

When telephoning, please ask for: Member Services
Direct dial 0115 914 8481
Email memberservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: 2 December 2015

To all Members of the Council

Dear Councillor

A meeting of the RUSHCLIFFE BOROUGH COUNCIL will be held on Thursday 10 December 2015 at 7.00 pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford to consider the following items of business.

Yours sincerely



Service Manager Corporate Governance

AGENDA

Opening Prayer

1. Apologies for absence.
2. Declarations of Interest.
3. Minutes

To receive as a correct record the minutes of the Meeting of the Council held on Thursday 24 September 2015 (pages 1 - 10).

4. Mayor's Announcements.
5. Leader's Announcements
6. Chief Executive's Announcements
7. Statement of Licensing Principles - Gambling

The report of the Executive Manager - Neighbourhoods is attached (pages 11 - 38).

8. The Future Council Management Structure

The report of the Chief Executive is attached (pages 39 - 49).

9. Notice of Motions

The following Notice of Motion will be proposed by Councillor M J Edwards and seconded by Councillor A MacInnes

The Council recognises as part of its civic leadership the role of the Arts in the lifestyle of its residents and requests that imaginative proposals are brought forward for investing all the proceeds of the public auction and private sales of its artworks in new programmes and projects for the Arts for consideration by Cabinet and to include such investment in its future Budgets.

10. To answer questions under Standing Order 11(2).

Meeting Room Guidance

Fire Alarm Evacuation: in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble in the Nottingham Forest car park adjacent to the main gates.

Toilets are located opposite Committee Room 2.

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

Microphones: When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.



**MINUTES
OF THE MEETING OF THE
COUNCIL**

THURSDAY 24 SEPTEMBER 2015

Held at 7.00 pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford

PRESENT:

Councillor F A Purdue-Horan - Mayor
Councillor G Davidson – Deputy Mayor

Councillors K P Beardsall, M Buckle, R L Butler, H A Chewings, J N Clarke, T Combellack, L B Cooper, J E Cottee, J Donoghue, M J Edwards, A J Edyvean, J E Greenwood, R Hetherington, Mrs C E M Jeffreys, R M Jones, K A Khan, N C Lawrence, E J Lungley, A MacInnes, Mrs M M Males, G R Mallender, D J Mason, S C Matthews, G S Moore, A L R A Pell, A Phillips, E A Plant, S J Robinson, Mrs J A Smith, J A Stockwood, M W Suthers, J E Thurman, D G Wheeler, J G A Wheeler

ALSO IN ATTENDANCE:

Cadet G MacDonald Mayor's Cadet
Cadet C Chrimes Mayor's Cadet
Mrs MacDonald
Mr Chrimes

OFFICERS PRESENT:

N Carter Service Manager - Corporate Governance
A Graham Chief Executive
P Linfield Interim Executive Manager – Finance and Commercial
K Marriott Executive Manager - Transformation
V Nightingale Senior Member Support Officer
D Swaine Executive Manager - Operations and Corporate Governance

APOLOGIES FOR ABSENCE:

Councillors R A Adair, N A Brown, B Buschman, A M Dickinson, S J Hull, R A Inglis, S E Mallender, R G Upton

OPENING PRAYER

The Meeting was led in prayer by the Mayor's Chaplain

21. Declarations of Interest

There were none declared.

22. Minutes

The minutes of the meeting held on Thursday 25 June 2015 were received as a correct record and signed by the Mayor.

23. Mayor's Announcements

The Mayor informed Members that he had been very busy during the summer months with many Civic engagements, including the annual pilgrimage to the war memorial at Crich, and a variety of community events. He gave Members a short summary of the events including Lark in the Park, Radcliffe on Trent Carnival, Lady Bay Open Gardens, Edwalton School garden, Hickling Scarecrow weekend and the Sunday Funday. He was extremely impressed with the hard work of volunteers and staff who made these events enjoyable and memorable.

He thanked Members who would be laying a wreath on his behalf at the many churches around the Borough and invited Councillors to join him on Armistice Day for the service of remembrance on Central Avenue. With reference to the armed forces he was pleased to inform Members that he had been invited by Morrison's supermarket to join them, and to lead a reception, for a group of veterans who were taking part in the 'Walk for the Wounded'.

The Mayor introduced his two new Cadets who he had recently appointed to assist him at civic events. He had recently attended an event at the 209 Squadron Air Cadets and had been very impressed with the calibre of young people involved. He had appointed one Cadet from the Air Force and one from the Army, these two cadets would assist him at a number of events throughout the year. The Mayor presented each cadet with a commemorative badge.

Finally, he thanked everyone involved with his Civic Service and informed Members that £320 had been raised on the day for his charity.

24. Leader's Announcements

Councillor Clarke informed Members that there had been progress made on the devolution deal and that there would be a workshop immediately after the Council meeting.

With regards to Rushcliffe Arena he informed Councillors that despite the recent unfortunate circumstances it was not felt that the contract would be affected.

In conclusion, he paid tribute to Mr Daniel Swaine, who had recently been appointed as Chief Executive for Bolsover and North East Derbyshire Councils. He stated that Mr Swaine had been an asset to the Borough Council in his roles as Monitoring Officer, Executive Manager and Deputy Chief Executive. He thanked him for his professionalism and assistance to all Members.

25. Chief Executive's Announcements

The Chief Executive thanked Mr Swaine for his exemplary work and professionalism towards Members, staff and himself. He was pleased that this had been recognised by others and demonstrated by his recent appointment.

In response to the fire at the Arena he informed Members that he had met with the national director of Farrens and had been informed that it was hoped that the final impact would be minimal; although this could not yet be confirmed. The building was structurally sound and there had been no significant damage to the bowls hall or reception and the loss adjuster had been on site and was working with the developers. The Police were continuing with their investigation and he said that he could confirm that there had been two arrests made. A leaflet would be delivered in the very near future to all local residents giving them further details on the project and how it might be affected by the fire.

26. **Statement of Accounts 2014/15**

Councillor Robinson was pleased to present the Statement of Accounts for 2014/15 for approval by Members. He informed Members that the statutory notices had been signed by the Chief Executive and the Leader. He stated that the Management Representation Letter reaffirmed that the Council was satisfied with the validity of the accounts.

He stated that the accounts had been considered by the Corporate Governance Group on 3 September. He recognised that this was the first time some Members had examined the accounts and that it was useful to attend the budget workshops to be able to understand the Council's income and expenditure, reserves and its cash flow and movement.

He stated that the Council was in a strong financial position with £11.45 million in earmarked reserves, which allowed the Authority to continue with its capital programme including the refurbishment of Bridgford Hall and the leisure improvements at the Arena and the relocation of the Civic Offices.

Councillor Robinson informed Members that, for the first time, the Streetwise Enterprise accounts were included. He was pleased to say that the company had performed better than expected and instead of breaking even it had made a profit of £51,000.

In conclusion, he thanked the Interim Executive Manager – Finance and Commercial and his staff for their professionalism in producing these accounts during these difficult times.

Councillor MacInnes, in support of the recommendation, stated that there had been a significant reduction in the government funding that had been received and yet through its efficiencies the Authority had managed a balanced budget of £2.6 million without having to increase the Council Tax. He stated that the capital grants would be increased by the New Homes Bonus and through the sale of land. He felt that it would be a challenging year ahead, however he was pleased to note that the Council was in a better financial position than most local authorities. He envisaged that the work of the Transformation Strategy would unlock the pent up growth in the economy and thereby make it unnecessary for the Council to reduce the services it provided. He was optimistic that more affordable homes would be built in the near future.

He stated that the Corporate Governance Group had considered the Statement of Accounts and had also considered the report of the external

auditors. It had been noted that the auditors had been impressed with the level of openness and assistance from the finance team and had given the accounts a very favourable rating. Members of the Group had been assured that the Council's finances were in an excellent position.

In conclusion, he too thanked the Interim Executive Manager – Finance and Commercial and his staff for their hard work.

Councillor R Mallender also supported the recommendation and stated that the Authority had worked hard to produce an excellent set of accounts. He was concerned that the austerity cuts being imposed on local authorities were disproportionate to those members of society on low pay. However, he was pleased that the Council would be informed on the devolution proposals.

Councillor Clarke thanked Members for their comments. As Chairman of the Streetwise Strategic Board he had been impressed with the hard work and enthusiasm of the workforce. He was confident that the company would progress and expand.

In conclusion Councillor Robinson thanked all the finance team and the Streetwise workforce. He reminded Members of the budget workshops where Councillors would have their input into shaping the Council's future budgets.

RESOLVED that Council approve

- a) The Statement of Accounts for 2014/15 (Appendix A).
- b) The Management Representation Letter (Appendix B).

