturday November the 3rd. A date for everybody's diary there. Not sure Jason looks as fresh-faced though now.

I think actually it's important as well to take the time to talk about some of the events that we've hosted in the District. I mean many people will have seen the Tour of Britain and the number of yellow bikes we had put out and the community stalls we hosted in Kirkby and various other locations. Also the money-grabber we had in Sutton town centre on the 8th of September. I mean it was great to see some of the kids, and frankly adults, jumping around there trying to grab, win themselves £100 and I think they're the kind of big splash events that this Council should aspire to do.

After this meeting I'll circulate a list of future events that are happening across the District to Members but, for example, there's the Kirkby down-pouring event on the 19th of this month, a Halloween Spectacular on the 27th of this month, along with Christmas events starting in early December and community

events; a community feel along with the leisure facilities are exactly what this Council and what this administration intends to push forward. And I only hope after we've had a bit more time under our belts that that list of activities and achievements will grow, Madam Chairman, and I look forward to doing a much more lengthier speech at the next meeting.

Thank you, Madam Chair."

(During the announcements, Councillor Lauren Mitchell left the room at 7.16 p.m. and returned to the meeting at 7.18 p.m.)

C.38 Questions from the Public

In accordance with Council Procedure Rule 11, the following questions had been submitted:-

Question 1

From Mr. David Hennigan:

To Councillor Helen-Ann Smith as the Portfolio Holder responsible for Parks and Open Spaces:

"Can the Council please outline the work it has done to secure our parks, recreation grounds and open spaces it is responsible for in the light of the continuing encampment of travellers across our District? Can the Council please tell me the specific actions they have taken since May to ensure our parks are free for all to use?"

The Deputy Leader of the Council (Outward Focus) responded to the question as follows:-

"Thank you Mr. Hennigan for your question. As everyone in this room is aware illegal travel encampments have been a major issue across the District this summer. We have been working tirelessly on this issue and I would firstly like to thank all the officers and my colleagues that were involved in the clean up afterwards and the continuous clean up whilst the travellers have been on site. So I'd like to make that point to all the Council staff please Mr. Mitchell.

Due to this significant problem that we've had with illegal encampments this summer, we have completely revamped our illegal encampment protocol and the way the Council deals with these. We have been conducting regular checks on all our parks and open spaces across the District to ensure that they are as secure as they could possibly be. We've had locks changed, we've put extra locks on in certain areas; we've also been working jointly with the County Council with an issue on Strawberry Bank, which is County Council land. We went up and worked with the County Council to make sure that that site was also secure.

We've also been doing a lot of work with neighbouring authorities across the region to try and find the best way of dealing with this issue and we're looking at a couple of different options at the moment. The first one that we're looking at is....this is the legal part that I've got to say like this but then I'll explain it afterwards.

We are looking at an injunction which can be applied for under Section 222 of the Local Government Act 1972, which gives the Council the general power to prosecute or defend or appear in any legal proceedings in their own name where it is considered expedient for the promotion or protection of the interests of the inhabitants of their area.

An injunction can be sought for an individual site or district wide. It can also be against named individuals if details are known. We would need sufficient evidence to prove to the Court that the injunction is required to protect the interests of inhabitants.

Basically what that means is there is an injunction that we can get but it needs to be site specific. I've been advised that we wouldn't get it through the court on a District wide basis because we've had no incidents of illegal encampments in large proportions of the District.

It seems very confined to certain areas but on those areas where we have had them we can get an injunction, which is something that we're looking at doing. This basically means that if they come back on to that site that they've been on previously we can send the bailiffs to kick them off within five minutes of them being there rather than having to go through the full process. Now that is one of the options that we are looking at.

Another one, I've been doing a lot of work with some of my colleagues on Derby City Council and they've come up with quite an innovative way of dealing with the problem with illegal encampments on one of their parks, on Markeaton Park in Derby City. What they've done is basically, they've dug a moat round the edge of the park about two-foot wide, so that they can still get their lawnmowers on because they can fit through pedestrian area but you can't get caravans, or trailers, or anything like that on to the park. So that is another option that we are looking at for our play parks and open spaces. Thank you."

The Chairman then gave Mr. Hennigan the opportunity to ask a supplementary question and he responded as follows:-

"Do you consider the hard line taken against travellers from the Administration that run this Council, all Council officers to be racist?"

The Deputy Leader of the Council (Outward Focus) again responded to the supplementary question as follows:-

"Yes, thank you Madam Chairman. No, I don't consider it to be a racist approach to dealing with the issue. I think it was a justified response. They illegally broke on to our parks, they damaged locks, they pulled out bollards that were in the way to prevent vehicles from accessing it.

We do a lot of work with a lot of other travelling communities. We have a lot of very good relationships with the Showman's community. Myself and the Leader have actually been invited to the Showman's Guild next year, their annual dinner, so it's not a racist approach. We did what we did to protect the residents and to make it so that children could actually use the play provisions that we have within the District.

While the illegal travellers were on the Twitchell Park on Cowpasture Lane, it meant that on Sunday we have a considerable number of groups of young lad's football teams playing on there which meant they couldn't play football that week. That is the sort of thing that I don't condone and I will always work to put the best interests of the residents of Ashfield at heart."

Question 2

Council were advised that the question, as submitted by Mr. Linford Gibbons from Kirkby in Ashfield, had been withdrawn prior to the meeting.

C.39 Petitions

No petitions were received for consideration.

C.40 Remaining Business from 26th July, 2018 Council Meeting: Notice of Motion 1

The Council received a notice of motion moved by Councillor Lee Anderson and seconded by Councillor Kevin Rostance as follows:-

"For the Council to consider banning all dogs from Council owned football and sports pitches and explore options for the introduction of a PSPO".

Having been fully considered, the motion was put to the vote which resulted in an equal number of votes cast. In accordance with Council Procedure Rule 18.2, the Chairman exercised her second/casting vote and it was

RESOLVED

that the Council agrees to consider banning all dogs from Council owned football and sports pitches and explores options for the introduction of a Public Spaces Protection Order (PSPO).

(During consideration of the motion, Councillor Cathy Mason left the room at 7.36 p.m. and returned to the meeting at 7.37 p.m.)

C.41 Remaining Business from 26th July, 2018 Council Meeting: Notice of Motion 2

The Council received a notice of motion moved by Councillor Tom Hollis and seconded by Councillor Jason Zadrozny as follows:-

“This Council is committed to regenerating our Town Centres. This Council recognises the problems caused by crime and anti-social social behaviour and its effect on trade.

This Council notes the decisive action taken after complaints about serious anti-social behaviour in the centre of Sutton, congratulates Ashfield District Council on its multi-agency approach to tackle the issues raised and welcomes the difference that our action has made to resident’s lives.

This Council further notes the adverse effect that drug taking is having on our Town Centres with a rise in the use of dangerous drugs like ‘Black Mamba’ or ‘Spice’ with parts of our District resembling horror films.

This Council acknowledges that the main way we can call for extra police resources via Nottinghamshire Police is through the Police and Crime Panel. This Council regrets that the former Labour Leader of this Council failed to attend a single meeting for 8 months.

This Council resolves to:

- 1) Write to the Home Secretary backing the call for drugs like ‘Black Mamba’ or ‘Spice’ to be reclassified as Class A drugs to give the Police more power to act.*
- 2) To fully co-operate with the ‘Black Mamba/Spice Summit’ that the leader of Ashfield District Council called for at a recent meeting of Nottinghamshire County Council.*
- 3) To write to Police and Crime Commissioner Paddy Tipping calling for more police resources across the Ashfield District.”*

Councillor Cheryl Butler moved an amendment to the motion, seconded by Councillor Paul Roberts, in the following terms:-

“This Council is committed to regenerating our Town Centres. This Council recognises the problems caused by crime and anti-social social behaviour and its effect on trade.

This Council notes the decisive action taken after complaints about serious anti-social behaviour in the centre of Sutton, congratulates Ashfield District Council on its multi-agency approach to tackle the issues raised and welcomes the difference that our action has made to resident’s lives.

This Council further notes the adverse effect that drug taking is having on our Town Centres with a rise in the use of dangerous drugs like ‘Black Mamba’ or ‘Spice’ with parts of our District.

This Council acknowledges that the main way we can call for extra police resources via Nottinghamshire Police is through the Police and Crime Panel.

This Council resolves to:

- 1) Write to the Home Secretary backing the call for drugs like ‘Black Mamba’ or ‘Spice’ to be reclassified as Class A drugs to give the Police more power to act.*

- 2) *To fully co-operate with the 'Black Mamba/Spice Summit' that the leader of Ashfield District Council called for at a recent meeting of Nottinghamshire County Council.*
- 3) *To write to Police and Crime Commissioner Paddy Tipping calling for more police resources across the Ashfield District."*

The meeting was adjourned at 7.55 p.m. to enable Members to consider the amendment. The meeting reconvened at 8.05 p.m.

Having considered the suggested amendment, Councillors Tom Hollis and Jason Zadrozny, as the mover and seconder of the motion, duly agreed to the change of wording.

Having been fully considered, the substantive motion was then put to the vote and it was

RESOLVED

that this Council agrees to:

- a) write to the Home Secretary backing the call for drugs like 'Black Mamba' or 'Spice' to be reclassified as Class A drugs to give the Police more power to act;
- b) fully co-operate with the 'Black Mamba/Spice Summit' that the Leader of Ashfield District Council called for at a recent meeting of Nottinghamshire County Council;
- c) write to Police and Crime Commissioner Paddy Tipping calling for more police resources across the Ashfield District.

(During consideration of this motion, Councillor Rachel Madden left the room at 7.44 p.m. and returned to the meeting at 7.46 p.m.)

C.42 Remaining Business from 26th July, 2018 Council Meeting: Notice of Motion 3

The Council received a notice of motion moved by Councillor Helen-Ann Smith and seconded by Councillor John Wilmott as follows:-

"This Council notes that the previous Labour administration spent £3million shrinking our bins in a failed attempt to increase recycling and that under Labour, fly-tipping went up by 39% across the Ashfield District.

This Council acknowledges that fly-tipping and the state of our streets is one of the biggest concerns that Councillors hear on the doorstep and that urgent action was needed to tackle the problem.

This Council welcomes the 'Big Ashfield Spring Clean' where 82,500kg of waste was collected over 3 weeks in Hucknall, Kirkby, Sutton and The Rurals – the most amount of rubbish collected since Ashfield District Council was created in 1974.

This Council further notes:

- (1) 60,900kg of rubbish was collected in static skips.*
- (2) 8,700kg of rubbish was collected in flying skips.*
- (3) 12,900kg of rubbish was collected in side waste.*
- (4) 160 fridges freezers were removed.*
- (5) 867 items of bulky waste were collected.*
- (6) That 99.66% of all rubbish was recycled.*

Across the District:

- (1) In Sutton, 33,500kg of rubbish was collected.*
- (2) In Kirkby and The Rurals, 28,500kg was collected.*
- (3) In Hucknall, 20,500kg was collected.*

This Council would like to thank Council Staff for going beyond the call of duty to ensure the Big Ashfield Spring Clean was a huge success and thanks to the hundreds of residents across our District who helped with litter picks concentrating on our parks and town centres.

This Council therefore resolves to:

- (1) Start the planning for the Big Ashfield Spring Clean 2019, learning the lessons from 2018 to improve an already hugely successful scheme.*
- (2) Continue this Council's fight for a cleaner District as a priority and to use every power we have to catch, prosecute and publicise the fly-tippers who spoil our environment."*

Councillor Helen-Ann Smith, as mover of the motion, asked Council to note that part (4) should have stated 144 fridges/freezers and not 160 as stated in the motion and part (5) should have referred to 867 houses that had bulky items of waste removed rather than 867 items of bulky waste removed, as printed.

Councillor Cathy Mason moved an amendment to the motion, seconded by Councillor David Davis, in the following terms:-

"This Council acknowledges that fly-tipping and the state of our streets is one of the biggest concerns that Councillors have here on the doorstep and that urgent action is needed to tackle the problem.

This Council welcomes the concept of assisting Ashfield residents with their large item waste disposal, and as previously promised by the Deputy Leader of the Council (Outward Focus) in Full Council on July 26th, 2018, who stated 'it is our intention to evaluate the benefits of the scheme and announce a further scheme early next year.'

This Council would like to thank the staff for going beyond the call of duty during the 2018 Big Ashfield Spring Clean with acknowledgement of special thanks to ALL the residents of Ashfield who helped with the litter picks concentrating on our parks and town centres.

This Council therefore resolves to:

- 1. Fully evaluate the programme run in 2018, as promised.*
- 2. Take note and carefully consider the recommendations made by Overview and Scrutiny when it reports back on the review, already in the Workplan, of the Big Ashfield Spring Clean 2018.*
- 3. Put together a business case, that is fully costed, before committing to any more similar schemes in the future; learning lessons from the 2018 project.*
- 4. Continue this Council's fight for a cleaner District as a priority and to use every power we have to catch, prosecute and publicise the fly-tippers who spoil our environment."*

The meeting was adjourned at 8.40 p.m. to enable Members to consider the amendment. The meeting reconvened at 8.45 p.m.

(At this point in the proceedings and in accordance with Council Procedure Rule 23.1, it was moved and seconded that the conclusion of business be extended to 9.30 p.m. Having been put to the vote it was duly carried.)

Having debated the amendment, it was put to the vote and duly carried.

The meeting was again adjourned at 9.05 p.m., reconvened at 9.09 p.m. and following further debate the substantive motion was then put to the vote and it was

RESOLVED

that the Council agrees to:

- a) fully evaluate the programme run in 2018, as promised;
- b) take note and carefully consider the recommendations made by Overview and Scrutiny when it reports back on the review, already in the Workplan, of the Big Ashfield Spring Clean 2018;
- c) put together a business case, that is fully costed, before committing to any more similar schemes in the future; learning lessons from the 2018 project;
- d) continue this Council's fight for a cleaner District as a priority and to use every power we have to catch, prosecute and publicise the fly-tippers who spoil our environment.

(During consideration of this motion, Councillor Rachel Madden left the room at 8.49 p.m. and returned to the meeting at 8.51 p.m. Councillor Kevin Rostance also left the room during the adjournment and returned to the meeting at 8.46 p.m.)

C.43 Report on Urgent Key Decision

The Leader of the Council advised as follows:-

“In accordance with Rule 17.2 of the Access to Information Procedure Rules it is necessary for me to inform the Council when an executive decision has been taken pursuant to Rule 16 (Special Urgency Provisions.)

I can inform the Council that one such decision has been taken by me as a matter of urgency recently.

The decision related to the potential disposal or revised lease of a commercial investment property. The decision was key and contained exempt information but the full 28 days’ notice could not be given due to the need to proceed with the transaction without delay.

The Rule 16 Notice and the non-exempt elements of the decision have been published.”

C.44 Recommendations from the Cabinet and the Council's Committees

In accordance with the Council Procedure Rule 2(ix), Council considered two recommendations from the following:-

Minute No. CA.31
Cabinet – 10th September, 2018
Flexible Use of Capital Receipts Strategy

RESOLVED

that the Flexible Use of Capital Receipts Strategy, as presented, be approved.

Minute No. CA.38
Cabinet – 1st October, 2018
Local Government Reorganisation

RESOLVED

that the Council formally supports the Cabinet’s position in opposing Nottinghamshire County Council’s proposals for a Local Government Reorganisation including a Unitary Council for Nottinghamshire.

C.45 Notice of Motion 1

The Council received a notice of motion moved by Councillor Cheryl Butler and seconded by Councillor Keir Morrison as follows:-

“Ashfield District Council resolves to:

- *Oppose the Leader of Nottinghamshire County Council's plan to abolish Ashfield District Council in order to replace it with a single unitary council for Nottinghamshire.*

- *Condemn the Conservative Leader of Nottinghamshire County Council for failing to consult the residents and businesses of Ashfield and Nottinghamshire on their views about the future shape of local government in our area. This shows contempt for the residents and businesses we serve.*
- *Call on the Leader of Nottinghamshire County Council to re-engage with leaders of all councils and opposition groups in Nottingham and Nottinghamshire, working constructively, transparently and in a manner of mutual respect - so that we can work collectively on the issues facing the residents and businesses we serve.*
- *Call on the Leader of Nottinghamshire County Council to spend her time strongly lobbying the Conservative Government for sustainable and fair funding for Ashfield and Nottinghamshire rather than wasting time on attempting to unilaterally redraw the boundaries of local government in Nottinghamshire.*
- *Agree to write to the Secretary of State for Local Government stating our opposition to the Leader of Nottinghamshire County Council's plan to abolish all districts and boroughs in Nottinghamshire and replace them with a single unitary council and to highlight the complete lack of any credible business case for such a move."*

Councillor Jason Zadrozny moved an amendment to the motion, seconded by Councillor Cathy Mason, in the following terms:-

"Ashfield District Council resolves to:

- *Oppose the Leader of Nottinghamshire County Council's plan to abolish Ashfield District Council in order to replace it with single tier councils for Nottinghamshire.*
- *Express strong disapproval of the Conservative Leader of Nottinghamshire County Council for failing to genuinely consult the stakeholders, residents and businesses of Ashfield and Nottinghamshire on their views about the future shape of local government in our area. This shows contempt for the residents and businesses we serve.*
- *Call on the Leader of Nottinghamshire County Council to re-engage with leaders of all councils and opposition groups in Nottingham and Nottinghamshire, working constructively, transparently and in a manner of mutual respect - so that we can work collectively on the issues facing the residents and businesses we serve.*
- *Agree that this Council believes that one of the biggest decisions made about the future of Local Government in our County since 1974 should be made by the residents – not politicians. To this end, this Council will set up a cross party group to determine the best form of public consultation to be taken, and bring a future report to council to discuss.*

- *Call on the Leader of Nottinghamshire County Council to join Ashfield and other local authorities and national organisations such as the LGA, District Councils Network and the County Councils Network in strongly lobbying the Government for sustainable and fair funding for Ashfield and Nottinghamshire rather than wasting time on attempting to unilaterally redraw the boundaries of local government in Nottinghamshire.*
- *Agree to write to the Rt. Hon. James Brokenshire MP, Secretary of State for Housing, Communities and Local Government formally stating this Council's opposition to the Leader of Nottinghamshire County Council's plan to abolish all districts and boroughs in Nottinghamshire and replace them with single tier councils and to highlight the complete lack of any credible business case for such a move."*

Having considered the suggested amendment, Councillors Cheryl Butler and Keir Morrison, as the mover and seconder of the motion, duly agreed to the change of wording.

Having been fully considered, the substantive motion was then put to the vote and it was

RESOLVED

that Ashfield District Council agrees to:

- a) oppose the Leader of Nottinghamshire County Council's plan to abolish Ashfield District Council in order to replace it with single tier councils for Nottinghamshire;
- b) express strong disapproval of the Conservative Leader of Nottinghamshire County Council for failing to genuinely consult the stakeholders, residents and businesses of Ashfield and Nottinghamshire on their views about the future shape of local government in our area showing contempt for the residents and businesses we serve;
- c) call on the Leader of Nottinghamshire County Council to re-engage with leaders of all councils and opposition groups in Nottingham and Nottinghamshire, working constructively, transparently and in a manner of mutual respect - so that we can work collectively on the issues facing the residents and businesses we serve;
- d) agree that this Council believes that one of the biggest decisions made about the future of Local Government in our County since 1974 should be made by the residents, not politicians and to this end, this Council will set up a cross party group to determine the best form of public consultation to be taken and bring a future report to Council to discuss;

- e) call on the Leader of Nottinghamshire County Council to join Ashfield and other local authorities and national organisations such as the LGA, District Councils Network and the County Councils Network in strongly lobbying the Government for sustainable and fair funding for Ashfield and Nottinghamshire rather than wasting time on attempting to unilaterally redraw the boundaries of local government in Nottinghamshire;
- f) agree to write to the Rt. Hon. James Brokenshire MP, Secretary of State for Housing, Communities and Local Government formally stating this Council's opposition to the Leader of Nottinghamshire County Council's plan to abolish all districts and boroughs in Nottinghamshire and replace them with single tier councils and to highlight the complete lack of any credible business case for such a move.

