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**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 27 November 2024

To all Members of the Council

Dear Councillor

A Meeting of the Council will be held on Thursday, 5 December 2024 at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>  
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Sara Pregon  
Monitoring Officer

## **AGENDA**

Moment of Reflection

1. Apologies for absence
2. Declarations of Interest

[Link to further information in the Council's Constitution](#)

3. Minutes of the Meeting held on 26 September 2024 (Pages 1 - 16)

To receive as a correct record the minutes of the Meeting of the Council held on Thursday, 26 September 2024.

4. Mayor's Announcements
5. Leader's Announcements
6. Chief Executive's Announcements

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7. Citizens' Questions

[To answer questions submitted by Citizens on the Council or its services.](#)

8. Petitions

9. Appointment of the Chief Executive (Pages 17 - 22)

The report of the Monitoring Officer and Head of Chief Executive's Department is attached.

10. Tollerton Neighbourhood Plan (Pages 23 - 130)

The report of the Director – Development and Economic Growth is attached.

11. Barton in Fabis Community Governance Review (Pages 131 - 144)

The report of the Chief Executive is attached.

12. Gambling Act 2005 - Draft Statement of Licensing Principles 2025-2028 (Pages 145 - 188)

The report of the Director – Neighbourhoods is attached.

13. Street Trading Policy 2025-2030 (Pages 189 - 252)

The report of the Director – Neighbourhoods is attached.

14. Polling Districts and Polling Places Review (Pages 253 - 270)

The report of the Chief Executive is attached.

15. Notices of Motion

[To receive Notices of Motion](#)

**a) Councillor Inglis**

The Borough of Rushcliffe, along with other parts of the County, is often affected by what are commonly known as "Car Meets" or "Cruisers" which are a cause of significant concern to many residents across the Borough, constitute Anti-Social Behaviour and are a risk to public safety.

Current Road Traffic Laws cover some aspects of this but are not sufficient in prevention.

The aim of this motion is to ensure that gatherings/meetings are pre notified and approved, and therefore authorised by the Police and stakeholder Partnerships, with appropriate tools for authorities to tackle any breaches thus providing a simple means of deterrent,

dispersal and prosecution.

This Council resolves:

To write to the Home Secretary and the Secretary of State for Housing, Communities and Local Government to request that the Government instigates new legislation surrounding car cruising meetings/gatherings to implement a legal requirement for organisers to pre-notify the relevant authorities as to when and where such a meeting is planned, and that a failure to do so will result in any attendee being liable to prosecution/dispersion.

**b) Councillor Chewings**

Council notes that:

- a. The poor state of many roads in Rushcliffe is of significant concern to road users resulting in complaints to Councillors
- b. Poor road surface conditions can lead to physical damage to vehicles.
- c. The Local Government Association (LGA) has noted that, because of inflation and materials shortages, the cost of repairing a pothole has increased by 22 per cent.
- d. The LGA has reported that councils in the UK face a £16.3 Billion road repair backlog.
- e. The additional £500Million allocated in the Autumn budget for potholes. Council believes that the Government's 'pothole fund' is a totally inadequate response to this situation. The additional £500Million goes nowhere near the £16.3 Billion road repaid backlog as reported by the LGA on the 12th August 2024.

Council therefore resolves to:

- Write to our two MPs to express our concerns regarding the inadequate funding for road repairs and its significant impact on residents. Request that they urgently lobby the Government to provide sufficient funding to address this issue.
- Write to the Rt Hon Louise Haigh MP, Secretary of State for Transport, urging the immediate allocation of funds to improve the condition of countryside roads.
- Write to Nottinghamshire County Council to raise the Council's concerns about the deteriorating condition of roads within Rushcliffe. Request a comprehensive response detailing the underlying causes of this issue, a clear plan to address the disrepair, and an explanation of any barriers hindering progress.

