



*Castle House
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Newark
NG24 1BY*

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Monday, 3 December 2018

Chairman: Councillor K Walker
Vice-Chairman: Councillor B Crowe

To: All Members of the Council

MEETING: Full Council

DATE: Tuesday, 11 December 2018 at 6.00 pm

**VENUE: Civic Suite, Castle House, Great North Road,
Newark, Nottinghamshire, NG24 1BY**

**You are hereby requested to attend the above Meeting to be held at the time/place
and on the date mentioned above for the purpose of transacting the
business on the Agenda as overleaf.**

If you have any queries please contact Nigel Hill Tel: 01636 655243 Email: Nigel.hill@newark-sherwooddc.gov.uk

AGENDA

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1. Apologies for absence	
2. Minutes from the meeting held on 9 October 2018	5 - 10
3. Declarations of Interest by Members and Officers and as to the Party Whip	
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15. Notices of Motion	

- (i) In accordance with Rule No 13.1, Councillor P. Peacock will move and Councillor N. Mitchell will second a motion to the following effect:

“This Council

1. Notes the conclusion of the Home Affairs Select Committee report (Policing for the future, published on the 25th of October 2018) that “Policing is struggling to cope in the face of changing and rising crimes” and its recommendation that policing funding should be prioritised in the Budget and forthcoming spending review.
2. Notes that since 2010, police numbers have fallen significantly both nationally and locally as a result of Government cuts.

3. Notes that cuts to other services through austerity increases the demand on the police which often acts as the “public service of last resort”.
 4. Recognises that many residents in Newark and Sherwood are concerned that the cuts mean that Nottinghamshire Police is no longer visible in our communities, no longer has the capacity to respond on community safety, and that consequently the fear of crime is rising.
 5. Endorses the Council’s policy of working in partnership with the police to respond to community safety concerns.
 6. Condemns the Government’s continuing policy of reducing the resources available to the police and transferring the cost to the Council taxpayers through the Police Authority precept.
 7. Will write a letter to the Home Secretary calling on the Government to use the police grant announcement for 2019/20 to begin to reverse the damaging cuts to Policing in Nottinghamshire and make an immediate investment in making our communities safer.”
- (ii) In accordance with Rule No 13.1, Councillor D. Staples will move and Councillor Mrs L. Tift will second a motion to the following effect:

“This Council notes the recent report of the UN Rapporteur on Extreme Poverty and Human Rights, Philip Alston, on the UK, which said that levels of child poverty are “not just a disgrace but a social calamity and an economic disaster.” We are aware that already high levels of child poverty in our District, which in some wards is well over 30%, are very likely to increase significantly as Universal Credit is rolled out here. As Councillors with a responsibility for the health and welfare of our citizens we urge the Government to:

1. stop the roll out of the discredited Universal Credit system;
2. increase support for families dependent on benefits; and
3. abandon further cuts to local government funding.

The Council instructs its Chief Executive to write to the newly appointed Work and Pensions Secretary, Amber Rudd, to inform her of these concerns in the hope that she will not follow her predecessor in denying the realities that the Rapporteur made clear.”

16. Questions from Members of the Council

17. Minutes for Noting

(a) Policy & Finance Committee - 29 November 2018

To Follow

(b)	Economic Development Committee - 21 November 2018	87 - 90
(c)	Homes & Communities Committee - 5 November 2018	91 - 97
(d)	Leisure & Environment Committee - 13 November 2018	98 - 102
(e)	General Purposes Committee - 15 November 2018	103 - 106
(f)	Licensing Committee - 15 November 2018	107 - 110
(g)	Audit & Accounts Committee - 28 November 2018	111 - 114
(h)	Shareholder Committee - 23 October 2018	115 - 119
(i)	Planning Committee - 6 November 2018	120 - 128
(j)	Planning Committee - 20 November 2018	129 - 133
(k)	Planning Committee - 4 December 2018	To Follow
18.	Exclusion of the Press and Public	None

To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of part 1 of Schedule 12A of the Act.

NOTES:

- (1) The Conservative Group will meet at 5.00pm in Rooms F1 - F3 prior to the Council Meeting.
- (2) The Labour Group will meet at 5.00pm in Room G1 prior to the Council Meeting.
- (3) The Independent Group will meet at 5.00pm prior to the Council Meeting.
- (4) Tea and coffee will be available in the Civic Suite.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Full Council** held in the Civic Suite, Castle House, Great North Road, Newark, Nottinghamshire, NG24 1BY on Tuesday, 9 October 2018 at 6.00 pm.

PRESENT: Councillor K Walker (Chairman)
Councillor B Crowe (Vice-Chairman)

Councillor Mrs K Arnold, Councillor R Blaney, Councillor Mrs C Brooks, Councillor Mrs I Brown, Councillor M Buttery, Councillor Mrs R Crowe, Councillor Mrs M Dobson, Councillor P Duncan, Councillor K Girling, Councillor P Handley, Councillor R Jackson, Councillor B Laughton, Councillor J Lee, Councillor D Lloyd, Councillor Mrs S Michael, Councillor N Mison, Councillor N Mitchell, Councillor D Payne, Councillor P Peacock, Councillor Mrs P Rainbow, Councillor T Roberts, Councillor Mrs S Saddington, Councillor D Staples, Councillor F Taylor, Councillor Mrs L Tift, Councillor Mrs A Truswell, Councillor I Walker and Councillor B Wells

APOLOGIES FOR ABSENCE: Councillor Mrs B Brooks, Councillor M Cope, Councillor Mrs G Dawn, Councillor Mrs L Hurst and Councillor Mrs S Soar

24 MINUTES FROM THE MEETING HELD ON 17 JULY 2018

AGREED that that minutes of the meeting held on the 17 July 2018 be approved as a correct record and signed by the Chairman.

25 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

NOTED the interests declared as shown in the schedule circulated at the meeting.

26 DECLARATIONS OF ANY INTENTIONS TO RECORD THE MEETING

Other than the Council recording in accordance with usual practice, there were no declarations of intention to record the meeting.

27 COMMUNICATIONS WHICH THE CHAIRMAN OR THE CHIEF EXECUTIVE MAY WISH TO LAY BEFORE THE COUNCIL

The Chairman welcomed the new Chief Executive – John Robinson to his first meeting of the Council. He also thanked all those communities for the work that had been undertaken in hosting the Tour of Britain in the District.

28 COMMUNICATIONS WHICH THE LEADER OF THE COUNCIL AND COMMITTEE CHAIRMEN MAY WISH TO LAY BEFORE THE COUNCIL

Councillor D Lloyd advised Members of the Parish Conference hosted by North Muskham Parish Council which was to take place on Saturday, 13 October 2018.

Councillor Lloyd also referred to the illegal traveller encampment on the car park at Newark Sports & Fitness Centre. He thanked all those involved for the swift removal of the encampment and particularly the Police and Active4Today staff for dealing with the aggressive travellers.

In respect of the County Council proposal for a single unitary authority, Councillor Lloyd advised that all District and Borough Councils had been invited for a meeting on 5 November 2018 and it was anticipated that the business case would be reported to the County Council at their meeting to be held on 13 December 2018.

Councillor R B Laughton, as the Chairman of the Homes & Communities Committee, advised Members of the £18m funding announcement for improvements along the A614, including Ollerton roundabout. He expressed his thanks to Mark Spencer MP for his role in securing this funding.

29 QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

30 IN ACCORDANCE WITH RULE NO. 10 TO RECEIVE PETITIONS FROM MEMBERS OF THE COUNCIL (IF ANY)

In accordance with Council Procedure Rule No. 10, Councillor Mrs C Brooks presented a petition to the Council on behalf of residents and businesses in Edwinstowe. This petition called upon the Council to consider the installation of CCTV cameras on Edwinstowe High Street. The petition, signed by 620 people, was presented to the Chairman.

31 TREASURY MANAGEMENT OUTTURN REPORT 2017/18

The Council considered the report of the Business Manager - Financial Services which provided an opportunity for Members to review the Annual Treasury report. The Council was required to receive regular reports on its treasury management activities including, as a minimum, an annual strategy and plan in advance of the year, a mid year review and an annual report. The Treasury Management Strategy Statement for 2017/18 was approved by Council on 9 March 2017 and the Outturn report was the last report for the financial year.

AGREED that the Treasury Outturn position for 2017/18 be noted.

32 NOTICE OF MOTION

In accordance with Council Procedure Rule No. 13.1, Councillor P Peacock moved and Councillor N Mitchell seconded a motion to the following effect:

“The Government has put forward proposals via a Written Ministerial Statement (WMS) to allow the exploration phase of hydraulic fracturing (fracking) to be allowed under Permitted Development (PD). The Government also propose to bring the production phase of fracking under the Nationally Significant Infrastructure Projects (NSIP) regime, allowing applications to be decided centrally by the Planning Inspectorate and the Secretary of State. The Department for Housing, Communities and Local Government are currently consulting on these proposals.

If these proposals are enacted there will be no local decision making over applications for the exploration for shale gas and no local control over applications for the production stage of fracking.

Therefore in responding to the Consultations 'Permitted Development for shale gas exploration' and 'Inclusion of shale gas production projects in the Nationally Significant Infrastructure Project regime':

1. Newark & Sherwood District Council believes that local people have the right to be involved in the decision making of applications for the exploration of shale gas and applications for the production phase of fracking;
2. Newark & Sherwood District Council endorses local decision making of fracking applications by local Minerals Planning Authorities;
3. Newark & Sherwood District Council supports the current Nottinghamshire Minerals Plan and the policies within it; and
4. Newark & Sherwood District Council instructs our officers to respond to the Government consultation accordingly, by rejecting the changes proposed for PD and NSIP as inappropriate and with the view that the Nottinghamshire Minerals Plan should have primacy for all planning decisions at all stages of fracking."

In accordance with Council Procedure Rule No. 26.4, Councillor R V Blaney moved and Councillor D J Lloyd seconded an amendment to the motion to change the wording according to the following:

- (a) Insert "non" before hydraulic in the second line;
- (b) Insert "and Department for Business, Energy & Industrial Strategy respectively" after the word Government in the final line of the first paragraph; and
- (c) In (2), delete the words 'Newark & Sherwood District Council endorses' and replace with "Newark & Sherwood District Council supports the position of Nottinghamshire County Council and agrees that" and delete the word 'by' and insert the words "should remain with".

In accordance with Council Procedure Rule No. 25.4 Councillors P Peacock and N Mitchell accepted the amendment which accordingly became the substantive motion, as follows:

"The Government has put forward proposals via a Written Ministerial Statement (WMS) to allow the exploration phase of non-hydraulic fracturing (fracking) to be allowed under Permitted Development (PD). The Government also propose to bring the production phase of fracking under the Nationally Significant Infrastructure Projects (NSIP) regime, allowing applications to be decided centrally by the Planning Inspectorate and the Secretary of State. The Department for Housing, Communities and Local Government and Department for Business, Energy and Industrial Strategy respectively are currently consulting on these proposals.

If these proposals are enacted there will be no local decision making over applications for the exploration for shale gas and no local control over applications for the production stage of fracking.

Therefore in responding to the Consultations 'Permitted Development for shale gas exploration' and 'Inclusion of shale gas production projects in the Nationally Significant Infrastructure Project regime':

1. Newark & Sherwood District Council believes that local people have the right to be involved in the decision making of applications for the exploration of shale gas and applications for the production phase of fracking;
2. Newark & Sherwood District Council supports the position of Nottinghamshire County Council and agrees that local decision making of fracking applications should remain with local Minerals Planning Authorities;
3. Newark & Sherwood District Council supports the current Nottinghamshire Minerals Plan and the policies within it; and
4. Newark & Sherwood District Council instructs our officers to respond to the government consultation accordingly, by rejecting the changes proposed for PD and NSIP as inappropriate and with the view that the Nottinghamshire Minerals Plan should have primacy for all planning decisions at all stages of fracking."

The substantive motion, on being put to the vote was declared carried unanimously.

33 QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions from Members of the Council.

34 MINUTES FOR NOTING

- (a) Policy & Finance Committee – 20 September 2018
- (b) Economic Development Committee – 12 September 2018
- (c) Homes & Communities Committee – 10 September 2018

Minute No. 23 – Castle House Update Report

Councillor Laughton informed the Council that following the move to Castle House, the footfall of visitors to Castle House, in comparison to Kelham Hall, had increased by 80%.

- (d) Leisure & Environment Committee – 18 September 2018
- (e) General Purposes Committee – 6 September 2018
- (f) Licensing Committee – 6 September 2018
- (g) Audit & Accounts Committee – 25 July 2018

- (h) Planning Committee – 24 July 2018

Minute No. 46 – Site of Robin Hood Hotel, 1-3 Lombard Street, Newark (18/01020/FULM) (Major) and (18/01021/LBC)

Councillor Payne informed the Council that the applications in respect of the Robin Hood Hotel site had not been ‘called in’ for determination by the Secretary of State.

- (i) Planning Committee – 7 August 2018
(j) Planning Committee – 4 September 2018
(k) Planning Committee – 2 October 2018

Minute Nos. 100 & 101 – Kelham Hall Ltd, Kelham Hall, Main Road, Kelham, Nottinghamshire (17/02071/FULM), (17/02075/ADV) and (18/00947/LBC)

Councillor D Payne advised the Council that a resident of Kelham had submitted a complaint to the Ombudsman that the Council had ignored planning representations when approving these applications. He added that the Ombudsman had now confirmed they would not investigate the complaint.

35 EXCLUSION OF THE PRESS AND PUBLIC

AGREED that under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

36 MINUTES FOR NOTING

- (a) Policy & Finance Committee – 20 September 2018

Minute No. 45 - Former Robin Hood Hotel – Proposed Joint Venture Scheme with MF Strawson Limited

The Committee discussed the exempt minute regarding the proposed joint venture scheme with M F Strawson Ltd for the former Robin Hood Hotel.

(Summary provided in accordance with 100C(2) of the Local Government Act 1972).

Meeting closed at 7.00 pm.

Chairman

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

COUNCIL MEETING – 11 DECEMBER 2018

APPOINTMENT OF MONITORING OFFICER

1.0 Purpose of Report

1.1 This report proposes the appointment of Karen White as the Council's Monitoring Officer.

2.0 Background Information

2.1 Under Section 5 of the Local Government and Housing Act 1989, the Council has a duty to appoint a Monitoring Officer.

2.2 The appointment is a matter reserved for Full Council and the Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's constitution and the arrangements for effective governance. These duties include:-

- To report on matters she/he believes are, or are likely to be, illegal or amount to maladministration.
- To be responsible for matters relating to the conduct of Councillors and Officers.
- To be responsible for the operation of the Council's Constitution.

2.3 As members will be aware Kirsty Cole, the Council's current Monitoring Officer, leaves the Council on 31 December 2018, after serving Newark & Sherwood for 36 years.

2.4 Neither the Head of Paid Service (Chief Executive) nor the Chief Finance Officer can hold the position of Monitoring Officer. Although many Councils appoint their most senior Legal Officer as their Monitoring Officer, this is not a specific requirement. However, whoever is appointed must ensure that the Council receives correct and appropriate advice on the lawfulness of its decision making.

3.0 Proposals

3.1 It is proposed that Karen White be appointed the Council's Monitoring Officer. Karen undertook the role on an interim basis while Kirsty Cole was Acting Chief Executive and has been the Deputy Monitoring Officer for a significant number of years. Karen is a qualified solicitor and considered to have the appropriate skills, experience and ability to undertake the role of Monitoring Officer.

4.0 Financial Implications

4.1 Costs associated with the appointment of a Monitoring Officer will be met from existing salary budgets.

5.0 RECOMMENDATION

That Karen White be appointed as the Council's Monitoring Officer with effect from 1 January 2019.

Background Papers

None.

For further information please contact John Robinson on 01636 655200

John Robinson
Chief Executive

COUNCIL MEETING – 11 DECEMBER 2018

SCHEDULE OF MEETINGS FOR 2019/20

1.0 Purpose of Report

1.1 To approve a Schedule of Meetings covering the period May 2019 to May 2020.

2.0 Background Information

2.1 A proposed schedule of meetings for 2019/20 is attached as an **Appendix** to the report.

2.2 All meetings are scheduled to start at 6.00pm with the exception of the Planning Committee which starts at 4.00pm and the Audit & Accounts and Shareholder Committees which are daytime meetings with a 10.00am start.

2.3 The schedule will not be effective until after the new Council is elected in May 2019 but approval is sought ahead of May to enable officers to effectively forward plan.