C.46 Notice of Motion 2

Councillor Jason Zadrozny advised that he wished to withdraw the motion as printed.

C.47 Questions received in accordance with Council Procedure Rule 13

In accordance with Council Procedure Rule 13, the following question was submitted:-

Question 1

From Councillor Lee Anderson:

“Residents in the New Cross area feel let down by ADC. With all the recent problems such as anti-social behaviour, drug dealing and hostile behaviour residents have raised serious concerns about the number of HMO’s that are opening in the area. Could the council leader please explain what steps can be taken to ensure that the increasing amount of HMO’s is controlled in the future?”

Councillor Jason Zadrozny, Leader of the Council, responded as follows:-

“It gives me the opportunity to speak about the great and positive work we’re doing in Sutton and in general across the New Cross area to fill the void left by the current incumbents. I’ll answer your questions in turn.

Firstly, let me say at the outset anti-social behaviour, drug dealing, hostile behaviour is not acceptable and we’re determined to root it out, not only in Sutton but across the District. We much prefer to work pro-actively with people to change their behaviour but when we do that it obviously doesn’t make the news but we will take strong enforcement action where necessary.

We do this through our teams and with our relationships with the Department of Work and Pensions and the Crime Commissioner and as you know we’ve employed four more Community Protection Officers. I think you are up to

speed with everything we've done with public space protection orders and everything else and I'll give you the answer that I've written out.

However, I think the more important question is about the Houses in Multiple Occupation where we have done some work. Mandatory licensing of HMO's has become a legal requirement since the Housing Act in 2004 but under the original regulations a HMO would need to be licensed only if it had three storeys or more or five persons or more.

We only think there are three of which are in the New Cross area. However, new regulations that are enforceable, that we've taken through Cabinet, mean that all HMO's to include all properties occupied by five persons or more will now have to be licensed. This regulation relates to all buildings not just those of three storeys and the extended regulations apply to flats when they're being built as well.

We estimate that there are now two hundred properties within the District that will need the new licence that we will grant and we think there are around ten in the New Cross area. HMO's in themselves are not the problem although I'm aware of particular areas where they are a concern. These are being tackled by a range of services working together. The issue is with the people there and the way the people choose to behave. We prefer to see buildings brought back into productive use and to work with landlords and tenants.

We are running out of time Councillor Anderson so I'll give you a comprehensive answer about the work we've had to pick up in writing."

The meeting closed at 9.30 pm

Chairman.

EXTRAORDINARY COUNCIL (STATE OF ASHFIELD DEBATE)

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Tuesday, 23rd October, 2018 at 7.00 pm

Present: Councillor Glenys Maxwell in the Chair;

Councillors Lee Anderson, Chris Baron,
Rachel Bissett, Tony Brewer, Amanda Brown,
Tim Brown, Cheryl Butler, Christian Chapman,
Don Davis, David Griffiths, Tom Hollis,
Jackie James, John Knight, Rachel Madden,
Lauren Mitchell, Lachlan Morrison, Mick Murphy,
Nicolle Ndiweni, Christine Quinn-Wilcox,
Paul Roberts, Phil Rostance, Robert Sears-Piccavey,
Helen-Ann Smith, Mike Smith, John Wilmott,
Sam Wilson and Jason Zadrozny.

**Apologies for
Absence:** Councillors Jim Aspinall, Steve Carroll,
Joanne Donnelly, Helen Hollis, Cathy Mason,
Keir Morrison and Kevin Rostance.

Officers Present: Lynn Cain, Ruth Dennis, Mike Joy, Robert Mitchell
and Shane Wright.

In Attendance: Paddy Tipping (Police and Crime Commissioner).
Craig Guildford (Chief Constable – Nottinghamshire
Constabulary).
Kevin Dennis (Chief Executive of the Police and
Crime Commissioner’s Office).
Jennifer Allison (Head of Service for Women’s Aid
and Integrated Services).

**C.48 Declarations of Disclosable Pecuniary or Personal Interests
and Non Disclosable Pecuniary/Other Interests**

Councillor Jason Zadrozny declared a Non Disclosable Pecuniary/Other Interest relating to his current position as the Council’s representative on the Nottinghamshire Police and Crime Panel.

Councillor Sam Wilson declared a Non Disclosable Pecuniary/Other Interest relating to his spouse’s current employment with the Nottinghamshire Police Force.

C.49 State of Ashfield Debate - Crime and Disorder

The Chairman welcomed all to the meeting and advised that she had called the meeting, in accordance with Council Procedure Rule 19 and following consultation with the Leader of the Council, to enable a State of Ashfield debate to take place which would be the first for over a decade.

The debate would be focussing on Crime and Disorder and presentations had been arranged to be given by the Police and Crime Commissioner, Mr. Paddy Tipping, the Chief Constable, Mr. Craig Guildford, the Chief Executive of the Police and Crime Commissioner's Office, Mr. Kevin Dennis and the Head of Services for Women's Aid and Integrated Services, Ms. Jennifer Allison.

The Chairman explained to Members that the main purpose of the meeting was to enable the Leader and his Cabinet colleagues to gather information on the issues and matters which were of concern to Members and which could be considered as part of the preparations for business planning and the proposals for the Council's budget and policy framework.

In order to enable effective discussion to take place and to ensure a more flexible committee style of meeting, it was moved and seconded in accordance with Council Procedure Rule 30.1, the suspension of Council Procedure Rule 16 (Rules of Debate). Upon being put to the vote the motion was duly carried.

No formal recommendations or decisions were to be taken at the meeting but informal next steps and common understanding between all parties would be formulated at the end of the meeting.

A State of the District debate then ensued during which the Council received three presentations detailing the work of Nottinghamshire Police, the Council's Community Partnership Hub and the work of Women's Aid and Integrated Services in relation to domestic violence. Members then raised and discussed their concerns and observations via question and answer sessions as agreed.

During the course of the meeting it was moved and seconded in accordance with Council Procedure Rule 23.1 (Conclusion of Proceedings) to extend the meeting until 9.30 p.m. Upon being put to the vote the motion was duly carried.

At the conclusion of the debate, the Leader of the Council thanked the Council's Members and guests for their contribution and hoped that they had found it informative and useful, particularly as Cabinet Members would now be able to assimilate the comments made and take them into account during the business planning process which was to be commenced shortly.

The meeting closed at 9.28 pm

Chairman.

Report To:	COUNCIL	Date:	29th NOVEMBER 2018
Heading:	POLLING DISTRICT AND POLLING PLACES REVIEW		
Portfolio Holder:	LEADER OF THE COUNCIL		
Ward/s:	ALL WARDS		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

The report sets out proposals for revised polling districts and polling places following a periodic review required by the Electoral Registration and Administration Act 2013. The proposals are based on the recommendations of the Polling Places Review Working Group.

Recommendations

- (i) That the Council approves the recommendations of the Review Working Group as set out in the minutes of the meetings held on 22nd May, 5th September and 7th November 2018. (Appendices “A”, “B” and “C” refer)
- (ii) That subject to the above, the Council approve the final proposals report setting out the changes to the polling districts and polling places (Appendix “D” refers)
- (iii) that the Chief Executive be requested to formally publish the notice of conclusion of the review, its findings, the responses from consultees and all other relevant documentation.
- (iv) Should a polling place be unavailable in the run up to an election, the (Acting) Returning Officer be delegated authority to select an appropriate alternative and formal retrospective approval be sought by Council following the election should this be a permanent proposed change.

Reasons for Recommendation(s)

To comply with the legislation requiring the Council to undertake periodic reviews of polling districts and polling places.

To ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances and that, as far as is reasonable and practicable, polling places are accessible to disabled electors.

Alternative Options Considered

(with reasons why not adopted)

None. Failure to publish proposals within the compulsory review period would result in the Council not fulfilling its statutory obligations.

Detailed Information

Introduction

In accordance with the Representation of the People Act 1983, the Council has a duty to divide the District into polling districts and to designate a polling place for each of these districts. The Electoral Registration and Administration Act 2013 also requires every local authority to start and complete a review of its polling districts and polling places at least once every five years. The compulsory review period commenced on 1 October 2018.

Review Process

The Council appointed the Polling Place Review Working Group to conduct the review and report on its final recommendations to this meeting of the Council. The Polling Places Review Working Group (the Working Group) met on three occasions and the minutes of those meetings are attached. (See Appendices "A", "B" and "C").

The Council approved a timetable for the review process and the Working Group has conducted the review in accordance with that timetable. A public consultation period was held between 1st October and 29th October 2018, seeking the views and comments of electors, interested persons and any persons or bodies with expertise in access to premises or facilities for persons with any type of disability. The consultation also included all District and County Councillors, MPs and the Acting Returning Officer for the Sherwood Parliamentary Constituency which includes some electoral areas within the Ashfield District.

During the consultation period, maps showing the existing and proposed polling districts and polling places were published on the Council's website. Additionally, the Acting Returning Officer published proposals for new polling districts and polling places largely based on the recommendations of the first two meetings of the Working Group.

Requirements of the Review

When undertaking a review the Council is required to give due regard to the following considerations:-

- It must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances
- It must seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled
- Where possible the polling place should be in its own polling district. Special circumstances apply which allow for the polling place to be outside the district where there is no suitable polling place in the district and in these circumstances regard should be had to the convenience of electors
- Where possible each parish (and each parish ward) should be a separate polling district

- Where boundaries for different elections are no longer co-terminous the areas no longer co-terminous must be made into separate polling districts.

Consultation Responses

Attached at Appendix “E” is a summary of the responses received during the consultation period.

Each of these responses has been considered by the Working Group to determine if changes are necessary as part of the review process and their recommendations in respect of each response are set out in the minutes of the meeting held on 7th November, 2018.

Following consideration of consultation responses, the Working Group determined that the existing polling place arrangements in Leamington, Selston and Underwood wards provide the most reasonable facilities for voting in the circumstances. As such the final proposals document has been updated to reflect these arrangements.

In addition, after the commencement of the review period, the polling place for JCK1 in Jacksdale ward, which was previously Westwood United Reform Church has become unavailable. The final proposals document has been updated to include The Royal Oak public house as the polling place, which has been determined as providing reasonable facilities for voting.

Final Proposals and Schedule of new polling districts and polling places

If the proposed changes as recommended by the Working Group are approved then it is necessary to publish the final proposals and a new schedule of designated polling places and polling districts, together with the relevant maps.

A copy of the final proposals incorporating all of the recommendations of the Working Group is attached for consideration by the Council. (See Appendix “D”)

Appeals Process

Following the conclusion of the local authority’s review certain persons have a right to make representations to the Electoral Commission. The Commission will only consider representations that the review process has not been conducted correctly and has failed to meet the reasonable requirements of the electors in the constituency or has failed to take sufficient account of accessibility to disabled persons to the polling stations within a polling place.

Implications

Corporate Plan:

Enable thriving, prosperous and self-sufficient communities where people shape their own futures.

Ensure effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

Legal:

Every local authority is required to start and complete a review of its polling districts and polling places at least once every five years. The compulsory review period commenced on 1 October 2018.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	The costs for providing adequate polling facilities are met within existing budgets, including costs of writing to affected households
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
Confusion for electors in the event of drastic and unnecessary change	<ul style="list-style-type: none"> • Seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances • Seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled
Failure to approve final proposals by Council would result in not meeting statutory requirement to review	<ul style="list-style-type: none"> • Carry out review within compulsory review period

Human Resources:

There are no direct issues arising out of the report

Equalities:

The proposals have taken into account the accessibility needs of disabled persons and provides reasonable facilities to vote as far as is practicable.

Other Implications:

None

Background Papers

Interim Review of Polling Places Report to Council – 6 October 2016

Interim Review of Polling Places Report to Council – 21 July 2016

Revision of Schedule of Polling Places Report to Council – 11 February 2016

Polling District and Polling Places Review Report to Council – 12 January 2015

Review of Polling Places and Polling Districts Report to Council – 9 October 2014

Report Author and Contact Officer

Ruth Dennis

DIRECTOR OF LEGAL AND GOVERNANCE

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POLLING PLACES AND DISTRICTS REVIEW WORKING GROUP

**Meeting held in Meeting Room 1, Council Offices, Urban Road,
Kirkby-in-Ashfield,**

on Tuesday, 22nd May 2018 at 10.00 a.m.

Present: Councillor Jason Zadrozny in the Chair;

Councillors David Griffiths, Kevin Rostance, Ms Helen-Ann Smith, Sam Wilson

Apologies for Absence: Councillor Cheryl Butler

Officers Present: Ian Dobson

PP.1 Declarations of Interest by Members and Officers

A general personal interest was declared by all Members of the Working Group in respect of the polling places and districts review and their standing for election as Councillors.

PP.2 Timetable

The Service Manager, Electoral Services summarised the agreed timetable and confirmed that the working group would carry out preparatory work on polling places and polling districts prior to the commencement of the formal review process in October 2018.

PP.3 Polling Places – Existing Structure & Working Proposals

The Chairman requested that the Group work through the report of the Service Manager, Electoral Services and provide comments and suggestions to be followed up for the next meeting of the Group.

ABBHEY HILL

Members requested that the Service Manager, Electoral Services seek alternative premises in the ward if possible to prevent closing the school and report back to the next meeting.

ANNESLEY & KIRKBY WOODHOUSE

No changes proposed.

ASHFIELDS WARD

No changes proposed.

CARSIC

No changes proposed.

CENTRAL & NEW CROSS

Members considered proposals to remove existing CNX1 polling district and absorb the electorate into the surrounding polling districts to allow for the removal of Forest Glade primary school as a polling place, due to access issues and objections by the school. The Group also considered proposals to replace Priestsic primary school and replace with New Cross Community Hall, which is more centrally located in the proposed new polling district and prevents the need to close a school for polling.

RECOMMENDED

That the proposals be taken forward for consultation.

HUCKNALL CENTRAL

No changes proposed.

HUCKNALL NORTH

Members considered proposals to remove The Epiphany Centre as a polling place, which has access issues and designate George Street Working Men's Club as a polling place for HN01, which provides reasonable facilities for voting and has adequate capacity to absorb an additional polling station.

RECOMMENDED

That the proposals be taken forward for consultation.

HUCKNALL SOUTH

No changes proposed

HUCKNALL WEST

No changes proposed

HUTHWAITE & BRIERLEY

Members considered proposals to merge existing HBR2 & HBR3 into a single polling district with Mill House Community Centre as the designated polling place which provides reasonable facilities for voting. This allows for the removal of Huthwaite Methodist Church as a polling place.

RECOMMENDED

That the proposals be taken forward for consultation.

JACKSDALE

Members raised a query about some properties in the Jubilee area which currently have Westwood United Reformed Church designated as a polling place, which is not

Appendix A

convenient and asked the Service Manager, Electoral Services to review the arrangements and report back to the Group.

KINGSWAY

The Service Manager, Electoral Services informed Members that Kingsway Primary School had requested not to be used as a polling place. The Group considered current arrangements which have been complicated by the latest County Council boundaries cutting across the district ward. It was suggested that Forest Street Baptist Church could be used as a polling place for two polling stations, which would provide reasonable facilities for electors and work well for all elections. It was proposed that KWAY1 & KWAY2 be merged and that KWAY3 & KWAY4 be merged.

RECOMMENDED

That the proposals be taken forward for consultation.

KIRKBY CROSS & PORTLAND

No changes proposed

LARWOOD

Members considered proposals to designate Bentinck Miners Welfare as the polling place for both LAR1 & LAR2. It was suggested that the polling district for LAR1 be adjusted to equalise the electorates across both polling districts and brought back to the next meeting.

RECOMMENDED

That proposals be presented to the next meeting.

LEAMINGTON

No changes proposed

SELSTON

Members considered merging SEL1 & SEL2 to a single polling district of SEL1, which has no impact on polling place arrangements. It was proposed that Church of Christ be designated as a polling place for the newly designated SEL3 as it is located within that polling district and provides reasonable and accessible facilities for electors

RECOMMENDED

That the proposals be taken forward for consultation.

SKEGBY

Members requested that the Service Manager, Electoral Services seek alternative polling places for The Beeches and Harwood Community Centre and report back to the next meeting.

ST MARY'S

Appendix A

Members considered simplified polling district arrangements for the ward which merge existing district STM2 & STM4 and designate Mapplewells Primary School as the polling place, which is outside of the polling district but provides the best option in the vicinity and has reasonable facilities for voting.

RECOMMENDED

That the proposals be taken forward for consultation.

STANTON HILL & TEVERSAL

No changes proposed

SUMMIT

Members were asked to consider alternative arrangements for SUM4 which currently uses Ashwood Centre as a polling place, which was used to replace the Morven school at the previous interim review. Options for consideration include merging SUM3 & SUM4 and designating the Summit Centre as the polling place **OR** designating Morven Park Primary School as the polling place. The Group indicated that the Summit Centre is preferable due to better parking facilities and size of the premises, which provides good facilities for voting.

RECOMMENDED

That proposals be presented to the next meeting.

SUTTON JUNCTION & HARLOW WOOD

No changes proposed

THE DALES

Members considered designating Quarrydale Academy as the polling place for both DAL1 & DAL2, releasing New Cross Community Hall which is situated outside of the ward boundaries and is better suited to Central & New Cross Ward to replace Priestsic Primary School.

RECOMMENDED

That the proposals be taken forward for consultation

UNDERWOOD

Members considered merging existing UND1, UND3, & UND4 to create a single polling district. Members considered designating the White Lion as the polling place for Parish Ward of Toll Bar.

RECOMMENDED

That the proposals be taken forward for consultation

PP.4 Communications

The Service Manager, Electoral Services informed Members that a communications

Appendix A

plan will be in place to notify electors of any changes that arise from the review process. The Group suggested that a household letter be sent to properties that are affected by the changes after completion of the review.

Members requested that All About Ashfield is utilised to inform all electors about changes and where to check their polling station.

The Group requested that a prominent message is put on poll cards for the district elections in 2019 where a change to polling places is approved by the Council. It was agreed that some options be worked up for the next meeting.

The meeting closed at 10:50 a.m.

Chairman.

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POLLING PLACES AND DISTRICTS REVIEW WORKING GROUP

**Meeting held in Torkard Room, Council Offices, Urban Road,
Kirkby-in-Ashfield,**

on Wednesday 5 September 2018 at 10.00 a.m.

Present: Councillor Jason Zadrozny in the Chair;

Councillors David Griffiths, Kevin Rostance, Ms Helen-Ann Smith, Sam Wilson, Mike Smith (Substitute for Cheryl Butler)

Apologies for Absence: Councillor Cheryl Butler

Officers Present: Ian Dobson

PP.5 Declarations of Interest by Members and Officers

A general personal interest was declared by all Members of the Working Group in respect of the polling places and districts review and their standing for election as Councillors.