**c) Councillor Birch**

This Council recognizes the invaluable contributions that farmers make to Rushcliffe borough. This motion affirms our unwavering support for Rushcliffe's farming community. We are grateful for their hard work and expertise.

This Council notes that:

1. Farmers provide essential services in food production, land stewardship, and conservation.
2. Farming is a challenging industry, facing increasing pressures from rising operational costs, volatile markets, changing weather, and evolving regulations.
3. Farmers contribute significantly to the local economy, rural employment, and food security, helping to ensure affordable and sustainable food supplies.
4. Small family farms are at the heart of our rural communities, contributing not only to local food production but also to the cultural and social fabric of the area.
5. The work of farmers represents a legacy of stewardship, community support, and traditional skills passed down through generations.

This Council believes that:

1. Farmers deserve our respect and appreciation.
2. Farmers deserve recognition for their vital role in maintaining a thriving rural community and contributing to the local economy.
3. Support for farmers is essential not only for secure food production but also to preserve our rural heritage, landscapes, and biodiversity.

This Council resolves to:

1. Formally declare our gratitude to Rushcliffe's farming community.
2. Ensure, where possible, that food and drink at council-organised events is sourced from local farms.
3. Commission a feasibility study of agroforestry partnerships with local farmers, which will help local farms whilst simultaneously helping council offset carbon emissions.

**d) Councillor Clarke MBE**

The Borough of Rushcliffe is home to many farming families, with a large proportion of the Borough being rural. This Council recognises the important part farmers play, both in the local economy and in growing food to put on the tables of our residents.

In the recent budget, the Chancellor of the Exchequer announced devastating changes to Inheritance Tax, which the National Farmers Union (NFU) has described as a "hammer blow to farming families". Farmers work long hours with very tight margins in their businesses due to the continuing significant rising costs of animal feed, energy costs and labour costs etc.

The budget changes threaten to cripple many family farms, which rely on passing down land to relatives to continue their vital work in feeding the Borough and country. Family farms are asset rich and cash poor, with no means to pay such punitive amounts of

inheritance tax, leaving the only option to sell land, thus rendering the farm unviable. This will have a huge impact on our farming communities in Rushcliffe.

This Council therefore resolves to :

- 1) Write to the Chancellor of the Exchequer to call upon her to reverse the changes to Inheritance Tax rules for farmers and to explain the reasons why.
- 2) Write to Robert Jenrick MP to thank him for his opposition to the tax changes and ask that he continues to lobby the Chancellor on our behalf.
- 3) Write to James Naish MP to ask him to join us in opposing the Chancellor's decision and to lobby her on our behalf in order to change the decision.
- 4) Record our thanks to the farmers of Rushcliffe for all the intensive hard work they do on behalf of Rushcliffe residents to put food on our tables.
- 5) Write to the local representatives of the National Farmers Union to express our support for the call to reverse the new tax changes.

#### 16. Questions from Councillors

[To answer questions submitted by Councillors](#)

#### Membership

Chair: Councillor A Brown

Vice-Chair: Councillor J Cottee

Councillors: M Barney, J Billin, T Birch, R Bird, A Brennan, R Butler, S Calvert, J Chaplain, K Chewings, N Clarke, T Combellack, S Dellar, A Edyvean, S Ellis, G Fletcher, M Gaunt, E Georgiou, P Gowland, C Grocock, R Inglis, R Mallender, S Mallender, D Mason, P Matthews, H Om, H Parekh, A Phillips, L Plant, D Polenta, N Regan, D Simms, D Soloman, C Thomas, R Upton, D Viridi, J Walker, R Walker, L Way, T Wells, G Wheeler, J Wheeler and G Williams

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**Toilets:** Are located to the rear of the building near the lift and stairs to the first floor.