27. **East Leake Neighbourhood Plan**

Councillor Butler presented the report that outlined the East Leake Neighbourhood Development Plan. He stated that the Borough Council had a statutory duty to assist communities in the production of a Neighbourhood Plan under the Localism Act 2011.

He explained that East Leake had been designated as a Neighbourhood Area in December 2012 and that, following this, the local community had developed a Neighbourhood Plan which contained 20 policies. He stated that a broad range of people had been involved in developing the Plan and that officers had helped to ensure that it conformed to the Council's Local Plan. The Plan had been presented to the Council in January 2015 after which there was a six week publicity and consultation period. At the end of the consultation period the Plan was presented for independent examination by Mr Gary Kirk. The Examiner's report recommended that the Plan should proceed to a referendum and it was proposed that this would be held on Thursday 19 November 2015. Councillor Butler explained that if more than 50% of the electorate voted yes then the Plan would be adopted. If adopted all planning applications for that area would be considered in line with the Council's Core Strategy and the East Leake Neighbourhood Plan.

Councillor Edwards congratulated the residents of East Leake for producing a very impressive, comprehensive and detailed document. He felt that this was

the way forward and that the targets within the document were achievable. He looked forward to hearing the outcome of the referendum.

Councillor Jones supported the recommendation and the comments regarding the document. He said that there had been a great deal of work undertaken and that the consultation had been comprehensive. He referred to the parts of the document that related to green spaces and woodland and referenced these to the Edwalton Development Framework Supplementary Planning Document, which was due to be approved imminently.

Councillor Clarke stated that the document was a reflection of the needs of the community.

In conclusion, Councillor Butler stated that this would be the first plan in Nottinghamshire to be completed and he hoped that other communities would also put forward plans for their areas. He thanked Members for their support and for acknowledging the hard work undertaken by the Parish Council, residents and officers.

RESOLVED that

- a) The Council accepts the Independent Examiner's recommended changes to the East Leake Neighbourhood Plan as set out in the Examiner's report (**Appendix 2**) and in the proposed decision statement at **Appendix 3**, and notes the recommendation that the amended East Leake Neighbourhood Plan should proceed to a Referendum of voters within the Parish of East Leake.
- b) The Council approves the holding of a Referendum in East Leake, to include the Parish of East Leake on Thursday 19 November 2015.
- c) Subject to a majority vote from the referendum, the Council 'Makes' the Neighbourhood Plan.
- d) The Council congratulates East Leake as the first Parish Council in Nottinghamshire to have reached this point in Neighbourhood Planning.

28. **The Future Council Management Structure**

Councillor Clarke presented the report regarding the future of the Council's management structure. He stated that this report was in respect of the two statutory posts that of the Section 151 Officer and the Monitoring Officer. He congratulated Mr Linfield on being appointed as the Interim Executive Manager – Finance and Commercial. He said that it was proposed to appoint Mr Carter as the Deputy Monitoring Officer and although he did not have the formal qualifications yet it was an excellent development opportunity.

With regards to the future of the structure it was proposed that all options should be considered, including possible opportunities within the Collaboration Agreement with Newark and Sherwood District Council and Gedling Borough Council. To facilitate this it was proposed to appoint Ms Osbourne as the Council's Monitoring Officer on an interim basis. Following Ms Osbourne's

review of the structure the Chief Executive would present a further report to Council.

In support of the recommendation Councillor Plant stated that, due to the two vacancies, this was an appropriate time to consider all alternatives. She said that the Authority had always been successful in anticipating and reacting to the changing environment, and with the possibility of devolution and a Combined Authority being in the early stages it was difficult to know how these would impact on the Council. Following her enquiry Councillor Clarke was pleased to say that Mrs Marriott had been appointed to the Operations post.

Councillor Jones congratulated Mr Swaine on his appointment. He too supported the recommendation, although he urged caution that the Council should not overstretch when contemplating a collaborative option.

Councillor Clarke thanked Members for their support and stated that this would allow the Council to progress. On behalf of the Members he congratulated Mrs Marriott and Mr Swaine on their recent appointments.

RESOLVED that

- a) Ms Penny Osbourne be appointed as the Council's Monitoring Officer on an interim basis and that this arrangement is reviewed by full Council at its meeting on 10 December 2015
- b) Nigel Carter (Service Manager) Corporate Governance be appointed Deputy Monitoring Officer until 31 March 2016
- c) A further report from the Chief Executive detailing the outcomes of the review of the current senior structures is presented to Council on 10 December 2015

29. **Scrutiny Annual Reports 2014/15**

Councillor Clarke presented the annual report of the four scrutiny groups which he said demonstrated the excellent work undertaken by Members whilst challenging the services delivered to residents.

Councillor Combellack, Chairman of the Community Development Group, said that 2014/15 had been a very interesting year for the Group. It had considered various topics including alternative energies, the broadband continuity project, economic development and the YouNG project which helped develop youth potential. She was pleased to have this opportunity to thank officers and visiting speakers.

Councillor Moore, Chairman of the Corporate Governance Group, stated that it had been a difficult year for the Group with the death of Peter Steed. He congratulated the Interim Executive Manager – Finance and Commercial and his team for their excellent work in producing the accounts. He thanked Mr Swaine for all his contribution to the work of the Group in relation to Health and Safety.

Councillor Mrs Smith, Chairman of the Partnership Delivery Group, thanked the Members of the Group, the officers and the external visitors for their enthusiasm and contributions to some lively debates. She informed Members of three highlights, Metropolitan Housing Trust which had introduced an innovative vision including their METS scheme which had a sector based work academy that had benefited seven apprentices. Also they had reduced the number of complaints from 205 in the previous year to 108. Unfortunately there was to be another review of the staff and the contact for the Group would be changed again. The Group had received an interesting presentation from HealthWatch, a new organisation that represented the views of the users of the National Health Service. This organisation had been considering issues with obtaining doctors' appointments, hospital parking and prescription delays for hospital patients being discharged. The third highlight had been a presentation by Mr Scott-Lee, Managing Director of Streetwise Enterprise Ltd. The Group had been very impressed by the enthusiasm and hard work of the staff. They had been very interested to learn about how the workforce was growing and developing especially in relation to its social enterprise commitments.

Councillor D G Wheeler, Chairman of Performance Management Board, took the opportunity to thank Councillor Jones who had supported him during a difficult period. He also thanked all the officers, including Mr Swaine for their hard work. The Board was very grateful to the Performance Team for all the information that they provided. He believed that 2015/16 would be a very good and challenging year for the group.

Councillor MacInnes welcomed the comprehensive report of the work undertaken by the scrutiny groups. He had been very impressed with the presentations in respect of Treasury Management and alternative energies. He also highlighted the ongoing work of the Local Development Framework Group, who had worked hard on Part 1 of the Local Plan, which had now been adopted; and the Leisure and Civic Relocation Member Group. He said that it was vital that all Members were involved and participated in the work of the Council. He welcomed the involvement of all the recently elected Members.

Councillor Jones stated that the Performance Management Board would have a challenging year, especially in relation to the contracts at Edwalton Golf Courses and with Parkwood Leisure.

RESOLVED that

the Council endorsed the work undertaken by the Council's four scrutiny groups during 2014/15.

30. **Notice of Motions**

The following Notice of Motion was proposed by Councillor J N Clarke and seconded by Councillor R L Butler.

'Rushcliffe Borough Council recognises the current national and local concern in respect of the growing asylum and immigration obligations being placed upon the United Kingdom. It also reaffirms its commitment to work collaboratively with neighbouring Councils and the East Midlands Strategic

Migration Partnership to support the Home Office in identifying appropriate solutions in line with government policy, available resources and local expectations.

Council requests that the Portfolio Holder (Sustainability) in collaboration with the Chairman of the appropriate scrutiny group works to evaluate the options currently open to the Council to assist in the formulation of an appropriate response and strategy.'

Councillor Clarke stated that this was an important issue for the country and that everyone was concerned about the refugee crisis. He said that everyone had seen the harrowing report in the press and on television and that everyone had been asked to help. However, it was important to note that details of the Government's policy as to how to react to the crisis was still to emerge yet this Council needed to be in a position to react to the crisis when asked to do so.

He said that the Central Government response was being formulated with regards to the obligations for local governments. He stated that two members of the Local Government Association had been invited to a high level Cabinet Committee meeting at Downing Street and that it was proposed for more information to emerge as the work continued.

He believed it was important that Rushcliffe worked with other neighbouring Councils and he informed Members that meetings were being arranged in order to discuss how the Councils should react and to formulate the best response.

Councillor Clarke pointed out that the motion referred to refugees and not economic migrants. He also emphasised that the Council did not own the housing stock neither did it have an abundance of premises that it could offer to house people. He was pleased to say that the Council had received calls from residents who were offering private accommodation to help the refugees; he stated that these details would be recorded and, following receipt of further information from Central Government, assessed for the best way to proceed.