2.4 The Members will wish to note that the Annual Council Meeting following the District Council elections to be held on 2 May 2019 is scheduled to be held on Tuesday 21 May 2019 to allow sufficient time for political group meetings and the Member Induction Programme.

3.0 RECOMMENDATION

That the proposed Schedule of Meetings for 2019/20 be approved.

Background Papers

Nil

For further information please contact Nigel Hill on extension 5243.

John Robinson
Chief Executive

MAY 2019 – MAY 2020

2019	Monday	Tuesday	Wednesday	Thursday	Friday
May			1	2 District/Parish Elections	3
	6 BANK HOLIDAY	7	8	9	10
	13	14	15	16	17
	20	21 ANNUAL COUNCIL	22	23	24
	27 BANK HOLIDAY	28	29	30	31
June	3	4 PLANNING	5	6	7
	10 HOMES & COMMUNITIES	11 SHAREHOLDER	12	13 GP & LICENSING	14
	17	18	19 ECONOMIC DEVELOPMENT	20	21
	24	25 LEISURE & ENVIRONMENT	26	27 POLICY & FINANCE	28
July	1	2 PLANNING	3	4	5
	8	9	10	11	12
	15	16 COUNCIL	17	18	19
	22	23	24 AUDIT & ACCOUNTS	25	26
	29	30	31		

2019	Monday	Tuesday	Wednesday	Thursday	Friday
August				1	2
	5	6 PLANNING	7	8	9
	12	13	14	15	16
	19	20	21	22	23
	26 BANK HOLIDAY	27	28	29	30
September	2	3	4	5 GP & LICENSING	6
	9	10 PLANNING	11 ECONOMIC DEVELOPMENT	12	13
	16 HOMES & COMMUNITIES	17 SHAREHOLDER	18	19	20
	23	24 LEISURE & ENVIRONMENT	25	26 POLICY & FINANCE	27
	30				
October		1	2	3	4
	7	8 PLANNING	9	10	11
	14	15 COUNCIL	16	17	18
	21	22	23	24	25
	28	29	30	31	
November					1

2019/2020	Monday	Tuesday	Wednesday	Thursday	Friday
	4	5 PLANNING	6	7	8
	11	12	13	14 GP & LICENSING	15
	18	19 LEISURE & ENVIRONMENT	20 ECONOMIC DEVELOPMENT	21	22
	25 HOMES & COMMUNITIES	26	27 AUDIT & ACCOUNTS	28 POLICY & FINANCE	29
December	2	3 PLANNING	4	5	6
	9	10 SHAREHOLDER	11	12	13
	16	17 COUNCIL	18	19	20
	23	24	25 BANK HOLIDAY	26 BANK HOLIDAY	27
	30	31			
January			1 BANK HOLIDAY	2	3
	6	7	8	9	10
	13	14 PLANNING	15 ECONOMIC DEVELOPMENT	16	17
	20 HOMES & COMMUNITIES	21 LEISURE & ENVIRONMENT	22	23 POLICY & FINANCE	24
	27	28	29	30	31

2020	Monday	Tuesday	Wednesday	Thursday	Friday
February	3	4 PLANNING	5 AUDIT & ACCOUNTS	6	7
	10	11 COUNCIL	12	13	14
	17	18	19	20 POLICY & FINANCE (BUDGET)	21
	24	25	26	27	28
March	2	3 PLANNING	4	5	6
	9 COUNCIL (TAX)	10 SHAREHOLDER	11	12 GP & LICENSING	13
	16 HOMES & COMMUNITIES	17 LEISURE & ENVIRONMENT	18	19	20
	23	24	25 ECONOMIC DEVELOPMENT	26	27
	30	31 PLANNING			
April			1	2 POLICY & FINANCE	3
	6	7	8	9	10 BANK HOLIDAY
	13 BANK HOLIDAY	14	15	16	17
	20	21	22 AUDIT & ACCOUNTS	23	24
	27	28 PLANNING	29	30	

May					1
2020	Monday	Tuesday	Wednesday	Thursday	Friday
	4 BANK HOLIDAY	5	6	7 PCC Election	8
	11	12 ANNUAL COUNCIL	13	14	15
	18	19	20	21	22
	25 BANK HOLIDAY	26	27	28	29

All meetings will start at 6.00pm with the following exceptions:

Planning Committee – 4.00pm

Audit & Accounts Committee – 10.00am

Shareholder Committee – 10.00am

COUNCIL MEETING – 11 DECEMBER 2018

LOCALISED COUNCIL TAX SUPPORT SCHEME FOR 2019/20

1.0 Purpose of Report

- 1.1 Paragraph 5 of Schedule 1A to the Local Government Finance Act 1992 requires the local authority to consider whether each financial year the scheme is to be revised or replaced. The authority must make any revision to its scheme, or any replacement scheme, no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect
- 1.2 This report asks Members to confirm the continuation of the current Localised Council Tax Support Scheme implemented 1 April 2013 for the 2019/20 financial year with minor changes – that is to seek approval to uprate the income and disregard criteria in accordance with the annual uprating amounts applied by the Department for Works and Pensions.
- 1.3 The annual uprating of the income and disregard criteria will demonstrate that the Council has continued to consider its obligations to vulnerable groups by maintaining the income disregards and premiums to protect families with children and claimants with disabilities.

2.0 Background Information

- 2.1 As part of the 2012 Welfare Reform Act the national Council Tax Benefit scheme was abolished and in accordance with the Local Government Act 2013 local authorities were required to introduce Localised Council Tax Support schemes from 1 April 2013.
- 2.2 Government funding for the new schemes was reduced by approximately 10%, for Newark and Sherwood claimants this amounted to around £1m.
- 2.3 Support for Council Tax is now offered as reductions within the council tax system with claimants of state pension age receiving a discount of up to 100% thereby ensuring that they receive no reduction in support as a direct result of the reform.
- 2.4 Localisation provided local authorities with the flexibility to design Council Tax Support schemes for working age claimants taking into account the needs of vulnerable groups and the importance of supporting work incentives. Following a full consultation exercise, the Council agreed at their meeting of 29 January 2013 to adopt a scheme that:-
 - a) Places a restriction of 80% of the maximum liability that Council Tax Support would cover.
 - b) Limits the maximum award of Council Tax Support to the equivalent of a council tax band A charge where this is lower than a) above.
 - c) No entitlement to Council Tax Support where claimants have in excess of £16,000 in capital.
 - d) Second Adult Rebate Scheme does not form part of the Localised Council Tax Support Scheme.
 - e) Non-dependant deductions were increased by 20%.
 - g) Entitlement to extended payments was increased from the four weeks to six weeks.

3.0 Impact of the Changes

- 3.1 As at the end of November 2018, the number of working age claimants eligible for Council Tax Support was 3,337 and the number of pensioners eligible for Council Tax Support was 3,870.
- 3.2 The value of support awarded to date is £6.44m, in line with the forecast expenditure for the scheme.
- 3.3 There has been a noticeable increase in recovery work subsequent to the introduction of our localised council tax support scheme in 2013, (which was year 1 of the scheme).

	November 2018	November 2017	November 2016	November 2015	November 2014	November 2013
1 st & 2 nd Reminder	13,803	13,144	14,184	16,121	15,215	16,697
Final Notice	5,137	6,282	5,948	5,981	5,268	7,835
Summons	4,181	3,894	4,079	4,435	3,613	4,361

4.0 Equalities Implications

- 4.1 An equality impact assessment was completed prior to the Localised Council Tax Support scheme being implemented in April 2013.
- 4.2 In consideration of the obligation to consider vulnerable groups within the design of a local scheme child benefit continues to be disregarded as income and the disability premiums within the council tax benefit calculation were retained to protect families with children and people with disabilities.
- 4.3 Each year the Department for Works & Pensions updates the income and disregard amounts to account for inflation. By applying the annual uprating of income and disregards to the 2019/20 scheme the Council will continue to demonstrate that it has considered its obligations to consider vulnerable groups within the design of its local scheme.

5.0 RECOMMENDATION

That the Council continues to adopt the existing Localised Council Tax Support Scheme for all potential claimants for the financial year 2019/20 and updates the income disregards and premiums in accordance with the Departments for Works & Pensions annual uprating criteria for 2019/20.

Background Papers - Nil

For further information please contact Phil Ward, Business Manager – Revenues & Benefits on Extension 5347.

Sanjiv Kohli
Director – Resources

COUNCIL MEETING - 11 DECEMBER 2018

KINGS CLIPSTONE NEIGHBOURHOOD PLAN

1.0 Purpose of Report

- 1.1 To seek the Council's approval to call a referendum for the Kings Clipstone Neighbourhood Plan.

2.0 Introduction

- 2.1 The Kings Clipstone Neighbourhood Plan was presented to the District Council in August 2018. Following the required process of public consultation, the Plan was submitted to an independent Inspector for examination in October 2018. The Inspector recommends proceeding to a referendum and it is now necessary to seek the approval of Full Council to do so.

3.0 Background

- 3.1 Kings Clipstone Neighbourhood Area was designated in June 2014. Since then, the Parish Council has been working on their Neighbourhood Plan with the assistance of District Council Planning Officers. The first stage of public consultation was carried out on a draft Plan in October and November 2017. Following consideration of responses, a revised Neighbourhood Plan was produced.
- 3.2 The Kings Clipstone Design Guide was produced as part of the Neighbourhood Plan. It is intended to assist in the preparation of planning applications and to encourage development proposals that reinforce local distinctiveness. The Design Guide examines the way in which the character of Kings Clipstone is shaped by its setting and history and also looks at different character areas in the village.
- 3.3 The Submission version of the Kings Clipstone Neighbourhood Plan was subject to public consultation between 29 August 2018 and 12 October 2018. Copies of the Plan and the Design Guide were made available on the District Council's and the Parish Council's websites, at the District Council's offices and at local libraries. Sixteen consultation responses were received including one from District Council Planning Officers.
- 3.4 On 17 October 2018, the Submission Kings Clipstone Neighbourhood Plan, the Kings Clipstone Design Guide and supporting documents were submitted to an independent Inspector for examination. The examination was carried out by written representation and the Inspector has now issued her report, which concludes that subject to her recommended modifications, the Plan meets the Basic Conditions. The modified Plan should therefore proceed to referendum.

4.0 Next Steps

- 4.1 Following input from Democratic Services and liaison with the Parish Council, a date of 31 January 2019 has been identified for the referendum. A Neighbourhood Planning Referendum runs in accordance with a statutory five to six week timetable. The first stage in the referendum will be the publication of the Information Statement and the Notice of Referendum. After this, polling cards will be sent to all electors.

4.2 It is the District Council's responsibility to prepare a version of the Neighbourhood Plan incorporating the Inspector's modifications. It is this version that will be subject to the referendum. Kings Clipstone Parish Council have accepted the suggested modifications. Work on producing a 'referendum version' of the Neighbourhood Plan will begin following this meeting of Full Council. This document and the Inspector's report will be published on the District Council's website in advance of the Notice of Referendum.

5.0 Financial Implications

5.1 The District Council is responsible for paying for the referendum, but funds will be provided by central Government to cover the expense.

6.0 RECOMMENDATIONS that:

a) the report be noted; and

b) the Chief Executive, acting as Returning Officer, be authorised to arrange a referendum for the Kings Clipstone Neighbourhood Plan to be held on 31 January 2019.

Background Papers

Submission Kings Clipstone Neighbourhood Plan

Kings Clipstone Design Guide

Kings Clipstone Parish Neighbourhood Plan Examiner's Report

Available at: <http://www.newark-sherwooddc.gov.uk/planningpolicy/neighbourhoodplanning/>

For further information please contact Adrian Allenbury on extension 5862.

Kirsty Cole

Deputy Chief Executive

COUNCIL MEETING – 11 DECEMBER 2018

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REVIEW OF STATEMENT OF GAMBLING POLICY

1.0 Purpose of Report

- 1.1 To seek the Council's approval of the Statement of Gambling Policy 2019 – 2021 which the Council is required to adopt under the Gambling Act 2005 and to consider the making of a 'no casino' resolution under section 166 of the Gambling Act 2015.

2.0 Background Information

- 2.1 The Council, as Licensing Authority under the Gambling Act 2005, is responsible for issuing premises licences for gambling premises, issuing permits in respect of gaming on licensed premises and for registering small society lotteries.
- 2.2 The Council only licences premises on which gambling is carried out, it does not licence the operators or the individuals concerned in carrying the business. These are licensed by the Gambling Commission and subject to stringent statutory controls.
- 2.3 In respect of carrying out its duties the Council is required to adopt and have in place a Statement of Gambling Policy relating to those duties. The Policy sets out the principles which the Council will apply in considering and granting those licences and permits.
- 2.4 The Act requires that the Policy be reviewed as required and at least every three years. Therefore the policy requires review so that a new policy is in place for 2019.
- 2.5 The draft policy was prepared based on the Council's experience with the administration of the Gambling Act and changes in law and guidance since its inception.
- 2.6 In order to achieve a level of consistency across the County the Nottinghamshire Authorities have been working together on a joint format for the Statement. Members will appreciate that the Councils across the County are very different and therefore will require their Statements to reflect these differences, however, wherever possible, attempts have been made to apply consistent phraseology.
- 2.7 In June a draft copy of the proposed new policy was presented to the Licensing Committee and it was agreed that subject to some amendments suggested by members of the Committee, the draft should be released for consultation.

3.0 Response to the Consultation

- 3.1 A small number of responses were received to the consultation draft of the policy. The comments made in the responses were considered and the Licensing Committee and, where considered appropriate, changes to the document have been made.
- 3.2 A copy of the Statement of Gambling Policy 2019 - 21 is attached as an **Appendix** to the report.

4.0 Casinos

- 4.1 The Secretary of State has powers under Section 175(4) of the Gambling Act 2005 to determine the geographical distribution of casino premises licences. The Act sets out an overall limit nationally of no more than one regional casino, eight large casinos and eight small casinos. In 2005 Local Authorities with an interest in hosting a casino were asked to indicate their interest and to take part in a selection process. A local licensing authority will only be able to award a casino premises licence if one has been identified for its area.
- 4.2 In adopting its original Statement of Gambling Policy the Council considered a resolution under section 166 of the Gambling Act that it would not issue any premises licence for casinos in the district. This had the effect of removing Newark and Sherwood from entering the selection process and therefore it would not be considered as a local authority that could host a casino. This resolution has been subsequently confirmed at each three yearly review of the Gambling Policy.
- 4.3 Due to the fact that only a small number of the casinos agreed have been developed there is considerable lobbying taking place within the casino trade for the introduction of the option of transferring the casino locations previously confirmed between two agreeable local authorities. This is not allowed under the current law and there are no indications from government that they will make this change.
- 4.4 The no casino resolution on the Gambling Act 2005 was agreed and confirmed for a further three years following the review of the Statement of Gambling Policy in 2015. The resolution only lasts for three years and thus will need consideration again this year.
- 4.5 The draft Statement of Gambling Policy has within it at paragraph 5.18 the wording that reflects the Councils current position with regard to the no casino resolution. If Council is minded to not make such a resolution the suggested wording for alternative paragraphs are set out below.

The Authority has not passed a 'no casino' resolution under Section 166 of the Act, but it is aware that it has the power to do so. Should the Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

The authority has due regard to any Guidance and Regulations about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises and any conditions that may be mandatory, set by default or recommended.

When considering the number, nature and circumstances of betting machines an operator wants to offer, the authority will follow the Guidance and take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of betting machines by children or other vulnerable people.

As with all deliberations in premises licences, the authority shall not confuse planning and building regulation considerations with the matter before it and the considerations of all aspects of an application shall be dealt with by their own individual regulatory regime.

- 4.6 The passing of a 'no casino' resolution can be seen as a statement of principle that casino operations are not considered appropriate for the district.
- 4.7 Not making a 'no casino' resolution can be seen to indicate that the authority is willing to consider casino operations in the district, however, on a practical level this is unlikely as all future casino operations have been allocated to other districts and a change in the law would be required to permit any additional casino numbers or the transfer of locations.
- 4.8 The Gambling Commission's guidance to Licensing Authorities on the exercise of their functions under the Gambling Act 2005 makes the following points about making a 'no' casino resolution:
- The decision to pass such a resolution may only be taken by the Authority as a whole and cannot be delegated to the licensing committee. In passing such a resolution the Authority may take into account any principle or matter, not just the licensing objectives;
 - The resolution must apply to casino premises generally, so that the Authority cannot limit its effect to geographic areas or categories of casinos;
 - The resolution must specify the date it comes into effect;
 - The Authority may revoke the resolution at any time by passing a counter-resolution

5.0 Consolation Response – 'No Casino' resolution

- 5.1 A single response on the 'no casino' resolution was received, this being from Newark Town. The Town Council support the 'no casino' resolution.