**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.

## Recording at Meetings

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt



## **MINUTES OF THE MEETING OF THE COUNCIL**

**THURSDAY, 26 SEPTEMBER 2024**

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena,  
Rugby Road, West Bridgford  
and live streamed on Rushcliffe Borough Council's YouTube channel

### **PRESENT:**

Councillors A Brown (Chair), J Cottee (Vice-Chair), M Barney, J Billin, T Birch, R Bird, A Brennan, R Butler, S Calvert, J Chaplain, K Chewings, N Clarke, T Combellack, A Edyvean, S Ellis, G Fletcher, M Gaunt, E Georgiou, P Gowland, C Grocock, R Inglis, R Mallender, S Mallender, D Mason, P Matthews, H Om, H Parekh, A Phillips, L Plant, D Polenta, N Regan, D Simms, D Soloman, C Thomas, R Upton, D Viridi, J Walker, R Walker, L Way, T Wells, G Wheeler, J Wheeler and G Williams

### **OFFICERS IN ATTENDANCE:**

L Ashmore	Director of Development and Economic Growth
D Banks	Director of Neighbourhoods
P Linfield	Director of Finance and Corporate Services
K Marriott	Chief Executive
S Pregon	Monitoring Officer
E Richardson	Democratic Services Officer
H Tambini	Democratic Services Manager

### **APOLOGIES:**

Councillor S Dellar

#### **24 Declarations of Interest**

Councillor Parekh declared an interest in Item 10a Notices of Motion.

#### **25 Minutes of the Meeting held on 18 July 2024**

The minutes of the meeting held on Thursday, 18 July 2024 were approved as a true record and signed by the Mayor.

#### **26 Mayor's Announcements**

The Mayor referred to the 22 events he had attended over the summer, including the very successful Lark in the Park and West Bridgford Food Festival, together with Merchant Navy Day, which had included a very moving speech made by a World War 2 veteran. He reminded Councillors of the importance of honouring all those who had made the ultimate sacrifice, by supporting both Remembrance Sunday and Armistice Day. The Mayor went on to say that he had enjoyed the Bavarian Beer Festival in Bingham, the West Bridgford Horticultural and Allotment Society annual show and the Hickling

Scarecrow Festival. The Mayor concluded by referring to a recent book launch he had attended in Lady Bay, for an eight year old author, Binuthi Gunasekara, and what a fantastic event it was.

## **27 Leader's Announcements**

The Leader welcomed Sara Pregon to her first official meeting as Monitoring Officer. The Leader highlighted the recent award won by the Council from the Boots and Berets Organisation, for the excellent Proms in the Park event, and he thanked officers responsible for organising it. The Leader referred to the Chief Executive's recent announcement that she would be leaving to take on a new role as Chief Executive at North Kesteven District Council, he congratulated her and stated that her departure would be a great loss to the Council.

## **28 Chief Executive's Announcements**

There were no Chief Executive's Announcements.

## **29 Citizens' Questions**

No citizens' questions were received for this meeting.

## **30 Petitions**

In accordance with the Council's Petitions Scheme, the Mayor invited Mr Kerr to present the petition entitled 'Community Governance Review.'

Mr Kerr introduced himself as Chair of Barton in Fabis Parish Council and stated that the petition sought the removal of the new Sustainable Urban Extension (SUE) at Fairham from the parish of Barton in Fabis, to allow the formation of a new parish Council at Fairham. Mr Kerr briefly outlined details of the location and history of the parish and referred to the ongoing development pressures faced in this rural location. Mr Kerr stated that the new SUE, which had been removed from the Greenbelt would be a standalone development, differing greatly from the small, rural parish of Barton in Fabis. Mr Kerr was concerned that if Fairham remained part of the ancient parish, the interests of the current community would be overwhelmed, and the residents of Fairham deserved their own representation. Mr Kerr advised that the new boundary had been drawn along the Greenbelt, as that represented the natural boundary between the SUE and the rural land beyond. Should the validated petition be accepted, there was sufficient time for the boundary changes to be effective in time for the next elections in 2027.