Finally, Councillor Clarke said that it had been reported in the press that local governments were ready to respond once Central Government had clarified its policy and the resources that were available. He had asked the Cabinet Portfolio Holder to monitor the situation and to work with the relevant scrutiny group to ensure that the Council could react well to the situation following information and clarification from the Government.

Councillor Plant supported the motion and stated that there had been a serious migration problem since the end of World War II. She said that everyone expected there to be a collaborative approach to find a solution to this complex issue both internationally and locally. She acknowledged that it was a difficult issue but queried which scrutiny group would consider the matter.

Councillor G R Mallender supported the motion as the situation in the Middle East was getting worse. He felt that a sympathetic response to the issue should be formulated and that the country should not limit itself to helping 20,000 over the next five years and should take a more proactive approach as

had other countries, such as Germany. He informed Councillors that he had already been asked by his local church and members of the community about the Borough Council's proposals to assist refugees.

Councillor Khan supported the previous comments and said that it was important to understand the circumstances behind the crisis to help formulate a solution.

Councillor Robinson reminded Members that it was Government policy to try and help people where possible without the need to travel, ie close to home and where they did not have to make unsafe journeys.

Councillor Clarke said that this was a very emotive issue. He had considered asking the Partnership Delivery Group to consider the matter as it would be a partnership approach, however as this was an issue that affected the community it would be the Community Development Group who would look at the issue. With regard to timescales he stated that local authorities were awaiting a response from Central Government before anything could be finalised.

On being put to the vote the Motion was carried.

31. To answer questions under Standing Order 11(2)

a) Question from Councillor A MacInnes to Councillor R L Butler

'Can Councillor Butler, Portfolio Holder for Sustainability inform members if he has any plans to introduce a new planning policy that would require developers to make affordable housing viability studies public?

Currently in West Bridgford the Borough requires up to 30% of affordable housing in new developments of more than ten homes. At the moment developers who claim this makes 'schemes' unviable can keep the study confidential.

If approved this will allow the whole process to become far more transparent - making the viability studies publically available as part of the planning documents means the Borough and residents alike can see precisely why they cannot meet our affordable housing targets.'

Councillor Butler responded that the Council did not have any plans in the short term. He reminded Members that Policy 8 of the adopted Core Strategy stated that there was a requirement for affordable homes on developments of five or more properties. He assured Members that officers worked with developers as part of the guidelines for the National Planning Policy Framework. With regards to the viability studies, these contained commercially sensitive information and therefore would not be available. He acknowledged that this was a national problem and stated that officers were looking at all cases. He assured Members that anything that could improve transparency would be included in Part 2 of the Core Strategy.

Supplementary Question

Councillor MacInnes asked why these issues had not been addressed by the Local Development Framework Group and stated that local authorities in London were introducing these measures.

Councillor Butler replied that one of the London Boroughs was looking at the introduction of this but were at present going through the legal process. He acknowledged the concerns of Members and said that officers were awaiting the outcome of the legal process and would incorporate details, if possible, for consideration of Part 2.

b) Question from Councillor A MacInnes to Councillor J N Clarke

‘Does the Leader know that there is now a scheme where all residents are required to register to vote and if they do not they could be fined £80, and has Rushcliffe Borough Council imposed such a sanction?’

Councillor Clarke assured Councillor MacInnes that he was aware of the scheme and that Rushcliffe had not imposed any sanctions.

Supplementary Question

Councillor MacInnes stated that the Authority was presently carrying out the annual update of the Electoral Register. He was aware of people in his ward who had been contacted on up to five occasions and were still not registered. He asked Councillor Clarke to outline the actions that would be taken.

Councillor Clarke replied that officers would determine the appropriate action necessary and that if there was an issue this would be reported to Members. He stated that this was a statutory task that each local authority had to carry out.

The meeting closed at 8.40 pm.

MAYOR

Report of the Executive Manager - Neighbourhoods

1. Summary

- 1.1 This report presents the revised Statement of Licensing Principles ('the Statement') which a Licensing Authority must operate under in order to be able to legally administer and determine applications under the Gambling Act 2005 ('the Act'). Following a review of the existing Statement a small number of minor changes were made and a consultation exercise was undertaken which resulted in no further comments or changes. Following consideration by the Alcohol and Entertainment Licensing Committee (A&ELC) the report recommends that the Statement is formally approved to be published on 3 January 2016.

2. Recommendation

It is RECOMMENDED that the revised Statement of Licensing Principles under the Gambling Act 2005 be approved with effect from 3 January 2016.

3. Background

- 3.1 In December 2006 the Council approved its initial Statement issued under Section 349 of the Act. The Act makes provision that every three years the Statement must be reviewed.
- 3.2 Under Section 154 of the Act almost all functions of the Licensing Authority in respect of gambling are referred to the statutory committee of the Council named the Alcohol and Entertainment Licensing Committee (A&ELC) however, the determination of the Statement must remain a function of the Council and cannot be delegated.

4. Summary of the Review Process

- 4.1 The review process was undertaken in conjunction with the Nottinghamshire Authorities Licensing Group (NALG) to ensure consistency and efficiency. The revised Statement was drafted taking into account a number of changes made in the past three years.
- 4.2 The changes made to the Statement are minor in nature and are a reflection of the comprehensive and effective nature of the original policy. The main changes of note are:
- a) Insertion of a local area profile within the document in line with guidance issued by the Gambling Commission.

- b) Removal and amendments to a small number of sections to reflect changes to codes of practice and guidance and comments received.

5. Consultation

- 5.1 The revised draft Statement was put out to consultation on 28 July 2015, for a period of 12 weeks ending on 28 September 2015. In addition to the statutory consultees specified in the Act, the Council also included a wide range of other organisations including the general public. Comments were received from the consultation exercise from the Association of British Bookmakers and Coral and slight amendments were made to Statement reflecting their comments.
- 5.2 At the end of the consultation period the revised draft Statement was presented to the A&ELC for consideration at a meeting held on 22 October 2015.
- 5.3 The revised Statement was supported at the meeting of the A&ELC on 22 October 2015 and is attached as **appendix 1** for approval by Council.

6. Implications

6.1 Finance

There are no direct financial implications to this report.

6.2 Legal

These are contained in the body of the report.

6.3 Corporate Priorities

The Statement of Licensing Principles provides a robust framework to ensure the effective control of licensable premises and activities across the borough which links to the support of **economic growth** within this sector.

In addition compliance with the licensing objectives of the Statement helps to ensure effective public protection which is a key foundation for **maintaining and enhancing our residents' quality of life**.

For more information contact:	Name (David Banks) Executive Manager - Neighbourhoods 0115 914 8438 email DBanks@rushcliffe.gov.uk
Background papers Available for Inspection:	None
List of appendices (if any):	Draft Statement Of Licensing Principles 2016 to 2019



GAMBLING ACT 2005

DRAFT STATEMENT OF LICENSING PRINCIPLES 2016 to 2019

**Rushcliffe Borough Council
To be published**

RUSHCLIFFE - GREAT PLACE • GREAT LIFESTYLE • GREAT SPORT

STATEMENT OF GAMBLING POLICY
Gambling Act 2005
(To be Published)

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.

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

The Council has consulted various bodies and organisations upon this statement (see Appendix One). The consultation period ran from 28th July 2015 to 28th September 2015.

CONTENTS

SECTION ONE: INTRODUCTION AND SCOPE	5
▪ Introduction	5
▪ Declaration	6
▪ Consultation	6
▪ Local Area Profile	6
▪ Authorised Activities	7
▪ Relationship with Other Legislation	8
▪ “Demand” for Gaming Premises	8
▪ Rights of Applicants and Third Parties	8
▪ Data Sharing, Data Security and the Principles of Better Regulation	8
▪ Equality	8
SECTION TWO: LOCAL RISK ASSESSMENTS	9
SECTION THREE: MAKING REPRESENTATIONS	10
▪ Who Can Make a Representation?	10
▪ Interested Parties	10
○ Policy One	10
▪ Form and Content of Representation	11
○ Policy Two	12
▪ Irrelevant Considerations	13
▪ Reviews	13
SECTION FOUR: LICENSING OBJECTIVES	14
▪ Preventing Gambling From Being a Source of Crime and Disorder	15
○ Policy Three	15
• Ensuring Gambling is Conducted in a Fair and Open Way	16
▪ Protection of Children - Access to Licensed Premises	16