PP.6 Minutes of the Last Meeting

The Group agreed the minutes as a true record of the last meeting.

PP.7 Polling Places – Existing Structure & Working Proposals Update

The Chairman requested that the Group work through the report of the Service Manager, Electoral Services and provide comments and suggestions.

ABBAY HILL

The Service Manager, Electoral Services confirmed to the Group that the existing arrangements for Abbey Hill ward remain the most convenient.

ANNESLEY & KIRKBY WOODHOUSE

No changes proposed.

ASHFIELDS WARD

No changes proposed.

CARSIC

No changes proposed.

CENTRAL & NEW CROSS

No further updates

Appendix B

HUCKNALL CENTRAL

No changes proposed.

HUCKNALL NORTH

No further updates

HUCKNALL SOUTH

No further updates

HUCKNALL WEST

No further updates

HUTHWAITE & BRIERLEY

No further updates

JACKSDALE

The Service Manager updated Members about the previous query regarding electors in the Jubilee area having to vote at the Westwood United Reformed Church rather than in Selston ward. It was noted that this cannot be resolved through changes to polling districts as the area is formally part of the Jacksdale ward following the Local Government Boundary Commission review which came into force in May 2015. Members requests that a note is made that the area would be more locally connected by inclusion in Selston ward.

KINGSWAY

The Group considered the previous proposal to remove Kingsway primary school as a polling place. It was agreed that consideration be given to the convenience of proposed voting arrangements, in particular for residents of parts of KWY2 on Greenacres where Forest Street Baptist Church may not be convenient. Members were reluctant to continue using the school and requested that use of part of the Kingsway pub be investigated.

RECOMMENDED

That further consideration be given to the arrangements for Kingsway ward.

KIRKBY CROSS & PORTLAND

No changes proposed

LARWOOD

Members considered proposals to equalise the electorates across both polling districts.

RECOMMENDED

That the proposals be taken forward.

LEAMINGTON

The Group discussed redrawing LEM1 polling district lines to allow for part of the polling district to vote at Heathcote Court. The Service Manager, Electoral Services agreed to investigate and report back to the Group.

SELSTON

No further updates.

SKEGBY

The Service Manager, Electoral Services confirmed to the Group that the existing arrangements for Skegby ward remain the most convenient.

ST MARY'S

No further updates.

STANTON HILL & TEVERSAL

The Group considered alternative arrangements for SHL1 which currently uses St Katherine's Scout Hut as a polling place, which may not be available in the future. The Service Manager, Electoral Services proposed designating The Ship Room in Canvarvon Pub as the polling station. Members suggested that the Teversal Visitor Centre may be more suitable and requested that be investigated.

SUMMIT

The Service Manager, Electoral Services informed the Group that it is considered that the Morvern Park School Sports Hall provides the most convenient facilities for electors in SUM4 and that since the last meeting, the school had confirmed that it could be used as a polling place. The Group were concerned around the availability of parking and potential congestion caused in the area. The Group expressed their view that the Summit Centre is a more suitable polling place.

SUTTON JUNCTION & HARLOW WOOD

No further updates.

THE DALES

No further updates.

UNDERWOOD

No further updates.

A general point was made around looking into providing more sturdy signage for polling stations to ensure that they clearly visible.

Appendix B

It was agreed that a written update be provided to the Group on any outstanding issues prior to the commencement of the review.

PP.8 **Review**

The Service Manager, Electoral Services informed Members that the notice of review will be published on 1 October 2018, where representations will be sought from experts in accessibility and interested parties. As part of the process, the Acting Returning Officer is required to publish proposals, which will largely be based on the workings of the Group. It was explained that the Council will ultimately determine the polling scheme at the Council meeting to be held in November 2018.

The meeting closed at 10:50 a.m.

Chairman.

POLLING PLACES AND DISTRICTS REVIEW WORKING GROUP

**Meeting held in Committee Room, Council Offices, Urban Road,
Kirkby-in-Ashfield,**

on Wednesday 7 November 2018 at 10.00 a.m.

Present: Councillor Jason Zadrozny in the Chair;

Councillors John Knight (Substitute for David Griffiths), Kevin Rostance, Ms Helen-Ann Smith, Mike Smith (Substitute for Cheryl Butler)

Apologies for Absence: Councillors Cheryl Butler, David Griffiths

Officers Present: Ian Dobson

PP.9 Declarations of Interest by Members and Officers

A general personal interest was declared by all Members of the Working Group in respect of the polling places and districts review and their standing for election as Councillors.

PP.10 Minutes of the Last Meeting

The Group agreed the minutes as a true record of the last meeting.

Polling Places – Existing Structure & Working Proposals Update

PP.11

A general discussion took place around the principles guiding the working group throughout the review. The Chairman commented that the review had been carried out on a cross party basis with the objective of providing convenient polling places. It was also noted the Group had tried, where possible, to limit the use of schools.

The Chairman requested that the Group work through the ARO proposals document and table of representations.

ABBHEY HILL

No changes to ARO proposals

ANNESLEY & KIRKBY WOODHOUSE

No changes to ARO proposals

ASHFIELDS WARD

No changes to ARO proposals

CARSIC

Appendix C

No changes to ARO proposals

CENTRAL & NEW CROSS

No changes to ARO proposals

HUCKNALL CENTRAL

No changes to ARO proposals

HUCKNALL NORTH

No changes to ARO proposals

HUCKNALL SOUTH

No changes to ARO proposals

HUCKNALL WEST

No changes to ARO proposals

HUTHWAITE & BRIERLEY

No changes to ARO proposals

JACKSDALE

No changes to ARO proposals

KINGSWAY

No changes to ARO proposals

KIRKBY CROSS & PORTLAND

No changes to ARO proposals

LARWOOD

No changes to ARO proposals

LEAMINGTON

The Group considered representations received around proposed changes for some electors to vote at Heathcote Court in a revised polling district of LEM1.

RECOMMENDED: That existing arrangements for all electors to vote at Willetts Court is incorporated into the final scheme.

SELSTON

Appendix C

The Group considered representations received around proposed changes for some electors to vote at Church of Christ in a revised polling district of SEL3.

RECOMMENDED: That electors of new polling district SEL3 vote at Selston Parish Hall in line with existing arrangements.

SKEGBY

No changes to ARO proposals

ST MARY'S

No changes to ARO proposals

STANTON HILL & TEVERSAL

No changes to ARO proposals

SUMMIT

No changes to ARO proposals

SUTTON JUNCTION & HARLOW WOOD

No changes to ARO proposals

THE DALES

No changes to ARO proposals

UNDERWOOD

The Service Manager, Electoral Services informed the Group that by maintaining existing arrangements for polling places in Underwood, there would be a separate polling place for each parish ward which reduces the risks of cross contamination of ballot papers in a polling station.

The Group considered Church of Christ as a polling place for revised polling district UND3 to maintain separate polling places for each of the parish wards.

RECOMMENDED: That existing arrangements for electors in newly referenced UND3 to vote at Church of Christ are maintained.

PP.12 Review

The Service Manager, Electoral Services informed Members that the final scheme will be presented to Council on 29 November 2018 and, if approved, incorporated into the revised register of electors upon publication on 2 January 2019.

Appendix C

It was noted that all households affected by changes will be written to upon publication of the findings of the review in conjunction with a communications campaign and a note on poll cards.

The meeting closed at 10:22 a.m.

ACTING RETURNING OFFICERS PROPOSALS

APPENDIX D

Proposed new polling districts and polling places

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SUTTON IN ASHFIELD: ASHFIELDS					
Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
ASH1 & Part ASH2	ASH1	2016	The Changing Rooms	Ashfields	No access issues
Part ASH2 & ASH3	ASH2	892	Mapplewells Primary School	Ashfields	Disabled access ramp to be delivered
<p>Comments:</p> <p>The Returning Officer is proposing that it is reasonable and convenient to merge part of existing ASH1 with existing polling district ASH2 for electors to vote at The Changing Rooms polling station and to merge part of existing polling district ASH1 with existing polling district ASH3 for electors to vote at Mapplewells Primary School. The proposed polling places for these polling districts are considered to provide reasonable and convenient facilities for electors in this area.</p> <p>No changes are proposed for remaining electors in existing polling districts ASH1 & ASH3 in this ward.</p>					

SUTTON-IN-ASHFIELD: CARSIC					
Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
CAR1	N/A	1711	St Mary's Court	Sutton West	No access Issues
CAR2	N/A	1045	Aspley Court	Sutton West	No access Issues
<p>Comments:</p> <p>No changes are proposed for electors in existing polling districts in this ward.</p> <p>The proposed polling places for these polling districts are considered to provide reasonable and convenient facilities for electors in this area.</p>					
SUTTON-IN-ASHFIELD: CENTRAL AND NEW CROSS					
Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
Part CNX1 & CNX2	CNX1	1630	New Cross Community Hall	Sutton Central & East	No access issues
Part CNX1 & CNX3	CNX2	1374	Salvation Army Hall	Sutton Central & East	No access issues
Part CNX1 & CNX4	CNX3	1729	Unwin Social Club	Sutton Central & East	No access issues
CNX5	CNX4	652	St Modwens Court	Sutton Central & East	No access issues
<p>Comments:</p>					

The Returning Officer is proposing that it is reasonable and convenient for electors in existing polling district CNX1 to be absorbed into the surrounding existing polling districts of CNX2, CNX3, and CNX4, which will remove use of Forest Glade primary school. This is being proposed due to access issues into the school from the main road and into the school car park.

It is also proposed that New Cross Community Hall be designated as the polling place for the newly created polling district of CNX1 which will be more central to the newly created polling district.

No changes are proposed for electors in existing CNX5 other than the new polling district reference of CNX4.

SUTTON-IN-ASHFIELD: HUTHWAITE AND BRIERLEY

Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
HBR1	HBR1	1250	Mansfield Hosiery Mills	Sutton West	No access issues
HBR2 & HBR3	HBR2	2085	Mill House Community Centre	Sutton West	No access issues
HBR4	HBR3	2301	All Saints Centre	Sutton West	No access issues

Comments:

The Returning Officer is proposing that it is reasonable and convenient to merge existing HBR2 & HBR3 polling districts and for electors to vote at Mill House Community Centre due to the Huthwaite Methodist Church becoming unavailable for use.

No changes are proposed for electors in existing HBR1 & HBR4 as they provide reasonable and convenient facilities for electors in this area.

SUTTON-IN-ASHFIELD: LEAMINGTON

Existing Polling	New Polling	No. of electors	Proposed Polling	County Division	Access
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District	District Ref.		Place		
LEM1	N/A	1320	Willets Court	Ashfields	No access issues
LEM2	N/A	1496	Willets Court	Ashfields	No access issues
Comments:					
No changes are proposed for electors in existing polling districts in this ward.					
The proposed polling places for these polling districts are considered to provide reasonable and convenient facilities for electors in this area.					
SUTTON-IN-ASHFIELD: SKEGBY					
Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
SKG1	N/A	2119	Skegby Methodist Church and Anchor Centre	Sutton North	No access issues
SKG2	N/A	1234	The Beeches Community Room	Sutton North	No access issues
SKG3	N/A	1785	Harwood Court Community Centre	Sutton North	No access issues
Comments:					
No changes are proposed for electors in existing polling districts in this ward.					
The proposed polling places for these polling districts are considered to provide reasonable and convenient facilities for electors in this area.					
SUTTON-IN-ASHFIELD: ST. MARY'S					

Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
STM1	STM1	1336	Staff of Life	Sutton Central & East	No access issues
STM3	STM2	293	Travellers Rest	Sutton West	No access issues
STM2&STM4	STM3	607	Mapplewells Primary School	Sutton West	Disabled access ramp to be delivered

Comments:

The Returning Officer is proposing that it is reasonable and convenient to merge existing polling districts STM2 & STM4 and for electors to vote at Mapplewells Primary School. The Council is recommended to approve an exception for this polling place, which sits outside of the polling district as there is no suitable premises available in the polling district.

No changes are proposed for electors in existing polling district STM1 & STM3.

SUTTON-IN-ASHFIELD: STANTON HILL AND TEVERSAL

Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
SHL1	N/A	687	Teversal Visitor Centre	Sutton North	No access issues
SHL2	N/A	1740	Stanton Hill Boys Brigade	Sutton North	Disabled access ramp to be delivered

Comments:

The Returning Officer is proposing that it is reasonable and convenient to use the Teversal Visitor Centre as the polling place for existing polling district SHL1. It is likely that St Katherine's Scout Hut will soon become unavailable for use.

No changes are proposed for electors in existing polling district SHL2.

SUTTON-IN-ASHFIELD: SUTTON JUNCTION AND HARLOW WOOD

Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
SJH1	N/A	2391	The Junction Public House	Sutton Central & East	No access issues
SJH2	N/A	338	Portland College	Sutton Central & East	No access issues

Comments:

No changes are proposed for electors in existing polling districts in this ward.

The proposed polling places for these polling districts are considered to provide reasonable and convenient facilities for electors in this area.

SUTTON-IN-ASHFIELD: THE DALES

Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
DAL1	N/A	1657	Quarrydale Academy	Sutton North	No access issues
DAL2	N/A	694	Quarrydale Academy	Sutton North	No access issues

Comments:

The Returning Officer is proposing that electors for existing polling district DAL1 vote at Quarrydale Academy, which is located in the ward but not the polling district. Electors have previously voted outside of the polling district at New Cross Community Hall which is also outside of the ward. The Council is recommended to approve an exception and designate Quarrydale Academy as the polling place for

both polling districts in the ward which provides reasonable facilities for electors in this area.

KIRKBY-IN ASHFIELD: ABBEY HILL

Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
ABH1	N/A	2382	Abbey Hill Primary School	Kirkby North	No access issues

Comments:

No changes are proposed for electors in existing polling districts in this ward.

The proposed polling places for these polling districts are considered to provide reasonable and convenient facilities for electors in this area.

KIRKBY-IN ASHFIELD: ANNESLEY AND KIRKBY WOODHOUSE

Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
AKW1	N/A	2178	Nuncar court	Kirkby South	No access issues
AKW2	N/A	2497	Acacia Centre	Kirkby South	No access issues
AKW3	N/A	1034	Annesley Parish Council	Kirkby South	No access issues
AKW4	N/A	126	Acacia Centre	Kirkby South	No access issues

Comments:

No changes are proposed for electors in existing polling districts in this ward.

The proposed polling places for these polling districts are considered to provide reasonable and convenient facilities for electors in this area.

KIRKBY-IN ASHFIELD: KINGSWAY					
Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
KWY1	N/A	978	Forest Street Baptist Schoolroom	Kirkby North	See below
KWY2	N/A	687	Kingsway Primary School	Kirkby North	No access issues
KWY3	N/A	120	Forest Street Baptist Schoolroom	Kirkby South	See below
KWY4	N/A	579	Kingsway Primary School	Kirkby South	No access issues
Comments:					
No changes are proposed for electors in existing polling districts in this ward.					
The proposed polling places for these polling districts are considered to provide reasonable and convenient facilities for electors in this area.					
Forest Street Baptist Church has ramped access and handrails at the front entrance. However, the side door is used as an entrance to the polling station and this has a slight threshold step.					
KIRKBY-IN ASHFIELD: KIRKBY CROSS AND PORTLAND					
Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
KXP1	N/A	642	St. Wilfrid's Church Hall	Kirkby South	See below
KXP2	N/A	974	The Hill Methodist Church	Kirkby South	No access issues
KXP3	N/A	720	Ashfield District Council Offices	Kirkby South	No access issues

KXP4	N/A	780	Kingsway Public House	Kirkby South	Disabled access ramp to be delivered
<p>Comments:</p> <p>No changes are proposed for electors in existing polling districts in this ward.</p> <p>The proposed polling places for these polling districts are considered to provide reasonable and convenient facilities for electors in this area.</p> <p>At St. Wilfird's Church Hall there is a separate side door providing access for persons with disabilities. This polling place is at the top of Church Hill and serves electors at both the top and bottom of the hill. Car parking is limited on the busy road but there is a car park across the road some 50 yards away.</p>					
KIRKBY-IN ASHFIELD: LARWOOD					
Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
LAR1& Part of LAR2	LAR1	505	Bentinck Miners Welfare	Ashfields	No access issues
Part of LAR2	LAR2	2351	Bentinck Miners Welfare	Ashfields	No access issues
<p>Comments:</p> <p>The Returning Officer is proposing that it is reasonable and convenient for electors in both polling districts to vote at Bentinck Miners Welfare. Electors in existing LAR1 previously voted at The Summit Centre, which required sharing the polling place with Summit Ward. The Council is recommended to approve an exception and designate Bentinck Miners Welfare as the polling place, which is located within Larwood ward but outside of the polling district and provides reasonable facilities for voting.</p>					

KIRKBY-IN ASHFIELD: SUMMIT					
Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
SUM1	N/A	1104	Greenwood Primary School	Kirkby North	No access issues
SUM2	N/A	1845	The Homesteads Community Centre	Kirkby North	No access issues
SUM3	N/A	815	Summit Centre	Kirkby North	No access issues
SUM4	N/A	1278	Sports Hall, Morven Park Primary School	Kirkby North	No access issues
Comments:					
<p>The Returning Officer is proposing that it is reasonable and convenient to use the Sports Hall, Morven Park Primary School for existing polling district SUM4 which is a more convenient polling place than the Ashwood Centre.</p> <p>No other changes are proposed for electors in the remaining polling districts, which are considered to provide reasonable and convenient facilities for electors in this area.</p>					
HUCKNALL: HUCKNALL CENTRAL					
Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
HCE1	N/A	2333	The John Godber Centre	Hucknall South	No access issues
HCE2	N/A	1648	Watnall Road Community Centre	Hucknall South	No access issues
HCE3	N/A	1467	Royal British Legion	Hucknall South	No access issues

Comments:
 No changes are proposed for electors in existing polling districts in this ward.

The proposed polling places for the polling districts are considered to provide reasonable and convenient facilities for electors in this area.

HUCKNALL: HUCKNALL NORTH

Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
HN01 & HN02	HN01	2732	George Street Working Men's Club	Hucknall North	No access issues
HN03	HN02	1993	Holy Cross/Leen Mills Primary School	Hucknall North	No access issues
HN04	HN03	1139	Interchange (Youth & Community Centre)	Hucknall North	No access issues
HN05	HN04	2060	Leen Valley Golf Centre	Hucknall North	No access issues

Comments:

The Returning Officer is proposing that it is reasonable and convenient to merge existing HN01 & HN02 polling districts and designate George Street Working Men's Club as the polling place for newly created HN01 polling district, due to access issues at The Epiphany Centre.

No other changes are proposed for electors in the remaining polling districts, which are considered to provide reasonable and convenient facilities for electors in this area.