## **31 Greater Nottingham Strategic Plan**

The Cabinet Portfolio Holder for Planning and Housing, Councillor Upton presented the report of the Director – Development and Economic Growth detailing the Greater Nottingham Strategic Plan (GNSP).

In moving the recommendation, Councillor Upton referred to the Council's statutory duty to review and adopt a new Local Development Plan, which had



taken several years to prepare, in conjunction with Broxtowe, Gedling and Nottingham City, and advised that it was critical that the current Plan was updated, to secure sustainable development and growth. Councillor Upton referred to the significant public consultation already undertaken, together with the meetings of the cross party Local Development Framework (LDF) Group, where at its last meeting, members present had unanimously resolved to accept the draft document and submit it to Full Council for approval.

Councillor Upton referred to the recent consultation on revisions to the National Planning Policy Framework (NPPF), which suggested a transitional period, where not all of the updates had to be completely reflected in local plans, if they had reached a certain stage, and it was thought that the current timeline would meet those new rules, providing Rushcliffe's Plan was published for consultation by next month. Without approval this evening, Councillor Upton stated that this transitional window would be lost, with the Plan unable to go forward, leaving the Council without an up to date Plan. Each council would have to individually agree and adopt the Plan, and that would be followed by a six week public consultation, and then onto a public examination.

Councillor Upton referred to Policy 3, which related to Housing Targets and advised that as part of the transitional arrangements, the Plan was only able to be adopted if each councils' annualised housing target was within 200 dwellings throughout the Plan period, with those housing targets detailed in Table 1 of Policy 3 in the report. Council noted that Rushcliffe had more than sufficient existing housing supply to meet the Borough's proposed housing target as detailed in Paragraph 4.33. Economic and employment land had also been carefully considered in draft Policy 5, together with Policy 10, which required all developments to aspire to the highest standards of design and materials. Councillor Upton concluded by thanking all those involved in preparing this report, including partners, officers, in particular the Planning Policy Manager, and members of the LDF Group.

Councillor Butler seconded the recommendation and reserved the right to speak.

Councillor Calvert referred to the long history of close collaboration across the county, including the formation of the Greater Nottingham Planning Partnership in 2008. Governance was provided by a Joint Planning Advisory Board (JPAB), and those arrangements had remained, with the same Board overseeing the development of this Plan. Councillor Calvert felt that the LDF Group had considered the Plan in depth, and he echoed the thanks given to officers; however, he felt that the Group's ability to influence the Plan was very limited, and it was difficult to grasp the complexities of the individual policies. Councillor Calvert also considered this to be an awkward time to consider the Plan, due to the recent change in Government, together with the ongoing NPPF consultation. Nevertheless, Councillor Calvert confirmed that the Labour Group would vote in favour of the recommendations, which did not mean a wholesale approval of the Plan, rather it was to allow the Plan to go to the next stage of consultation and examination.

As a member of the LDF Group, Councillor S Mallender acknowledged and thanked all those involved for their hard work and was pleased to see the

emphasis on climate change mitigation. Council was reminded that Rushcliffe was different to other councils, given its older age profile, which particularly affected those living in rural areas. She was pleased to see the standards being suggested for carbon neutral developments; however, it was disappointing that Rushcliffe did not have a target for area-wide carbon neutrality. Councillor Mallender stated that the Green Group also shared some reservations and reiterated that the LDF Group had agreed that the Plan should be published for public consultation, rather than approving the document in its entirety.

The Leader acknowledged that the LDF Group had voted in favour of taking the Plan forward and reiterated the importance of not missing the transitional window, and he thanked Councillor Upton, all members of the LDF Group and officers for their hard work on this significant project.

Councillor Barney reiterated those thanks, acknowledged the excellent collaborative working and referred to the importance of adopting the Plan to protect local communities.

Councillor Birch also thanked officers but advised that he would not be voting for the Plan, as it would be an endorsement of mass housing development. He expressed concerns about the Ratcliffe on Soar Freeport site and also about the Tollerton Airfield site.