6.0 RECOMMENDATIONS that:

- (a) the draft Statement of Gambling Policy 2019 - 2021 be approved; and**
- (b) the Council consider whether or not they wish to pass a resolution under Section 166 of the Gambling Act 2005 not to issue any premises licence for casinos in the district.**

Background Papers

Guidance to Licensing Authorities – Gambling Commission

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Statement of Gambling Policy 2019 - 2021



STATEMENT OF GAMBLING POLICY
Gambling Act 2005
(Published January 2019)

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.

Newark and Sherwood 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.

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1. INTRODUCTION AND SCOPE

1.1 Introduction

1.1.1 Section 349(1) of the Gambling Act 2005 [“the Act”] imposes a statutory requirement upon Newark & Sherwood 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.

1.1.2 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.

1.1.3 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.

1.1.4 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.

1.1.5 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.

1.1.6 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.

1.2 Declaration

1.2.1 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.

1.3 Consultation

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

- in England and Wales, the chief officer of police for the Authority's area
- one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area
- one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

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 1.

1.4 Local Area Profile

1.4.1 The District of Newark and Sherwood covers 65,000 hectares and is bordered by Lincolnshire to the east, Bassetlaw to the north, Mansfield to the west and Rushcliffe/Nottingham to the south. It is a predominantly rural district and is served by its three main towns of Newark, Southwell and Ollerton with an overall population of around 105,800. As well as having a strong agricultural base, the area also has a range of engineering, food, drink and tourism industries, increasingly coupled with office-based customer services. The District is easily accessible from the A1 which runs through Newark and has direct road links to and from the City of Nottingham. Public transport in the town is good and there is ample parking. Trains are readily available from its two stations – Newark Castle (Lincoln to Nottingham line), and Newark Northgate (electrified east coast line to London Kings Cross). The nearest airport is Nottingham East Midlands Airport to the south near Castle Donington whilst Robin Hood Airport is north at Finningley, and can be reached via the A1.

1.4.2 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 and a belter awareness of the local area and the risks, which includes both potential and actual risks.

1.5 The District of Newark and Sherwood



1.6 Authorised Activities

1.6.1 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 and the National Lottery are all dealt with 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 premise.

1.7 Relationship with Other Legislation

1.7.1 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:

1.7.2 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.

1.8 “Demand” for Gaming Premises

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

1.9 Rights of Applicants and Third Parties

1.9.1 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.

1.9.2 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.

1.10 Data Sharing, Data Security and the Principles of Better Regulation

1.10.1 The Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulation 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.

1.11 Equality

1.11.1 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. This policy is subject to an Equalities Impact Assessment that was undertaken in November 2018

2.0 LOCAL RISK ASSESSMENTS

- 2.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) formalise the need for operators to consider local risks. Local risk 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
- 2.2 Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.
- 2.4 The local authority would expect operators to take into account the broad principles listed below when completing their local risk assessment.
- 2.5 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 in any case, undertake a local risk assessment when applying for a new premises
- 2.6 The licensing authority have an expectation that all local risk assessments will take into account the local area profile of the area.
- 2.7 The three 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 under gambling legislation. However, the Gambling Commission has recognised the benefits of a Public Health Whole Population Approach (February 2018).
- 2.8 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.
- 2.9 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 Further information on the Gambling Commissions position on Gambling as a public health issue is available on the Commissions website.

2.11 Gambling related harm as a Public Health Issue

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

3. MAKING REPRESENTATIONS

3.1 **Who Can Make a Representation?**

3.1.1 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**.

3.1.2 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

3.2 **Interested Parties**

3.2.1 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

3.3 **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.

- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 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.

3.8 Form and Content of Representation

3.8.1 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.

3.8.2 As these are the main criteria against which an application is to be assessed representations which address these issues are more likely to be accepted and given weight.

3.8.3 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.

3.8.4 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

3.9 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.

3.10 A preferred form of representation is available. A copy of the form can be downloaded at www.newark-sherwooddc.gov.uk or requested directly from the service. Whilst representations which are not in the preferred form or which do not fully comply with Policy Two will not automatically be rejected, they may be less likely to comply with the law relating to representations resulting in them ultimately being rejected or given little or no weight.

3.11 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.

3.12 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.

3.13 Irrelevant Considerations

3.13.1 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
- Moral grounds

3.13.2 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.

3.14 Reviews

3.14.1 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).

3.14.2 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.

3.14.3 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.

3.14.4 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.

3.14.5 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. LICENSING OBJECTIVES

4.1 Preventing Gambling From Being a Source of Crime and Disorder

4.1.1 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.

4.1.2 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.

4.1.3 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.

4.1.4 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.

4.1.5 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.

- 4.1.6 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.
- 4.1.7 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

- 4.2 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.

4.3 Ensuring Gambling is Conducted in a Fair and Open Way

- 4.3.1 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).
- 4.3.1 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.

4.3.2 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.

4.4 Protection of children

4.4.1 The Council expects operators of gambling premises to have in place policies and measures to ensure children and other vulnerable people are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.

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

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

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

4.4.4 The access of children and young person's to those gambling premises which are adult only environments will not be permitted.

4.4.5 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.

4.4.6 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.

4.4.7 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.

4.5 Vulnerable Persons

4.5.1 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.

4.5.2 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.

4.5.3 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

5.1 General Principles

5.1.1 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.

5.1.2 The procedure for obtaining Premises Licences is set by regulations. Should a licence be granted it will be made subject to mandatory and/or default conditions set by the Secretary of State. The Authority may choose to exclude default conditions if it thinks it appropriate and may also impose other specific conditions which are appropriate to the application where there is a specific evidenced risk.

5.1.3 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.

5.1.4 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

5.2 Betting Premises and Tracks

5.2.1 Betting premises relates to those premises operating off-course betting. That is other than at a track.

5.2.2 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.

5.2.3 Permitted activities include:

- off-course betting;
- on-course betting for tracks;
- betting by way of betting machines, and;
- gaming machines as stipulated by regulations (see Appendix Two)

5.2.4 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.

5.2.5 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.

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

5.3 General Matters Relevant to Tracks

5.3.1 In addition to the Southwell Racecourse the Authority has a number of premises that may apply for a premises licence to operate as a 'Track' for the purposes of the Gambling Act.

5.3.2 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.

5.3.3 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.,3,4 The Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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

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

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

5.4 Gaming Machines used on Tracks

5.4.1 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.

5.5 Betting Premises in Relation to Tracks

5.5.1 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.

5.5.2 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.

5.6 Betting Machines on Tracks

5.6.1 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.

5.6.2 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.

5.7 Condition on Rules Being Displayed on Tracks

5.7.1 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.

5.8 Applications and Plans for Tracks

5.8.1 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.

5.9 Adult Gaming Centres (AGC's)

5.9.1 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.

5.9.2 Permitted activities include the provision of gaming machines as stipulated by regulations (see Appendix two)

5.9.3 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.
- Premises Local risk assessment

5.9.4 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.

5.9.5 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.

5.10 Club Gaming Permits and Club Machine Permits

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

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

5.10.3 Commercial clubs may in some circumstances operate with club machine permits but not club gaming permits.

5.10.4 The Authority may only refuse an application on the following grounds:

- (a) the applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or

(e) an objection has been lodged by the Commission or the police;

and in the case of (a) or (b) must refuse the permit.

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

5.11 Alcohol Licensed Premises

5.11.1 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.

5.11.2 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.

5.11.3 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.

5.11.4 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.

5.11.5 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

5.12 Family Entertainment Centres

5.12.1 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.

5.12.2 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.

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

5.12.4 An applicant must be 18 years of age or over.

5.13 Prize Gaming Permits

5.13.1 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.

5.13.2 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.

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

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

5.14 Travelling Fairs

5.14.1 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.

5.15 Small Society Lotteries

5.15.1 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.

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

5.16 Temporary Use Notices

5.16.1 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).

5.17 Occasional Use Notices

5.17.1 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.

5.18 Casinos

5.18.1 *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 Newark and Sherwood. This resolution shall take effect from January 2019 and shall remain in force for a period of three years from that date unless a resolution is passed

before that date revoking the “no Casino resolution”. **This is subject to a vote when the issue is discussed as part of the adoption of this policy.**

5.19 Bingo

5.19.1 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.

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

5.19.3 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.

5.19.4 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.

5.19.5 A limited number of gaming machines may also be made available at bingo licensed premises.

5.19.6 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.

5.19.7 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

6.1 General Statement

6.1.1 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.

6.1.2 It is the intention of the authority to establish and maintain enforcement protocols with other enforcement agencies.

6.2 Inspections

6.2.1 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.

6.2.2 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.

6.2.3 In addition to programmed inspections, the licensing authority will also investigate any evidence based complaints that it receives.

Policy Four

6.3 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.**
- **Local risk assessment**

REASON: To provide a targeted and cost efficient enforcement service which will encourage and improve operating practice, promote the licensing objectives, and drive out poor practices; whilst at the same time meet accepted best practice principles of compliance inspection.

6.5 Enforcement

6.5.1 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.

6.5.2 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.

6.5.3 Part 15 of the Act gives "authorised persons" power of investigation and section 346 enables licensing authorities to institute criminal proceedings in respect of offences described in that section. In exercising these functions the Authority will have regard to the relevant provisions of the Gambling Act 2005, national guidance, relevant codes of practice, and the enforcement policy of the Council.

6.5.4 The Authority will endeavour to follow the principles of better regulation. The principles require that enforcement should be:

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

6.5.5 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.

6.5.6 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.

6.5.7 The authority may institute proceedings in respect of a number of offences as identified in section 346 of the Act.

6.5.8 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.

COUNCIL MEETING - 11 DECEMBER 2018

STATEMENT OF LICENSING POLICY

1.0 Purpose of Report

- 1.1 To seek the Council's approval to adopt the 2019 - 23 Statement of Licensing Policy.

2.0 Background

- 2.1 The Licensing Act 2003 requires the Council to have in place a Statement of Licensing Policy relating to the carrying out of its functions under that Act. The policy sets out the principles which the Council will apply in considering and granting licences under the Act.
- 2.2 The Act originally required the policy to be reviewed every three years. The current policy was adopted in January 2013 and therefore needs to be reviewed before January 2019. There is a statutory requirement to review the policy every five years, therefore, the next scheduled review will be 2023. However the Statement can be reviewed should it be required.
- 2.3 The Council is required to formulate its Policy with reference to the Statutory Guidance issued by the Home Office. The Guidance has been updated to take into account of various legislative changes and the Statement of Licensing Policy incorporates these changes. The policy has also been updated to provide more detail with regard to safeguarding issues in licenced premises.
- 2.4 In order to achieve a level of consistency across the County the Nottinghamshire Authorities have been working together on a joint format for the Statement. Members will appreciate that the Councils across the County are very different and therefore will require their Statements to reflect these differences, however, wherever possible attempts have been made to apply consistent phraseology.
- 2.5 In June a draft copy of the proposed new policy was presented to the Licensing Committee and it was agreed that subject to some amendments suggested by members of the Committee, the draft should be released for consultation.

3.0 Response to the Consultation

- 3.1 The draft copy of the revised Licensing Policy was made available on the web site for a period of 8 weeks. Letters confirming the consultation process and giving details of how to make a response were sent to various the organisations and agencies linked to the licensing trade.
- 3.2 A number of responses to the consultation have been received from the Licensing trade and the Licensing Committee have considered the Statement of Policy has been slightly amended to take account of the comments.
- 3.3 A final draft of the Statement of Licensing Policy is attached as **Appendix One** to this report.

4.0 **RECOMMENDATION**

That the Statement of Licensing Policy for 2019 - 23 be approved.

Background Papers

Licensing Act 2003

Section 182 Statutory Guidance – Home Office

For further information please contact Alan Batty on 01636 655467

Karen White

Director – Safety

Newark and Sherwood District Council

STATEMENT OF LICENSING POLICY 2019-2023

Effective from January 2019

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1. INTRODUCTION

- 1.1 Newark and Sherwood 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 Newark and Sherwood District covers 65,000 hectares with a population of approximately 112,000. The District has contrasting areas of agriculture, market towns, commuter villages and rural coalfield villages.
- 1.3 Throughout the District there are public houses, restaurants and takeaways, both in the rural parts of the district and in the more built up ones. Although some are well away from residential districts many are not, which may cause tension between those wishing to enjoy these leisure and hospitality venues and those simply wishing to enjoy a good night's sleep.
- 1.4 The Authority recognises that licensed premises are a major contributor to the economy of the District. They help to attract tourists and visitors, make for vibrant towns and communities and are a major employer.
- 1.5 The Council monitors the impact of licensing on regulated entertainment, and particularly live music and dancing. Where there is any indication that licensing requirements are deterring such events, the policy will be revisited with a view to investigating how the situation might be reversed. Only proportionate, reasonable and appropriate conditions should be imposed on any such events. As part of implementing the Council's Cultural Strategy proper account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.
- 1.6 The Council has obtained in its own name, premise licences for appropriate public spaces within the District including suitable Council owned art centres, community centres and many existing public open spaces such as the Castle Grounds and Market Place, Newark. In this instance performers and entertainers would not need to obtain a licence or give a Temporary Event Notice themselves to enable a performance to be given in such places but would require the permission of the appropriate Business Unit of the Council as the licence holder. They would also need to adhere to any conditions relating to the use of such premises.

1.7 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.

1.8 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.

1.9 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.

1.10 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 proportionate, necessary and appropriate.

1.11 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 allowed 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 seven of this Policy Statement.

1.12 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, other 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. THE 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 websites 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 (and remains) the subject of Government deregulation. Whilst "regulated entertainment" potentially 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. Other legislation such as the Live Music Act 2012 has removed the ability of the Licensing Authority to regulate live music at certain times and in certain circumstances. Deregulation initiatives have added further activities from those that are exempt from the licensing regime, particularly where it relates to entertainment taking place between 8am and 11pm and where that entertainment takes place before an audience of a prescribed size. 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 or other persons 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. 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. 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. 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 are available on request.

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 or other persons 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 paragraph 2.6 above. As a general rule the 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.

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://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>. 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.

- 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 Newark and Sherwood 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 Newark & Sherwood this includes parts of Ollerton, Clipstone, Rainworth, Blidworth and Newark. 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 Newark & Sherwood District Council web site, following the link for Licensing 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 Responsible Authorities are public bodies which must be fully notified of licence applications and are entitled to:
- Make relevant representations

- Request reviews
- Make representations with regard to cumulative impacts

Details of Responsible Authorities can be found on the Licensing pages of the Council's website.

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 processes 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**
- 6.5.1 Where the licensing authority receives an application for a new licence or a variation to an existing licence, the responsible authorities and other persons 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 a preferred form is available on the Council's Licensing web page for individuals or groups to make their representations.

- 6.5.2 Submissions of representations made via e-mail will be accepted so long as there is a clear indication of who has submitted the representation, it is clear and legible and details of how that person or group can be contacted.
- 6.5.3 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, where there is no relevance or link was made to any of the licensing objectives.
- 6.5.4 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. If this is an issue, they may contact their ward Councillor or other locally recognised body such as a resident's association about submitting a representation on their behalf. The Council is not able to accept anonymous representations.
- 6.5.5 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.
- 6.5.6 It is for the Licensing Authority to determine whether any representation by an interested party is, on its own merits, vexatious or frivolous. The Authority will determine this and make the decision on the basis of what might ordinarily be considered to be vexatious or frivolous.
- 6.5.7 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.

6.6 Responsible Authorities

6.6.1 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.

6.6.2 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.

6.7 Panel/Committee Hearings

6.7.1 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 Committee/Panel unless the issue that led to the representation can be negotiated to an agreed conclusion between the parties.

6.7.2 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 Pub Watch, Best bar None, Purple Flag or Business Improvement Districts, 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 antisocial behaviour, including the issuing of fixed penalty notices.
- Prosecution for the offence of selling alcohol (or allowing such a sale) to a person who is drunk.
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance.
- The power of the police, other Responsible Authorities or a local resident or business to seek a review of the licence or certificate in question.
- 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 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) The provision and availability of adequate seating and the restriction of standing areas.
- (vii) Noise from the premises or people visiting the premises
- (viii) The potential cumulative impact (see below).
- (ix) 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 or moving from one part of the premises to another), 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 at any time 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:
- The provision of seating and restriction of 'standing only' premises to provide less congestion and potential for 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 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 and vulnerable adults:

- Exclusion from the premises in certain circumstances.
- Implementation of a robust proof of age scheme.
- Training staff in their responsibility not to serve to a person when drunk
- Encouraging staff to attend vulnerability training
- Providing facilities to support vulnerable adults when assistance is required. (access to phone and/or charge, cold water, safe room away from others)

7.15 **Supply of Alcohol (Off Sales)**

- 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.