HUCKNALL: HUCKNALL SOUTH

Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
HS01	N/A	1352	Titchfield Park Pavilion	Hucknall West	No access issues
HS02	N/A	2360	St. John's Church Hall	Hucknall South	No access issues
HS03	N/A	443	Bestwood Youth and Community Centre	Hucknall South	No access issues
HS04	N/A	1117	Broomhill Inn	Hucknall South	No access issues
HS05	N/A	275	Titchfield Park Pavilion	Hucknall North	No access issues
Comments:					
No changes are proposed for electors in existing polling districts in this ward.					
The proposed polling places for the polling districts are considered to provide reasonable and convenient facilities for electors in this area.					
HUCKNALL: HUCKNALL WEST					
Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
HWE1	N/A	2588	West Hucknall Baptist Church	Hucknall West	No access issues
HWE2	N/A	471	West Hucknall Baptist Church	Hucknall West	No access issues

HWE3	N/A	2435	Edgewood Primary School (Nursery Unit)	Hucknall West	There are no steps into this polling station. The access to it is by virtue of several different footpaths. There is no parking in the immediate vicinity of the polling station but is available at the footpath entrances. The School and Leisure Centre are fully accessible.
HWE4	N/A	1749	Beauvale Court	Hucknall West	No access issues

Comments:

No changes are proposed for electors in existing polling districts in this ward.

The proposed polling places for these polling districts are considered to provide reasonable and convenient facilities for electors in this area.

RURAL AREAS: SELSTON

Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
SEL1 & SEL2	SEL1	1965	Old Council Offices	Selston	No access issues
SEL3	SEL2	1274	Selston Parish Hall	Selston	No access issues

SEL4	SEL3	1446	Selston Parish Hall	Selston	No access issues
SEL5	SEL4	291	Horse & Jockey	Selston	No access issues
Comments:					
<p>The Returning Officer is proposing that it is reasonable and convenient to merge existing polling districts SEL1 & SEL2, which already share the Old Council Offices polling place. No other changes are proposed for electors in this ward.</p> <p>The proposed polling places for these polling districts are considered to provide reasonable and convenient facilities for electors in this area.</p>					
RURAL AREAS: JACKSDALE					
Existing Polling District	New Polling District Ref.	No. of electors	Proposed Polling Place	County Division	Access
JCK1	N/A	1263	The Royal Oak Public House	Selston	No access issues
JCK2	N/A	1307	Jacksdale Community Centre	Selston	No access issues
Comments:					
<p>It is proposed that The Royal Oak public house is designated as the polling place for JCK1 due to the unavailability of the Westwood United Reform Church for future use. No other changes are proposed.</p> <p>The proposed polling places for the polling districts are considered to provide reasonable and convenient facilities for electors in this area.</p>					
RURAL AREAS: UNDERWOOD					
Existing Polling	New Polling	No. of electors	Proposed Polling	County Division	Access

District	District Ref.		Place		
UND1, UND3 & UND4	UND1	2213	Underwood Community Centre	Selston	No access issues
UND2	UND2	235	White Lion Public House	Selston	No access issues
UND6	UND3	212	Church of Christ	Selston	No access issues
UND5	UND4	7	Underwood Community Centre	Selston	No access issues

Comments:

The Returning Officer is proposing that it is reasonable and convenient to merge existing polling districts UND1, UND3 & UND4, which already share Underwood Community Centre polling place.

No other changes are proposed for electors as existing polling places are considered to provide reasonable and convenient facilities for electors in this area. Polling district references are proposed to be updated as above.

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Polling Districts and Polling Places Review

Table of Representations (Anonymised)

<p>1</p>	<p>I have been looking through the proposed changes of polling stations for Sutton central and I am in agreement with the changes being proposed.</p> <p>The removal of schools as polling stations is a positive move as I do get a lot of complaints from parents when children have to have an addition day off for voting so the removal of both schools is a good step forward.</p> <p>I believe the changes being proposed will make it easier for local residents to vote and the places being suggested are good and prominent locations and placed well around the ward.</p> <p>I would like to see these new polling stations implemented.</p>
<p>2</p>	<p>Hucknall North - happy with the proposed, sensible changes. Underwood - happy with the proposed, sensible changes. The Dales - happy with the proposed, sensible changes. St Marys - happy with the proposed, sensible changes. Huthwaite and brierley - happy with the proposed, sensible changes. Central and New Cross - happy with the proposed, sensible changes. Ashfields - happy with the proposed, sensible changes.</p> <p>Selston - after speaking with many members of the public in this area, there is a strong dislike for using the Church of Christ, it is small and the paring is very cramped on the junction of a very busy road and a sharp incline. The public transport also does no link properly here where it does to the Parish hall. Therefore propose keeping the arrangements for the current SEL3&4 at the Selston parish hall and merging those polling districts together.</p> <p>Summit - I am strongly opposed to using the Sports Hall at Morven Park School. I think this review should seek to make voting arrangements as easy as possible and for residents on Oak Street, Marlborough Road, Milton Street, Gladstone Street and Lowmoor Road using the summit centre would be far far easier, especially given the use of the rear entrance to the building too. For the other residents this would be no further than the previous polling station but the Summit Centre has far superior parking, access and good public transport links too.</p> <p>Stanton Hill and Teversal - Following consultation with residents along Wild Hill and in Teversal Village, a number of concerns have been raised about using Carnarvon Road which is narrow and parked on heavily, to access the visitors centre at peak times. In my opinion, a large majority of this posing District Travels by car to vote and therefore would find it easier to vote at the boys brigade too. I suggest we just have the one polling pace for this ward with two polling districts.</p>

Appendix E

	<p>Larwood - happy with the proposed, sensible changes. however the new Polling District Maps do not split the ward in the way I had hoped with the new estate in one PD and Sutton Road and the side streets in another. That would be far more sensible.</p> <p>Leamington - Over the past week I have personally called at every home in the new proposed LEM1 as this is in my county council division. the overwhelming feeling was that people did not want to move to Heathcote Court and saw it as far more difficult to access than their current arrangement. For those driving and walking they would have to exit the estate and travel along Kirkby Road, which they felt is too busy, as opposed to Willetts Court which has ample parking and is in a far less bus location. Therefore I suggest we keep the existing arrangements in this ward.</p>
3	<p>To save a lengthy email I will focus my thoughts on changes being made inside my Division. Starting with your proposals for Huthwaite and Brierley, I am in support of the move to merge HBR2 and HBR3. Having been involved in elections for the past 8 years in this area it is clear many people accessing the Sherwood Street polling station drove from their homes rather than walking as a result parking for the polling station was always an issue and the move to Mill Close which has a large car park is a good change of location.</p> <p>St Mary's obviously remains largely the same as before however the proposed changes to STM2 and STM4 (proposed combined name STM3) is common sense The Staff of Life was out of the way for many people and out of their daily flow of traffic. Further to this I received many complaints from people about having to cross a busy road to get to The Staff of Life, changing it to Mapplewells School keeps their polling station within their locality and makes it far easier for these residents to access democracy.</p> <p>Finally Carsic Ward is unchanged in the review and I am happy to support these proposals.</p>
4	<p>In relation to Summit Ward Polling stations, I support the officer's recommendation that the polling station in Summit Ward should be Morven Park and not Summit Centre which is outside the designated catchment area.</p>

Meeting of the Council
29th November, 2018
Schedule of Recommendations

N.B.

The Schedule sets out recommendations from the Cabinet and the Council's Committees upon which Council is required to reach a decision. During discussion of these items Council Procedure Rule 16 applies (Rules of Debate). Speeches must be relevant to the item being debated. Speeches do not have to be in the form of, or include a question. Members may speak for up to 5 minutes. The Chairman may allow a further 2 minutes at his/her discretion. A Member may only speak once on a motion but may also speak once on an amendment.

<u>Meeting:</u>	<u>Minute No:</u>	<u>Subject:</u>	<u>Recommendation(s):</u>
Licensing Committee 8th November, 2018	L.7	<u>Review of the Statement of Licensing Policy</u>	Council be recommended to approve the draft revised Statement of Licensing Policy (effective from 31st January, 2019), as appended to the report. (Report and draft Policy attached at Appendix 1)
Licensing Committee 8th November, 2018	L.8	<u>Review of the Statement of Gambling Policy</u>	Council be recommended to approve the draft revised Statement of Gambling Policy (effective from 31st January, 2019), as appended to the report and including minor revisions as agreed at the meeting. (Report and draft Policy attached at Appendix 2)
Cabinet 26th November, 2018		<u>Budget Monitoring (Position to September 2018) – General Fund, Housing Revenue Account (HRA) and Capital Programme</u>	Council will be recommended to approve the following should Cabinet agree to the recommendation at its meeting on 26th November, 2018:- Council be recommended to approve the new capital schemes as included in the Cabinet report. (Report attached at Appendix 3)

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Report To:	LICENSING COMMITTEE	DATE:	8TH NOVEMBER 2018
Heading:	REVIEW OF THE STATEMENT OF LICENSING POLICY		
Portfolio Holder:	DEPUTY LEADER – OUTWARD FOCUS		
Ward/s:	ALL		
Key Decision:	Yes		
Subject to Call-In:	No		

Purpose of Report

To agree a Draft Revised Statement of Licensing Policy for adoption by Council.

Recommendation(s)

The Licensing Committee is recommended to:

- a) Consider the comments received on the Draft Revised Statement of Licensing Policy as detailed within this report;
- b) Resolve whether any amendments to the revised draft Statement of Licensing Policy are necessary in light of the comments received; and permit the Licensing Team Leader & Director: Place & Communities to make any appropriate amendments; and
- c) Subject to any amendments to the draft Policy, recommend Council to adopt the revised Statement of Licensing Policy at its meeting on 29th November 2018, effective from 31st January 2019.

Reasons for Recommendation(s)

The Council is obliged to determine and publish a "Statement of Licensing Policy" and to keep it under review and to republish it at least every five years. The Statement of Licensing Policy sets out how the Licensing Authority intends to exercise its functions under the 2003 Act.

The current Policy is nearing the end of its five year life span, and as such, requires updating and republishing.

Alternative Options Considered (With Reasons Why Not Adopted)

Do nothing: not recommended for a number of reasons.

The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report.

By carrying out its licensing functions, the Licensing Authority will contribute towards the reduction of crime and disorder within the District, and seek to improve community safety and environmental quality, whilst in turn seeking to promote a vibrant and sustainable local economy.

Detailed Information

Introduction

The Committee is reminded that all licensing authorities have adopted a Licensing Policy Statement. This statement must promote the four licensing objectives of the Licensing Act 2003 (the 2003 Act), which are:

- **The Prevention of Crime and Disorder**
- **Public Safety**
- **The Prevention of Public Nuisance**
- **The Prevention of Children from Harm**

The Council is obliged to determine and publish a "Statement of Licensing Policy" and to keep it under review and to republish it at least every five years. The Statement of Licensing Policy sets out how the Licensing Authority intends to exercise its functions under the 2003 Act.

In carrying out its functions the council must also have regard to the "Guidance issued under section 182 of the Licensing Act 2003" by the Home Office. These measures ensure clarity and consistency across all authorities in England and Wales. Revised guidance came into force in April 2018.

In drafting the original policy considerable work was done by a team of officers from Nottinghamshire districts on drafting a common 'core' Statement of Licensing Policy that each district adapted for its own use.

The Council has continued to work with other Licensing Authorities in Nottinghamshire and others nationally, so that a consistent approach is taken to assist applicants for licences and those who may wish to make representations under the provisions of the 2003 Act.

Amendments & Additions to the Statement of Licensing Policy

To assist all parties to this Committee meeting, the proposed amendments and additions are briefly bulleted below (and the relevant Page Number within the draft Policy that these can be found):

- Public Health identification of areas of higher levels of alcohol related harm (Page 6).
- Advice to applicants to utilise Government and local guidance and policies, and to seek advice from Responsible Authorities (including the Licensing Authority) prior to submitting applications in order to tailor applications to prevent negative impact to localities (Page 9).
- Advice to those making representations of disclosure of personal information (Page 10).
- Advice to applicants that the Director of Public Health is a Responsible Authority (Page 11).
- Advice to applicants when making applications to demonstrate high quality, well managed premises (Page 13).

- Advice to applicants and licence holders of recommended management practices for the protection of children from harm licensing objective (Page 15).
- Advice to applicants regarding risk assessing the use of outside areas (Page 17).
- Advice to applicants and licence holders regarding Public Space Protection Orders (which replaced Designated Public Protection Orders) (Page 20).
- Advice to applicants encouraging premises that will attract a wider customer base that includes families and older adults, and for wet led premises the need for robust management arrangements to be in operation (Page 20).
- Advice regarding the Licensing Authority's recently acquired powers in relation to being able to revoke a Personal Licence (Page 23).
- Statement regarding the Licensing Authority's commitment to the Safeguarding of Children and Vulnerable Persons, and advice to applicants to consider this statement when formalising applications (Page 25).
- Advice to applicants seeking to provide alcohol delivery services, and advice regarding prudent Age Verification Policies (Page 26).

Consultation on the Draft Revised Statement of Licensing Policy

The draft revised Statement of Licensing Policy was approved by the Committee prior to commencing formal consultation.

The consultation timetable to be followed is detailed below:

- 6th September 2018: Licensing Committee to agree that the draft revised Statement of Licensing Policy be put out to consultation.
- Consultation between 17th September 2018 and 28th October 2018 to "Responsible Authorities" (Police, Fire Service, Trading Standards, Planning, Environmental Protection, Children's Safeguarding Board, Health & Safety, etc), representatives of current licence holders and registered clubs, and others including Community Safety teams, Building Control and the local Primary Health Care. The general public will have access to the consultation via the Council's website, reception area and local libraries.
- 8th November 2018: the results of the consultation will be put to the Licensing Committee for consideration, and to make any relevant changes to the Policy to finalise accordingly, and to make a recommendation to Council to adopt the final Policy.
- 29th November 2018: Council to adopt the Policy.

Responses to the Consultation

No responses were received during the consultation period.

Implications

Corporate Plan:

The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report.

By carrying out its licensing functions, the Licensing Authority will contribute towards the reduction of crime and disorder within the District, and seek to improve community safety and environmental quality, whilst in turn seeking to promote a vibrant and sustainable local economy.

Legal:

Section 5 of the Licensing Act 2003 requires the Licensing Authority to prepare, consult and publish a Statement of Licensing Policy. This year's consultation on the Council's Statement of Licensing Policy and adoption process, meets the Council's legal duties under the Licensing Act 2003.

Finance:

Information Only

There are no financial implications contained within this report.

This report is effective from 8th November 2018 and has the following financial implications.

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
The Council has a statutory duty to carry out its licensing functions.	Approved processes, procedures and policies are in force to ensure that the Licensing Authority minimises any risks it may be exposed to when carry out its licensing functions and decision making processes.

Human Resources:

There are no direct HR implications contained within this report

Equalities *(to be completed by the author):*

There no diversity or equality implications contained within this report.

Other Implications:

None.

Reason(s) for Urgency (if applicable):

Not applicable

Background Papers

Appendix One: Draft revised Statement of Licensing Policy

Report Author and Contact Officer

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LICENSING ACT 2003

STATEMENT OF LICENSING POLICY 2019 – 2024

Effective from: 1st January 2019

Adopted: 29th November 2018

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1. INTRODUCTION

- 1.1 Ashfield District Council is a Licensing Authority for the purpose of the Licensing Act 2003. Section 5 of the Act requires all licensing authorities to prepare and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act during the five year period to which the policy applies. The Statement of Licensing Policy can be reviewed and revised by the authority at any time.
- 1.2 Ashfield District Council covers a mix of urban and rural areas in central Nottinghamshire, to the north east of Nottingham City. It includes the main towns of Sutton-in-Ashfield, Kirkby-in-Ashfield and Hucknall. There are several other smaller towns and villages. The 2016 census gives the population of Ashfield as 124,500. The main concentrated areas of licensable activities are in the town centres of Hucknall and Sutton-in-Ashfield.
- 1.3 The Authority recognises that licensed premises in the district are a major contributor to the district, attracting tourists and visitors and making for vibrant towns and communities. The Council also recognises the problems that can be caused if licensed activities are not properly managed and premises well run.
- 1.4 Ashfield District Council believes that good management of the entertainment, alcohol and late night refreshment industries (and of the street environment within which it operates) is essential to the continued success of the District and to attracting the wide range of people who want to come here to work, to visit and to live. The Council will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music in the area.
- 1.5 This Policy Statement seeks to establish sensible controls and appropriate guidance to encourage and further the efforts that are being made by the Council and its partners together with the licensed trade to help the Authority deal with issues that arise from licensable activities.

This will be achieved by:

- Establishing and building upon best practice within the industry;
 - Recognising and facilitating the role of partners and stakeholders;
 - Encouraging self-regulation by licensees and managers;
 - Providing a clear basis for the determination of licence applications; and
 - Supporting related policies and strategies of the District Council.
 - An inspection and enforcement regime targeted at premises that present a high risk.
- 1.6 The Authority is committed to working with its licensing partners and stakeholders in delivering the licensing function. This Policy Statement therefore seeks to provide information on the general approach that the Authority will take in carrying out its licensing functions.
 - 1.7 In preparing and publishing this Policy Statement due regard has been given to the guidance issued by the Secretary of State under section 182 of the Act, and to good practice advice issued by approved government advisory bodies. In particular the Authority has consulted those persons and bodies as required by the guidance and given proper weight to their views.

Partnership working between licensing authorities in Nottinghamshire has enhanced the production of this Policy Statement and will help ensure consistency in terms of both policy and enforcement where licensing boundaries meet.

1.8 This Policy Statement should not be regarded or interpreted as indicating that any requirement of law may be overridden; each application will be considered and treated on its own merits. No restrictive controls will be introduced or imposed unless they are felt to be necessary and appropriate.

1.9 There are certain matters which the Authority is prevented from taking into account or from dealing with in a specified way. For example the Authority is not entitled to take the issue of the “need” for further licensed premises into account when determining licence applications.

On the other hand the cumulative impact of licensed premises on the promotion of the Licensing Objectives is a matter that can be properly considered by the Authority. Cumulative impact and related matters are dealt with in section 6 of this Policy Statement.

1.10 Nothing in this Statement of Policy prevents any one person or body applying for a variety of current permissions under the Act. Nor does it override the right of any Responsible Authority, any person or business to make representations or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

2. LICENSING OBJECTIVES AND LICENSABLE ACTIVITIES

2.1 In exercising their functions under the Licensing Act 2003, licensing authorities must have regard to the licensing objectives as set out in section 4 of the Act. The licensing objectives are:

- (a) the prevention of crime and disorder;**
- (b) public safety;**
- (c) the prevention of public nuisance; and**
- (d) the protection of children from harm.**

2.2 Guidance on the Licensing Objectives is available on the Government's website at: <https://www.gov.uk/alcohol-licensing>

2.3 Licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual club, or business holding the licence, certificate or permission concerned. Licensing is about the management of licensed premises and activities within the terms of the Act and conditions attached to various authorisations will be focused on matters which are within the control of the individual licence holder and others.

2.4 The Act only covers certain "licensable activities" namely:

- (a) the sale by retail of alcohol**
- (b) the supply of alcohol by or on behalf of a club to a member**
- (c) the provision of "regulated entertainment" and**
- (d) the provision of late night refreshment**

2.5 The definition of what constitutes "regulated entertainment" is complex and has been the subject of Government deregulation. Whilst "regulated entertainment" covers live or recorded music, dancing, plays, films, and certain types of sporting activity the Act itself provides various exemptions and restrictions on the types of activities which are subject to the Licensing regime.

The Live Music Act 2012 and the Deregulation Act 2015 has removed the ability of the Licensing Authority to regulate many "regulated entertainments" at certain times and in certain circumstances based on the nature of the premises where the activity takes place, the times during which the activity is held, and the audience numbers in attendance. It cannot be assumed therefore that a licence is required for all forms of entertainment or, even if a licence is required, that the Licensing Authority will necessarily have the power to impose restrictions or conditions on such entertainment.