Councillor Chewings stated that his main objection related to the proposed loss of Tollerton Airport and highlighted the significant public opposition to the proposals and urged the site to be removed from the Plan. Councillor Chewings requested that a recorded vote be taken.

Councillor Simms referred to the importance of having appropriate plans in place to ensure that future housing developments would be built on the most suitable sites, and that the Borough needed to be protected.

In seconding the recommendation, Councillor Butler acknowledged that allocating sites was difficult but it was necessary to protect the Borough and retain control. Councillor Butler stated that if the Plan was not approved tonight to go onto the next stage, then the Borough's defences would be lost, with work having to start again, which would take years.

Councillor Upton echoed comments made by Councillor Calvert regarding partnership working, together with the importance of not missing this transitional window. He accepted that a significant part of the Plan related to housing delivery and referred to the ongoing housing crisis, with the new Government's housing targets calling for 1.5 million homes to be built in five years. Councillor Upton referred to the comments made about mass housing development and advised that the Plan did not propose any more strategic or major sites around the key settlements, there was a slight increase, which could be coped with. In respect of Tollerton Airport, that had been included in the 2014 Plan, when it was accepted by the Government Inspector, and it would be considered again. Councillor Upton stated that Rushcliffe had a good house building track record in the county, building more than any other authority, and of those, more were affordable, which was something to be

proud of.

In accordance with Standing Order Paragraph 4.23, a recorded vote was taken for this item as follows:

FOR: Councillors M Barney, J Billin, R Bird, A Brennan, A Brown, R Butler, S Calvert, J Chaplain, N Clarke, T Combellack, J Cottee, A Edyvean, S Ellis, G Fletcher, M Gaunt, E Georgiou, P Gowland, C Grocock, R Inglis, R Mallender, S Mallender, D Mason, P Matthews, H Om, H Parekh, A Phillips, L Plant, D Polenta, N Regan, D Simms, D Soloman, C Thomas, R Upton, D Viridi, J Walker, R Walker, L Way, T Wells, G Wheeler, J Wheeler, and G Williams

AGAINST: Councillors T Birch and K Chewings

It was **RESOLVED** that:

- a) the Publication Draft Greater Nottingham Strategic Plan and Policies Map Changes document, in so far as they relate to Rushcliffe Borough be approved, and their publication for a six-week public representation period be agreed;
- b) it be agreed that, following the representation period, the Publication Draft Greater Nottingham Strategic Plan, the Policies Map Changes document, all supporting documents and all representations received be submitted for public examination; and
- c) the Director for Development and Economic Growth be granted delegated authority, in consultation with the Cabinet Portfolio Holder for Planning and Housing to make any minor editing changes to the Publication Draft Greater Nottingham Strategic Plan and the Policies Map Changes document prior to their publication.

## 32 **Notices of Motion**

Councillor Parekh indicated an interest in this item and moved to sit in the public gallery. She took no part in the debate

- a) The following Notice of Motion was proposed by Councillor Birch and seconded by Councillor Chewings.

Prior to presenting her motion, Councillor Birch informed the Mayor that he wished to make an alteration to the motion using Standing Order Paragraph 4.58. After outlining the alteration, consent was given by the Council and Councillor Birch proceeded to move the motion.

“Council resolves to:

- Write to Nottinghamshire County Council to express our dissatisfaction with the current quality of Special Educational Needs and Disability (SEND) provision.
- Write to Nottinghamshire County Council to demand that they meet their legal obligations with regards to completing EHCPs (Education, Health