7.16 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.

7.17 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 submitted. This will help ensure it properly addresses all relevant issues that might give rise to concern.

7.18 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.

7.19 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

7.20 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.

7.21 Outside areas

7.21.1 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.

7.21.2 Although consumption of alcohol is not a licensable activity, if the plan does not show outside area such as beer gardens or similar, then any premises licence authorising the sale of alcohol on the premises only would not authorise the use of such areas.

7.22 Large Scale Events

7.22.1 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.

7.23 Cumulative Impact

7.23.1 Cumulative Impact Assessments (CIA's) were introduced in the Licensing Act 2003 by the Policing and Crime Act 2017.

7.23.2 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.

7.23.3 A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.

7.23.4 The CIA must include a statement saying that the licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. As part of the publication a licensing authority must set out the evidential basis for its opinion. Any CIA published by the Council will be summarised in the Statement of Licensing Policy.

7.23.5 The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives, However, in each case it would be incumbent on the person making the

representation to provide relevant evidence of cumulative impact.

7.23.6 Having taken into account the evidence presented, the Council is satisfied that there are no areas within the Newark and Sherwood District presently suffering from cumulative impact. Should this situation change, the Council will consider the available evidence and consult with those bodies and individuals listed in the Licensing Act 2003. If the Council is satisfied that it would be appropriate to publish a CIA, it will be published on the Council's website and a summary will be included in this statement of licensing policy.

7.23.7 Responsible Authorities and Interested Parties may still make representations on specific applications concerning cumulative impact even though those applications are not for premises in an area covered by a cumulative impact Policy. 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 an area to which a cumulative impact Policy should apply.

7.24 Public Space Protection Orders

7.24.1 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 behaviour

7.25 Encouraging Diversity

7.25.1 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.

7.25.2 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.

7.26 Provisional Statements

7.26.1 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.

7.26.2 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.

7.27 Adult Entertainment

7.27.1 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.

7.27.2 Applicants for new licences or variations of existing licences must also indicate the nature of any adult entertainment to be carried out at the premises. Where this section contains no information it will be assumed that there are no intentions to allow such activities and the licensing authority will impose a condition to that effect.

7.27.3 Newark and Sherwood District Council has adopted Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 which means that venues proposing to provide sexual entertainment must apply for a sexual entertainment venue licence in addition to the premises licence under the Licensing Act 2003.

7.27.4 There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that does permit premises to offer sexual entertainment no more than 11 times a year and no more frequently than monthly. Where operators intend to take advantage of this exemption, the licensing authority expects a clear explanation in the operating schedule of the proposed signage, publicity and external advertising/display materials. Explicit material should not be visible while signage relating to the nature of the entertainment and the exclusion of children should be prominent and conspicuous.

7.27.5 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. 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.

7.27.6 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.

7.28 Licence Suspensions

7.28.1 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.

7.28.2 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.

7.29 Reviews

7.29.1 At any stage following the grant of a premises licence or club premises certificate a Responsible Authority, business, organisation or other persons 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.

7.29.2 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.

7.30 Early Morning Alcohol Restriction Orders (EMRO)

7.30.1 The legislation gives Licensing Authorities discretion to restrict sales of alcohol by introducing an Early Morning Alcohol Restriction Order 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.

7.30.2 The only exemptions relating to EMROs are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.

7.30.3 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.

7.31 Personal Licences

7.31.1 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 3

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**
- (iv) 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 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.

7.31.2 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.

7.31.3 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)

7.31.4 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

7.32 Temporary Event Notices

7.32.1 There are two types of types of Temporary Event Notice,

- A standard TEN
- A Late TEN

7.32.2 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.

7.32.3 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 objectives. The Council considers that a reasonable period of notice for the service of a Temporary Event Notice is 28 days.

7.32.4 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 Council's Environmental Health section, except when the TEN is served electronically/digitally

7.32.5 Further information regarding Temporary Event Notices is contained on the Council's web pages.

8. CHILDREN

8.1 Newark and Sherwood District Council is committed to the Safeguarding of children and vulnerable adults. The Licensing Act places legal responsibilities on holders of Premises licences and Clun 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 Authority in partnership with the police, the Nottinghamshire Safeguarding Board and the Community Safety Partnership works closely with licensed premises in order to build awareness across the industry as to how those that work in such establishments may better recognise the indicators of children and vulnerable adults who may be subject to, or at risk of abuse, exploitation and trafficking and the reporting mechanisms for these concerns.

8.3 When considering applications for new or variations to existing premises the Authority will seek to be assured that applicants have considered the safeguarding of children and vulnerable adults within the operating schedule of the application.

8.4 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

8.5 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

8.6 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.

8.7 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 4

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.

8.8 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.

8.9 Age verification policies

- 8.9.1 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 Delivery of the licensing regime will be in accordance with the Council's Equal Opportunities Policy. Compliance with this Policy will be subject to on-going monitoring and customer/stakeholder consultation during the life of this Policy. Relevant matters that come to light as a result of monitoring and consultation may result in changes to service delivery and where necessary may result in changes to the Council's licensing policy.

- 9.2 Newark & Sherwood District Council is committed to implementing and upholding equality and diversity in everything it does. The Council strives to be an effective service provider, community leader and corporate body, and in doing so, recognises the importance of meeting the needs of the diverse mix of communities represented amongst its residents, service users and workforce. In meeting those needs the Council will develop and harness a safe and sustainable community inclusive to all.

- 9.3 To affirm its commitment and to ensure continuous improvement, the Council uses the Equality Standard for Local Government as the improvement framework against which to assess its performance and development in equality and diversity. All council policies are subject to Equalities Impact Assessments.

- 9.4 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

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

111 This Statement of Policy will be reviewed within legislative timescales and as and when appropriate. 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.

DRAFT

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Economic Development Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts NG24 1BY on Wednesday, 21 November 2018 at 6.00 pm.

PRESENT: Councillor K Girling (Chairman)
Councillor Mrs P Rainbow (Vice-Chairman)

Councillor R Blaney, Councillor Mrs R Crowe, Councillor J Lee,
Councillor N Mitchell, Councillor P Peacock, Councillor T Roberts,
Councillor F Taylor, Councillor T Wendels and Councillor
Mrs Y Woodhead

30 DECLARATION OF INTEREST BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

31 DECLARATION OF INTENTION TO RECORD MEETING

NOTED that the Council would undertake an audio recording of the meeting.

32 MINUTES OF PREVIOUS MEETING

AGREED (unanimously) that the Minutes of the meeting held on 12 September 2018 be approved as a correct record and signed by the Chairman.

33 FORWARD PLAN (NOVEMBER 2018 TO OCTOBER 2019)

The Committee considered the Forward Plan of some of the items that would be submitted to the Economic Development Committee over the course of the next twelve months. They wished for the following items to be added:

- National Civil War Centre – Progress Report
- Christmas Car Parking Concession for 2019

Members queried as to the reason for the delay in the Sherwood, Southwell and District DMPs being presented to Committee. They were advised that due to ill health the external consultant had been unable to finalise the plans in time for consideration at the November meeting.

AGREED (unanimously) that:

- (a) the Forward Plan be noted; and
- (b) the following 2 items be added to the Forward Plan:
 - (i) progress report on the National Civil War Centre; and
 - (ii) Christmas Car Parking Concession for 2019

34 COACH FRIENDLY STATUS

The Committee considered the report presented by the Business Manager – Economic Growth relating to accreditation as a Coach Friendly Town, specifically relating to Newark.

The report set out that the recently established Newark Management Group (NMG) had discussed the concept of accreditation for Coach Friendly Status and that subsequent research into that had been undertaken. Paragraph 2.3 of the report set out the criteria for applying for the status and it was noted that the only aspect where Newark was not up to the required standard was in terms of road signage for coach parking and drop off point(s). From discussions with coach tour operators they considered that: central drop off and pick up points close to toilets and refreshments; cost of group tours of attractions; and coach parking facilities were the three crucial factors in making their decision on what towns they would visit. The Business Manager advised that she had discussed the possibility of applying for the status with the Confederation of Passenger Transport (UK) without the road signage but was waiting for them to respond.

In considering the report Members commented that the estimated cost to erect the signage was expensive at £30k and queried whether it could be done for less. It was also noted that much of the signage in and around Newark was in need of replacement and/or repair and queried whether it was timely to undertake a full review of signage in the district.

AGREED (with 9 votes for and 1 abstention) that:

- (a) the Council do not pursue Coach Friendly Status at the present time due to the cost implications and the feedback from Coach Tour Operators, however, on further discussion with the CPT (Confederation of Passenger Transport – UK) if it is possible to proceed without the signage investment, it is recommended that the application be pursued as there will then be no additional cost; and
- (b) the Council ensure that all appropriate measures be carried out, without restrictive costs, to promote what facilities are available in the town to Coach Tour Operators.

35 CHRISTMAS RETAIL PROMOTION CAMPAIGN

The Committee considered the report presented by the Tourism (Place) Marketing Manager which provided information relating to the current Christmas Retail Promotion Campaign – ‘Newark Wonderland’.

The report set out the reason for the retail promotion campaign and that the idea had arisen from discussions held by the Newark Management Group (NMG) at its meeting held in September 2018. The objectives of the campaign were listed at paragraph 2.4 with the specific proposals and timeline reported in paragraph 3.0.

In considering the report the Chairman advised that funding for the Campaign was to be deducted from additional income received from an increase in car parking revenue.

A Member of the Committee referred to paragraph 2.3 of the report in which it referred to compensation sought from Severn Trent Water (STW) which had not been forthcoming. The Member stated that when discussions had first been held about the required works the Council had been given the impression that the whole town would receive compensation and not just the roads that were directly affected. STW were again closing roads to carry out further works and this was being exacerbated by other utility companies undertaking works at the same time. He cited that a road near to The Wharf where works were taking place had been 3 days without any contractors being in attendance. He stated that STW should be informed that their continued works was badly affecting the town and that contact be made with the other utility companies to see when their works would be complete.

A Member of the Committee commented that the timeline for the Campaign had already commenced and that it appeared that the decision to award the funding had already been taken. In response, the Tourism (Place) Marketing Manager advised that due to the seasonal nature of the campaign contact had already been made with local businesses to 'warm them up' and that, to-date, expenditure had been minimal. The Member queried when the decision had been taken that the Campaign was needed. The Chairman advised that due to the disruption caused by STW's works the Campaign was considered necessary. A Member noted the mechanism to allocate the funding, adding that it would have been more appropriate for it to have been a decision made by Committee.

In noting that the whole of Newark had been affected by the works, a Member queried as to whether there was a reason why the car parks had seen an increase in usage and how the businesses on the periphery of the town centre would benefit from the Campaign. Members were advised that the works had resulted in the displacement of residents who made use of parking. It had also affected workers in the town and commuters who used on-street parking. All those affected had been forced to use car parks as an alternative. It was also reported that some of the businesses affected had been able to demonstrate to STW a drop in their trade during the period when the works were taking place.

In relation to the peripheral businesses the Chairman advised that when it had become apparent that STW would not award compensation the Council had convened a meeting with all businesses affected to offer to assist them. The Campaign was generic and was to assist the whole of Newark.

In relation to the Campaign's objectives, the Chairman queried why the areas had been chosen that were listed in paragraph 2.4(i) and not the areas of: Mansfield; Doncaster; Worksop; Retford and Ashfield. He also queried what websites the Campaign would be promoted on, adding that he had searched 'What's on in Newark' and the only result had been about the Christmas Light Switch-On which was an annual event.

AGREED (unanimously) that:

- (a) the delivery of the Campaign and its objectives be noted; and
- (b) the funding of the Campaign as set out in Section 5 of the report be supported.

36 BUSINESS SUPPORT UPDATE

The Committee considered the report presented by the Business Manager – Economic Growth which sought to update Members on the current and planned activity relating to Business Support.

The report set out the key priorities of the Economic Development Strategy and that further support was required for businesses in the District. The report also provided local information regarding business figures and what enquiries had been received to the Economic Growth Team between April 2016 and June 2018. Paragraph 2.5 of the report set out the business events and programmes that had been undertaken with the proposals being listed at paragraph 3.0.

AGREED (unanimously) that:

- (a) the contents of the report; and
- (b) the Investment Readiness Programme commencing in November 2018 be supported.

37 PROGRESS UPDATE ON EDWINSTOWE CRAFT CENTRE

The Committee considered the report presented by the Deputy Asset Manager – Estates which sought to update Members on the current Capital Scheme approved by the Policy & Finance Committee on 5 April 2018 with a total capital expenditure proposed of £250k. The report gave a brief history of the Centre with the proposals listed in paragraph 3.0.

In considering the report Members welcomed the proposals and the timetable for the project's completion, adding that they would wish to see it progress without delay.

AGREED (unanimously) that the report be noted with a further update report being presented to Committee in January 2019.

Councillor F. Taylor entered the meeting at this point.

38 EMPLOYABILITY AND SKILLS UPDATE

The Committee considered the report presented by the Business Manager – Economic Growth which provided Members with information and recommendations regarding activity undertaken relating to employment and skills which were supported through Newark & Sherwood District Council. Paragraph 3.0 of the report set out a number of proposals for future activities to further enhance the Council's ambition of linking employers and schools and raising aspirations of young people in the district.

In considering the report a Member of the Committee advised that the Magnus Academy was striving to improve the examination results as listed in paragraph 3.2 of the report. They were impressing upon their students that education was important for their future career prospects. He added that he pleased to see that schools were once again beginning to offer careers advice to their students.

The Vice-Chairman commented that she was fully supportive of the engagement with Year 7 and 8 students and queried whether it was possible to more widely promote the work that the Council undertook with schools.

A Member of the Committee welcomed the report and the activities listed therein. He advised that he was involved with Code Clubs in the Ollerton area but was concerned that schools only taught basic ICT skills to GCSE level rather than computer science/programming. The Business Manager advised that she had long campaigned for a change to the curriculum to resolve the issue.

A further Member of the Committee welcomed the report and congratulated Officers on the work undertaken during the previous 12 months. He noted that the latest Social Mobility report was soon to be published and anticipating the Council's placement to be low again, queried whether information and evidence was available and ready to publish as to what works had been undertaken since the last report was published. The Business Manager advised that the information and evidence had been collated and would be made available when necessary.

AGREED (unanimously) that:

- (a) the activities undertaken in relation to Employment and Skills be noted; and
- (b) regular update reports be presented to Committee for consideration.

39 URGENCY ITEM - CHRISTMAS CAR PARKING CONCESSION

The Committee considered the Urgency Item in relation to additional Christmas car parking concessions in Newark for 2018. The Opposition Spokesperson sought clarity on the correct procedure for Urgency Items, querying whether he should have been consulted. The Chairman confirmed that he should have been consulted and would raise the matter with the relevant Officers.

NOTED the Urgency Item in relation to Additional Christmas Car Park Concessions in Newark 2018.

40 EXCLUSION OF THE PRESS AND PUBLIC

That, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 3 of part 1 of Schedule 12A of the Act.

41 NEWARK BEACON BUSINESS CENTRE - BUSINESS PLAN

The Committee considered the exempt report presented by the Business Manager – Planning Policy which set before Members a high level Business Plan setting out the long term aims of the Council in managing the centre following its transfer to District Council ‘in-house’ management on 1 October 2018.

(Summary provided in accordance with 100C(2) of the Local Government Act 1972)

Meeting closed at 7.14 pm.

Chairman

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Homes & Communities Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts NG24 1BY on Monday, 5 November 2018 at 6.00 pm.

PRESENT: Councillor B Laughton (Chairman)
Councillor T Wendels (Vice-Chairman)

Councillor Mrs B Brooks, Councillor Mrs C Brooks, Councillor Mrs I Brown, Councillor M Buttery, Councillor Mrs S Michael, Councillor N Mison, Councillor N Mitchell, Councillor Mrs P Rainbow, Councillor Mrs S Saddington and Councillor Mrs S Soar

APOLOGIES FOR ABSENCE: None – All Members of the Committee present.

27 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

28 DECLARATION OF ANY INTENTION TO RECORD THE MEETING

NOTED that there would be an audio recording of the meeting undertaken by the Council.

29 MINUTES OF PREVIOUS MEETING

AGREED (unanimously) that the Minutes of the meeting held on 10 September 2018 be approved as a correct record and signed by the Chairman.