▪ Vulnerable Persons	17
SECTION FIVE: PREMISES LICENCES	17
▪ General Principles	17
▪ Betting Premises and Tracks	18
▪ Adult Gaming Centres	19
▪ Club Gaming Permits and Club Machine Permits	19
▪ Alcohol Licensed Premises	20
▪ Family Entertainment Centres	20
▪ Prize Gaming Permits	21
▪ Travelling Fairs	21
▪ Small Society Lotteries	22
▪ Temporary Use Notices	22
▪ Occasional Use Notices	22
▪ Casinos	22
▪ Bingo	22
▪ Provisional Statements	23
SECTION SIX: INSPECTION AND ENFORCEMENT	23
▪ General Statement	23
▪ Inspections	24
○ Policy Four	24
▪ Enforcement	24

Glossary of Terms

Appendices

Appendix One List of Bodies and Organisations Consulted

1. INTRODUCTION AND SCOPE

Introduction

- 1.1 Section 349(1) of the Gambling Act 2005 [“the Act”] imposes a statutory requirement upon Rushcliffe Borough Council as the statutory Licensing Authority [“the Authority”] to prepare a Statement of Principles [“the Statement”], and to review it every three years. However, should the need arise, the Authority may review and alter the policy within that period
- 1.2 The Act sets out three licensing objectives which this Statement will promote. The three objectives are as follows:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

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

- 1.3 The aim of the Authority in this Statement is to address the impact of licensed premises in terms of crime and disorder arising from gambling and to ensure that their location and internal layout are appropriate with a view to protecting children and vulnerable persons. The Authority is committed to partnership with all stakeholders with a view to the promotion of this aim. The Authority recognises the impact that unregulated gambling may have on its community and sustainability as a viable local economy and in delivering the gambling regime will, with regard to the principles set out in this Statement, seek to support its local economy and protect vulnerable people. In doing so it will consider each application on its own merits within the context of this Statement, the legislation and guidance and codes of practice issued by the Gambling Commission.
- 1.4 The Authority will in the statutory discharge of its functions have particular regard to the principles to be applied in exercising its powers:
- under Section 157 of the Act to designate in writing a body competent to advise the Authority about the protection of children from harm;
 - under Section 158 of the Act to determine whether a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence.
- 1.5 Subject to statutory provision, a review of this Statement will take place periodically and in any event every three years. Any revisions to the Statement will be made taking into account information collated over a period of time; the outcomes of related initiatives at central and local government level and following appropriate consultation.
- 1.6 Nothing in this Statement should be regarded or interpreted as any indication that any statutory requirement of gambling or other law is to be overridden.

Declaration

- 1.7 The Authority in preparation of this Statement have had due regard to;
- the Gambling Act 2005
 - the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006
 - Current guidance issued by the Gambling Commission and by the Secretary of State under Section 25 of the Act.
 - responses from those consulted on the Statement, and the reviews thereof.

Consultation

- 1.8 The Gambling Act requires the licensing authority to consult the following on the Licensing Authority Statement of Policy or any subsequent revision:
- in England and Wales, the chief officer of police for the Authority's area
 - one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area
 - one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

A full list of consultees is shown in appendix 1

1.9 Local Area Profile

Rushcliffe lies immediately south of the City of Nottingham and the River Trent and extends towards Newark in the North East and Loughborough in the South West.

The Borough is a pleasant, prosperous district, characterised by attractive villages, tree-lined suburbs, rich farmland and rolling countryside. The prosperity of Rushcliffe is closely linked to the wider economy of the Greater Nottingham area. This is recognised through good working relationships with all Nottinghamshire Councils, the County, City and Districts, partnerships with the Greater Nottingham Partnership, and at regional level, through representation on the Regional Local Government Association and Regional Assembly.

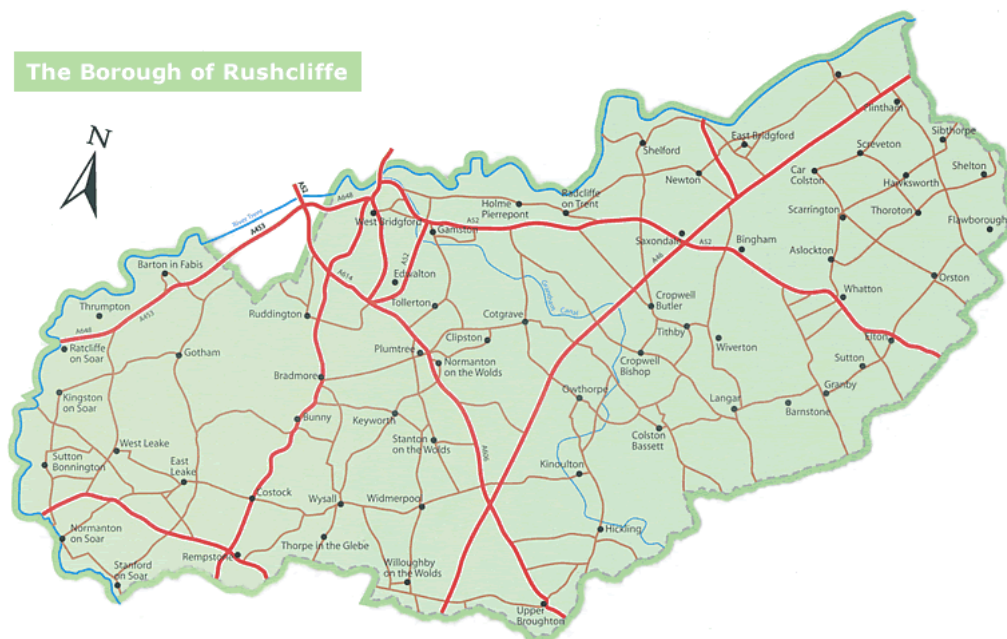
Although parts of Rushcliffe lie close to Nottingham, the Borough has a strong identity of its own. The main centre of population is West Bridgford, where 45,509¹ of the Borough's population live. The rest of the district is largely rural, with the centres of population split between small towns and villages. Rushcliffe is a popular residential area, and its location adds to its attraction as a place to live. The Borough population is 111,129 it has an area of 40,924 hectares and a population density of 2.7 people per hectare. 76.7% of homes are owner occupied. 9.7% of residents are from diverse ethnic backgrounds. Rushcliffe is relatively affluent and ranks 331 out of 354 on the national index of deprivation scale, however there are small pockets of deprivation. Unemployment levels at 2.2% are lower than both the county and national averages

¹ 2011 census

and there are significantly more people who are self-employed than the national and county averages. The area is designated as having 'Moderate to Low' crime.²

A local area profile will be 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 better awareness of the local area and the risks, which includes both potential and actual risks. This will be available on the Councils Website.

1.10 A map showing the administrative boundaries of the borough.



Authorised activities

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

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

Note

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

² UK Crime Stats 2015

The National Lottery is now regulated by the Gambling Commission. Spread betting is regulated by the Financial Services Authority.

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

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

Relationship with other legislation

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

1.13 In particular, in making a determination in respect of any application, the Authority will not take into account irrelevant matters, such as the likelihood of the application receiving planning permission, or building regulation approval. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

“Demand” for gaming premises

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

Rights of applicants and third parties

1.15 This Statement does not override the right of any person to make an application under the Act and have that application considered on its individual merits.

1.16 Similarly this Statement does not undermine the right of any third party to make representations on an application or to seek a review of a licence where provision has been made for them to do so.

Data sharing, data security

1.17 The Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Equality

1.18 Rushcliffe Borough Council is committed to promoting equality and diversity. The Equality Act 2010 imposes statutory duties on the Council and our Corporate Equality

Scheme demonstrates how we are meeting them and our commitment to ensuring that diversity issues are at the heart of our policy making and our service delivery.

2. LOCAL RISK ASSESSMENTS

- 2.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in February 2015, formalise the need for operators to consider local risks. Local risk assessment apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. This provision comes into force on 6 April 2016
- 2.2 Licensees must 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 making their risk assessments, licenses must take into account relevant matters identified in the licensing authority statement of licensing principles.
- 2.3 Licensees must review (and update as necessary) their local risk assessments:
- a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c) when applying for a variation of a premises licence; and
 - d) in any case, undertake a local risk assessment when applying for a new premises licence.
- 2.4 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Risk assessment must also be reviewed:
- when applying for a variation of a premises licence
 - to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 2.5 The new social responsibility provision is supplemented by an ordinary code provision recommending good practice that licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority. Both provisions take effect from 6 April 2016.
- 2.6 Where concerns do exist, perhaps prompted by new or existing risks, a licensing authority may request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions is required.
- 2.7 The licensing authority has an expectation that all local risk assessments will take into account the local area profile of the area.

3. MAKING REPRESENTATIONS

Who can make a representation?

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

Interested parties

- 3.3 Interested parties are defined as persons who **in the licensing Authority’s opinion**
- Live sufficiently close to the premises to be likely to be affected by the authorised activities
 - Have business interests that might be affected by the authorised activities, or
 - Represent either of the above, this could include, e.g. democratically elected persons such as Councillors or members of parliament.