- and Care Plans) within the statutory 20 week timeframe.
- Write to Nottinghamshire County Council to request that they measure the qualitative, as well as quantitative, aspects of their SEND provision.
  - Write to both the Secretary of State for Education, Bridget Phillipson MP, and the Minister for School Standards, Catherine McKinnell MP, to request more funding is allocated to SEND education.
  - Request that Nottinghamshire County Council gather and properly consider a wider range of views from parent carers and SEND children than just those from the commissioned Nottinghamshire Parent Carer Forum.
  - Request that Nottinghamshire County Council implements a customer service desk to give parents of SEND children a central point of contact.
  - Request that Nottinghamshire County Council implements a Service Level Agreement between themselves and SEND parents, which guarantees that phone messages and emails will be responded to within two working days.
  - Request that Nottinghamshire County Council provides the Oliver McGowan Learning Disability and Autism Training to all teaching staff at schools across the county, as is currently mandated by the NHS.
  - Provide the Oliver McGowan Learning Disability and Autism Training to all Rushcliffe Borough Council staff and Councillors.

Rushcliffe Borough Council stands firmly in support of all children with SEND and their families. By adopting this motion, we call on Nottinghamshire County Council, and central government, to recognize the urgency of the situation and to take decisive action to enhance the quality and effectiveness of SEND provision.”

In moving the motion, Councillor Birch advised that the Rushcliffe Independents were launching a Nottinghamshire SEND Improvement Campaign, with a petition being launched asking the County Council to undertake a number of measures. Councillor Birch highlighted what SEND included, as well as how a child could receive support, including an Education Health Care Plan (EHCP), and advised that there was a 20 weeks statutory time frame to receive a Plan once it had been requested. Currently the national average response rate was 50%; however, in 2022, the response rate at the County Council was 4.5%. Council was advised that a SEND Improvement Board had been set up by the County Council in 2023, following an Inspection by OFSTED and the Care Quality Commission, which had highlighted systemic failures. Despite the Board being set up, parents were still very concerned about the service and he felt that both residents and children deserved better.

Councillor Chewings seconded the recommendation and reserved the right to speak.

Councillor J Wheeler proposed an amendment to the motion as follows:

“Rushcliffe Borough Council resolves to:

- Write to Nottinghamshire County Council to request that they measure the qualitative, as well as quantitative, aspects of their SEND provision.

- Write to both the Secretary of State for Education, Bridget Phillipson MP, and the Minister for School Standards, Catherine McKinnell MP, to request more funding is allocated to SEND education in Nottinghamshire.
- Request that Nottinghamshire County Council continue to gather and consider a wide range of views from parents, carers and SEND children.
- Welcome the creation of the dedicated SEND email inbox for parents, carers and children to contact NCC and share their views and asks for details of NCC's response procedures to be shared with borough councillors.
- Request that Nottinghamshire County Council continues to provide accredited Learning Disability and Autism Training to all teaching staff at schools across the county.
- Encourage RBC councillors to complete the NCC Autism Awareness Course that is available as a e-learning modules on the members intranet.
- Welcome the news that RBC staff have recently undertaken a training session on neuro divergency.

Rushcliffe Borough Council stands firmly in support of all children with SEND and their families. By adopting this motion, we support Nottinghamshire County Council, and central government, in recognizing the urgency of the situation and taking decisive action to enhance the quality and effectiveness of SEND provision.”

Councillor Barney seconded the amendment to the motion and reserved the right to speak.

In proposing the amendment, Councillor Wheeler confirmed the Council's support for this issue and referred to the increasing pressures on the service. He acknowledged that currently the County Council did not meet the target for completing EHCPs; however, this was a national issue and had to be addressed. The County Council had recognised that it needed to do more, with the establishment of the SEND Improvement Board, and the problem was recognised by the last Government, which had increased funding. He welcomed the measures taken by the County Council and confirmed that it had already written to the new Government; however, the response had lacked any commitment, and it was hoped that this would be reconsidered. Councillor Wheeler referred to the centralised system in place at the County Council to handle enquiries, and Council was reminded that it was more important to give a quality response, rather than trying to meet the two day deadline, and he confirmed that appropriate training was undertaken by all relevant parties.

Councillor Birch confirmed that he would accept the amendment and so this became the substantive motion.