30 GYPSY & TRAVELLER UPDATE

The Committee considered the report presented by the Director – Safety which sought to update Members on the issues that had arisen over the past year in respect of unauthorised encampments throughout the district. The report also sought Members' consideration and approval of the proposed Policy for dealing with unauthorised Gypsy, Roma and Traveller (GRT) encampments.

The report provided Members with information relating to the long established GRT community in the district and the work undertaken in the past in calculating the pitch requirements with the production of a Gypsy & Traveller Accommodation Assessment. It was also reported that there had been 10 unauthorised encampments over the previous 12 months and that the costs incurred to deal with these had been in the region of £10,000. The costs included legal fees and bailiff's costs but excluded clean-up costs and Council Officer time and resource in responding to the issues.

Paragraph 3 of the report provided Members with information as to what the Policy would enable the Council to do when dealing with unauthorised encampments and what powers would be available to them for such action.

In considering the report Members expressed their support for the proposed Policy and welcomed the powers that were available to the Council to deal with unauthorised encampments.

It was noted that the most recent event at the Newark Sports & Fitness Centre appeared to have involved travellers from Ireland. Members noted the recent changes to legislation in Ireland whereby travellers' vehicles could be seized if they were situated in an unauthorised encampment and queried whether such a change was being considered by the UK Government. Members also queried whether the Council would continue to support private landowners with relevant information on what action to take should the travellers occupy their land.

In response, the Director – Safety advised that the vehicles involved at the recent encampment had Irish number plates and that they had stated that they were travelling for the summer period. She also confirmed that she was not aware that the UK Government were proposing to align legislation with that of the Irish Government. In relation to advice given to private landowners, the Director – Safety confirmed that this would continue.

Members agreed that it would be useful if the UK Government adopted the same legislation as that of the Irish Government as it would likely reduce the amount of unauthorised encampments which occurred in the district.

AGREED (unanimously) that the Policy on Unauthorised Gypsy & Traveller Encampments be approved and adopted.

31 CHIEF INSPECTOR ANDY ROOKE - UPDATE ON COMMUNITY SAFETY AND POLICING IN THE NEWARK & SHERWOOD DISTRICT

The Committee received a verbal presentation from Chief Inspector Andrew Rooke of the Nottinghamshire Police Authority in relation to Community Safety and Policing in the Bassetlaw and Newark & Sherwood Division. CI Rooke spoke to Members about a number of matters as follows.

He advised that there had been a significant increase in the number of reported incidents during the summer period peaking at 1200 in a 24 hour period, noting that the usual figure was in the region of 750. This increase in incidents had now abated and levels had returned to a more usual number.

Until April 2018 there had been a regional collaboration of Police Authorities to deal with certain crimes and incidents although this had ceased in April 2018. In relation to staffing levels within the force, CI Rooke stated that the demographic of Officers was that of younger individuals who were still being trained or who had recently completed their training. There were few unfilled vacancies, which was to be welcomed, but the officers in post needed to be progressed through the force in order to gain the necessary skills and experience. CI Rooke also stated that the force continued to be required to implement further changes and deliver savings which could have an impact on service delivery.

In relation to management, CI Rook advised that there was a new County Commander and a newly appointment Inspector for Newark. The previous Inspector, Louise Clarke had been promoted and replaced by Inspector Heather Sutton. There was also a dedicated CID Team in Newark which was very welcome, positive news together with a newly appointed locally based Intelligence Officer.

Specifically to Newark & Sherwood, CI Rooke advised that there had been a 10.5% increase in the number of crimes committed and this equated to approximately 500 additional cases to the previous year. He stated that the increase was a reflection of county; regional; and national issues.

CI Rooke advised that incidents of anti-social behaviour were down but that low level public disorder crime had increased. However, this could be attributed to the fact that Police Authorities had been required to amend the way in which crime statistics were recorded. He noted that in relation to burglaries there had been an increase from the same time last year. Domestic burglaries were up by 50 with commercial burglaries being up by 75.

Members were advised that CI Rooke and his Officers undertook a daily review of reported incidents to assess whether there were any emerging trends. There was also a fortnightly review of all reported incidents to identify any themes and whether additional resources were required to target specific areas of concern.

CI Rooke updated Members on local issues advising that some 6/8 weeks ago there had been a specific increase in crime in Newark Town Centre and that this was thought to be driven by drug related crime. The figures reported were not in line with the rest of the county and therefore Operation Bough had been launched to combat the increase. This constituted both overt and covert operations in a proactive approach. Crime in the town centre had increased by 30% in comparison to the same time last year and plans were being activated to tackle this.

Members were advised that there had been an increase in cyclical crime e.g. travelling criminals who came into the district specifically to target the theft of high class vehicles and burglaries of affluent properties. The Police Authority now had a specific burglary team who could deploy resources rapidly and there was good intelligence on the perpetrators.

CI Rooke advised Members that there had been an increase in the use of County Lines explaining that this was when criminals targeted individuals who were easily manipulated or vulnerable into acting on their behalf. It was often the case that criminals selected areas perceived to be easy targets and used the individuals to carry out the crimes on their behalf.

The Chairman invited Members to put questions to CI Rooke and advised that, if possible, he would like him to attend Committee on a more regular basis.

A Member of the Committee advised that the villages on the Farndon side of the River Trent had little contact with their assigned PCSO and that if an incident was reported they were often given a crime number with no subsequent contact as to whether an investigation had taken place. CI Rooke advised that an assessment of the reported

incident would be undertaken and that if the victim was thought to be vulnerable they would receive an enhanced response, dependent upon the crime. He added that in some cases there would be no direct contact with a Police Officer and that the incident could be reported directly to HQ. Again, he reiterated that this would be dependent upon the incident.

In noting that the Police Authority was facing a difficult time a Member queried whether it was possible to have a breakdown of the crime figures. CI Rooke advised that the information would be available on the Police Authority's website.

A Member stated that the PCSO assigned in Southwell had an excellent relationship with the Town Council and residents but that if an incident occurred and he was required to review CCTV he had to make the journey to the Force HQ at Sherwood Lodge. The Business Manager – Community Safety, who was in attendance at the meeting, advised that there was a viewing suite available at Newark Police Station. Members agreed that the installation and use of CCTV cameras acted as a deterrent. A Member of the Committee queried whether it was possible that the Police could assist in having the CCTV camera reinstalled on the Winthorpe Estate, as since its removal there had been an increase in incidents. CI Rooke advised that they could provide evidence as to the number of reported incidents but that it was the responsibility of the local authority to determine their location.

In noting the aforementioned gap in skills and experience a Member queried whether suitable Officers could be drafted in to fill the gap. CI Rooke advised that the Bassetlaw and Newark & Sherwood Division were no worse off than any other area and that if a crime was committed then the appropriate resource would be assigned.

In concluding the debate the Chairman thanked CI Rooke for attending the meeting and reiterated his previous invitation to attend more frequently and that he would invite all Members of the Council to a future meeting to take part. He also stated that he would like to extend an invitation to the newly appointed Inspector for Newark, Heather Sutton to attend a future meeting of the Committee.

AGREED (unanimously) that Chief Inspector Rooke be thanked for his attendance and the information he presented be noted.

32 SCRUTINY OF THE COMMUNITY SAFETY PARTNERSHIP

The Committee considered the report presented by the Business Manager – Community Safety in relation to the work undertaken by the Bassetlaw, Newark & Sherwood Community Safety Partnership and which sought to offer Members the opportunity to scrutinise the performance of the partnership.

The report set out the background to the establishment of the partnership the organisations who came together to form it. Paragraph 3 of the report provided the Committee with statistical information as to the partnership's performance and some of the work it was involved with.

AGREED (unanimously) that the report and performance of the Bassetlaw, Newark & Sherwood Community Safety Partnership be noted.

33 NEWARK & SHERWOOD DISTRICT COUNCIL - ANTI-SOCIAL BEHAVIOUR POLICY UPDATE

The Committee considered the report presented by the Business Manager – Community Safety which provided Members with the conclusions of the review of the Council’s existing Anti-Social Behaviour Policy 2015-2018.

It was reported that the previous Policy had dealt with changes brought about by the Anti-Social Behaviour, Crime & Policing Act 2014 which had introduced a process of simplification of existing legal powers. The proposed changes to the Policy had reduced the size of the document by removing the previous appendices which had contained detailed legal information that could now be obtained via the Council’s website. The content of the Policy remained relatively unchanged with some minor areas where some wording had been refreshed where appropriate. Paragraph 3 stated that the core message remained unchanged and was aligned to that of the Home Office guidance that accompanied the legislation.

AGREED (unanimously) that:

- (a) the report be noted; and
- (b) that the adoption of the updated Anti-Social Behaviour Policy by the District Council for the period 2018-2021 be approved.

34 HEALTH & SAFETY UPDATE

The Committee considered the report presented by the Business Manager – Community Safety in relation to the corporate health and safety compliance performance within the first six months of 2018. The report also provided Members with the opportunity to scrutinise the work that had been undertaken.

The report set out the Council’s Corporate Health & Safety responsibilities of various posts within the organisation and noted how the decision making of elected Members affected how health and safety was managed. The report also provided Members with information about accidents; violent incidents; significant incidents; and significant works undertaken throughout the first six months of the year.

In considering the report Members queried whether there was any signage in the reception area to indicate that violence towards staff would not be tolerated, suggesting that if there was no such sign this should be rectified.

Members queried whether the reported incidents in Castle House were directed at Council employees or partner organisations and how frequently the figures were produced. The Chairman requested that a further report be brought to the next meeting of the Committee in January 2019 detailing any further incidents reported in order that the Committee could consider whether any trends were developing and what, if any, measures could be taken to reduce the amount of incidents.

AGREED (unanimously) that:

- (a) the report be noted;

- (b) the actions taken to deal with health and safety issues that had arisen across the Council's activities over the past 6 months of the financial year 2018/2019 be considered; and
- (c) a further report be brought to the next meeting of the Committee in January 2019 providing the number and nature of reported incidents.

35 HOUSING REVENUE ACCOUNT - DEVELOPMENT PROGRAMME

The Committee considered the report presented by the Business Manager – Strategic Housing in relation to the progress being made with the 5 year Housing Revenue Account (HRA) development programme and the proposal to develop an extra care scheme in Boughton.

The report set out that the provision of new affordable housing was a strategic priority for the Council, with the need to develop a mixed provision of affordable homes to meet the requirements of younger people, families with young children and older people across the district's urban and rural communities. Paragraph 3 of the report set out the site progression and budgetary position of phase one of the development programme together with details of phase two being reported in paragraph 3.13. Information in relation to the proposed extra care facility at Boughton was provided together with details of the proposed nomination rights; affordable rent levels; and management of the facility.

The Business Manager – Strategic Housing reported that a grant bid had been submitted to Homes England for the proposed extra care facility at Boughton and that it should be known within 4/6 weeks whether that had been successful. He confirmed that the work being undertaken to develop the project was ongoing and on target and that pre-planning discussions were being held.

AGREED (unanimously) that the progress being made with the Council's five year Housing Revenue Account Development Programme and the proposed Extra Care Scheme in Boughton be noted.

36 PERFORMANCE MONITORING: NEWARK AND SHERWOOD HOMES

The Committee considered the report presented by the Business Manager – Strategic Housing in relation to the performance of the operations of Newark and Sherwood Homes (NSH) in accordance with the Management Agreement and Annual Delivery Plan.

The report set out the background to the formulation of the Management Agreement with NSH and the determination and scrutiny of the key performance indicators. Appendix A to the report was an overview of NSH performance for the 2017/2018 financial year with Appendix B providing an analysis and commentary of any performance where targets had not been met. Appendix C provided the STAR Survey which covered tenants' and residents' satisfaction for a number of areas with the final Appendix D providing the Tenants' Panel Report and Work Plan.

In considering the report Members noted that the STAR Survey results (Survey of Tenants and Residents) reported at Appendix C were all under target. The Business Manager acknowledged that the results showed a downward trend but that the Company continued to work above a benchmark figure.

It was noted that the Newark and Sherwood Homes Delivery Plan would be reported to the next meeting of the Committee.

AGREED (by 11 votes for with 1 abstention) that the strategic performance information supplied in relation to the activities of Newark and Sherwood Homes be noted.

37 FORWARD PLAN

AGREED (unanimously) that the Forward Plan be noted.

38 EXCLUSION OF THE PRESS AND PUBLIC

That, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 7 of part 1 of Schedule 12A of the Act.

Meeting closed at 7.34 pm.

Chairman

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Leisure & Environment Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 13 November 2018 at 6.00 pm.

PRESENT: Councillor R Jackson (Chairman)
Councillor N Mison (Vice-Chairman)

Councillor M Cope, Councillor Mrs R Crowe, Councillor Mrs L Hurst, Councillor D Staples, Councillor Mrs L Tift, Councillor Mrs A Truswell, Councillor K Walker, Councillor T Wendels and Councillor Mrs Y Woodhead

IN ATTENDANCE:

APOLOGIES FOR
ABSENCE:

25 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

Councillor T Wendels declared a personal interest in Agenda Item 5 – Active4Today Business Plan as he is a Southwell Leisure Centre Trustee.

Councillor Mrs A Truswell declared a personal interest in Agenda Item 5 – Active4Today Business Plan as she is a Director for Active4Today.

26 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

Other than the Council recording in accordance with usual practice, there were no declarations of intention to record the meeting.

27 MINUTES OF PREVIOUS MEETING

AGREED that the Minutes of the meeting held on 18 September 2018, be approved as a correct record and signed by the Chairman.

28 ACTIVE4TODAY BUSINESS PLAN

The Committee considered the report presented by the Director of Customers and Managing Director – Active4Today, which presented the Active4Today Draft Business Plan 2019/20 and updated the Committee on the Company's latest quarterly performance.

The Chairman asked whether the Newark & Sherwood Physical Activity and Sports Plan 2018 – 2021, which was considered as the following agenda item at the meeting, be incorporated into the Active4Today Business Plan. The Managing Director - Active4Today confirmed that the content of the Newark & Sherwood Physical Activity and Sport Plan 2018 – 2021 would be assessed and looked at in terms of delivery; flexibility would be required due to the Active4Today Business Plan currently operating for a one year period only.

A Member made reference to the Newark Sports Council Annual General Meeting (AGM) and asked if there was an Ollerton Sports Forum in existence. The Managing Director – Active4Today confirmed that he would seek confirmation of this; however, he did understand one did exist. He confirmed that all Sports Forums were run by volunteers from clubs, with Active4Today providing only secretariat support to the meetings; the Managing Director confirmed he would clarify the position and feedback that information to Members of the Committee.

A Member sought clarification as to whether GP referrals were still undertaken. It was confirmed that the referrals did take place, although not to the numbers previously seen; conversion rates were good as patients were being referred and were staying with the programme. In the past there was a higher referral rate but a 80% drop off rate. It was confirmed that banners were displayed in GP surgeries and a Leisure Officer periodically attended GP surgeries to promote the leisure services available. People can however, now self-refer onto pay and play classes including seated exercise and stroke-ability; these classes are well attended, by approximately 150 people per week. The Managing Director then informed the committee that he was going to look at another GP referral scheme over the next few weeks, which operated in another authority in partnership with the Clinical Commissioning Group (CCG). This scheme attracts funding of £750,000 per annum and is a preventative measure against bariatric surgery. Feedback will be provided to the Committee regarding that work.

A Member sought clarification regarding Wellow House School, the continuing swimming programme and proposed dry side usage and asked whether the dry side usage would compromise the Dukeries leisure centre. The Managing Director Active4Today confirmed that they were trying to broaden Active4Today's remit to get people more active. Discussions were taking place with the school Head regarding car parking at the school. Options available were being pursued including the possibility of car parking at the front of the school. Any changes made would be in conjunction with the Service Level Agreement.

A Member suggested an amendment for recommendation (a) which was subsequently agreed.

AGREED (with 9 votes For and 2 Abstentions) that:

- a) the Committee considered the Active4Today Draft Business Plan 2019/20 and asked the company to work with Council Officers to align its targets with the priorities which are approved for the Newark & Sherwood Sport and Activity Plan 2018/21 and provide a report to the January meeting of the Committee;
- b) the Quarter 2 performance be noted;
- c) Active4Today provides the January committee meeting with its latest in-year financial position and full year forecast in order that the Committee can form judgements on the appropriateness of the management fee payable in 2019/20; and

- d) the Committee approves the proposed reduction in the management fee payable to Southwell Leisure Centre Trust by £15,000 from 2019/20 and the remaining 50% of the management fee for Southwell being held in abeyance this year is paid.