2.6 Where an activity is licensable the promotion of the Licensing Objectives is the paramount consideration for the Authority. In the absence of valid representations from responsible authorities, other persons or businesses, all applications must be granted subject only to any prescribed mandatory conditions and such other conditions which are consistent with the operating schedule provided by the applicant. Where valid representations are received and maintained the application will normally be determined at a hearing before the Licensing Committee or one of its Panels.

The Committee or Panel will then assess whether the application would result in the licensing objectives being undermined to such an extent that the application should be refused or, whether it would be possible to grant the licence subject to such conditions as are felt appropriate by the Authority. Conditions will be tailored to the size, style, characteristics and activities taking place at the premises concerned. Conditions will be focused on matters that are within the control of individual licensees and others granted relevant permissions.

- 2.7 Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises or places, is ultimately a matter of fact to be decided by the courts in cases of dispute.
- 2.8 In addressing such matters consideration will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The imposition of standardised conditions is prohibited as being disproportionate and burdensome.
- 2.9 It should be noted, however, that the Authority is permitted to establish pools of conditions from which appropriate and proportionate conditions may be drawn. Further details regarding such conditions can be obtained from the Licensing Team.

3. HOW THIS STATEMENT OF POLICY WORKS

3.1 The purpose of the Statement of Policy is to:

- provide a clear basis for determining licence applications;
- provide a clear framework for licensing strategies, including the effect known as 'cumulative impact';
- support wider strategies and policies of the Council.

3.2 The text of this Statement of Policy **in bold type** indicates the **Policies** with *the reason* for each policy shown immediately after *in bold italics*.

3.3 This Policy sets out the Authority's expectations in relation to certain matters. Whilst applicants are not obliged to meet these expectations in their Operating Schedules they may find that responsible authorities other persons and businesses are more likely to raise representations if they do not. This can lead to a delay with the application having to be considered by a Committee/Panel which may then either refuse the application or impose conditions if the application is not found to sufficiently promote the licensing objectives and meet this Policy. On appeal the Court is also obliged to have regard to the terms and requirements of this Policy and can only depart from it if it has good reason.

3.4 In this Statement of Policy any reference made to the imposition of conditions refers to conditions imposed in accordance with the requirements of the Act outlined in paragraphs 2.6 – 2.9 in the previous Section.

4. STRATEGIC LINKS AND OTHER REGULATORY REGIMES

- 4.1 There is a range of strategic influences and statutory controls which affect the licensing system in terms of policy formulation, administration and enforcement activities. Examples of these strategies can be found in the Section 182 guidance produced by the Home Office:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

The Authority will seek to have an active involvement in the development and review of these by ensuring an appropriate exchange of dialogue between the Licensing Authority and other relevant regimes.

Such involvement may result in the imposition of conditions and formulation of policies supporting the relevant strategies where appropriate.

- 4.2 The granting of a licence, certificate or provisional statement will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes.

However there will be overlapping issues of interest e.g. disturbance, which will remain material considerations for planning purposes as well as being relevant in terms of the licensing objectives.

Applicants should also ensure that they have due regard to any planning restrictions on the use of premises when applying for licence/certification to avoid any possible enforcement action.

- 4.3 The four statutory licensing objectives aim to reduce crime and disorder and increase public safety. Licensing policies are not currently required to address Public Health concerns, however, there is strong evidence that alcohol outlet density is associated with increased alcohol-related hospital admissions and alcohol-related mortality. Alcohol contributes to more than 60 diseases and health conditions and represents 10% of the burden of disease and death in the UK, placing it in the top three lifestyle risk factors after smoking and obesity. (Alcohol Concern, 2015). Alcohol treatment services are commissioned by Nottinghamshire County Council Public Health.
- 4.4 Whilst the exact relationship between alcohol and ill-health is often complex and affected by other factors such as the socioeconomic make-up of the neighbourhood, studies have found that local authorities' greater use of licensing powers leads to reductions in alcohol-related hospital admissions in England (Institute of Alcohol Studies, 2017). In light of this, this authority has reviewed Public Health indicators both at District level from the Local Alcohol Profiles for England and at sub-district level.
- 4.5 Across Ashfield Public Health analysts have mapped a number of alcohol-related measures that are considered to have a negative impact on health and wellbeing to show how the relative levels of these measures vary across Nottinghamshire County Districts and Boroughs.

- 4.6 Measures used were selected for their relevance to licensing and public health and their availability at sub-district level and include alcohol-related hospital admissions, anti-social behaviour, crimes against the person including domestic violence, rate of persons in treatment for substance misuse, an estimate of the percentage of the population drinking at least once a day and deprivation.
- 4.7 This has identified some areas with relatively higher levels of harm and for Ashfield this includes parts of Sutton in Ashfield, Kirkby in Ashfield and Hucknall. A map providing details of these areas can be found online at: www.nottinghamshireinsight.org.uk/d/205125
- 4.8 Applications within these areas or surroundings should be aware of, and give consideration to, their contribution to the burden of alcohol-related harms to the health and wellbeing within the community

5. DELIVERING LICENSING SERVICES

- 5.1 The Authority will make available guidance and such resources as required by law to enable engagement with the licensing process. Such guidance and resources may be accessed through the Ashfield District Council web site, Liquor Licensing Policy or by contacting the Authority direct.
- 5.2 The Licensing Authority will maintain an impartial role in service delivery and cannot act in favour of one party over another. The Licensing Authority may, in certain circumstances, act as a Responsible Authority. However this will only be done in exceptional circumstances and the Licensing Authority will not normally take over the role of other Responsible Authorities or parties.
- 5.3 Details of Responsible Authorities can be found on the Council's website: <https://www.ashfield.gov.uk/business/licensing/alcohol-and-entertainment-licensing/responsible-authorities-licensing-act/>

6. APPLICATIONS, NOTIFICATIONS AND THEIR CONSIDERATION

- 6.1 The procedure and documentation required for the various applications and notices is prescribed by the Act and Regulations. Further advice on these processes is available on the Council's web site. This section of the policy gives basic guidance on how those applications and notifications will be considered. Failure to comply with the statutory requirements may result in the application or notice being invalid.

To ensure the application is completed fully, applicants must consider the contents of this policy statement, the government guidance issued under section 182 Licensing Act 2003 and relevant guidance published by the licensing authority.

Applicants are encouraged to seek advice from the licensing authority and responsible authorities before submitting an application. Failure to comply with the statutory requirements may result in an application or notice being invalid / rejected.

- 6.2 The process of applying for new premises licences and full variations of current premises licences are dealt with in same way and involve serving the application on all responsible authorities and advertising the application in the prescribed way. If objections are received the matter will be heard by the Licensing Committee of the Council. The fee for such applications depends on the size of the premises.
- 6.3 The process of a minor variation to current premises licences are dealt with differently. Minor variations can be applied for to vary times of activities but not to increase the hours when alcohol can be sold. The process can also be used when making minor structural alterations to the premises and to add or remove conditions from the licence.

These minor variations should not have a material effect on the way in which the premises are operated and there is one set fee. The granting of a minor variation is determined at officer level after consultation with those responsible authorities affected. If the application is refused the applicant can resort to the full variation process.

- 6.4 All applicants are encouraged to use the gov.uk site to submit on line applications.

6.5 Representations

- 6.6 Where the licensing authority receives an application for a new licence or a variation to an existing licence, the responsible authorities, local residents and businesses have 28 days to make representations about the application. Representations can be positive as well as negative.

Guidance on making a representation is available from the Home Office and is also available on the Council's Licensing Policy web page for individuals or groups to make their representations in writing (or by email).

- 6.7 For a representation to be relevant it should be positively tied or linked by a causal connection to particular premises. Representations received outside the statutory period for making such representations will be invalid and will not be taken into consideration when the application is determined.

The Licensing Authority also has the power to reject a representation made by someone other than a Responsible Authority if it finds it to be vexatious or frivolous. An example could be where a representation was made solely on the basis that the application would provide competition to an existing trader or where no link was made to any of the licensing objectives.

- 6.8 Members of the public who wish to submit a representation need to be aware that their personal details will be made available to the applicant, unless the person making the representation clearly states that they wish for their personal details to be redacted. Anonymous representations however, will not be accepted by the Licensing Authority.
- 6.9 Where a representation proceeds to a hearing the Hearings Regulations allow for further information to be put forward in support of that representation. However, that material must only relate to the initial representation and must not add new grounds of objection.

It is therefore vitally important that as much detail and evidence as possible is included at the time the representation is made. Representations made without supporting detail and evidence may be viewed as frivolous or vexatious and disregarded. An example could be where a representation was made solely on the basis that the application would provide competition to an existing trader, where there is no relevance or link made to any of the licensing objectives.

- 6.10 Where representations are received the characteristics of an area and the impact that the premises may have upon that area will be a fundamental consideration in determining whether a licence should be granted and if so what conditions should be attached to it.

Conditions will be focused on matters that are within the control of individual licensees and others in possession of relevant authorisations. These matters will centre on the premises being used for licensable activities and the vicinity of those premises. What amounts to the vicinity will be a question of fact to be determined in the light of the individual circumstances of the case.

Consideration will primarily be given to the direct impact of the licensed activity on those who live, work or are engaged in business or other activities in the area concerned.

6.11 Responsible Authorities

- 6.12 Although the licensing authority is a responsible authority in its own right, it expects other parties such as local residents, Councillors or community groups should make representations in their own right when they are reasonably able to do so rather than rely on the licensing authority to make representations for them.

6.13 The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies. Public health is not yet a licensing objective but Public Health is a responsible authority under the Licensing Act, and the licensing authority believes that public health has much to add to licensing in relation to the local populations' alcohol related health needs. Health bodies such as Public Health have unique access to data not available to other responsible authorities which may inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

6.14 Sub-Committee Hearings

6.15 The Act creates a presumption that applications will be granted unless a valid representation is raised. An application will then be determined by the Licensing Sub-Committee unless the issue that led to the representation can be negotiated to an agreed conclusion between the parties.

6.16 The Authority considers the effective and responsible management of the premises, the instruction, training and supervision of staff and the adoption of best practice in the leisure industry, which may include participation in such schemes as Best Bar None, Purple Flag or Business Improvement Districts (BIDs), to be amongst the most important control measures for the achievement of all of the Licensing Objectives.

7. Licensing Policies

Policy 1

The Authority expects to see evidence of the effective and responsible management of the licensed premises, such as examples of instruction, training and supervision of staff and the adoption of best practice used in the leisure industry, being specifically addressed within the Operating Schedule.

REASON: To ensure the promotion of the licensing objectives.

- 7.1 Licensing law is not the primary mechanism for the general control of the anti-social behaviour of patrons once they have left the vicinity of the licensed premises rather it is part of a holistic approach to the management of the District.
- 7.2 Where appropriate the Authority will seek to identify mechanisms that are available for addressing the potential impact of anti-social behaviour arising both in respect of the management and operation of licensed premises themselves and that arising once patrons leave the licensed premises.

Regard will be had to the Section 182 Guidance in this respect and the following may be employed to address such behaviour and the potential for cumulative impact:

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate; and
- Early Morning Alcohol Restriction Orders (EMROs).
- Any other local initiatives that similarly address these problems.

Policy 2

When preparing or considering applications, applicants, responsible authorities, other persons, businesses and the Licensing Authority shall, where appropriate, take into account the following matters in assessing both the potential for the Licensing Objectives to be undermined and the appropriateness of any conditions which may be offered or imposed on any resulting licence, certificate or permission:

- (i) The nature of the area within which the premises are situated.
- (ii) The precise nature, type and frequency of the proposed activities.
- (iii) Any measures proposed by the applicant in the Operating Schedule.
- (iv) The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.
- (v) Means of access to and exit from the premises.
- (vi) Transport provision in the area and the likely means of public or private transport that will be used by customers either arriving or leaving the premises.
- (vii) Parking provision in the area.
- (viii) Noise from the premises or people visiting the premises.
- (ix) The potential cumulative impact (see below).
- (x) Other means and resources available to mitigate any impact.
- (xi) Such other matters as may be relevant to the application.

REASON: To ensure that all relevant matters are taken into consideration during the application process.

- 7.3 The authority wishes to encourage high quality, well managed premises. The operating schedule should describe how these high management standards will be achieved. In particular applicants will be expected to demonstrate:
- Knowledge of best practice.
 - That they understand the legal requirements of operating a licensed business.
 - Knowledge and understanding of the licensing objectives, relevant parts of the licensing policy, and their responsibilities under the Licensing Act 2003.
- 7.4 The operating schedule must include all of the information necessary to enable the licensing, responsible authorities and members of the public to assess whether the steps outlined for the promotion of the licensing objectives are sufficient. This will mean that applicants will need to complete their own risk assessments on their businesses. Where the operating schedule does not provide enough detail, there is an increased likelihood that representations will be made.
- 7.5 The authority will expect that the completed operating schedule is specific to the premises subject to the application and the licensable activities to be carried out rather than containing general or standard terms.

- 7.6 Levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower.

The main impact of customers arriving, queuing and leaving should be confined to principal pedestrian routes as far as possible.

The impact of noise arising from patrons that are temporarily outside the premises (e.g. smoking), must be recognised and mitigated against.

- 7.7 Applicants should carefully consider the hours that they will wish to operate for each licensable activity and when to close their premises for the entry of customers and to require them to leave.

They should consider each licensable activity separately and carefully, and reflect this in their operating schedule. Shops, stores and supermarkets will normally be permitted to sell alcohol and or late night refreshment anytime when they are open for shopping unless there are good reasons related to the promotion of the licensing objectives for restricting these hours.

- 7.8 Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise sensitive areas operators should consider ceasing the playing of dance music and switching to quieter, slower tempo music with a less pronounced beat for a period prior to the closure of the premises.

- 7.9 Applicants should also consider making arrangements with local transport operators to provide information to customers to ensure they can access public transport and leave the vicinity of the premises quickly by the most appropriate route.

- 7.10 The Authority is mindful of the responsibilities that licence holders have for preventing anti-social behaviour on and within the vicinity of their premises. The Authority must, however, also bear in mind its statutory duty under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the District. Where appropriate conditions will be imposed which reflect local Crime Prevention strategies.

- 7.11 Applicants are expected to have carried out the relevant assessments under other legislation (e.g. fire precautions, health and safety at work, etc) prior to submitting their applications.

These assessments should be used to identify particular issues which may need to be addressed in the operating schedule in order to ensure that the objectives will not be undermined. Suggested methods of addressing **Policy 2** may be outlined in more detail in any guidance issued by the Responsible Authorities but could include the matters listed below where appropriate.

- 7.12 Examples of recommended management practice to minimise Crime and Disorder:

- Use of CCTV both within and outside the premises.

- Metal detection and search facilities.
- Procedures for risk assessing promotions and events such as “happy hours” and plans for minimising such risk.
- Measures to prevent the use or supply of illegal drugs.
- Employment of licensed door supervisors and other appropriately trained staff.
- Participation in an appropriate Pub Watch Scheme or other such scheme aimed at achieving a safe, secure and social drinking environment e.g. bar tariffs (for all bar price lists to carry a guide of how many units of alcohol each individual drink contains) and recommendations that all licensees, managers or supervisors attend regular Pub Watch meetings or send a representative if they cannot attend.
- The licensee providing a taxi call point, waiting and concierge service for taxi marshalling at the licensed premises.
- Use of measures aimed at ensuring patrons are more relaxed and quieter when leaving the licensed premises e.g. playing quieter music and promoting non-alcoholic drinks towards the end of the event, ensuring good lighting outside the premises, staggering the closing time with regard to nearby licensed premises, etc.

7.13 Examples of recommended management practice to ensure public safety:

- The preparation and application of appropriate risk assessments.
- The setting and monitoring of occupancy levels for the premises.
- Reasonable facilities, access and egress for people with disabilities.
- Having glassware policies.

7.14 Examples of recommended management practice for the protection of children:

- Exclusion from the premises in certain circumstances.
- Implementation of a robust proof of age scheme.
- The display of prominent warning notices about the supply of alcohol to minors.
- Knowledge of the offences which adults can commit by buying alcohol for minors.
- The requirements for production of satisfactory proof of age.
- A commitment to the promotion of age verification schemes (i.e. Challenge 21 / Challenge 25).
- Whether any high strength beers, lagers, ciders, etc will be made available for sale.

7.15 Examples of recommended management practice for preventing nuisance:

- Keeping doors and windows of licensed premises closed to minimise noise break out.
- Sound limiting devices, or insulation to contain sound and vibration so as to address noise break out not only from music but also, for example, from air handling equipment, generators or patrons.
- With popular premises that attract queues ensuring that the direction of any queue is away from residential accommodation.

- Proper and adequate door supervision.
- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors and repeating such requests verbally.
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
- Arrangements with licensed taxis or private hire vehicles to take patrons from the premises.
- In appropriate cases door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it.
- Banning people who regularly leave in a noisy fashion and liaising with other premises on such bans.
- Where the premises have a membership scheme, including provisions in the conditions of membership concerning conduct and noise when leaving the premises.
- Adequate provisions for dealing with litter/refuse arising from the operation of premises.
- Appropriate times for and methods of dealing with bottle delivery, disposal and collection.
- The licensee providing a help line or contact number for concerned residents.

7.16 In some cases it may be helpful for applicants and/or their advisors to discuss their draft Operating Schedule with representatives of Responsible Authorities, before it is formally submitted. This will help ensure it properly addresses all relevant issues that might give rise to concern.

7.17 In order to provide a consistent and clear approach, when considering the addition of conditions to a licence the Licensing Authority will where possible use a condition from a 'pool of potential conditions' that has been agreed by all the Licensing Authorities in Nottinghamshire. Other Responsible Authorities will be encouraged to do like wise. Details of the Councils pool of conditions can be obtained from the Councils web site.

7.18 Any condition attached to a licence or certificate should be:

- clear
- enforceable
- evidenced
- proportionate
- relevant
- be expressed in plain language capable of being understood by those expected to comply with them.

7.19 As a general rule, the Licensing Authority will seek to avoid attaching conditions that duplicate existing legal requirements and obligations imposed by other regimes unless such obligations and requirements fail to adequately address the specific circumstances of the case.

7.20 Outside areas

- 7.21 The prohibition on smoking in enclosed public spaces has increased the demand for outside areas. Applicants are reminded that whilst they can be a valuable addition to the business, they can cause increased nuisance and disorder for residents. Operating schedules should detail how noise nuisance and disorder will be dealt with.
- 7.22 Although the consumption of alcohol is not a licensable activity, if the plan of the premises does not show outside areas such as beer gardens or similar, then any premises licence authorising the sale of alcohol “on the premises only” would not authorise the sales to be made in such external areas.

7.23 Large Scale Events

- 7.24 Existing licensed premises which intend to run one-off large scale events (and particularly dance events) are encouraged to consult with the responsible authorities and the Safety Advisory Group well in advance of the event taking place, to ensure that the event does not undermine the licensing objectives.

7.25 Cumulative Impact

- 7.26 In some areas concentrations of licensed premises exist where the combined effect of all of the premises, causes problems for a wider area and undermines, or potentially undermines, the Licensing Objectives.
- 7.27 This potential impact on the promotion of the Licensing Objectives by a significant number of licensed premises concentrated in one area is called “cumulative impact”. This should not be confused with the issue of “need” which relates to the commercial demand for licensed premises and cannot be taken into account when determining licensing applications.
- 7.28 Having consulted with the relevant bodies, and taking into account the evidence presented, the Council is satisfied that there are no areas within the District presently suffering from cumulative impact. However there is potential for a change in this situation.