Policy One

- 3.4 **In determining if someone lives sufficiently close to the premises to be likely to be affected by the authorised activities or have business interests that are likely to be affected, the Authority may take any or all of the following into account:**
- **The proximity of their home or business to the application premises**
 - **The nature of their residency (e.g. private resident, resident in home for the vulnerable etc)**
 - **The nature of the business making the representation**
 - **The nature of the authorised activities to be conducted on the application premises**
 - **The size and capacity of the application premises**
 - **The likely catchment area for the application premises**
 - **The routes likely to be taken to and from the application premises**
 - **The character of the area**
 - **The density of the built up area**
 - **The topography of the area**
 - **Local area profile**
 - **Mitigating measures contained within the applicants risk assessments**

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

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

Form and content of representation

- 3.9 The Act places a duty on the Authority to aim to permit the use of premises for gambling in so far as the Authority thinks the application is in accordance with:
- this Policy Statement,
 - the Commission’s Guidance,
 - the Codes of Practice, and;
 - local area profile and applicants local risk assessments
 - where the application is reasonably in accordance with the licensing objectives.
- 3.10 As these are the criteria against which an application is to be assessed representations which address these issues are more likely to be accepted and given weight.
- 3.11 All representations must be made in writing and must be received by the Licensing Authority within the time limits set by the relevant regulations. For a representation to be relevant it should:
- be positively tied or linked by a causal connection to particular premises, and;
 - relate to the licensing objectives, or;
 - raise issues under this policy, the Commission’s Guidance or Codes of Practice.

3.12 Representations received outside the statutory period for making such representations or which otherwise does not comply with the Regulations will be invalid and will not be taken into consideration when the application is determined. In addition the Authority expects representations to be made in accordance with Policy Two.

Policy Two

3.13 A representation should indicate the following:

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

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

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

3.15 Ordinarily where representations are received the Authority will hold a hearing, however, a hearing does not have to be held where the Authority thinks that a representation is frivolous, vexatious, or will certainly not influence the Authority's determination of the matter. It is for the licensing Authority to determine whether a representation falls within these categories, however, representations which comply with Policy Two are unlikely to do so.

3.16 It is in the interest of those making representations that they include as much detail and evidence as possible at the time the representation is made. The Authority will determine whether a representation should be excluded as frivolous or vexatious based on the normal interpretation of the words. A representation may therefore be excluded if it obviously lacks seriousness or merit, or is designed to be antagonistic.

An example may be a representation received from a rival operator which is based solely on the fact that the new premises would compete with their own.

Irrelevant considerations

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

Reviews

- 3.19 A premises licence may be reviewed by the licensing Authority of its own volition or following the receipt of an application for a review from a responsible Authority or interested party. Reviews cannot be delegated to an officer of the licensing Authority – the lowest level of delegation permitted is to a licensing subcommittee (licensing panel).
- 3.20 The Act provides that licensing Authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Officers of the Council or of a responsible authority may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution techniques prior to a full scale review being conducted.
- 3.21 If at any time the Authority considers it necessary in their scheme of delegation they will establish a system that determines who initiates reviews, and that may include a 'filter' system to prevent unwarranted reviews from being conducted.
- 3.22 In relation to a class of premises, the Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions. In relation to these general reviews, the Authority would most likely be acting as a result of specific concerns or complaints about particular types of premises, which would cause it to want, for example, to look at the default conditions that apply to that category of licence. In relation to particular premises, the Authority may review any matter connected to the use made of the premises if it has reason to suspect that licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate.

3.23 Representations and review applications will be considered by the Authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement and Codes of Practice local area profile and the premises licence holders local risk assessments.

4. LICENSING OBJECTIVES

Preventing gambling from being a source of Crime and Disorder

- 4.1 The Gambling Commission will play a leading role in preventing gambling from becoming a source of crime and will maintain rigorous licensing procedures that aim to prevent inappropriate people from providing facilities for gambling.
- 4.2 The Authority places considerable importance on the prevention of crime and disorder, and will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area. A high standard of control is therefore expected to be exercised over licensed premises. The Authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the Authority will bring those concerns to the attention of the Commission.
- 4.3 The Authority will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder. In considering licence applications, the Authority will particularly take into account the following:
- The design and layout of the premises;
 - The training given to staff in crime prevention measures appropriate to those premises;
 - Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
 - Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
 - The likelihood of any violence, public order or policing problem if the licence is granted.
- 4.4 Where an application is received in relation to premises in an area noted for particular problems with organised crime, part of this determination will include consultation with the police and other relevant authorities. The Authority may then consider whether specific controls, such as a requirement for the provision of door supervisors, need to be applied in order to prevent those premises being a source of crime. In respect of betting offices the Authority will make door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 4.5 As far as disorder is concerned, there are already powers in existing anti-social behaviour and other legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Authority does not therefore intend to use the Act to deal with general nuisance issues, for example, parking problems, which can easily be

dealt with using alternative powers. The Authority has no jurisdiction under the Act to deal with general nuisance issues.

- 4.6 In accordance with the Guidance, the Authority will only seek to address issues of disorder under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if police assistance were required to deal with it. Another factor the Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it, whether those people live sufficiently close to be affected or have business interests that might be affected.
- 4.7 The Authority will consult with the police and other relevant authorities when making decisions in this regard and will give due weight to any comments made by the police or other relevant authorities.

Policy Three

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

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

Ensuring gambling is conducted in a Fair and Open Way

- 4.9 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence).
- 4.10 Both issues will be addressed by the Commission through the operating and personal licensing regime. This is achieved by:
- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
 - easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted;
 - the rules are fair;
 - advertising is not misleading;
 - the results of events and competitions on which commercial gambling takes place are made public; and
 - machines, equipment and software used to produce the outcome of games meet standards set by the Commission and operate as advertised.
- 4.11 Because betting track operators do not need an operating licence from the Commission, the Authority may, in certain circumstances attach conditions to a licence to ensure that the betting is conducted in a fair and open way. The authority may in

these circumstances also consider the suitability of the applicant to hold a track premises licence. Such factors which the authority may take into consideration are set out below:

- References to adduce good character
- Criminal record of the applicant
- Previous experience of operating a track betting licence
- Any other relevant information

Protection of children and other vulnerable persons

Access to licensed premises

4.12 The access of children and young persons to those gambling premises which are adult only environments will not be permitted.

4.13 The Authority will 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.

4.14 The Authority will judge the merits of each separate application before deciding whether to impose conditions to protect children or vulnerable persons on particular categories of premises. This may include such requirements as:

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.
- Measures/training covering how staff would deal with unsupervised young children being on the premises
- Appropriate measures/training for staff as regards suspected truant school children on the premises.

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

Vulnerable persons

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

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

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.

- 4.17 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.
- 4.18 Where the legislation allows, the Authority will look particularly closely at applications that are made for premises close to sensitive areas or developments, for example;
- Residential areas
 - Schools and other educational establishments
 - Residential hostels for vulnerable adults
 - Premises licensed for alcohol or gambling

5. PREMISES LICENCES

General Principles

- 5.1 In the Act, “premises” is defined as including “any place”. Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licence, where safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and ensure that mandatory conditions relating to access between premises are observed.

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

- 5.2 The procedure for obtaining Premises Licences is set by regulations. Should a licence be granted it will be made subject to mandatory and/or default conditions set by the Secretary of State. The Authority may choose to exclude default conditions if it thinks it appropriate and may also impose other specific conditions which are appropriate to the application. Additional conditions can only be imposed when there is evidence.
- 5.3 The Gambling Commission plays a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling. With the exception of applicants for track premises anyone applying to the Authority for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. The Authority will not generally therefore be concerned with the suitability of an applicant. Where concerns arise about a person’s suitability, the Authority will bring those concerns to the attention of the Commission.

5.4 The Authority will however be concerned with issues such as the impact of the licensed premises in terms of crime and disorder and matters such as the location of the premises and their internal layout in terms of protecting children and vulnerable persons. Such issues are discussed in more detail in the paragraphs below relating to the specific types of gambling premises. See local risk assessments at section 2.

Betting Premises and Tracks

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

5.6 Tracks are sites where races or other sporting events take place. Betting operators may operate self contained betting premises within track premises although they would normally only open on event days. There may be several licensed premises at any track.

5.7 Permitted activities include:

- off-course betting;
- on-course betting for tracks;
- betting by way of betting machines, and;
- gaming machines as stipulated by regulations

5.8 Factors for consideration when determining the application will be:

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

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

5.10 In addition to the mandatory and default conditions attached by the Secretary of State by regulations from time to time, conditions may also be applied in support of the licensing objectives. Additional conditions can only be imposed when there is evidence.