29 NEWARK & SHERWOOD PHYSICAL ACTIVITY AND SPORT PLAN 2018 - 2021

The Committee considered the report presented by the Community Projects Manager which sought Committee approval for the adoption of the updated Newark & Sherwood Physical Activity and Sport Plan 2018 to 2021.

The Community Projects Manager informed the Committee that the Plan had been considered by the Corporate Management Team that morning and an amendment was proposed to the Vision to reflect the Plan's focus on addressing health inequalities in priority areas of the District.

A Member commented that whilst he supported in principle the plan, the plan did not provide the detail regarding how the plan would be delivered.

The Community Projects Manager confirmed that the plan did not include the detail regarding specific work programmes; however these would be established over time after discussions had been undertaken with Active4Today and other key community and voluntary sector partners, to look for them to lead on them. It was confirmed that the plan was not a focus on sport, but an emphasis to get people active through engagement in appropriate physical activities. Implementation plans would be developed over time and an annual review would be undertaken and reported back to the Committee.

A Member commented that whilst he agreed with the philosophy of the plan, if there were no resources to implement the plan he could not see how the plan could be delivered and subsequently make a difference to people's lives. A plan was needed regarding how the plan would be delivered and where the resources would come from.

A Member sought clarification regarding the approach to encourage obese people to engage in sport/physical activity, as they may be uncomfortable about their size, especially young people through peer group pressure. Another Member also suggested that school meals could be addressed to make them more inspirational as healthy did not have to be dull.

The Community Projects Manager confirmed that the Council would work closely with schools and partners to make sport and physical activity more attractive and accessible to children that are or are at risk of becoming overweight/obese. The local community would be engaged to see how behavioural change could be made to change attitudes to physical activity and sport.

AGREED (unanimously) that the Newark & Sherwood Physical Activity and Sport Plan 2018 – 2021 be approved and adopted.

30 UPDATE ON THE CLEANER, SAFER, GREENER CAMPAIGN

The Committee considered the report presented by the Strategic Development Manager which detailed the progress made since the successful launch of the campaign in July 2018 and the activities to date and upcoming activities for the Cleaner, Safer, Greener Campaign.

AGREED that the report be noted and further updates be brought back to Committee.

31 PROGRESS REPORT: NEWARK & SHERWOOD YMCA COMMUNITY AND ACTIVITY VILLAGE

The Committee considered the report presented by the Community Projects Manager which updated Members in respect of building progress at the Newark & Sherwood YMCA Community and Activity Village.

Members were informed that on 6 April 2017, Policy & Finance Committee agreed that specified S106 monies held by the Council, be allocated to the YMCA in respect of the Community and Activity Village. Those monies were subsequently added to the Council's Capital Programme. The YMCA commenced Phase 1 work at the above site in May 2018 and it was reported that they had made good progress to date. The report detailed progress to date regarding Phases 1 and 2 of the scheme. The report also provided an update regarding the land at Elm Avenue (the Stadium) and following the meeting of the Policy and Finance Committee on 30 November 2017, the land at Elm Avenue had been transferred to the District Council and work was progressing to secure external planning consultants to develop a scheme to seek to secure outline planning consent for residential development and if planning approval was secured, to market and dispose of the site. A sum of £50,000 was set aside to meet the costs of securing consent and subsequently marketing the site. On the disposal of the land 50% of the net capital receipt would be retained by the Council subject to it being ring-fenced to the Community and Activity Village. The remaining 50% would be transferred to the County Council under the terms of the land transfer.

The report also detailed the equalities implications and financial implications (FIN18-19/6048).

A Member asked that the YMCA be thanked for their work.

AGREED (unanimously) that the report be noted.

32 LEISURE & ENVIRONMENT COMMITTEE FORWARD PLAN

The Leisure & Environment Committee Forward Plan was provided for Member information. Members were encouraged to submit any areas of work they wanted to address for the forthcoming year.

NOTED the Forward Plan.

33 HEALTH & WELLBEING

The Leisure & Environment Committee Vice-Chairman informed the Committee that he had attended two Patient and Public Engagement Committees (PPEG) meetings, one Health and Wellbeing meeting and one Health & Wellbeing Board meeting since the last meeting of the Leisure & Environment Committee.

It was reported that the PPEG Committee was growing and the work plan was being agreed. Work was also being undertaken with the Patient Participation Groups.

The Health & Wellbeing Board had discussed the Nottinghamshire Integrated Care System. He commented that professionals would be located together in Hubs which would encourage joint thinking.

The Vice Chairman thanked the Interim Director for the work undertaken regarding the Health Forum which took place last month.

The Interim Director informed the Committee regarding the health partnership facilitated by the LGA which was delivering the Nottinghamshire Health & Wellbeing. A further partnership workshop would take place on 26 November 2018. The Partnership delivery plan would be brought to the January meeting of the Leisure & Environment Committee.

34 EXCLUSION OF THE PRESS AND PUBLIC

That, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of part 1 of Schedule 12A of the Act.

35 MODULAR POOL AT THE DUKERIES LEISURE CENTRE

The Committee considered the report presented by the Director of Customers which sought Committee approval for the development of a modular pool at the Dukeries Leisure Centre.

(Summary provided in accordance with 100C(2) of the Local Government Act 1972).

Meeting closed at 7.28 pm.

Chairman

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **General Purposes Committee** held in the Castle House, Great North Road, Newark, Notts. NG24 1BY on Thursday, 15 November 2018 at 6.00 pm.

PRESENT: Councillor Mrs R Crowe (Chairman)
Councillor I Walker (Vice-Chairman)

Councillor Mrs K Arnold, Councillor Mrs I Brown, Councillor D Clarke,
Councillor M Cope, Councillor Mrs S Michael, Councillor D Payne,
Councillor Mrs S Saddington, Councillor Mrs L Tift, Councillor B Wells
and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor Mrs B Brooks, Councillor P Duncan and Councillor Mrs S Soar

18 DECLARATIONS OF INTERESTS FROM MEMBERS AND OFFICERS

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

19 DECLARATION OF ANY INTENTION TO RECORD THE MEETING

NOTED: that an audio recording was to be made of the meeting by the Council.

20 MINUTES OF THE PREVIOUS MEETING

Minute No. 15 – Proposed Amendment to Castlegate Taxi Rank

The Business Manager – Environmental Health & Licensing advised the Committee that he had spoken to the relevant Officer at Nottinghamshire County Council to remind them that the matter remained outstanding.

AGREED (unanimously) that the Minutes of the meeting held on 6 September 2018 be approved as a correct record and signed by the Chairman.

21 DEPARTMENT OF TRANSPORT TASK & FINISH GROUP - TAXI & PRIVATE HIRE VEHICLE LICENSING

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing in relation to the recommendations of the Task & finish Group on taxi and private vehicle licensing.

The report set out the background to the establishment of the Department for Transport's Task & Finish Group and the objectives thereof. Paragraph 4.0 of the report set out the recommendations of the Group with those of most relevance being specifically reported. In considering the report Members made a number of specific comments.

A Member expressed some concern in relation to the Recommendation No. 21, stating that an isolated offence in someone's past could prevent the person they were now from getting on with their life. He also added that Recommendation No. 17 may lead to issues with data protection laws. However, on the whole he supported the recommendations and the proposal to lobby the district's MPs requesting them to support and promote the Task & Finish Group's recommendations within Parliament.

In response to when the recommendations may become operational, the Business Manager advised that this was not known.

Members all agreed that Recommendation No. 11 was particularly welcomed and would help to eradicate the ongoing problems with taxi operators employing drivers from outside the area.

AGREED (unanimously) that:

- (a) the recommendations of the Department of Transport Task & Finish Group be endorsed;
- (b) the local MPS be written to seeking their support for the recommendations contained within the Task & Finish Group's report;
- (c) the local MPs promote the aforementioned report and its recommendations within Parliament.

22 NATIONAL DATABASE OF REFUSED AND REVOKED LICENCES

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing in relation to the creation of a national database for the recording of refused and revoked Hackney Carriage & Private Hire Drivers. The report also sought Members' approval for Officers to upload driver details to the database.

The report set out the background to the proposed creation of the database highlighting that many licensing authorities were concerned with the lack of ability to obtain reliable information with regard to the past licensing history of applicants for a HC or PH Drivers' Licence. The proposals for the databases creation were listed at paragraph 3.0.

In considering the report Members expressed their support for the creation of the database. A Member noted that it was proposed that all new drivers be checked against the database but queried whether there were any proposals to check the records of existing drivers. The Licensing Officer advised that DBS checks were carried out annually and that a check on the national database could be carried out at the same time.

AGREED (unanimously) that the new register of refusals and revocations be noted and that:

- (a) data be uploaded onto the database in line with data protection rules be approved;
- (b) all new drivers be checked against the national database; and
- (c) the application forms be amended to inform drivers that their details will be entered on the register if their licence is refused or revoked in the future.

23 REVIEW OF STATEMENT OF GAMBLING POLICY - CONSULTEES RESPONSE

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing in relation to the feedback received from the consultation carried out into the review of the Statement of Gambling Policy. The report also sought Members' approval to recommend to full Council the adoption of the Policy.

The report set out the requirements on the Licensing Authority to review the Policy at least every 3 years and provided specific information as to the Council's current stance in relation to Casinos.

In considering the report Members noted that only 10% of under-18s were challenged in public houses when using gaming machines. They further noted that several MPs had expressed concern about fixed odd betting machines and the problems they caused. The Business Manager advised that there were such machines in betting shops and that they were very high stake value with the user spending approximately £20 every 20 seconds.

AGREED (unanimously) that:

- (a) the consultee responses be noted; and
- (b) the draft Statement of Gambling Policy be supported and forwarded to Full Council with a recommendation for approval.

24 UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS

The Committee considered the report presented by the Licensing Officer in relation to the activity and performance of the Licensing Team with details of the current ongoing enforcement issues.

The report covered the period 1 July to 30 September 2018 inclusive and set out the range and number of licence applications during that period. It also highlighted any activity required as a result of the applications.

Information contained in the report related to the number of applications for grants and renewals of licences for Hackney Carriage; Private Hire; and Ambulance Drivers together with those for vehicles. Information was also provided in relation to both street and house to house collections. Enforcement activity was also listed with information as to what action had been taken to-date for the aforementioned period.

A Member expressed concern about the enforcement issue in relation to the alleged taxi firm operating in Newark without a licence and advertising their services on Facebook, noting that if it was accurate the matter was a criminal offence. Members were advised that the Licensing Enforcement Officer had spoken with the individual and advised him of his obligations. However, there had been no evidence that such activity had taken place.

AGREED (unanimously) that the report be noted.

25 EXCLUSION OF THE PRESS AND PUBLIC

That, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of part 1 of Schedule 12A of the Act.

26 MINUTES OF HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS/VEHICLE SUB-COMMITTEE

27 AGREED (unanimously) that the Minutes of the Hackney Carriage/Private Hire Drivers' Sub-Committee held on 21 September 2018 be noted.

28 AGREED (unanimously) that the Minutes of the Hackney Carriage/Private Hire Drivers' Sub-Committee held on 21 September 2018 be noted

Meeting closed at 7.19 pm.

Chairman

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Licensing Committee** held in the Castle House, Great North Road, Newark, Notts. NG24 1BY on Thursday, 15 November 2018 at 6.00 pm.

PRESENT: Councillor Mrs R Crowe (Chairman)
Councillor I Walker (Vice-Chairman)

Councillor Mrs K Arnold, Councillor Mrs I Brown, Councillor D Clarke,
Councillor M Cope, Councillor Mrs S Michael, Councillor D Payne,
Councillor Mrs S Saddington, Councillor Mrs L Tift, Councillor B Wells
and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor Mrs B Brooks, Councillor P Duncan and Councillor Mrs S Soar

21 DECLARATIONS OF INTERESTS FROM MEMBERS AND OFFICERS

NOTED that no Member of Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

22 DECLARATION OF ANY INTENTION TO RECORD MEETING

NOTED that there would be an audio recording of the meeting undertaken by the Council.

23 MINUTES OF THE PREVIOUS MEETING

Minute No. 17 – Community Alcohol Partnership in Ollerton (UPDATE)

Councillor Wells advised that he had attended one meeting of the Group but had not received an invitation to any subsequent meetings.

Officers advised that work had commenced in the local area and was being supported by both Managers from Tesco and Asda who had offered to train smaller businesses in the area around the Challenge 25 Scheme.

Officers also advised that some test purchasing had been undertaken in the area using employees of the Council who were all over 18 but who did not look 25 years old. Of the 6 test purchases carried out, 3 had resulted in the challenge being made and 3 premises had sold alcohol without asking the individual for proof of age. The 3 premises in question had been advised of their responsibilities by the Licensing Enforcement Officers.

AGREED (unanimously) that the Minutes of the Meeting held on 6 September 2018 be approved as a correct record and signed by the Chairman.

24 PRESENTATION OF SCHEMELINK SOFTWARE FOR PUBWATCH

The Committee received a remote presentation of SchemeLink, the app that had been developed as a central point for easier data sharing and communication across scheme types. The Licensing Enforcement Officer provided Members with a brief overview of how the app would work in practice and the parameters of within which users would have to work in order to comply with all legal requirements e.g. in the uploading and sharing of photographic images. It was noted that the app had been in use in the Retford area for a period of 6 months and that it had been of great benefit.

In response to Members querying the cost of the app, the Business Manager – Environmental Health & Licensing advised that if purchased on an individual basis it was £35.99 but, with Committee approval, it was intended to purchase 40 licences which would reduce the cost of £31.00 per licence/pa. These would then be shared amongst the members of PubWatch and it was hoped that after the 12 month period, the members would purchase their own licence.

A Member of the Committee noted the restrictive guidelines in relation to the use of photographic images and queried how this would be of benefit to users. The Committee were informed that it was often the case that the individual who was of concern displayed their facial image on social media and as that was already in the public domain these were being uploaded and used on the app.

Members queried whether the use of the app by PubWatch would allow the user to access other schemes e.g. ShopWatch or HotelWatch. Officers advised that following the purchase of the licences by the Council they then had the choice of who received them, however, it was likely that it would attract an additional cost. Members stated that they would wish to see its use restricted to PubWatch.

In relation to how the individual premises would log in, Members were advised that this would be done by email and password. It was anticipated that each pub would use a generic email and then issue staff with the password. This could be changed on a nightly basis to restrict it to employees who were working a specific shift.

AGREED (unanimously) that the purchase of 40 annual licences for the SchemeLink app, at a cost of £1,240 for one year only, be supported and approved.

25 REVIEW OF CONTROLS FOR DRINKING IN PUBLIC PLACES

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing which sought to inform Members of the changes to the legislative controls relating to Designated Public Places Orders (DPPOs) and the control of drinking in public places. The report also sought Members approval to commence a consultation process on the use of Public Spaces Protection Orders (PSPOs) to control drinking in public places.

It was reported that there had been 14 DPPOs in the district, with the areas listed in paragraph 2.3 of the report, all of which had automatically been transferred to PSPOs in October 2017 and that these must be reviewed within a 3 year period of transfer. Paragraph 3.5 set out the basis on which a local authority could make a PSPO. It was

proposed that the relevant town and parish councils be contacted as to whether they would seek to renew, replace or remove the current controls for drinking in public spaces and that comment also be sought from the Police and the Council's Community Safety Business Unit.

To clarify, the Business Manager advised that the Orders did not prohibit the drinking of alcohol in public spaces but gave the Police powers to stop an individual drinking alcohol if there was a possibility of antisocial behaviour occurring. He also advised that prior to the Inspector for Newark leaving to take up her new role, she had stated that she thought there was insufficient evidence to support some of the Orders' continuation.

In relation to how these Orders would be enforced, the Business Manager advised that under the Council's recently launched Cleaner, Safer, Greener Campaign there would be a recruitment of Neighbourhood Wardens who would be authorised to confiscate alcohol as well as Police Officers.

AGREED (unanimously) that the transfer of DPPOs to PSPOs and the proposals for consultation be noted and supported.

26 REVIEW OF STATEMENT OF LICENSING POLICY - CONSULTEE RESPONSES

The Committee considered the reported presented by the Business Manager – Environmental Health & Licensing which sought Members' approval for the proposed revision of the Council's Licensing Policy and a recommendation to Full Council for approval and adoption.

The Committee had approved some amendments to the Policy in June 2018 and that it be released for consultation. The responses received to that were included at Appendix 1 to the report. Paragraph 3.2 of the report stated that there had been no substantial changes made as a result of the responses received.