The Authority therefore considers it both necessary and appropriate to include an approach to this issue, which can be applied in the event of evidenced need being established

- 7.29 In order to address cumulative impact in particular areas the Authority may apply the policies below (“*The Cumulative Impact Policies*”) which create a rebuttable presumption that certain types of applications for new premises licences or club certificates or material variations will normally be refused.

The presumption will be rebutted where applicants can demonstrate through the operating schedule and, where appropriate, supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced or that the risk factors associated with the application are such that cumulative impact will not be an imminent threat were the application to be granted.

The policies however do not relieve responsible bodies, other persons or businesses of the need to make representations before such applications are considered.

If no representations are received then the application must be granted in terms consistent with the submitted operating schedule.

Policy 3

Where representations about crime and disorder and/or nuisance are received in respect of applications for premises in areas of cumulative impact, a rebuttable presumption will apply that such applications shall be refused.

However, this policy only applies to applications of the types listed below and which include the sale or supply of alcohol and/or late night refreshment namely:

- **New premises licences;**
- **New club premises certificates;**
- **Material variations to existing premises licences/club premises certificates (for example, these may include matters such as increases in capacity or hours);**
- **Late Night Refreshments.**

and in the case of applications for Provisional Statements an indication will be given that any subsequent application for a premises licence/club premises certificate is likely to be refused.

REASON: To ensure that those applications which may add to the levels of crime, disorder and nuisance already being experienced in the area are refused.

- 7.30 This policy creates a rebuttable presumption that certain types of applications will be refused.

The presumption may be rebutted where applicants can demonstrate through the Operating Schedule and, where appropriate, supporting evidence such as risk assessments, that the operation of the premises will not potentially add to the cumulative impact already being experienced.

- 7.31 Whilst the policy will not be applied inflexibly the circumstances in which the presumption of refusal may be rebutted will need to be exceptional and directly related to the reasons why the policy was adopted. An application is not likely to be classed as exceptional merely on the grounds that the premises have been or will be operated within the terms of its licence or that they are or will be well managed.

This is to be expected of any application. An example of the type of application which might be granted could be where premises are being relocated or act as

a direct replacement for others and where the impact is likely to be similar to the original location.

- 7.32 Policy 3 however does not relieve Responsible Authorities, other persons or businesses of the need to make representations before such applications are refused. If no representations are received then the application must be granted in terms consistent with the submitted operating schedule. The Authority will regularly review this Policy to assess its impact.
- 7.33 Where a provisional statement has been issued by the Authority and the relevant works are completed satisfactorily then any subsequent application for a premises licence must be granted and any objection which could have been raised at the Provisional Statement stage must be disregarded. It is important therefore that if there is potential for new or altered premises to contribute to or cause cumulative impact in any given area that the issue is addressed as soon as possible in the licensing process.

Whilst applications for Provisional Statements cannot be refused it is considered that such statements could properly be used to indicate that even if the works were satisfactorily completed that the subsequent premises licence application could be refused on the grounds of cumulative impact.

- 7.34 Responsible Authorities, other persons or businesses may still make representations on specific applications concerning cumulative impact even though those applications are not for premises in designated saturation zones. In such circumstances the application may be refused, (though there will be no presumption that this will be the case), and the Authority may then choose to review this Statement of Policy and consult as to whether the particular area should be designated as a saturation zone to which policy IMP3 should apply.

Policy 4

In cases where Responsible Authorities, other persons or businesses seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact in an area not designated as a saturation zone, which would undermine one or more of the Licensing Objectives the Local Authority expects that they shall:

- (i) Identify the boundaries of the area from which it is alleged problems are arising;**
- (ii) Identify the Licensing Objective(s) which it is alleged will be undermined;**
- (iii) Identify the type of licensable activity alleged to be causing the problem (e.g. sale of alcohol, late night refreshment etc)**
- (iv) Provide full details and evidence to show the manner and extent to which it is alleged that the Licensing Objective(s) are being, or are at risk of being, undermined in the area;**
- (v) Provide evidence to show that the undermining of the objective(s) is caused by the patrons of licensed premises in the area.**

REASON: To ensure that objections are neither frivolous nor vexatious and that there is an evidential basis for the Committee to reach a decision.

7.35 Public Space Protection Orders

7.36 The Authority supports the use of public space protection orders as a tool to prevent alcohol related crime and disorder in the streets. The authority expects premises that operate in areas where DPPOs have been implemented to have measures in place to ensure that their customers do not contribute to drink related anti-social behavior.

7.37 Encouraging Diversity

7.38 The Licensing Authority recognises that creating a vibrant night time economy is important. Key to this is ensuring that the area appeals to a wide group of people including families and older adults who may not wish to frequent premises where the main, if not only attraction is the consumption of alcohol.

7.39 Applications for premises whose predominant offer is vertical drinking are not encouraged, but if applications are made for such premises, it is expected that the operating schedule will demonstrate robust arrangements for promoting the licensing objectives.

7.40 Provisional Statements

7.41 Where it is proposed to build or alter premises which may require a premises licence then the Licensing Act permits an application for a Provisional Statement. This application is dealt with in the same way as an ordinary application but does not result in the issue of a premises licence. That is applied for when the premises are complete.

7.42 Where a provisional statement has been issued by the Authority and the relevant works are completed satisfactorily then any subsequent application for a premises licence must be granted and any objection which could have been raised at the Provisional Statement stage must be disregarded.

7.43 Adult Entertainment

7.44 The potential for the provision of adult entertainment to impact on the licensing objectives is recognised in the prescribed application form and all applicants are required by the prescribed application form to indicate in their operating schedules whether they intend to provide any such entertainment which may give rise to concerns in respect of children.

7.45 The Policing and Crime Act 2009 potentially provides an additional licensing requirement for operators who provide “sexual entertainment venues” to licence them as sex establishments under the Local Government (Miscellaneous Provisions) Act 1982.

These are essentially premises which provide live entertainment or performances to a live audience which either involve nudity (such as lap or pole dancing establishments) or which are for the purpose of sexually stimulating a member of the audience. These licensing provisions have been adopted by Ashfield District Council.

7.46 Sexual Entertainment Venues

Where a business wishes to operate as a sexual entertainment venue it may still need to be licensed under the Licensing Act for the sale of alcohol and the provision of regulated entertainment.

The provision of sexual entertainment (known as “relevant entertainment”) will however be regulated solely under the terms of any sex establishment licence which may be granted under the 1982 Act. Any licence granted under the Licensing Act 2003 will then continue to regulate the other licensable activities.

7.47 Certain forms of adult entertainment are excluded from requiring sex establishment licences under the Local Government (Miscellaneous Provisions) Act 1982, and these will still be regulated under the terms of the Licensing Act 2003.

7.48 The provision of adult entertainment on premises may mean that access by children will not be permitted during periods when such entertainment is taking place. Where such entertainment is to be provided under the terms of the premises licence or club premises certificate the Authority expects applicants to include arrangements for restricting children from viewing any adult entertainment in their Operating Schedule.

The Authority expects licensees to ensure that any age restrictions for shows or entertainment of an adult or sexual nature are properly complied with. In addition it may be appropriate to impose age restrictions for persons working in the premises, and applicants are advised to also consider the wider crime and disorder issues which can be associated with such forms of entertainment such as issues relating to drugs and prostitution.

7.49 Responsible authorities are likely to continue to consider all applications involving adult entertainment very carefully with regard to the promotion of the licensing objectives within the vicinity in which the premises are located.

7.50 Licence Suspensions

7.51 The Licensing Act 2003 requires Licensing Authorities to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due unless an administrative error or dispute has been notified to the Licensing Authority. In such cases there will be a grace period of 21 days to allow the matter to be resolved. If the matter is not resolved within the grace period the licence must be suspended.

7.52 Where such a suspension takes place the Licensing Authority must give a minimum of two days notice and may inform the police and other Responsible Authorities of the suspension. All licensable activities must cease when the suspension takes effect. The suspension will only cease on payment of the outstanding fee irrespective of any transfer or hearing which may take place.

7.53 Reviews

- 7.54 At any stage following the grant of a premises licence or club premises certificate a Responsible Authority, any person or business, may ask for a review. Evidence will however be required to show that a specific concern exists relating to one or more of the licensing objectives.
- 7.55 Where a review Hearing is held the Licensing Authority has a variety of options that it may take ranging from taking no action at all, to varying conditions or suspending or revoking the licence. The Guidance reminds the Authority that the powers of review are to be used in the interests of the wider community and not that of the individual licence/certificate holder.

Whilst the financial circumstances of the licence / certificate holder will be a consideration for the Licensing Authority the promotion of the licensing objectives will be the Authority's primary concern. In some circumstances e.g. the use of premises for the purchase and consumption of alcohol by minors, revocation may be considered an appropriate course of action even in the first instance.

7.56 Early Morning Restriction Orders (EMRO)

- 7.57 The legislation gives licensing authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of the licensing authority area and if relevant on specific days and at specific times. The licensing authority must be satisfied that such an order would be appropriate to promote the licensing objectives.
- 7.58 The only exemptions relating to EMROs are New Years' Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.
- 7.59 The decision to implement an EMRO should be evidence based and may include consideration of the potential burden imposed as well as the potential benefits.

7.60 Personal Licences

- 7.61 In most cases the Authority is under a duty to grant a Personal Licence so long as the applicant meets the criteria prescribed in section 120 of the Act.

Where an applicant for a Personal Licence has certain types of conviction (for relevant or foreign offences as defined by the act) or, has been required to pay an immigration penalty the Authority is required to notify the police, and, in the case of immigration offences and penalties, the Secretary of State.

In these cases a licence will still be granted unless an objection is received within the prescribed period.

Policy 5

When considering an objection notice or immigration objection notice the authority will take the following matters into consideration

- (i) The circumstances in which the offences were committed or the penalty imposed;
- (ii) The period that has elapsed since the offence(s) were committed or the penalty imposed;
- (iii) Whether the offences/penalty reveal a pattern of offending or were a one-off occurrence; and
- (iii) Any mitigating circumstances.

In consideration of an objection notice the Authority will reject the application/revoke the licence if it considers it appropriate to do so in order to promotion of the crime prevention objective.

In consideration of an immigration objection notice the Authority will reject the application/revoke the licence if it considers it appropriate to do so for the prevention of illegal working in licensed premises.

REASON: Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Authority under the Crime and Disorder Act 1998. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the crime prevention objective.

Similarly granting a licence to a person convicted of an immigration offence or who has paid an immigration penalty will in many cases undermine the prevention of illegal working in licensed premises which itself is a crime.

- 7.62 Where a Personal Licence holder is convicted of a relevant offence the Court may order that the licence be forfeit. If an applicant is convicted of a relevant offence during the application period and this only comes to light after the licence has been granted or renewed then the Authority must notify the Chief Officer of Police and if an objection notice is lodged within the relevant period a Hearing will be held to determine whether the licence should be revoked.
- 7.63 Where the Authority is aware that a Personal Licence holder has been convicted of a relevant offence, foreign offence or required to pay an immigration penalty it may suspend the licence for a period not exceeding six months or revoke the licence.

Before doing so the Authority will serve a notice on the personal licence holder inviting them to make representations within 28 days regarding:

- The offence /penalty
- Any decision a court made regarding the licence at the time of the conviction
- Any other relevant information (including the holder's personal circumstances)

7.64 After the 28 day period has elapsed the authority will make a decision as to what action it will take based on the information provided to it. In circumstances where the Authority does not propose to revoke the licence, notice must be given to the Chief Officer of Police inviting representations as to whether the licence should be suspended or revoked. **The Act does not require a hearing to be held at any stage during the process**, although the Authority may invite the licence holder to make a personal representation. Licence holders (and the police) will be notified of the Authority's decision in writing along with their right of appeal.

7.65 Temporary Event Notices

7.66 There are two types of types of Temporary Event Notice:

- A Standard TEN, and
- A Late TEN

A standard TEN must be served no later than ten working days before the event to which it relates and this does not include the day it is given or the day of the event, and a late TEN is served not before nine and not less than five working days before the event to which it relates.

7.67 Whilst the Council recognises that a Temporary Event Notice may be served at least ten clear working days prior to the commencement of a Permitted Temporary Activity (the event), the current Guidance issued under the Act encourages a locally established preferred period of notice.

There is a case for not serving such Notices too early as this could make it difficult for a sensible assessment to be made of the implications of such an event on the Crime and Disorder and Prevention of Public Nuisance objective's. The Council considers that a reasonable period of notice for the service of a Temporary Event Notice is 28 days.

7.68 Persons serving Temporary Event Notices must also serve a copy notice on the police and the responsible authority for Environmental Health functions i.e. the Councils Environmental Health section. The need to serve such copies is negated if the Notice is served electronically on the Licensing Authority.

7.69 Further information regarding Temporary Event Notice's is contained on the Councils web pages.

8. SAFEGUARDING CHILDREN AND VULNERABLE PERSONS

- 8.1 Ashfield District Council is committed to the safeguarding of children and vulnerable persons. The Licensing Act 2003 places legal responsibilities on holders of Premises Licences and Club Premises Certificates, and those who work in licensed premises to ensure that children are protected from harm at all times when on licensed premises.
- 8.2 The Licensing Authority in partnership with the Police, the Nottinghamshire Safeguarding Board, and local Community Safety Partnerships works closely with licensed premises in order to build an awareness across the industry as to how those who work in such establishments may better recognise the “indicators” of children and vulnerable persons who may be subject to or at risk of abuse, exploitation, and trafficking; and to whom to report any concerns that those licence holders and their staff may have should they identify someone who is / may be at risk.
- 8.3 As part of this process the Licensing Authority carries out regular enforcement / compliance checks across all of the premises licensed in our area, in order to build good working relationships with licence holders and designated premises supervisors, and providing them with advice as to how they and their staff can help safeguard children and vulnerable persons across the Nottinghamshire region.
- 8.4 When considering applications for new licences and variations to existing licences, the Licensing Authority will seek to be assured that applicants have considered the safeguarding of children and vulnerable persons within the Operating Schedule of the application.’
- 8.5 Where there are concerns over the potential for harm to children from licensable activities the Authority recognises the following body as competent to advise on matters relating to the protection of children from harm:

- The Nottinghamshire Safeguarding Children Board.

Applications should therefore be copied to this body in its capacity as a responsible authority.

- 8.6 Examples which may give rise to concerns in respect of children include those:
- Where there have been convictions for serving alcohol to minors
 - Where there is a reputation for underage drinking
 - Where there is a known association for drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where entertainment of an adult or sexual nature is provided
- 8.7 Where premises are used for film exhibitions, the Authority will impose the mandatory condition restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Authority itself.

- 8.8 The Authority expects applicants to include any arrangements for restricting under-age children from viewing age-restricted films in their Operating Schedule. The Authority expects that licensees will ensure that any age restrictions for cinema exhibitions are properly complied with.

Policy 6

Where representations have raised concerns in respect of individual premises and it is felt that access of children should be restricted, the Authority will consider imposing conditions which may include the following:

- (i) Limitations on the hours when children may be present.**
- (ii) Age limitations for persons under 18.**
- (iii) Limitations or exclusion when certain activities are taking place.**
- (iv) Full exclusion of persons under 18 when certain licensable activities are taking place.**
- (v) Limitations of access to certain parts of the premises for persons under 18.**
- (vi) A requirement for adults to be present.**

REASON: To protect children from harm.

- 8.9 Applicants seeking a licence that would enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:

- The person they are selling alcohol to is over 18.
- That alcohol is only delivered to a person over 18.
- That a clear document trail of the order process from order to delivery is maintained (with times and signatures) and available for inspection by an authorised officer.
- The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

8.10 Age Verification Policies

- 8.11 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council favours the Challenge 25 scheme and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application.

9. EQUALITY AND DIVERSITY

- 9.1 Ashfield District 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: www.ashfield.gov.uk

- 9.2 Advice and guidance will be made available in English which is the most common language of customers and stakeholders.

On request the Council will signpost customers to providers of guidance and information relating to translation services.

10. GENERAL ENFORCEMENT STATEMENT

- 10.1 All decisions, determinations, inspections and enforcement action taken by the Authority will have regard to the relevant provisions of the Licensing Act 2003, national guidance, relevant codes of practice and the enforcement policy of the Council which is produced to the principles of the Enforcement Concordat and the Regulators Compliance Code.
- 10.2 The Authority has established and maintains enforcement protocols with the local police and other relevant enforcement agencies.

11. MONITORING AND REVIEW OF THIS STATEMENT OF POLICY

- 11.1 This Statement of Policy will be reviewed within legislative timescales and as and when appropriate.
- 11.2 In preparing the succeeding Statement of Policy regard will be had to data and information collated over the operating period of the current policy together with trends and the outcome of related initiatives from both local sources and nationally issued data and guidance.

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Report To:	LICENSING COMMITTEE	DATE:	8TH NOVEMBER 2018
Heading:	REVIEW OF THE STATEMENT OF GAMBLING POLICY		
Portfolio Holder:	DEPUTY LEADER – OUTWARD FOCUS		
Ward/s:	ALL		
Key Decision:	Yes		
Subject to Call-In:	No		

Purpose of Report

To agree a Draft Revised Statement of Gambling Policy for adoption by Council.

Recommendation(s)

The Licensing Committee is recommended to:

- a) Consider the comments received on the revised Draft Revised Statement of Gambling Policy as detailed within this report;
- b) Resolve whether any amendments to the revised draft Statement of Gambling Policy are necessary in light of the comments received; and permit the Licensing Team Leader & Director: Place & Communities to make any appropriate amendments; and
- c) Subject to any amendments to the draft Policy, recommend Council to adopt the revised Statement of Gambling Policy and to maintain the “No Casino” Resolution at its meeting on 29th November 2018, effective from 31st January 2019.

Reasons for Recommendation(s)

The Council is obliged to determine and publish a "Statement of Gambling Policy" and to keep it under review and to republish it at least every three years. The Statement of Gambling Policy sets out how the Licensing Authority intends to exercise its functions under the 2005 Act.

The current Policy is nearing the end of its three year life span, and as such, requires updating and republishing.

At its meeting on 6th September 2018, the Committee agreed a revised draft Statement of Gambling Policy, and requested that the Licensing Team Leader carry out a 6 week consultation seeking comments in relation to the draft revised Policy.

Alternative Options Considered (With Reasons Why Not Adopted)

Do nothing: not recommended for a number of reasons.

The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report.

By carrying out its licensing functions, the Licensing Authority will contribute towards the reduction of crime and disorder within the District, and seek to improve community safety and environmental quality, whilst in turn seeking to promote a vibrant and sustainable local economy.

Detailed Information

Introduction

The Committee is reminded that all Licensing Authorities have adopted a Gambling Policy Statement (originally adopted on 31st December 2007). This Statement must promote the three licensing objectives of the Gambling Act 2005 (the 2005 Act), which are:

- **Preventing gambling from being a source of crime and disorder**
- **Ensuring that gambling is conducted in a fair and open way**
- **Protecting children and vulnerable persons from being harmed or exploited by gambling**

The Council is obliged to determine and publish a "Statement of Gambling Policy" and to keep it under review and to republish it at least every three years. In preparing the Statement, Licensing Authorities must follow the procedure set out in the 2005 Act, including who should be consulted. The Policy sets out how the Licensing Authority intends to exercise its functions under the 2005 Act.