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

5.12 In relation to the licensing of tracks the Authority may require certain conditions to be imposed in support of the licensing objections and in particular, to ensure that the environment in which the betting takes place is suitable, especially in circumstances where the track operator does not have an operating licence. Mandatory or default conditions may be attached by regulations issued by the Secretary of State.

Adult Gaming Centres (AGCs)

- 5.13 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.
- 5.14 Permitted activities include:
- the provision of gaming machines as stipulated by regulations
- 5.15 Factors for consideration when determining the application for an AGC will include:
- the location;
 - the ability of operators to minimise illegal access by under 18's to the premises.
- 5.16 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.
- 5.17 Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary. Mandatory or default conditions may be attached by regulations issued by the Secretary of State. No one under the age of 18 is permitted to enter an AGC.

Club Gaming Permits and Club Machine Permits

- 5.18 Club gaming permits authorise qualifying clubs to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations.
- 5.19 Club machine permits allow the provision of higher category gaming machines.
- 5.20 Commercial clubs may in some circumstances operate with club machine permits but not club gaming permits.
- 5.21 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.
- 5.22 The Authority may grant or refuse a permit, but it may not attach conditions to a permit.

Alcohol Licensed Premises

- 5.23 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.
- 5.24 The Authority may also issue “licensed premises gaming machine permits” to premises in this category on application for any additional number of category C and/or D machines. This would replace any automatic entitlement under section 282 of the Act.
- 5.25 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.
- 5.26 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.
- 5.27 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 Commissions website: www.gamblingcommission.gov.uk

Family Entertainment Centres

- 5.28 There are two classes of Family Entertainment Centres (FECs) dependent upon the type of gaming machines provided on the premises:
- FECs with category C and D machines require a Premises Licence.
 - Unlicensed FECs provide only category D machines and are regulated through FEC gaming machine permits.
- 5.29 In determining the suitability of the location, consideration will be given to the following factors:
- Proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts);
 - Proximity to residential areas where there may be a high concentration of families with children;
 - Town Centre or edge of Town Centre locations.
 - hours of operation

- proposed operational management to regulate entry by children and vulnerable persons.

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

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

Prize Gaming Permits

5.32 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.

5.33 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.

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

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

Travelling Fairs

5.36 Provided a travelling fair allows only category D gaming machines to be made available, and the facilities for gambling (whether by way of gaming machine or otherwise) amount together to no more than an ancillary amusement at the fair, then no application for a licence is required under the Act. The Authority will want to satisfy itself from time to time that gambling at a travelling fair is within the definition of section 286 of the Act. A guide for those wishing to operate gambling machines at travelling fairs is available on the Commission website.

Small Society Lotteries

5.37 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.

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

Temporary Use Notices

5.39 Premises which are not licensed for gambling may be used by a licensed operator for an aggregate period of 21 days in 12 months for prescribed types of gambling. In

order to do so, the operator must serve a temporary use notice (or notices) on the Authority, the Commission and the Police. These are the only bodies who may object to such a notice. There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Authority to decide what constitutes a “set of premises” where Temporary Use Notices are received relating to the same building/site (see Gambling Commission’s Guidance to Licensing Authorities).

Occasional Use Notices

5.40 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.

No Casino Resolution

5.41 The Authority has not passed a “no Casino resolution” under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Authority decide in the future to pass such a resolution, it will update this Policy Statement with details of that resolution.

Bingo

5.42 The holder of a bingo operating licence will be able to apply for a bingo premises licence to provide any type of bingo game including cash and prize bingo. Commercial bingo halls will also require a bingo premises licence from the Authority. If the only type of bingo to be provided is prize bingo then this may be authorised by way of a permit.

5.43 If children are allowed to enter premises licensed for bingo, then controls must be in place to prevent them from participating in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Authority will expect to see that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults (over 18s) are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- 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.

5.44 The Gambling Commission has issued guidance about the need for licensing authorities 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.

- 5.45 A limited number of gaming machines may also be made available at bingo licensed premises.
- 5.46 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 be require a bingo operating licence which will have to be obtained from the Gambling Commission.

Provisional Statements

- 5.47 Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need to hold an operating licence in order to apply for a provisional statement.

6. INSPECTION AND ENFORCEMENT

General Statement

- 6.1 The Authority will have regard to its General / Corporate Enforcement Policy, the relevant provisions of the Act, any relevant guidance and / or codes of practice when considering taking enforcement action.
- 6.2 It is the intention of the Authority to establish and maintain enforcement protocols with other enforcement agencies.

Inspections

- 6.3 The Authority will inspect gambling premises and facilities for compliance with the Act and any licence conditions through the application of a risk based inspection programme.
- 6.4 The inspection programme will in principle operate a light touch in respect of low-risk premises whilst applying greater attention to those premises which are considered to present a higher risk.
- 6.5 In addition to programmed inspections the licensing Authority will also investigate any evidence based complaints that it receives.

Policy Four

- 6.6 The Authority will adopt a risk based assessment approach for determining the frequency of compliance inspections. The risk rating will be based broadly on the following factors:**
- **location of the premises and their impact on the surrounding area,**
 - **enforcement history of the premises,**

- nature of the licensed or permitted operation,
- potential to have an adverse affect on the licensing objectives, and;
- management record.

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

Enforcement

- 6.7 In general the Gambling Commission will take the lead on the investigation and where appropriate, the prosecution of illegal gambling. There may be occasions on which the licensing Authority is better placed to take the lead, particularly where there is illegal activity on a smaller scale confined to the Authority's area.
- 6.8 Where a licensed premise is situated in more than one administrative area then this Authority will liaise with the other Authority to determine the most appropriate course of action and who will lead any investigation or prosecution.
- 6.9 Part 15 of the Act gives "authorised persons" power of investigation and section 346 enables licensing authorities to institute criminal proceedings in respect of offences described in that section. In exercising these functions the licensing Authority will endeavour to follow the Regulators code and Hampton principles. The principles require that enforcement should be:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - **Consistent:** rules and standards must be joined up and implemented fairly;
 - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
 - **Targeted:** regulation should be focused on the problem, and minimise side effects
- 6.10 The licensing Authority will work closely with the Gambling Commission and exchange information on suspected illegal gambling and any proposed action that the Authority considers necessary.
- 6.11 The main enforcement and compliance role for the licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing Authority but will be notified to the Gambling Commission.
- 6.12 The Authority may institute proceedings in respect of a number of offences as identified in section 346 of the Act.
- 6.13 The Authority will avoid duplication with other regulatory regimes.

Glossary of terms

Many of the terms used in this statement of licensing policy are defined in the appropriate section of the Act. Section 353 identifies various terminologies and directs the reader to the relevant section of the Act, where appropriate, for a full and complete meaning of the term.

In the interests of clarity the following terms, which are used in this statement of licensing policy, are defined below.

Terminology	Definition
“the Act”	The Gambling Act 2005 (c19)
“Authority”	This refers to the “licensing Authority” as defined by section 2 of the Act
“authorised person”	An officer of a licensing Authority, and an officer of an Authority other than a licensing Authority, both of whom have been authorised for a purpose relating to premises in that Authority’s area
“authorised local Authority officer”	An officer of a licensing Authority who is an authorised person for a purpose relating to premises in that Authority’s area
“gambling commission”	An organisation established under section 20 of the Act that is responsible for regulating gambling in Great Britain
“guidance”	“Guidance to licensing authorities”, , issued by the gambling commission under section 25 of the Gambling Act 2005
“interested parties”	Defined at paragraph 2.3 of this statement of licensing principles
“mandatory condition”	A condition that must be placed on a licence by virtue of regulations
“regulations”	Refers to regulations made under the Gambling Act 2005
“responsible authorities”	Public bodies that must be notified of applications for premises licences and they also have the right to make representations in relation to those applications. They are listed in full in section 157 of the Act.

Appendix One – List of bodies and organisations consulted

Association of British Bookmakers

Licensing Solicitors

British Beer and Pub Association

Gambling Commission

HM Revenue and Customs

Nottinghamshire Police

Nottinghamshire Police and Crime Commissioner

Nottinghamshire Fire and Rescue

Nottinghamshire Safeguarding Children Board

Nottinghamshire Safeguarding Adults Board

Parish and Town Councils

West Bridgford Local Area Forum

Rushcliffe Borough Councillors

Rushcliffe Borough Council Environmental Health Service

Rushcliffe Borough Council Development Control

Representatives of the various licences and permits for premises within the area who will be affected by this policy including premises licensed under the Gambling Act 2005 and Licensing Act 2003.