A Member of the Committee noted that there was a congregation of establishments in Newark Market Place and queried whether consideration had been given to preventing this in future. The Business Manager advised that location would be a planning matter and that when determining an application for a premises licence the demand for a premise could not be taken into consideration. It was also noted that a more diverse spread of establishments led to lower levels of antisocial behaviour.

Members noted the comments in relation to vertical drinking made by Newark Town Council and that it should be supported. The Chairman commented that this had been subject to discussion some years previously when evidence had shown that vertical drinking was the main source of antisocial behaviour.

AGREED (unanimously) that the draft Statement of Licensing Policy be approved and forwarded to full Council with a recommendation for adoption.

27 MINUTES OF LICENSING HEARING HELD ON 21 SEPTEMBER 2018

AGREED (unanimously) that the Minutes of the Licensing Hearing held on 21 September 2018 to consider the suspension or revocation of a Personal Licence be noted.

28 TEMPORARY EVENT NOTICES RECEIVED AND ACKNOWLEDGED BETWEEN 1 JULY AND 30 SEPTEMBER 2018

The Committee considered the report presented by the Licensing Officer in relation to Temporary Event Notices received between 1 July to 30 September 2018.

A Member of the Committee noted that a particular venue continued to have numerous TENs to supplement their Premises Licence with the Member stating that he considered it to be an abuse of the licensing process. The Business Manager advised that there was a planning and environmental health investigation into the area.

AGREED (unanimously) that the report be noted.

29 UPDATE ON QUARTERLY PERFORMANCE AND ENFORCEMENT MATTERS

The Committee considered the report presented by the Licensing Officer in relation to the activity and performance of the Licensing Team between 1 July and 30 September 2018.

AGREED (unanimously) that the report be noted.

30 EXCLUSION OF THE PRESS AND PUBLIC

That, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 7 of part 1 of Schedule 12A of the Act.

None

Meeting closed at 6.50 pm.

Chairman

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Audit & Accounts Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Wednesday, 28 November 2018 at 11.00 am.

PRESENT: Councillor Mrs S Michael (Chairman)

Councillor B Crowe, Councillor P Handley and Councillor B Wells

APOLOGIES FOR ABSENCE: Councillor D Payne

57 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

That no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

58 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

There were no declarations of intention to record the meeting.

59 MINUTES OF THE PREVIOUS MEETING

AGREED That the Minutes of the meeting held on 25 July 2018 be approved as a correct record and signed by the Chairman.

60 TREASURY PERFORMANCE HALF-YEARLY REPORT

The Assistant Business Manager- Financial Services presented the Treasury Management Performance half yearly report. The report provided an update on the Council's treasury activity and prudential indicators for the first half of 2018/19. None of the Prudential Indicators have been breached and a prudent approach had been taken in relation to the investment activity, with priority being given to security and liquidity over yield.

Members noted the new international financial reporting standard (IRFS) 9- Financial Instruments. Officers had prepared workings papers for all the current live investments that were held before IFRS9 was implemented, on the business model of 'achieve objectives by collecting contractual cash flows' and confirmed with the Councils External Auditors, Mazars, that the impact would be immaterial.

Members considered the prudential indicators, the economic background and local context, levels of borrowing and investment activity. Members noted that the Council had been notified by Lloyds bank plc, the Councils current banking service providers, that they had reviewed the contractual arrangement with its local authority customers, and concluded that each local authority should enter into an agreement where a set off or transfer of credit balances in accounts held with the bank, in or towards the satisfaction of any liabilities can be carried out. The Council had been

successfully operating this process since transferring over to Lloyds in 2017 and the agreement allowed the Council to continue to have credit and debit balances across all of its Lloyds bank accounts.

Members considered, in detail, the capital expenditure for 2018/19. The Committee requested a report at their next meeting detailing carry forwards and the process for seeking approval for a carry forward, and a comparison on the carry forward from 2017/18. They were concerned that the Council would be required to undertake borrowing to fund projects which were then carried forward. The Business Manager-Financial Service explained that there was no borrowing at the moment, and where possible, internal borrowing would be preferential, to avoid interest costs.

AGREED

- (a) that members approve the new Prudential Indicator for Interest Rate Exposure contained within the Treasury Management Strategy as per section 5 and recommend to full Council on 11 December;
- (b) the treasury activity be noted;
- (c) the Prudential Indicators detailed in Section 10 of the report be noted;
- (d) the business model applied to all current investment re IFRS9, section 4.5 and section 9.2, is to 'achieve objectives by collecting contractual cash flows'; and
- (e) the Lloyds Set Off agreement as detailed at 12.1 and 12.2 is noted and approved.

61 EXTERNAL AUDITOR'S ANNUAL AUDIT LETTER 2017/18

The Business Manager- Financial Services, presented the External Auditors Annual Audit Letter, 2017/18. He explained that KPMG had now been replaced by Mazars, and as such this was the last report from KPMG the Committee would receive.

KPMG had issued an unqualified opinion on the Statement of Account and Value for Money arrangements on 31 July 2018. Members noted an additional fee of £2,398 for additional work undertaken in relation to the valuation and sale of Kelham Hall. Helen Brookes of Mazars confirmed that the fee would be subject to approval by Public Sector Audit Appointments.

AGREED that the Committee considered the External Auditor's Annual Audit Letter 2017/18.

62 INTERNAL AUDIT PROGRESS REPORT

The Principle Auditor- Assurance Lincolnshire was in attendance to present the Internal Audit Progress report. The Committee heard that 7 audits had been issued during the period, ICT PCIDSS with limited assurance and a further 6 with substantial assurance. These were IR35, S106, Risk Management, Active4Today creditors, Key controls and ICT Meritec system.

Regarding the ICT PCIDSS audit, the Business Manager- Financial Services reported a reply from the Assistant Business Manager ICT. He reported that ICT had made significant progress towards PCI compliance and had tried to achieve this over a 4 year period. A recent audit suggested that ICT start a fresh on PCI-DSS, which would begin January 2019 with an expected completion date by April 2019. Previous GAP analysis suggests that the whole network was in scope, therefore a Self-Assessment level D was likely. Information provided suggests this was due to telephone payments taken without a midcall solution which hands off the payment phone calls to an external provider and then confirms the payment has been taken.

Members also noted audits in progress and outstanding recommendations. A 'spot check' of 6 recommendations revealed that all 6 had been implemented and there was sufficient evidence to support the actions taken.

AGREED that the Committee considered and noted that progress report.

63 COUNTER-FRAUD ACTIVITY REPORT

The Business Manager- Financial Services presented a report detailing the Counter Fraud activities undertaken from 1 April 2018 to 30 September 2018.

Members noted that since 1 December 2015, 105 potentially fraudulent claims for housing benefit have been referred to the Fraud and Error Service for investigation. An annual strategic risk review was completed with CMT during July 2018. This considered all risks that the Council faced inclusive of the fraud risks. It was felt that the fraud risks needed to be held with more prominence within the performance management system to ensure that they were reviewed in timely intervals and to help develop practical measures to mitigate the risks. The fraud risks had been re-categorised as operational risks.

Work on the National Fraud Initiative 2018/19 would commence in January 2019. During 2017/18 period initiative, 1,229 Council Tax single person discount awards were investigated. Of the matches generated by NFI, 60 cases of suspected fraud were identified amounting to £17,226.

AGREED that the report be noted.

64 RESPONSES TO QUESTIONS RAISED AT PREVIOUS MEETING

In response to a query regarding hybrid mail, the Business Manager- Financial Services informed the Committee that the current status of Hybrid Mail was the the existing contract with Canon Business Services had been extended for 2 months up to 30 November 2018 to enable the Council to complete the User Acceptance Testing for the new contract. The new contract would use the same software platform to process mail but use Nottinghamshire County Council (NCC) to print, fulfil the envelopes and post it. It was anticipated that there would be an improvement in doorstep mail delivery times due to the fact that mail is fulfilled 'locally' by NCC within Nottinghamshire and handed over to Royal Mail in Nottingham for processing and subsequent delivery to addressees within our District.

65 AUDIT COMMITTEE WORK PROGRAMME

The Committee noted the Work Programme.

66 DATE OF NEXT MEETING

Wednesday 6 February 2019, 10am, Castle House.

Meeting closed at 11.52 am.

Chairman

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Shareholder Committee** held in the Room S1/S2, Castle House on Tuesday, 23 October 2018 at 10.00 am.

PRESENT: Councillor D Payne and Councillor D Staples

APOLOGIES FOR ABSENCE: Councillor D Lloyd (Chairman), Councillor P Handley and Councillor P Peacock

7 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

There were no declarations of interest.

8 DECLARATIONS OF ANY INTENTIONS TO RECORD THE MEETING

There were no declarations of intention to record the meeting.

9 MINUTES OF PREVIOUS MEETING

AGREED (unanimously) that the minutes of the meeting held on 29 March 2018 be approved as a correct record and signed by the Acting Chairman.

10 COMPANY PROGRESS REPORT

The Committee considered the report presented by the Policy & Projects Officer which set out the progress of Arkwood Developments Ltd. business activities.

The report set out the remit of the company and provided a full report of its progress together with key activities. In relation to paragraph 3.3, officers clarified that an external recruitment agency had been engaged to undertake the recruitment and appointment of the Non-Executive Director and would also be engaged to assist in the recruitment and appointment of the Managing Director. However, the intention was that day to day human resources matters would be carried out by the Council's Human Resources Team.

AGREED (unanimously) that:

- (a) the content of the reported be noted;
- (b) the provision of human resources services to Arkwood Developments Ltd. reflect the original intention as set out in the business case with routine human resources matters being dealt with by the Council's Human Resources Team but with specialist external human resources advice being sought where necessary and appropriate; and
- (c) the drawdown of £100,00 from the allocated budget be noted.

11 RISK MANAGEMENT PROFILE

The Committee considered the report presented by the Policy & Projects Officer which provided Members with the risk management profile for Arkwood Developments Ltd. The profile was developed in accordance with the Council's risk management process and it was produced in conjunction with the Council's Safety & Risk Management Officer. Paragraph 3.2 of the report set out the five main areas of risk with the full profile being attached as an appendix to the report.

In considering the report Members noted the importance of recognising the risks. A Member queried whether the recently announced changes to the HRA funding and market changes in house building had been assessed and included. In response, Officers advised that the recent specific changes had not been included at this stage but the profile would be regularly updated.

The Council's Director – Resources, who was in attendance at the meeting, stated that he was there in a dual capacity, acting also as the interim Managing Director for Arkwood Developments Ltd. He commented that the market had changed, noting that this was not just in relation to house prices. He stated that construction costs had also been affected and that there was a shortage of skilled workers such as brick layers and also a shortage of construction materials. He stated that, when appointed, the Non-Executive Director and Managing Director of Arkwood Developments Ltd. would bring with them their expertise and that the Business Case would be reviewed, revised and brought back to both the Shareholder Committee and the Company for approval. He reiterated that the Risk Register would be under constant review.

AGREED (unanimously) that the report be noted.

12 EXCLUSION OF PRESS AND PUBLIC

AGREED (unanimously) that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

13 APPOINTMENT LETTER AND STATEMENT OF TERMS OF EMPLOYMENT - MANAGING DIRECTOR

The Committee considered the exempt report presented by the Policy & Projects Officer in relation to the appointment letter and terms and conditions of employment for the Managing Director of Arkwood Developments Ltd.

(Summary provided in accordance with 100C(2) of the Local Government Act 1972).

14 APPOINTMENT OF NON-EXECUTIVE DIRECTOR

The Committee considered the report presented by the Policy & Projects Officer which sought Members' approval for the appointment of Mark Stevenson to the post of Non-Executive Director and the terms and conditions of the post to Arkwood Developments Ltd.

Paragraph 3.0 of the report set out the remit of the Non-Executive Director and that the post was for a fixed period of 2 years. The appointment constituted a 'contract for services'.

It was noted that the Chairman of the Shareholder Committee had been involved with the recruitment of Mr. Stevenson with the Chief Executive advising that his working background enabled him to know, in detail, how the development industry carried out their operations.

AGREED (unanimously) that:

- (a) the appointment of Mark Stevenson to the post of Non-Executive Director to Arkwood Developments Ltd. be approved; and
- (b) the terms and conditions of appointment of the Non-Executive Director of Arkwood Developments Ltd., as set out in the report, be approved.

Meeting closed at 10.40 am.

Chairman

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 6 November 2018 at 4.00 pm.

PRESENT: Councillor D Payne (Chairman)
Councillor P Handley (Vice-Chairman)

Councillor Mrs K Arnold, Councillor R Blaney, Councillor Mrs C Brooks,
Councillor B Crowe, Councillor Mrs M Dobson, Councillor J Lee,
Councillor Mrs P Rainbow, Councillor F Taylor, Councillor Mrs L Tift,
Councillor I Walker, Councillor B Wells and Councillor Mrs Y Woodhead

APOLOGIES FOR Councillor P Duncan
ABSENCE:

108 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor Mrs M Dobson declared a Personal Interest in Agenda Item No. 10 – 9 The Paddocks, Newark (18/01402/FUL) as the applicant was known to her.

Councillor D.R. Payne, I. Walker and B. Wells declared Personal Interests in Agenda Item No. 9 – Land Adjacent Bramley House, Burnmoor Lane, Eglington (18/00787/FUL) as they were Members of the Trent Valley Internal Drainage Board.

Councillor Mrs P Rainbow declared a Personal Interest in Agenda Item No. 16 – Land to the Rear of Franklyn, Lower Kirklington Road, Southwell (18/01711/FUL) as the applicant was her neighbour.

109 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting.

110 MINUTES OF THE PREVIOUS MEETING

The Committee considered the minutes of the meeting held on 2 October 2018.

AGREED (unanimously) that the minutes of the meeting held on 2 October 2018 be approved as a correct record and signed by the Chairman.

111 WOOD VIEW, THE CLOSE, AVERHAM (18/01421/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought the erection of a new dwelling including the demolition of the existing flat roofed garage.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Planning Committee Members. Following the site visit Members requested clarification on whether the applicant had ownership/control of the boundary hedgerow to the side and rear. The

agent had confirmed that the applicant had ownership of the rear and side boundary hedgerow and agreed that it could be retained to retain privacy between dwellings.

Members considered the application and felt that the proposed dwelling would have an impact on the neighbouring property Pinfold Cottage. There appears to be a 1.5 metre difference in land levels and impacts are further exasperated by the new dwelling being two storeys. The size of the plot is too small for the dwelling. Members considered that it would not preserve or enhance the character and appearance conservation area and felt that it would dominate and be of harm to the amenity of Pinfold Cottage.

AGREED (unanimously) that contrary to Officer recommendation full planning permission be refused for the following reasons:

- i) The impact on the neighbouring property and residential amenity; and
- ii) The proposal would harm the character and appearance of the in the conservation area.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
Mrs K. Arnold	For
R.V. Blaney	For
Mrs A.C. Brooks	For
R.A. Crowe	For
Mrs M. Dobson	For
P. Duncan	Absent
G.P. Handley	For
J. Lee	For
D.R. Payne	For
Mrs P. Rainbow	For
F. Taylor	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	For

112 NOTTINGHAMSHIRE SCOUTS ADVENTURE, HOVERINGHAM ACTIVITY CENTRE, THURGARTON LANE, THURGARTON (18/01298/FULM)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought a variation of condition 2, 13 and 14 attached to planning permission 15/01537/FULM.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Hoveringham Parish Council.

Members considered the application and felt that the works undertaken by the Scout

Association were much improved in relation to the previously considered application. It was felt that any consent should be subject to the fourth container being painted green and the higher fence to the rear of the containers to be reduced in height to match the rest of the site.

AGREED (unanimously) that full planning permission be granted subject to the conditions contained within the report and the following amendment to Condition 12:

The fence to the rear of the containers be reduced in height to match the fence around the site and the fourth container to be painted green to match the three containers on site, works to be completed within three months.

113 ROSE COTTAGE, FARNSFIELD ROAD, BILSTHORPE (18/00629/OUT)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought planning permission for the demolition of Rose Cottage and associated outbuildings and the construction of nine new properties and the rebuilding of Rose Cottage.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from a neighbour and agent.