In drafting the original policy, considerable work was done by a team of officers from Nottinghamshire districts on drafting a common 'core' Statement of Gambling Policy that each district adapted for its own use.

The Council has continued to work with other Licensing Authorities in Nottinghamshire and others nationally, so that a consistent approach is taken to assist applicants for licences and those who may wish to make representations under the provisions of the 2005 Act.

Gambling Commission: Guidance issued to Licensing Authorities

In carrying out its functions the Council must also have regard to the "Guidance to Licensing Authorities" issued by the Gambling Commission (being the unified regulator for gambling in Great Britain).

The Guidance prescribes what must be included in an Authority's Policy content in the interest of national consistency. The Council therefore has limited scope to make significant changes to the Statement of Gambling Licensing Policy. However where there are good reasons, the Policy can depart from the Guidance in order to reflect local circumstances.

The Guidance also provides clarity on the importance of the Statement of Gambling Licensing Policy as a regulatory tool and includes guidance on the development of "Local Area Profiles".

Functions of the Licensing Authority

The 2005 Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. Their main functions are to:

- licence premises for gambling activities
- 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 (FECs) 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.

Licensing Authorities also have an obligation to provide information to the Gambling Commission, including details of licences, permits and registrations issued by way of the submission to the Gambling Commission of an "annual return".

Licensing Authorities also carry out inspections of licensed premises in order to ensure they are run in accordance with the three licensing objectives and the conditions applied to the licences. During the period since the last Statement of Gambling Licensing Policy no issues of non-compliance were found, and no complaints about these premises were received.

This highlights that the previous and current Policy provided a transparent platform from which Operators of licensed premises could manage their businesses, and clear guidance as to how these Operators would meet with the licensing objectives.

No Casino Resolution

Ashfield District Council has previously passed a 'No Casino' Resolution (in accordance with S.166 of the 2005 Act). This has the effect that the Licensing Authority will not consider any application for a casino premises licence. Any application received will be returned with a notification that a 'No Casino' Resolution is in place.

As Ashfield was not one of the chosen 17 locations for a casino to be sited (17 being the maximum number of locations permitted), unless the 2005 Act changes Ashfield is not able to entertain applications for casinos.

On each occasion that the Statement of Gambling Licensing Policy is renewed, and approved by Council, the 'No Casino' Resolution remains in force. Members of this Committee are asked as a matter of good process (even though Ashfield is not able to entertain such applications for casinos) to consider whether such a Resolution should be retained, and if so, to recommend such to Council.

To assist this Committee, when the Policy was last reviewed in 2013, the Committee resolved to maintain the "No Casino" Resolution in order to future-proof any potential changes to the 2005 Act.

Amendments & Additions to the Statement of Gambling Policy

To assist all parties to this Committee meeting, only one addition was made to the Policy as detailed below (and the relevant Page Number within the draft Policy that this addition can be found):

- Public Health information as to impact of gambling. (Page 6).

Consultation on the Draft Revised Statement of Licensing Policy

The draft Revised Statement of Gambling Licensing Policy was approved by the Committee prior to its publication.

The consultation timetable to be followed is detailed below:

- 6th September 2018: Licensing Committee to agree that the draft revised Statement of Licensing Policy be put out to consultation.
- Consultation between 17th September 2018 and 28th October 2018 with the “Responsible Authorities” (Police, Fire and Rescue, Trading Standards, Planning, Environmental Protection, Child Protection, Health & Safety), representatives of current licence holders and registered clubs, and others including Community Safety, Building Control and the local Accident and Emergency Department, and the general public via the Council’s website. The general public will have access to the consultation via the Council’s website, reception area and local libraries.
- 8th November 2018: the results of the consultation will be put to the Licensing Committee for consideration, and to make any relevant changes to the Policy to finalise accordingly, and to make a recommendation to Council to adopt the final Policy.
- 29th November 2018: The Licensing Committee’s recommendation is put to Council to adopt the revised final Policy.

Responses to the Consultation

During the consultation period, one response was received (attached at **Appendix Two**). The response notes **section 5.6** of our Policy in relation to our suggestion that applicants provide information leaflets and helpline numbers for organisations such as GamCare, for those who may suffer from an addiction to Gambling.

The respondent seeks that betting and gaming venues located within the Ashfield District Council area promote the Gamblers Anonymous website, in order to help raise aware of the Gamblers Anonymous organisation.

Implications

Corporate Plan:

The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report.

By carrying out its licensing functions, the Licensing Authority will contribute towards the reduction of crime and disorder within the District, and seek to improve community safety and environmental quality, whilst in turn seeking to promote a vibrant and sustainable local economy.

Legal:

Information Only

Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Gambling Licensing Policy every 3 years. The next Statement must be published by 31st January 2019.

Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission's Guidance when preparing its Policy.

Any other legal implications relating to the Statement of Gambling Licensing Policy are detailed within the 2005 Act.

Finance:

Information Only

There are no financial implications contained within this report.

This report is effective from 8th November 2018 and has the following financial implications.

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
The Council has a statutory duty to carry out its licensing functions.	Approved processes, procedures and policies are in force to ensure that the Licensing Authority minimises any risks it may be exposed to when carry out its licensing functions and decision making processes.

Human Resources:

There are no direct HR implications contained within this report

Equalities *(to be completed by the author):*

There no diversity or equality implications contained within this report.

Other Implications:

None.

Reason(s) for Urgency (if applicable):

Not applicable.

Background Papers

Appendix One: Revised draft Statement of Gambling Policy

Appendix Two: Response to the consultation

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GAMBLING ACT 2005

**STATEMENT
OF
GAMBLING POLICY
2019 - 2022**

STATEMENT OF GAMBLING POLICY

Gambling Act 2005

Preface

Under the Gambling Act 2005, a new regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting will be regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.

Ashfield District Council, along with other local licensing authorities, has a duty under the Act to license premises where gambling is to take place, and to licence other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.

The Council has consulted various bodies and organisations upon this statement (see **Appendix One**). The consultation period ran from 17th September 2018 until 28th October 2018.

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1. INTRODUCTION AND SCOPE

Introduction

1.1 Section 349(1) of the Gambling Act 2005 [“the Act”] imposes a statutory requirement upon Ashfield District Council as the statutory Licensing Authority [“the Authority”] to prepare a Statement of Principles [“the Statement”] and to review it from time to time and every three years.

1.2 The Act sets out three licensing objectives which this Statement will promote. 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; and**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

In exercising their functions under the Gambling Act 2005, Licensing Authorities must have regard to the three licensing objectives.

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 have had due regard to:
- the Gambling Act 2005;
 - the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006;
 - guidance issued by the Gambling Commission and by the Secretary of State under Section 25 of the Act; and
 - responses from those consulted on the Statement.

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

In developing this Statement the Authority has consulted widely to ascertain an appropriate licensing framework for its area. A full list of consultees is shown in **Appendix One**.

Local Area Profile

- 1.9 Ashfield District covers an area of 10,956 hectares and is located on the western side of Nottinghamshire. It has an estimated population of 121,600 (2013 midyear estimates). The majority of the population are concentrated within the three main towns of Sutton in Ashfield, Hucknall and Kirkby in Ashfield together with three large villages in a substantial rural area mainly to the west of the M1 motorway.

The main towns share a strong historic, economic and cultural links based around the growth and subsequent decline of the Coal mining, textile and engineering industries. Traditionally Ashfield is a predominantly a manufacturing area with a cultural heritage, Newstead Abby (ancestral home of Lord Byron) lies just over its eastern border and the Parish Church of St Mary Magdalene in Hucknall is the final resting place of Lord Byron and the Byron family.

Ashfield has a wealth of country parks, golf courses and development land, and as a result presents an attractive and clean environment in which to live and work.

- 1.10 Ashfield district has excellent communication corridors through the A38 and junctions 27 and 28 of the M1, also has close proximity to East Midlands Airport and the Robin hood railway line runs through the district that connects Nottingham to Worksop with stations at Sutton Park Way, Kirkby in Ashfield, and Hucknall. Hucknall is also the start of the Nottingham City Tram service which goes directly to the City Centre.

A local area profile has been prepared based on local knowledge and 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 a better awareness of the local area and the risks, which includes both potential and actual risks.

Authorised Activities

1.11 The Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. The main functions are to:

- licence premises for gambling activities;
- issue provisional statements for premises;
- consider notices given for the temporary use of premise 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 society lotteries

NB: Operator licences, Personal Licences and Remote Gambling are all dealt with by the Gambling Commission.

The National Lottery is now 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; and
- the need to treat each application on its own merits taking into account the individual circumstances at each premises.

Relationship with Other Legislation

1.12 In complying with the provisions of the Gambling Act 2005, whilst the Authority recognises the requirements of the following, 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 make its decision on the individual merits of each application and 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, Data Security and the Principles of Better Regulation

- 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 Data Protection Act 1998 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.

Equality

- 1.18 The Council aims to act positively to reduce inequality, to work against discrimination and to promote and create access to services by everyone, irrespective of their age, disability, race, gender, sexuality, cultural or social background, religion or belief.

2. LOCAL RISK ASSESSMENTS

- 2.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in February 2015, formalise the need for operators to consider local risks. Local risk assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. This provision came into force on 6th April 2016.
- 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. Such risk assessments should also be retained at the premises.
- 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; and**
 - 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 updated:
- **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.**
- 2.6 The new 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. Both provisions took effect from 6th April 2016.
- 2.7 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 licence conditions is required.
- 2.8 The licensing authority has an expectation that all local risk assessments will take into account the local social profile of the area.

Public Health

- 2.9 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.
- 2.10 It is estimated that there are over 370,000 problem gamblers in England. 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.
- 2.11 There is less evidence available to support Gambling Statement of Licensing Policies 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.
- 2.12 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. A map providing details of these areas can be found online at: www.nottinghamshireinsight.org.uk/d/205125

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 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.

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 will normally take any or all of the following into account which appear relevant to it to ensure that those who are likely to be directly affected by the proposed activities can exercise their right to be heard:**
- 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; and
 - the topography of the area
 - local area profile
 - mitigating measures contained within the applicants risk assessments

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

- 3.5 The Authority will interpret the phrase “business interest” widely and not merely confine the phrase to meaning those engaged in trade and commerce. It may therefore, include charities, churches, medical practices, schools and other establishments and institutions.
- 3.6 Similarly a wide interpretation will be given to those categories of persons and organisations that represent residents and businesses. These may include residents and tenants associations, trade unions and other associations, as well as individuals whose role is to represent the interests of one or more residents or businesses such as a councillor, MP or legal representative.
- 3.7 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, then without further evidence relating to the licensing objectives supporting the representation, the Authority would not consider this to be a relevant representation because it relates to “demand” or competition.
- 3.8 It is for the Authority to determine on a case by case basis whether or not a person making a representation is an “interested party”. The Authority may ask for evidence to identify who is being represented and show that they have given authority for representations to be made on their behalf. In cases which are not clear-cut the benefit of the doubt will usually be exercised in favour of the person making the representation.

Form and Content of Representation

- 3.9 The Act places a duty on the Authority to aim to permit the use of premises for gambling in so far as the Authority thinks the application is in accordance with:
- this Policy Statement,
 - the Commission’s Guidance,
 - local area profile and applicants local risk assessments
 - the Codes of Practice, and
 - where the application is reasonably in accordance with the licensing objectives.
- 3.10 As these are the 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 does 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. A copy of the form can be downloaded at **www.ashfield.gov.uk** or requested directly from the licensing team. 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.

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 premise receiving planning permission or building regulation approval

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 licensing 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 licensing authority – the lowest level of delegation permitted is to a licensing sub-committee (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 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 assessments.

4.0 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. The Authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arises the Authority will bring those concerns to the attention of the Commission.
- 4.3 The Authority will, when determining applications, consider whether the grant 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 applicants local risk assessments which should include reference to 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. In respect of betting offices the Authority will make door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 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, 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; and
 - 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. Factors which will be taken into account include the applicant's business experience, their financial standing and whether they may be regarded as fit and proper to hold a licence.

Protection of Children & Vulnerable Persons

Access to Licensed Premises

- 4.12 The access of children and young person's 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 Board and the Nottinghamshire Safeguarding Adults Board on any application that indicates there may be concerns over access for children or vulnerable persons.
- 4.15 The Authority will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. The Authority will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm, in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include such measures as:
- supervision of entrances;
 - segregation of gambling areas from areas frequented by children;
 - measures/training covering how staff would deal with unsupervised young children
 - being on the premises;
 - supervision of gaming machines in non-adult gambling specific premises;
 - appropriate measures/training for staff as regards suspected truant school children on the premises.
- 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.
- 4.17 In accordance with the provisions of the Act, the Authority will 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 the Gambling Commission's guidance indicates that they 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.

The Authority will follow this guidance when considering whether, in relation to particular premises, any special considerations apply in relation to the protection of vulnerable persons.

- 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 prevents more than one premises licence applying to any place. However a single building could be subject to more than one premises licence, provided that they are for different parts of the building and different parts of the building can reasonably be 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 for units within them. The Authority will pay particular attention if there are issues about the sub-division of a single building or plot and will ensure that mandatory conditions relating to access between such 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 premises 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.
- 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 licence can be issued. Generally therefore the Authority will not 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 licensing 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, and;
- 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 and;
- 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 Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary. Mandatory or default conditions may be attached by regulations issued by the Secretary of State.

General Matters Relevant to Tracks

5.11 Ashfield does not have any Tracks within its area, however for guidance, 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.

5.12 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 person's 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 / website addresses for organisations such as GamCare and Gamblers Anonymous

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.

- 5.22 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

- 5.23 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

- 5.24 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 (AGC’s)

- 5.25 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.
- 5.26 Permitted activities include the provision of gaming machines as stipulated by regulations.
- 5.27 Factors for consideration when determining the application for an AGC will include:
- the location; and
 - the ability of operators to minimise illegal access by under 18’s to the premises.
- 5.28 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.
- 5.29 Conditions may be applied by the Authority in support of the licensing objectives, if it is felt necessary. Mandatory or default conditions may 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

- 5.30 Club gaming permits authorise qualifying clubs to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations.
- 5.31 Club machine permits allow the provision of higher category gaming machines.
- 5.32 Commercial clubs may in some circumstances operate with club machine permits but not club gaming permits.
- 5.33 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 person’s;
 - (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.

- 5.34 The authority may grant or refuse a permit, but it may not attach conditions to a permit.

Alcohol Licensed Premises

- 5.35 The Act provides an automatic entitlement to provide two gaming machines of category C or D. 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.
- 5.36 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 generally replace any automatic entitlement under section 282 of the Act.
- 5.37 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; and
 - the provision for licence holders to ensure appropriate age limits are adhered to.
- 5.38 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.
- 5.39 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. The relevant codes of practice are available on the Gambling Commission’s website:
www.gamblingcommission.gov.uk

Family Entertainment Centres

- 5.40 There are two classes of Family Entertainment Centres (FEC’s) dependent upon the type of gaming machines provided on the premises:
- FEC’s with category C and D machines require a Premises Licence.
 - Unlicensed FEC’s 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); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

5.41 In considering applications for permits, the Authority will give weight to child protection issues and will also consider the suitability of the location, in particular the:

- 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.

5.42 It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

5.43 An applicant must be 18 years of age or over. Relevant convictions will be taken into account, especially with respect to child protection issues.

Prize Gaming Permits

5.44 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.

5.46 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.

5.47 It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

5.48 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

5.49 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 website.

Small Society Lotteries

5.50 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.

5.51 Small society lotteries are required to be registered with the local authority in the area where their principal office is located.

Temporary Use Notices

- 5.52 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

- 5.53 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

- 5.54 The Authority has passed a “no Casino resolution” under Section 166 of the Gambling Act 2005. This means that it has taken the decision not to issue any casino premises licences in the district of Ashfield.

Bingo

- 5.55 The holder of a bingo operating licence can 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.

- 5.57 If the only type of bingo to be provided is prize bingo then this may be authorised by way of permit.

- 5.58 If children are allowed to enter premises licensed for bingo it is important that that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the 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 admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such an area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

- 5.59 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**.
- 5.60 A limited number of gaming machines may also be made available at bingo licensed premises.
- 5.61 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.
- 5.62 Developers may wish to apply to the Authority for a provisional statement before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in the light of a 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 licensing authority will also investigate any evidence based complaints that it receives.

Policy Four

- 6.6 **The authority will adopt a risk based assessment approach for determining the frequency of compliance inspections. The risk rating will be based broadly on the following factors:**
- **location of the premises and their impact on the surrounding area;**
 - **enforcement history of the premises;**
 - **nature of the licensed or permitted operation;**
 - **potential to have an adverse affect on the licensing objectives; and**
 - **management record.**

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 in which the licensing 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 this 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 licensing authority will endeavour to follow the Better Regulation and Hampton principles. 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; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

6.10 The licensing 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 licensing 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 licensing 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.

APPENDIX ONE

List of Bodies and Organisations Consulted

1. District Councillors
2. Directors and relevant Business Managers
3. Betting Shops/Bookmakers
4. Bingo Halls
5. Amusement Arcades
6. Parish & Town Councils
7. Town Centre Partnerships
8. Pub Watch
9. Nottinghamshire Police
10. Nottinghamshire Fire & Rescue
11. Licensing Solicitors
12. Gamblers Anonymous
13. NCC – Children’s Directorate
14. British Casino Association
15. Casino Operators Association of the U.K.
16. British Amusement Catering Trades Association
17. The Bingo Association
18. British Beer & Pub Association Midlands
19. Association of British Bookmakers
20. Gambling Commission
21. H.M. Customs & Excise
22. Members of Parliament

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Report To:	CABINET	Date:	26 NOVEMBER 2018
Heading:	BUDGET MONITORING (POSITION TO SEPTEMBER 2018) – GENERAL FUND, HOUSING REVENUE ACCOUNT (HRA) AND CAPITAL PROGRAMME		
Portfolio Holder:	COUNCILLOR ROBERT SEARS-PICCAVEY – CABINET MEMBER (INWARD)		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

This report sets out the detail of income and expenditure forecasts for 2018/19 compared to the latest approved budgets for the General Fund, Housing Revenue Account (HRA) and the Capital Programme. This forecast outturn position is based on activity to the end of September 2018.

Recommendation(s)

Cabinet is requested:

- (i) To note the forecast variances against revised budgets for the General Fund (underspend of £66k), HRA (underspend of £3.126m) and Capital Programme (slippage of £9.059m).
- (ii) To approve a one-off virement of £20k and for this £20k to be used to contribute, along with a number of the districts towards legal and financial assessment costs associated with the LGR/Unitary work.
- (iii) To note the planned use of circa £29k of the forecast underspend to fund a second Ashfield Big Spring Clean early in 2019 (subject to the Big Spring Clean report elsewhere on this agenda).
- (iv) To consider and recommend to Council approval of the new capital schemes included in this report.

Reasons for Recommendation(s)

To report to those charged with Governance the financial position to September 2018 and comply with the Council's Financial Regulations.

Alternative Options Considered

There have been no alternative options identified.