Bingo Association

Gamcare

BACTA

Public Health England



Council

10 December 2015

The Future Council Management Structure

8

Report of the Chief Executive/Head of Paid Service

S151 Officer and Monitoring Officer

1. Introduction

- 1.1 At the Council meeting of 25 June 2015, Mr Peter Linfield – Service Manager Finance and Commercial was appointed as the Section.151 Officer on an interim basis.
- 1.2 On the 24 September 2015 Council received a further report recommending the appointment of Ms Penny Osborne, an independent consultant, as Interim Monitoring Officer.
- 1.3 As a result of the Council's decision, Ms. Osborne was also employed by myself to conduct a strategic review of the current executive management arrangements, including current resilience and capacity. As a result of the review this report seeks to inform Members of the Council of the recommendations to further streamline the management arrangements whilst supporting further collaboration opportunities and retaining the skilled resources required to deliver the extensive and ambitious set of priorities identified by the Cabinet.

2. Executive Management Structure

- 2.1 As detailed in my report to Council on 24 September 2015 the post of Executive Manager is based upon a generic job description, applicable to the following five roles, (Finance & Commercial, Corporate Governance, Neighbourhoods, Communities and Transformation). The role of Executive Manager - Corporate Services is currently vacant, and the role of Executive Manager - Finance & Commercial is being carried out by Peter Linfield, on an interim basis.
- 2.2 In accordance with the delegations conferred upon me as Chief Executive I have, during the review period, put in place arrangements to provide the continuity of business for the services which were under the remit of the Executive Manager - Corporate Services. This was met by allocating duties across the members of the remaining Executive Management Team members.
- 2.3 As notified and agreed at Council on 24 September 2105 one of the five posts carries the designation of Operations Manager which incorporates additional corporate responsibilities whilst also fulfilling a deputy role in the absence of the Chief Executive. Following an open recruitment exercise this responsibility is now fulfilled by the Executive Manager - Transformation Mrs Katherine Marriott.

3. Strategic review

- 3.1 As part of her review, Ms Osborne made an assessment of the current strategic capacity and also explored the potential to share the role of Monitoring Officer.
- 3.2 Ms Osborne concluded that the existing capacity of the Executive Management Team is sufficient and that there is scope and the opportunity to explore further collaboration working, which would incorporate the sharing of the Monitoring Officer role.
- 3.3 Ms Osborne undertook research which evaluated the potential for further collaboration with existing partners, including Newark and Sherwood District Council, Gedling Borough Council, South Kesteven District Council, Broxtowe Borough Council and Nottingham City Council. She visited senior officers at these Councils, and interviewed relevant staff. She conducted an evaluation of current and emerging analyses of successful local government collaborations and their progress to date. She explored with partners the potential and capacity they may have, to collaborate further to increase our own capacity and resilience within the corporate governance range of services.
- 3.4 The review identified that Broxtowe Borough Council currently has the resources to share the Monitoring Officer role whilst also indicating their wish to jointly explore further the potential to develop arrangements to build capacity and resilience within key corporate service areas of the Council, namely legal, member services, electoral services and human resources.
- 3.5 Cabinet, at its meeting of 8 December 2015, will receive a report from myself seeking a decision to delegate powers to the Chief Executive, the Executive Manager - Transformation and the Interim Executive Manager - Finance and Commercial to enter into such agreements and make such financial arrangements with Broxtowe Borough Council as may be required to give effect to implement appropriate collaboration arrangements to increase capacity and resilience as identified in paragraph 3.4 above.
- 3.6 It is recommended to Council that the sharing of the Monitoring Officer role, with Broxtowe Borough Council should be pursued and a result it is also recommended that the post of Executive Manager - Corporate Governance should be deleted from the establishment, resulting in a further efficiency and opportunity to bolster resources within priority projects including collaboration working. This will lead to a permanent re-designation of management responsibilities to the remaining Executive Manager Posts and these are detailed for information within **Appendix 1**.
- 3.7 Therefore if agreed the role of Monitoring Officer would be filled by the appointment of the Monitoring Officer of Broxtowe Borough Council on a shared basis.
- 3.8 The Monitoring Officer of Broxtowe Borough Council is currently Mr Phillip Horsfield, and it is recommended that he be appointed as Monitoring Officer of the Council until such time as a further report is brought to Council. A copy of Mr Horsfield's CV is currently held by the Strategic Human Resources Manager, who if requested will make the necessary arrangements for individual Members to view appropriate information prior to the Council meeting.

- 3.9 There has been an agreement reached between myself and the Chief Executive of Broxtowe Borough Council that Mr Horsfield will divide his time between Broxtowe Borough Council and Rushcliffe Borough Council during working hours on “an as-needed basis”, and that he will attend all meetings of this Council as Monitoring Officer, as well as integrating himself into the management structure and processes to fulfill his role effectively.
- 3.10 It is also recommended that Mr Nigel Carter should undertake the duties of Deputy Monitoring Officer when the Monitoring Officer is absent from both Authorities.

4. Section 151 Officer

- 4.1 The post of Executive Manager - Finance & Commercial is designated as the Authority’s Section 151 Officer, as agreed by Council this is currently filled in an interim basis by Mr Peter Linfield. Following the conclusion of the review it is recommended to Council that arrangements now be made to fill this post on a permanent basis.
- 4.2 As part of the re-designation of duties detailed in **Appendix 1** it is recommended that the title of Executive Manager - Finance & Commercial be changed to Executive Manager - Finance and Corporate Services. The job description, person specification and salary is detailed in **Appendix 2**.
- 4.3 It is recommended that Mr Peter Linfield continue to act as interim in this role until such time as his replacement is confirmed.

5. Recruitment Options

- 5.1 In accordance with the Council’s constitution it is recommended that Executive Manager appointments are advertised externally. However Council could determine that the post be advertised internally initially and only proceed to external advertisement if a suitable candidate cannot be secured through an internal process.
- 5.2 The appointment for an Executive Manager is made by the Council’s Interviewing Committee with the support of the Chief Executive as an advisor.

6. Consultation and Feedback

- 6.1 As in previous reviews an appropriate dialogue and engagement was undertaken with leading Members of the Council.
- 6.2 As part of good practice the proposals contained within this report have been discussed with current postholders of the Executive Management Team, who support the recommendations in relation to the Monitoring Officer role and the deletion of the Executive Manager - Corporate Governance post.
- 6.3 The Chief Executive has made himself available to meet with individual group leaders or their groups prior to the Council meeting to clarify any relevant information contained within the report.

- 6.4 As part of the review it has become apparent that the strategy to develop potential has been successful with the team being awarded the national Municipal Journal award of Local Government Management team of the Year. Despite this success it was clearly not envisaged that the team would lose two pivotal members in such a short space of time. It should be recognised and I wish to place on record that the remaining team members have conducted themselves in an exemplary manner during a very difficult and busy period. However I also would highlight that due to the ambitious agenda currently being pursued by the Authority that there is a need to ensure the existing team remains intact for the next 18 months. I am therefore recommending that Council supports me in taking appropriate steps in consultation with the Leader and Deputy Leader of the Council to secure the retention of key personnel.

7. Financial Implications

- 7.1 The financial impact of the deleted post including employer's on costs is circa £99,000 (2016/17). It is proposed that Rushcliffe will contribute to 50 percent of the costs of the Monitoring Officer currently employed by Broxtowe Borough Council – currently circa £42,000 (inclusive of employer's on costs). This would result in a projected annual saving of circa £57,000).
- 7.2. It is currently proposed that each partner would reinvest 50% of the first year's savings circa £28,500 to provide relevant implementation and change management support to increase capacity and resilience. This joint investment budget would also be utilised to ensure that further savings, both cashable and non-cashable, together with other efficiency improvements to services are generated from the joint working.
- 7.3 It is also recommended that a similar amount of the first year's savings (£28,000) is contributed to the Organisation Stabilisation Reserve. It is further recommended that an amount is earmarked to support the retention of key personnel currently delivering time critical projects but should be utilised before June 2017.
- 7.4 To undertake an external recruitment it is recommended that a specialist recruitment company is appointed to ensure the best possible candidate is secured. Quotes have been received and indicate that a budget of no more than £13,000 would be required. Every effort will be made to meet any recruitment costs from existing budgets.

8. Legal Implications

- 8.1 There is a statutory requirement under Section 5 of the Local Government and Housing Act 1989 for the Council to appoint a Monitoring Officer. The role of this officer is to conduct certain functions contained within this part of the Act and other relevant legislation. In essence, the Monitoring Officer oversees legality and governance issues, particularly in the conduct of business, and has a duty to report to the Council if they think any proposal, decision or omission would give rise to unlawfulness or maladministration.
- 8.2 The Monitoring Officer will also promote and maintain high standards of probity and will advise Members on compliance with the Council's Code of Conduct. In addition, the Monitoring Officer will ensure decisions, reports and other papers are publicly available and Registers of Interest are maintained.