Members considered the application and concerns were raised regarding the one way road system which would be in private ownership and could not be enforced. It was suggested that the road be taken from Farnsfield Road and adopted. Members considered this development with nine dwellings and an unenforceable one way road system not appropriate for the site

AREED (unanimously) that contrary to Officer recommendation outline planning permission be refused for the following reasons:

The limitation of access resulted in a contrived internal layout which was inconsistent and would result in an over intensification development.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
Mrs K. Arnold	For
R.V. Blaney	For
Mrs A.C. Brooks	For
R.A. Crowe	For
Mrs M. Dobson	For
P. Duncan	Absent
G.P. Handley	For
J. Lee	For

D.R. Payne	For
Mrs P. Rainbow	For
F. Taylor	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	For

114 RHED COTTAGE, STATION ROAD, OLLERTON (18/01616/OUT)

The application was withdrawn from the agenda.

115 LAND ADJACENT BRAMLEY HOUSE, BURNMOOR LANE, EGMANTON (18/00787/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought the erection of a four bedroom detached house with double garage.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Nottinghamshire County Council Highways.

Members considered the application and felt that the proposal was not acceptable due to the scale of the dwelling and the impact on the amenity space of Bramley House.

AGREED (with 9 votes For and 5 votes Against) that contrary to Officer recommendation full planning permission be refused for the following reasons:

The scale of the property is inappropriate on this site and would overlook and impact on the amenity space of Bramley House to the rear.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
Mrs K. Arnold	For
R.V. Blaney	For
Mrs A.C. Brooks	For
R.A. Crowe	Against
Mrs M. Dobson	For
P. Duncan	Absent
G.P. Handley	For
J. Lee	For
D.R. Payne	Against
Mrs P. Rainbow	For
F. Taylor	Against
Mrs L.M.J. Tift	For

I. Walker	Against
B. Wells	Against
Mrs Y. Woodhead	For

116 9 THE PADDOCKS, NEWARK (18/01402/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought part conversion of 9 The Paddocks to create an additional Chalet Bungalow within the site, the application was a resubmission of withdrawn application reference no. 18/00683/FUL.

Councillor D. Lloyd representing Newark Town Council and local Ward Member for Beacon Ward spoke against the application in accordance with the views of Newark Town Council as contained within the report.

Members considered the application and it was commented that the proposed extensions to create the additional dwelling would be out of character with the plots in the vicinity resulting in incongruous additions which would dominate a prominent corner plot. Members were keen to protect the local distinctiveness of the typical 1970's estate design and layout.

AGREED (with 13 votes For and 1 Abstention) that contrary to Officer recommendation planning permission be refused for the following reasons:

The proposed extensions to create the additional dwelling would be out of character with plots in the vicinity resulting in incongruous additions which would dominate a prominent corner plot. The Planning Committee were keen to protect the local distinctiveness of the typical 1970's estate design and layout.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
Mrs K. Arnold	For
R.V. Blaney	For
Mrs A.C. Brooks	For
R.A. Crowe	For
Mrs M. Dobson	Abstained
P. Duncan	Absent
G.P. Handley	For
J. Lee	For
D.R. Payne	For
Mrs P. Rainbow	For
F. Taylor	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	For

117 NEWARK LORRY PARK (17/01090/FULM)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought planning permission for the extension of Newark Lorry Park onto adjacent parcels of land which were currently being unused and the provision of a fuel bunker on existing lorry park land. Proposals were intended to accommodate the displacement lorry parking spaces which had been lost due to a neighbouring development.

Members considered the application and it was commented that reports had been taken to the Operational Committees who were all supportive of the developments to this site. It was reported that the lorry park was a much used facility and that Newark town centre also benefited economically. It was considered a crucial gateway to Newark which should be retained and the land maximised to its full potential.

(Councillor F. Taylor left and returned to the meeting during the Officer presentation and took no part in the debate or vote).

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report.

118 FUTURE FISHING HARDY'S BUSINESS PARK (18/01118/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought full planning permission to retain the existing building and use as a Sui Generis Retail Warehouse Club with ancillary B1 (Business) and B8 (Storage and Distribution) uses. The application was retrospective and the building had been in situ since May 2016 according to the planning application forms.

The Business Manager Growth & Regeneration informed the Committee that six car parking spaces and overspill parking for customers could be secured through condition and the applicant was in agreement with that requirement. The Highways Authority raised no objection to the proposed parking arrangements.

Members considered the application and the local Ward Member commented that he would accept the officer recommendation providing that the Planning Authority had the resources to ensure that the recommendations were complied with. The Business Manager Growth & Regeneration confirmed that they had the ability to serve enforcement action on the applicant/company and that three applications had already been taken through enforcement action.

(Councillor F. Taylor left and returned to the meeting during the Officer presentation and took no part in the debate or vote).

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and an additional condition requiring details of site circulation and the demarcation of car parking spaces.

(Councillor J. Lee left the meeting at this point).

119 BROOKLYN, LOWER KIRKLINGTON ROAD, SOUTHWELL (18/01337/RMA)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought reserved matters for the erection of three dwellings. Approval was sought for the design, siting, scale and layout. Approved reference 17/00383/OUT.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from a local resident; Nottinghamshire County Council Highways Authority and the agent.

Members considered the application and it was commented that the Planning Committee had previously refused the application due to the location of two allocated sites in that vicinity. The application had been approved on appeal. It was therefore commented that the Officers report was correct and that the local need for the dwellings should be demonstrated.

A Member commented that whilst she sympathised with the applicant, Southwell did need two bedroomed properties in the centre of Southwell and not on this location as a car would be needed to drive into the centre of Southwell. The proposed dwellings were large in scale, the application was approved on appeal but was not what was shown.

A Member sought clarification regarding the scale of the dwellings as the report indicated a 50% increase in floor space but then specified that there was no gross difference. The Business Manager Growth and Regeneration confirmed that the Planning Inspectors comments were ambiguous regarding the need element as there was a 2.7% need for five bedroom homes, he had however calculated the need together for the 2, 3 and 4 bed roomed homes.

The Business Manager advised that the larger units proposed were not genuine 4 and 5 bed units and that therefore the need had not been met.

(Councillor J. Lee left the meeting during the Officer presentation and debate and took no part in the vote).

AGREED (unanimously) that planning permission be refused for the reasons contained within the report.

120 2 FORESTRY HOLDINGS, EDWINSTOWE (18/01563/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought the removal of an existing timber storage building and the erection of a holiday lodge.

Members considered the application and whilst some concern was raised why the applicant wanted to remove an identical timber building and replace it with a similar one, other Members considered the application acceptable and the replacement dwelling would bring the accommodation up to date in quality and would be more

economical to replace the dwelling than repair the old one.

(Councillor P. Handley left and returned to the meeting during the Officer presentation and took no part in the debate or vote).

AGREED (with 8 votes For and 4 votes Against) that planning permission be approved subject to the conditions and reasons contained within the report.

121 MEADOW VIEW, FISKERTON ROAD, ROLLESTON (18/01592/OUT)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought outline planning permission for the erection of a dormer bungalow on the paddock land.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the agent.

Members considered the application and felt that the Officer recommendation for refusal was correct. It was commented that reference to the application having to be built in flood zone 1 should be contained in reason 2 for refusal.

AGREED (unanimously) that full planning permission be refused for the reasons contained within the report.

122 LAND TO THE REAR OF FRANKLYN, LOWER KIRKLINGTON ROAD, SOUTHWELL (18/01711/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought the variation of condition 2 attached to the appeal decision APP/B3030/W/17/317963 for planning permission 17/00623/FUL to amend the proposed floor plans and elevations.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the agent.

Members considered the application and some Members felt that the application should be refused as it was contrary to Planning Inspectorate conditions 2 and 4, other Members felt that a pragmatic approach should be taken.

AGREED (with 6 votes For, 6 votes Against and 1 Abstention, the Chairman used his casting vote in support of the application) that planning permission be approved subject to the conditions contained within the report.

123 APPEALS LODGED

AGREED that the report be noted.

124 APPEALS DETERMINED

AGREED that the report be noted.

125 QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT 1 JULY TO 30 SEPTEMBER 2018

AGREED that the report be noted.

126 EXCLUSION OF THE PRESS AND PUBLIC

There were none.

Meeting closed at 6.20 pm.

Chairman

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 20 November 2018 at 4.00 pm.

PRESENT: Councillor D Payne (Chairman)
Councillor P Handley (Vice-Chairman)

Councillor Mrs K Arnold, Councillor R Blaney, Councillor Mrs C Brooks, Councillor B Crowe, Councillor Mrs M Dobson, Councillor P Duncan, Councillor J Lee, Councillor Mrs P Rainbow, Councillor F Taylor, Councillor Mrs L Tift, Councillor I Walker and Councillor Mrs Y Woodhead

APOLOGIES FOR Councillor B Wells
ABSENCE:

127 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were none.

128 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting.

129 MINUTES OF THE PREVIOUS MEETING

The Committee considered the minutes of the meeting held on 6 November 2018.

AGREED (unanimously) that the minutes of the meeting held on 6 November 2018 be approved as a correct record and signed by the Chairman.

130 ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business and Agenda item 7 was taken after item 8, the agenda resumed is stated order thereafter.

The Committee was informed of an urgent item of business to be included on the agenda. The report related to the planning application for Future Fishing Ltd, Hardys Business Park, Hawton Lane, Farndon, which had been appended to the Schedule of Communication and tabled.

131 FORMER NEWARK REGISTRAR OFFICE, NEWARK MUNICIPAL BUILDING, BALDERTON GATE, NEWARK (18/01917/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought additional parking to the rear of the former Municipal Offices including new tarmac surface, drainage, lighting and landscaping and provide additional parking access accessible from London Road car park. The development

would provide 36 additional parking bays including 2 additional disabled parking bays.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from members of the public; the Newark & Sherwood Green Party; and Planning Case Officer. A petition with 712 signatures had been submitted for the application to be refused, the locations of those that had signed the petition had been received from the UK, India, China, Australia and other European countries.

The Business Manager Growth & Regeneration informed the Committee that the proposed car park would provide 36 additional car park spaces which would include 2 disabled parking spaces as there had been some discrepancies within the report.

Members considered the application and it was commented that car parking in Newark Town Centre was very valuable and the current car parks on London Road were heavily used. Balderton Gate had changed over the years and was a modern area and the proposed car park would be of benefit to the public.

A Member raised concern regarding the proposed layout of the car park regarding the disabled parking bays and suggested that the disabled bays be located as close as possible to London Road and the Library. The Business Manager Growth & Regeneration confirmed that this could be amended under a planning condition.

Other Members raised concern regarding the conservation of green areas and trees in the town centre and suggested that if the Committee were minded to approve the application that the car park be an area of grasscrete.

AGREED (with 8 votes For, 5 votes Against and 1 Abstention) that full planning permission is approved subject to the conditions contained within the report and the amendment to the layout of the car park with the disabled car parking spaces being located closer to London Road and the Library entrance.

132 BALDETON WORKING MEN'S CLUB AND INSTITUTE, 69 MAIN STREET, BALDETON (18/01241/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought retrospective planning permission for the retention of the north-western wing and the conversion to a dwelling including external alterations (Unit 4).

The Business Manager Growth & Regeneration informed the Committee that the applicant had appealed to the Planning Inspectorate against non-determination of the application. This meant that the Local Planning Authority was no longer able to decide the outcome of the application; however, officers considered that the views of the Planning Committee should be obtained, in order for them to be taken into account during the consideration of the appeal.

Members considered the application and felt that the failure to demolish the rear wing had impacted on the amenity space of units 1, 2, 3 and 5. Unit 5 would have

over looked amenity space previously but under the proposed application would overlook a two storey building in very close proximity. The retention of the rear wing also created a narrow corridor to units 1 and 2 which was cluttered with wheelie bins. The original planning application included the demolition of the rear wing and it was considered that a breach of condition should be served.

The Business Manager Growth & Regeneration advised the Committee that in the event they were minded to advise PINS that they would have refused the application (if they were still decision-makers) they would also need to consider appropriate enforcement action, either through a Breach of Condition Notice or Enforcement Notice. Taking either route could have implications for residents who have already purchased units 1, 2 and 3.

AGREED (unanimously) that the following actions be undertaken:

- i) inform the Planning Inspectorate of the Planning Committee views , that if the Planning Committee had taken the decision, they would be minded to refuse, on the grounds that the retention of the wing and creation of unit 4 had created a cramped environment and unacceptable level of amenity for units 1, 2, 4, and 5; and
- ii) delegated authority be given to the Business Manager Growth and Regeneration to take appropriate enforcement action, following consultation with legal advisors.

133 GREEN PARK, TOLNEY LANE, NEWARK (18/01443/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought planning permission for the variation of condition 1, to make the temporary permission permanent, attached to planning permission 12/00562/FUL granted on appeal at Plots 1-10 Green Park, Tolney Lane (PI Ref: APP/B3030/C/12/2186072 and APP/B3030/A/12/2186071) (Change of use from paddock to gypsy and traveller residential caravan site - retrospective).

Councillor Mathew Skinner representing Newark Town Council spoke against the application in accordance with the views of Newark Town Council as contained within the report. Councillor Skinner informed the Committee that Newark Town Council had made an error in their comments regarding the boundary screening to make the site less visible from the A46, as recommended for Planning Application 18/01430/FUL – Park View Caravan Park, Tolney Lane, Newark, which should have been included for this application.

Members considered the application and it was commented that the Council was currently undertaking work regarding the number of pitches the Council was required to have, which would be included on completion into the Planning Core Strategy.

The Business Manager and Members were clear that there was clearly a flood risk, including to life. Members and the Business Manager equally noted that this level of risk had not changed since the Planning Inspectorate had considered it to allow a

temporary 5 year planning permission. There remained no other alternative sites with planning permission and Members therefore considered that the application was acceptable for a further temporary period only. It was not appropriate for the site to become permanent.

AGREED (unanimously) that planning permission be granted on a temporary basis for a further 3 years until 30 November 2021, subject to no comments being received which would raise additional material planning considerations to those already considered within the report and subject to the conditions and reasons contained within the report.

134 PARK VIEW CARAVAN PARK, TOLNEY LANE, NEWARK (18/01430/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought planning permission for the change of use of the former abattoir site and paddock to gypsy and traveller caravan site.

Councillor Mathew Skinner representing Newark Town Council spoke against the application in accordance with the views of Newark Town Council as contained within the report. Councillor Skinner informed the Committee that Newark Town Council had made an error in their comments regarding the boundary screening to make the site less visible from the A46, which should have been included for Application 18/01443/FUL – Green Park, Tolney Lane, Newark and not for this application.

Members considered the application and it was commented that the site was very close to the entrance to Tolney Lane, it could be argued therefore that the risk was lower at this site in terms of evacuation. The Environment Agency comments regarding the risk associated with this site being 'significant' were noted. Members commented that work was being undertaken regarding the availability of traveller sites within the district and on completion would be included into the Planning Core Strategy. In light of that work being undertaken and in being mindful of the decision earlier on the agenda, it was considered that a further three years temporary permission would be acceptable.

A Member sought clarification that the Council had formulated a flood plan warning and evacuation plan. The Business Manager Growth & Regeneration confirmed that the Business Unit Community Safety had formulated the correct plans, which were as robust as they could be given the very clear constraints and challenges of the area.

AGREED (unanimously) that planning permission be granted on a temporary basis for a further 3 years until 30 November 2021 subject to the conditions and reasons contained within the report.

135 THE OLD STABLES, CRAB LANE, NORTH MUSKHAM (18/01450/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought planning permission for the erection of one, two bed

bungalow and one, three bed bungalow.

Members considered the application acceptable.

AGREED (with 11 votes For, 1 vote Against and 2 Abstentions) that planning permission be approved subject to the conditions and reasons contained within the report.

136 FUTURE FISHING LTD, UNIT 17, HARDYS BUSINESS PARK, HAWTON LANE, FARNDON, NG24 3SD

The Committee considered the urgent report of the Business Manager Growth & Regeneration, which sought Committee approval for delegated authority to be granted to the Business Manager Growth & Regeneration, to frame the conditions such that they were appropriate to either a retrospective use, should Officers conclude that a retail warehouse club was being undertaken, or an unlawful use, should Officers conclude that A1 retail was being undertaken.

The reason for the urgency item was to ensure there was no delay in issuing a decision (or any associated challenge in terms of an appeal against non-determination) as a result of ongoing enforcement investigation which may require the need to reframe planning conditions.

AGREED (unanimously) that the wording to secure the intent of the conditions relating to Future Fishing Ltd, as agreed at the 6 November Planning Committee, be delegated to the Business Manager Growth & Regeneration.

137 APPEALS LODGED

There were none.

138 APPEALS DETERMINED

There were none.

139 EXCLUSION OF THE PRESS AND PUBLIC

There were none.

Meeting closed at 6.40 pm.

Chairman