Detailed Information

a. General Fund

The summary below shows the revised budget against the forecast outturn position for the General Fund by Directorate; excluding capital financing costs and internal recharges. The current General Fund forecast is an underspend of £66k, an increase in the level of forecast underspend of £46k since the July financial monitoring report considered by Cabinet on 10th September 2018. Details of any significant variances are shown below the summary table.

Directorate	Revised Budget £'000	Forecast Outturn £'000	Current Forecast Variance £'000	Previous Forecast Variance £'000	Change £'000
Chief Executive Officer	531	521	(10)	0	(10)
Legal and Governance	1,622	1,600	(22)	(17)	(5)
Resources and Business Transformation	2,086	2,086	0	16	(16)
Place and Communities	10,538	10,494	(44)	(19)	(25)
Housing and Assets	2,528	2,538	10	0	10
Total	17,305	17,239	(66)	(20)	(46)

Chief Executive Officer (£10k forecast underspend)

- Former Employees Superannuation funding – £10k forecast underspend for previous employees added years payments to the Pension Fund.

Legal and Governance (£22k forecast underspend)

- Democratic Services – £14k forecast underspend for vacant posts £8k savings from the reduced Cabinet structure.

Resources and Business Transformation (Forecast balanced Outturn)

- Commercial Property – £17k reduction in income from Industrial Estates and Council owned shops due to voids during quarter 1.
- Corporate Performance – £9k forecast underspend for staff vacancies.
- Finance – £8k forecast underspend for staff vacancies.

Place and Communities (£44k forecast underspend)

- Directorate wide – a forecast underspend of £127k in relation to vacant posts across the Place and Communities Directorate.
- Complex Case Teams – £40k additional one off grant income from Nottinghamshire Fire and Rescue.
- Environmental Services – £32k additional costs for the Big Spring Clean initiative.
- Allotments - £13k forecast overspend due to an increase in water charges and a small decrease in allotment fee income.
- Cemeteries - £17k forecast overspend due to the use of agency staff and overtime, partially offset by a small saving in software charges.
- Pest Control – forecast underspend to budget of £13k due to additional domestic income generation.
- Waste Services – Garden waste is currently forecasting an income pressure of £30k compared to budget and Trade Waste a forecast income pressure of £16k.
- Markets – Forecast £41k reduction in income from Sutton Indoor Market due to lower than anticipated occupancy and incentive based charging. Recent sign ups have taken occupancy to 70%
- Land Charges – £13k additional one off New Burdens Grant income for property searches.

Housing and Assets (£10k overspend)

- Asset management – £10k forecast under-recovery of income from car parks compared to budget.

Proposed Budget Virement

In accordance with Financial Regulation B.9 (iv) Cabinet is asked to approve a one-off virement of £20k from the forecast underspend on Legal and Governance services to contribute to the Districts' fund for the purpose of meeting legal and financial assessment costs associated with the LGR/Unitary work.

Second Ashfield Big Spring Clean

Cabinet is asked to note that circa £29k of the current forecast underspend is proposed for use to undertake a second Ashfield Big Spring Clean early in 2019 (subject to the Big Ashfield Spring Clean report elsewhere on the agenda).

Revised General Fund forecast Outturn 2018/19

Subject to approval of the above proposed budget virement and factoring in the cost of the second Ashfield Big Spring Clean during 2018/19 **the revised General Fund forecast underspend will reduce from £66k to £17k.**

b. Housing Revenue Account (HRA)

The table below sets out the details of the 2018/19 forecast outturn position based on actual income and expenditure to September 2018.

Description	Revised Budget £'000	Forecast Outturn £'000	Forecast Variance £'000
Income			
Rents, Charges and Contributions	(23,980)	(23,980)	0
Other Grants	0	0	0
Interest and Investment Income	(68)	(68)	0
Total Income	(24,048)	(24,048)	0
Expenditure			
Borrowing and Capital Financing Charges	3,505	3,505	0
Repairs and Maintenance	7,383	7,300	(83)
Supervision and Management	4,591	4,577	(14)
Interest Payable and Appropriations	3,284	3,284	0
Other Expenditure	235	220	(15)
Direct Revenue Financing	1,628	1,268	(360)
Transfer to/from Major Repairs Reserve	5,106	2,452	(2,654)
Total Expenditure	25,732	22,606	(3,126)
(Surplus)/Deficit for the year	1,684	(1,442)	(3,126)

Repairs and Maintenance

The Housing Estates team is being reviewed as part of the Housing Repairs Service Review so vacant posts are not being advertised until the review is completed. A £30k saving expected in delivering the service this financial year. There is also a further £53k forecast saving through various vacant posts across the Housing Repairs section.

Supervision & Management

Forecasting an underspend of £14k due to vacancies.

Other Expenditure

Forecasting lower than expected charges for council tax payments made for empty council houses (£15k).

Direct Revenue Financing

A transport review is currently taking place throughout the Council. All vehicle replacements put on hold until the next financial year (£360k).

Transfer to/from Major Repairs Reserve

Use of the Major Repairs Reserves is lower than forecast as a result of reduced planned capital expenditure in 2018/19. It should be noted that at this stage this will be a re-profiling of budgets and deferment of works. The next financial monitoring report to Cabinet early in the new calendar year will include proposed capital scheme budget re-profiles.

c. Capital Programme

The Capital Programme is currently forecasting a £9.059m underspend compared with the 2018/19 budget, largely due to delays (slippage). The next financial monitoring report to Cabinet early in 2019 will include requests to re-profile capital scheme budgets where appropriate.

Current key forecast variances are shown in the table below and the reasons for the variations are:

General Fund

Kirkby Leisure Centre – it is now expected that only the land purchase will be incurred in the current financial year.

Kings Mill Reservoir – awaiting a funding decision from Heritage Lottery Fund which is expected in November 2018.

Purchase of Vehicles – on hold pending the outcome of the Transport review.

Disabled Facility Grants – forecast to cost more than the current budget due to a purge to clear outstanding claims. This is fully funded by grant.

Leisure Transformation Programme – this £340k represents the Section 106 monies which will not now be required in the current financial year.

Hucknall Car Park – Titchfield Street – this work will now commence in 2019/20.

Other General Fund Schemes (below £100k) – there is currently a forecast underspend of £236k. Within this is a £52k underspend in respect of Clegg Hill Drive which will not be required.

HRA

Catch Up and Major Repairs – this forecast underspend is due to access issues preventing completion of decent home works.

Other HRA Decent Homes schemes – these have been deferred to 2019/20.

HRA Vehicles - on hold pending the outcome of the Transport review.

Area Schemes

Brierley Forest Park Management Plan - scheme now expected to be completed in 2018/19 rather than 2019/20.

Annesley Art Project - Works bought forward from 2019/20.

Lindleys Lane Play/Youth Area – scheme deferred until 2019/20.

Scheme Description	Latest Approved Budget £'000	Forecast Outturn £'000	Forecast Variance £'000
General Fund			
Investment Properties	10,019	10,019	0
Kirkby Leisure Centre	6,000	1,600	-4,400
Kings Mill Reservoir (The King and Miller to Kingfisher)	1,346	321	-1,025
Purchase of Vehicles	996	680	-316
Improvement Grants 1996 Act Disabled Facility Grant	907	1,233	326
Leisure Transformation Programme	340	40	-300
Solar PV Installations Leisure Centres	236	236	0
Hucknall Car Park - Titchfield Street	115	0	-115
Other General Fund Schemes less than £100k	334	98	-236
Total General Fund	20,293	14,227	-6,066
Housing Revenue Account			
Decent Homes Schemes			
Management Fee	545	545	0
Catch up and Major Repairs	6,293	4,320	-1,973
Service Improvements	503	121	-382
Contingent Major Repairs	249	48	-201
Exceptional Extensive Works	1,200	1,102	-98
Disabled Adaptations	545	545	0
Sub Total	9,335	6,681	-2,654
Other Housing Revenue Account Schemes			
Investment in New or Existing Dwellings	1,000	1,000	0
Investment in Additional Council Dwellings in Hucknall	480	485	5
Housing Vehicles	388	24	-364
Major Repairs Temporary Accommodation	153	153	0
Other Housing Revenue Account Schemes less than £100k	51	51	0
Sub Total	2,072	1,713	-359
Total Housing Revenue Account	11,407	8,394	-3,013
Area Schemes			
Papplewick Green Public Art Work	150	150	0
Brierley Forest Park Management Plan	66	102	36
Annesley Art Project	100	120	20
Lindleys Lane Play/Youth Area	101	0	-101
Other Area Schemes less than £100k	630	695	65
Total Area Schemes	1,047	1,067	20
Grand Total	32,747	23,688	-9,059

Cabinet is asked to consider and recommend to Council approval of the following new Capital Schemes which have been considered via the Council's Capital Gateway process:

1. A) Creation of a capital IT budget for the purchase of kit to facilitate the agile working agenda as part of the Transformation Plan. £40k per annum to be funded via prudential borrowing from 2018/19.

B) Creation of a HRA capital IT budget for the purchase of kit to facilitate the agile working agenda as part of the Transformation Plan. This £40k per annum to be funded via the HRA Technology Investment Reserve.
2. Creation of a Members' IT budget of £35k every 4 years to be funded via prudential borrowing from 2019/20.
3. Piggins Croft car park - Works to replace the surface and re-mark Piggins Croft car park (approx. 350 spaces). The site has not been resurfaced for at least 20 years and been deteriorating over many years (resulting in previous applications being made for capital funding to carry out such works, which have been declined to date). Isolated patching has been carried out which is only a short term solution as it does not prevent water/frost from permeating adjacent surfaces and undermining such repairs, therefore not preventing further deterioration. There is an increasing risk of claims for slips, trips, damage to vehicles and general complaints due to the uneven surface. Enforcement of parking is adversely affected by the deterioration of the white lines, disabled space markings etc. The cost of this scheme is £154k and is proposed to be funded via prudential borrowing.
4. Hucknall Leisure Centre - To carry out potentially urgent works (subject to independent confirmation) to Hucknall Leisure Centre:
 - Replacement Fire alarm (or upgrade) to comply with Fire Officer's recommendations. This has only been raised as an issue in recent months by SLM's fire alarm testing company and separately by the Fire Officer. ADC's H&S officers to review the findings of the Fire Officer's report, and further to this, to review the existing Fire Risk assessment. The procurement of an independent consultant is recommended to provide a view as to the condition of the existing system, along with any recommended additions to the system to bring it up to current standards (if required).
 - Investigation and repair of leak to Hucknall Leisure centre pool. Significant water is being required to top up the pool, pointing towards a significant leak, which upon initial investigations has not been located. Further in depth investigation is being carried w/c 10/09/18 to establish the source of the leak.

The estimated cost of this work is £140k. Fire alarm – replacement cost (if required) estimated to be in the region of £100k + £10k fees. The leak to pool; cost unknown but suggested £30k may be required should the leak be substantial and require specialist treatment.

5. Installation of outdoor gym equipment on Friezeland Recreation Ground, Underwood. This project will cost £14k and is proposed to be funded using £10,846 from Selston Parish Council and £3,154 Section 106 funding available in the Rurals.
6. Jacksdale car park - To rationalise and expand the current parking provision. Three options have been considered with different outcomes for expanding the current 37 parking bays and

2 disabled bays capacity, with option 3 chosen which will provide 55 parking bays and 2 disabled bays. The cost of this scheme is proposed to be funded via prudential borrowing.

7. Friezeland Scooter Park and Jackdale MUGA: Installation of tarmac scooter park on Friezeland Recreation Ground, Underwood and a Multi - Use Games Area on Main Road Recreation Ground, Jacksdale. An access path will be provided to the MUGA and the existing path will be resurfaced (if funding allows). The MUGA will be a steel fence system with a tarmaced surface. The cost of this scheme is £117.6k and is proposed to be funded via; Selston Parish Council (£19,100), Section 106 funding (£6,846) and prudential borrowing (£91,654). Any ongoing revenue maintenance costs will be borne by the Parish Council.
8. Wharf Road & Brand Lane: Wharf Road - replacement of retaining wall, removal of tree, resurfacing of area of Highway adjacent to the site, replacement street furniture. General improvements to this gateway site. Estimated cost: £44,000. Brand Lane - Provision of parking bays on the open space to the rear of properties 101-140 Brand Lane, Stanton Hill. Due to issues with the width of Brand Lane and cars being able to pass, it is proposed to provide additional parking to the rear of the properties through installation of a grass reinforcement mesh. Estimated cost: £6,000. The £50,000 cost of this scheme is proposed to be funded via the revenue Asset Repair and Renewal reserve.
9. District Play Areas: It is proposed that the play areas across the three towns in the District also receive investment to provide much needed upgraded facilities for children and young people to enjoy their leisure time and promote the health and wellbeing agenda. The cost of this is £120k per year for the next 3 years and is proposed to be funded via prudential borrowing.
10. Titchfield Park – naturalisation of section of the brook. Following the success of a wetland project completed earlier in the year at Titchfield Park, Hucknall, the Council has been approached by Nottinghamshire County Council to deliver a second phase at the site. The proposed project will be to the same specification as phase 1 and involves naturalising a section of the brook which runs through the park to deliver flood risk and ecological improvements to the catchment. The scheme will be fully funded by Nottinghamshire County Council.
11. Ashfield Estate Footpaths, Sutton – This scheme will provide surfaced footpaths along three routes on the Ashfields estate which are well used by local residents, in particular providing a safe, off road route to the primary school. The routes are from Redbarn Way to Hedgerow Close, Alfreton Rd to the recreation ground and Alfreton Road to Blackthorn Way. All footpaths will be 1.2m wide and constructed with compacted stone finish. A section of tarmac footpath will be provided to link the footpath off Redbarn Way. This project will be funded utilising £38k of unallocated Section 106 funding and a £3k contribution from County Councillor budgets. This scheme will also incur design and administration fees of up to 12% (maximum £5k) which will be charged to the general fund.
12. Markets Infrastructure – Additional investment is required to support the continued improvement of the market offer. This will increase income and sustainability of the markets in the longer term. These costs will be funded through additional income generation and a review is currently underway of markets and it is anticipated that some cost savings will be realised through implementation of the review.

Idlewells Indoor market - £4,500 for refrigeration units. The units will be leased to the stall holder at a payback rate of £139 per month. A leasing option has been investigated but these

are specialist items and a leasing arrangement for two single units was not available. A fishmonger is ready to sign up to a lease for a stall in the indoor market, but requires refrigeration. The businesses currently in the indoor market which require refrigeration are on similar lease agreements.

Outdoor Markets - £2,000 for canopies for a number of demountable stalls which are to be brought into use at Sutton Outdoor Market (the stalls are surplus to requirements in Hucknall). This will facilitate a reduction in labour as the stalls will be left in situ over the days the market is being operated rather than being put up and taken down each day. The saving will be quantified as part of the review of markets which is due to be implemented from 1st April 2019.

The total estimated borrowing and interest costs over the next 3 years for the proposed schemes are included in the table below:

Ref:	Scheme	Cost	Funding	Borrowing & Interest Costs		
				2018/19 £'000	2019/20 £'000	2020/21 £'000
1A	Officers' IT for Agile Working (General Fund)	£40k per annum	Prudential Borrowing	1	12	23
1B	Officers' IT for Agile Working (HRA)	£40k per annum	HRA Technology Investment Reserve.	Nil	Nil	Nil
2	Members' IT	£35k every 4 years	Prudential Borrowing	1	10	20
3	Piggins Croft Car park	£154k	Prudential Borrowing	0	5	12
4	Hucknall Leisure Centre	£140k	Prudential Borrowing	4	11	11
5	Friezeland Gym Equipment	£14k	£10.8k Selston Parish Council & £3.2k Section 106 funding	Nil	Nil	Nil
6	Jacksdale Car Park	£25.7k	Prudential Borrowing	1	2	2
7	Friezeland Scooter Park & Jacksdale MUGA	£117.6k	£19.1k Selston Parish Council, £6.8k Section 106 funding and £91.7k Prudential Borrowing	2	3	7
8	Wharf Road & Brand Lane	£50k	Asset Reserve funding (revenue)	Nil	Nil	Nil
9	Play Areas	£120k per annum for next 3 years.	Prudential Borrowing	0	3	19
10	Titchfield Park	£40k	Notts. County Council funding	Nil	Nil	Nil
11	Ashfield Estate Footpaths	£41k	£38k Section 106 funding and £3k	Nil	Nil	Nil

			County Councillor budget contributions.			
12	Markets Infrastructure	£6.5k	Self financing	Nil	Nil	Nil
Estimated Total additional borrowing & interest costs				9	46	94

Implications

Corporate Plan: The revenue and capital funding included within this report supports delivery of the priorities in the Corporate Plan.

Legal: This report ensures compliance with the Council's approved Financial Regulations.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	Details included in the body of the report
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Risk	Mitigation
Failure to spend within approved budgets could impact the financial sustainability of the Council.	Financial monitoring reports to CLT and Cabinet.

Human Resources: No implications

Equalities: No implications

Other Implications: None

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

2017/18 Outturn Report to Council – 26th July 2018

2018/19 Budget Setting Report to Extraordinary Council – 5th March 2018

July Budget Monitoring Report to Cabinet – 10th September 2018

Play Strategy for the Rural Area / Green Space Projects – Cabinet 1st October 2018

Report Author and Contact Officer

Pete Hudson

CORPORATE FINANCE MANAGER

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Charter Against Modern Slavery

Ashfield District Council will:

1. Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
2. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
4. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
6. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
7. Review its contractual spending regularly to identify any potential issues with modern slavery.
8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
10. Report publicly on the implementation of this policy annually

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Report To:	COUNCIL	Date:	29TH NOVEMBER, 2018
Heading:	MINUTES OF CABINET AND COMMITTEE MEETINGS PUBLISHED SINCE THE LAST ORDINARY MEETING ON 11TH OCTOBER, 2018		
Portfolio Holder:	LEADER, COUNCILLOR JASON ZADROZNY		
Ward/s:	N/A		
Key Decision:	N/A		
Subject To Call-In:	N/A		

Purpose Of Report

To present a list of minutes of Cabinet and Committee meetings which have been published since the last ordinary meeting of the Council and for Members to consider whether they wish to give notice of their intention to ask a question of the relevant Chairman under Council Procedure Rule 13.2.

Background

As part of the 2013 annual review of the Constitution, approved by the Council on 6th June, 2013, the former practice of printing the minutes of Cabinet and Committees within the Council agenda papers was discontinued and replaced with an index that lists the minutes published since the previous meeting of the Council. The index outlined below and the web link enables Members to access the minutes on the Council website for perusal as required.

In accordance with Council Procedure Rule 13.2, Members may give notice of their intention to ask a question of a relevant Chairman in respect of the published minutes. Notice of their questions must be given in writing or by e-mail to the Chief Executive no later than 4.00 p.m. two clear working days before the meeting (i.e. Monday, 26th November, 2018). Questions are limited to a maximum of two per Member.

MINUTES PUBLISHED SINCE 11TH OCTOBER, 2018

The minutes are accessible via the Council website:

[Click here to access documents](#)

Committee Meeting:	Date of Meeting:
Overview and Scrutiny Committee	26th September, 2018 17th October, 2018

Scrutiny Panel B	27th September, 2018
Cabinet	1st October, 2018
Standards and Personnel Appeals Committee	15th October, 2018
Planning Committee	18th October, 2018 14th November, 2018
Licensing Sub Committee	30th October, 2018
Licensing Committee	8th November, 2018

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