Councillor Plant referred to this very important issue and felt that everyone would agree that those affected deserved the right to an appropriate education. Councillor Plant stated that she had supported many parents and carers in their continuous battle to get help. It was noted that whilst the

number of children with SEND has been increasing, funding had failed to keep pace and it was a Labour Manifesto commitment to address this crucial issue as those affected deserved better and she confirmed that the Labour Group would support this motion.

Councillor Butler stated that he was pleased that the amendment had been accepted and referred to his own experiences as a school governor and that more funding was required, as this was a challenging issue.

Councillor R Mallender appreciated the strength of feeling on this issue and confirmed that the Green Group would be supporting the motion.

Councillor Simms stated that he could relate and identify with SEND, having being diagnosed with dyslexia and he was aware that demand was outstripping supply. Whilst this was an important issue, it was a matter for the County Council, and he hoped in future that motions would relate to Borough Council issues.

Councillor Polenta agreed that funding for SEND was inadequate. She felt that for too long conversation around SEND had been limited to a single access approach, with marginalised groups being further disadvantaged and it was important that no one should be left behind.

Councillor Gowland referred to the desperation that many parents and carers felt and stated that both councils should try to do everything they could to help.

Councillor Barney referred to the significant frustration felt by those trying to get support, and everyone welcomed the efforts being made to improve this. Poor communication was a major concern, compounded by long waiting times, and he felt that the County Council currently offered excellent support, and he welcomed the wider training programmes for teachers. Due to underfunding the SEND system was currently falling short and addressing those challenges required a multi-faceted approach.

The Leader stated that whilst this issue affected local residents in Rushcliffe, SEND provision was provided by the County Council and it would have been more appropriate to approach them. The Leader agreed that this situation could not be allowed to continue and confirmed that Government had been lobbied about changing processes, and the County Council was reviewing service provision, hence the amendment to the motion.

In seconding the motion, Councillor Chewings stated that the motion was asking another body to do something for local residents and acknowledged the ongoing financial challenges, and he hoped that the funding promised by the new Government would come to fruition.

Councillor Birch stated that Councillors were the voice of people in the Borough, and he thought that the motion had been very educational and had highlighted the problems faced by parents and carers. He stated that parents wanted qualitative as well as quantitative measurements and

concluded by urging everyone to support this motion. Councillor Birch requested that a recorded vote be taken.

In accordance with Standing Order Paragraph 4.23, a recorded vote was taken for this item as follows:

FOR: Councillors M Barney, J Billin, T Birch, R Bird, A Brennan, A Brown, R Butler, S Calvert, J Chaplain, K Chewings, N Clarke, T Combellack, J Cottee, A Edyvean, S Ellis, G Fletcher, M Gaunt, E Georgiou, P Gowland, C Grocock, R Inglis, R Mallender, S Mallender, D Mason, P Matthews, H Om, H Parekh, A Phillips, L Plant, D Polenta, N Regan, D Simms, D Soloman, C Thomas, R Upton, D Viridi, J Walker, R Walker, L Way, T Wells, G Wheeler, J Wheeler, and G Williams

The motion was carried.

Councillor Parekh returned to the meeting.

- b) The following Notice of Motion was proposed by the Leader, Councillor Clarke MBE and seconded by Councillor Brennan.

“This Council resolves to:

- Urge the Chancellor of the Exchequer to review the decision to means-test the Winter Fuel Payment and to ensure that compensatory payments are included in the October Budget to ensure that vulnerable pensioners particularly those who do not claim Pension Credit, are protected from fuel poverty this winter.
- Also urge our local Rushcliffe MPs to lobby the Chancellor to introduce measures to help those pensioners in Rushcliffe in need of additional support this winter, especially those that fall just outside the pension credit threshold.
- Continue the existing successful Council-led local awareness campaign, and work with local partners and charities, to alert those pensioners in Rushcliffe potentially eligible for Pension Credit but who currently do not access it, to apply for their entitlement.
- Work with Nottinghamshire County Council to utilise the Household Support Fund to provide some financial relief to the Borough's most vulnerable pensioners.”