- 8.3 Under section 151 of the Local Government Act 1972, the Council is required to ensure that one of its officers is responsible for the proper administration of its financial affairs. Many aspects of the role relate to the technical details of financial arrangements. These include determining the controls applied to financial systems, the format of accounts, accounting policies, and that payments are legal. There is also a special direct responsibility to the Council Tax payers of the Borough as opposed to the Council. The Section 151 Officer is also the main financial advisor to the Council.
- 8.4 The officer undertaking this role also has the responsibility as set out under Section 114 of the Local Government Finance Act 1988. This entails the responsibility to make a public report in specified cases of actual or anticipated financial misconduct. Under Section 113 of the 1988 Act, the postholder must hold a relevant accountancy qualification.
- 8.5 The appointment to both roles will be made in line with the Council's Officer Employment Procedures Rules.

9. Recommendation

It is RECOMMENDED that:

- a) Council support the sharing of the monitoring officer role with Broxtowe Borough Council and that;
- b) Mr Phillip Horsfield is appointed as the Council's Monitoring Officer until such time as such appointment is reviewed by the Chief Executive and a further report brought to Council;
- c) The role of Executive Manager - Corporate Services is deleted and that an amount of up to 50% of the first year's savings should be allocated to the stabilisation reserve to support the retention of key personnel identified by the Chief Executive and agreed with the Leader and Deputy leader of the Council.
- d) Mr Nigel Carter is authorised to continue in the role of Deputy Monitoring Officer when the Monitoring Officer is absent and unable to perform his duties for either Authority.
- e) The role of Executive Manager - Finance & Commercial is re-designated Executive Manager - Finance and Corporate Services
- f) The post of Executive Manager - Finance and Corporate Services should be filled and advertised externally
- g) The appointment of an appropriate external recruitment specialist should be delegated to the Chief Executive in consultation with the Chairman of the Interviewing Committee.
- h) The Interviewing Committee should be convened to make the appropriate appointment to the post of Executive Manager - Finance and Corporate Services

10. Risk and Uncertainties

Under Section 5 of the Local Government and Housing Act 1989 there is a requirement for the Council to appoint a Monitoring Officer. Therefore a failure to appoint to the role would mean the Council was unable to meet this requirement.

11. Other implications

None

For more information contact:	Name Allen Graham Job title Chief Executive 0115 914 8349 email agraham@rushcliffe.gov.uk
Background papers Available for Inspection:	None
List of appendices (if any):	Executive Managers Service area responsibilities Job Description and Person Specification for Executive Manager - Finance and Corporate Services

EXECUTIVE MANAGERS' AREAS OF RESPONSIBILITY

POST TITLE	AREAS OF RESPONSIBILITY
Executive Manager, Transformation and Operations Manager	Transformation – project management and service redesign Property, Estates & Asset Management Economic Regeneration Business Support Unit, Customer Services Human Resources, Corporate Health & Safety Risk Management and Emergency Planning ICT
Executive Manager, Finance & Corporate Services	Financial Services, Revenues (Council Tax & Business Rate collection)Benefits Partnership/Contract Management Legal Services Performance, Reputation & Communications Electoral Services Constitutional Services
Executive Manager, Communities	Community Development, Energy and Environment Sports & Health Development Arts & Events, Parks, Halls & play areas Planning Policy, Development Control – planning applications & conservation Land Charge searches
Executive Manager, Neighbourhoods	R2go – refuse collection & recycling Environmental Health – food hygiene, pollution, noise control, pest & dog control, Licensing, anti-social behaviour Housing grants Strategic Housing – homelessness and temporary accommodation, domestic violence

Job Description

Post: Executive Manager – Finance and Corporate Services

Salary : Executive Manager Salary £78,465 Statutory Officer Payment £2,568

Overall Purpose: - Reporting directly to the Chief Executive and working as an integral part of the SMT contributing to the corporate management of the authority with specific responsibility for the development, delivery and performance of the direct functions in your management; and for the financial standards, planning and management across the Council.

Principal Responsibilities

- To work with the Chief Executive and other members of the Corporate Management Team to provide overall strategic direction and leadership for the Council's services and activities.
- To provide clear leadership to a group of services in a defined area; co-ordinating and leading people to ensure the delivery of effective performance within allocated budget.
- To play a full role in the Senior Management Team and to provide corporate guidance and direction.
- To develop, implement, monitor and review a Business Plan for the Division in accordance with corporate guidelines and protocols.
- To work closely with the relevant Cabinet Portfolio Holder(s) and other elected Members to provide and develop the services of the Division within the overall policy framework of the Council.
- To contribute to the development of the Corporate Plan, associated Business Plans and the performance management used to measure effectiveness, efficiency and quality.
- To create an environment for people to perform and identify talent and high performers and support and encourage their development for future roles
- To promote best practice and ensure the delivery of best value, through the establishment of effective systems of target setting, performance and project management.
- To promote effective resource management that delivers the Council's priorities and targets within budget through the pursuit of innovative and flexible working methods.
- To set professional standards ensuring they are met and improving individual performance and to challenge unacceptable performance and behaviour on a consistent basis
- To manage others within own professional discipline to get best performance and ensure professional updating as appropriate
- To contribute to the development of corporate objectives and priorities and planning service delivery to achieve those corporate objectives
- To develop and manage services in line with customer expectations and to be innovative and flexible in developing existing and new services and delivery methodologies.
- To effectively manage budgets allocated to the service area
- Through personal example, provide staff with positive leadership, guidance, direction and motivation that harnesses the strengths and talents of individuals and promotes their development through a positive learning environment.
- Ensuring that any partnership arrangements (or other innovative structures for service delivery) are underpinned by clear and well documented internal financial controls.
- Any other duties which are commensurate with the level and remuneration of the post.

Role Specific

- To act as the Section 151 Officer.
- To provide corporate leadership on all financial matters and continuously identify new revenue opportunities and efficiencies across the Council in order to meet our business plan
- To act as the principal advisor to the Authority on all finance matters; ensuring clear process and challenge is in place to meet governance standards
- To develop appropriately robust budget planning and management processes across the Council

Person Specification – Executive Manager - Finance and Corporate Services

Attributes	Essential	How assessed	Desirable	How assessed
Experience	<p>Effective management of a group of staff in a direct service or support service. Evidence of forming good customer relationships, internally or externally. Experience of providing support and advice to projects of an innovative nature Experience of reviewing service/activities to improve demonstrable improvements Demonstrable achievement and understanding of equality of opportunity in both employment and service delivery. Working effectively within a political environment, providing clear, balanced advice and guidance on operational issues that achieve corporate and service objectives</p>		<p>Providing innovative approaches that optimise the use and development of the organisations resources.</p> <p>Working in an integrated and corporate way</p>	
Skills -The ability to:	<p>Listen and respond effectively to staff and colleagues Work across functional and organisational boundaries successfully delivering timely and high quality outcomes. Forward plan Get the commitment of staff and colleagues to review and continuously improve services. Recognise potential in staff and develop and nurture it. Set professional standards and promote them Manage resources effectively including allocated budget Manage performance within the team and address underperformance Make presentations verbally and using visual aids.</p>		<p>Work with people at all levels, consulting effectively and listening to others, developing, communicating and gaining ownership for a clear vision and direction. See the implications of the strategic picture for service delivery and interpret it for staff to turn it into reality to deliver the Council's key commitments. Manage complex budgets Presenting complex issues in a simple and understandable way Demonstrable ability to think in a commercial way</p>	

Attributes	Essential	How assessed	Desirable	How assessed
Knowledge	<p>The principles of performance management and the ability to apply these successfully to deliver continuous improvement of customer service, staff, and processes.</p> <p>A detailed knowledge of own professional and/or technical area</p> <p>Knowledge of own personal style and impact on others</p>		<p>The role of local government, the environment in which it operates and the key issues relevant to delivering the council's key commitments to local people.</p>	
Qualifications	<p>Evidence of own personal development</p> <p>Relevant professional qualification -</p> <p>Defined to mean a qualified member of one of the six bodies comprising the Consultative Committee of Accountancy Bodies (CCAB) in the UK and Ireland, that is</p> <ul style="list-style-type: none"> - Chartered Institute of Public Finance and Accountancy -The Institute of Chartered Accountants in England and Wales -The Institute of Chartered Accountants of Scotland -The Institute of Chartered Accountants in Ireland -Chartered Institute of Management Accountants -The Association of Chartered Certified Accountants. 		<p>Management Qualification</p>	
Role Specific	<p>Experience in all aspects of a modern finance service</p> <p>Experience of providing high level Financial advice to a variety of stakeholders</p>		<p>Previous experience of working as a Section 151 Officer</p>	