The Leader stated that he was shocked that the new Government had taken the decision to cut winter fuel payments, with many pensioners falling just outside the threshold of claiming Pension Credit. The Leader advised that James Naish MP had stated that it was the responsibility of the Borough and County Councils to support those pensioners. It was noted that members at the Labour Conference had voted to ask the Chancellor to reverse the decision. The Leader accepted that there were wealthy pensioners who did not need the allowance; however, many vulnerable pensioners would find themselves in hardship. The Government had said that pensioners would be compensated, with an increased pension in April, but that would be too late as energy bills continued to rise. The Leader concluded by advising that Rushcliffe Borough Council would do what it

could for the most vulnerable; however, that should not be a substitute for the loss of the allowance.

Councillor Brennan seconded the recommendation and reserved the right to speak.

Councillor Chaplain stated that the Labour Group was disappointed that this decision had been taken; however, the Government was being forced to deal with the huge financial deficit left by the previous administration. Councillor Chaplain also felt that many people, not just pensioners had been forced to make the same decisions during previous winters. Budget plans were unknown, although the Chancellor had stated that all pensioners would be better off and she assured Council that James Naish MP was acting on behalf of pensioners. Councillor Chaplain stated that the Labour Group fully supported improving access to Pension Credit, as well as using the Housing Support Fund, and it was hoped that the Council would do more to alleviate fuel poverty for all its residents, and she advised that the Labour Group would abstain from voting as the measures called for were meaningless.

Councillor J Wheeler reiterated that if all eligible pensioners signed up for Pension Credit, it would cost the Government more money, and it had been identified in Nottinghamshire that over 147,000 pensioners would lose the winter fuel allowance. Council noted that the Housing Support Fund helped many people and funds had already been extended by the previous Government and this motion was being put forward to ask those who could to lobby on the Council's behalf.

Councillor R Mallender felt that the wealthy should be taxed more to ensure that this money was available to all pensioners and called for more insulation and retrofitting in homes.

Councillor Chewings stated that protecting the most vulnerable should be a priority and that cutting this payment, with very little notice, without offering compensation was dangerous, especially to the nearly 200,000 pensioners with high energy needs, and together with the loss of additional cost of living payments, this would see some pensioners £600 worse off. People who voted for the Government were now asking why the elderly were being targeted and it was hoped that this decision would be reviewed.

Councillor Combellack reminded Council that the loss of this allowance would add to the burden on the NHS.

Councillor Thomas proposed an amendment to the motion as follows:

This Council resolves to:

- Urge the Chancellor of the Exchequer to review the decision threshold to means-test the Winter Fuel Payment and to ensure that compensatory payments are included in the October Budget to ensure that vulnerable pensioners, particularly those who do not claim Pension Credit, are also protected from fuel poverty this winter.



- Also urge our local Rushcliffe MPs to lobby the Chancellor to introduce measures to help those pensioners in Rushcliffe in need of additional support this winter, especially those that fall just outside the pension credit threshold.
- Continue the existing successful Council-led local awareness campaign, and work with local partners and charities, to alert those pensioners in Rushcliffe potentially eligible for Pension Credit but who currently do not access it, to apply for their entitlement.
- Work with Nottinghamshire County Council to utilise the Household Support Fund to provide some financial relief to the Borough's most vulnerable pensioners.
- Consider allocating funding in Rushcliffe's next budget to provide a hardship fund to give council tax relief to households in fuel poverty, including pensioners who have lost the allowance.

Councillor Thomas stated that all were concerned about how this would affect vulnerable pensioners, and she felt that it should be the threshold that was reviewed, rather than the decision to stop it being a universal payment. Councillor Thomas felt that Rushcliffe should also consider doing something to help households suffering from fuel poverty.

The Mayor asked the Leader if he accepted the amendment and he confirmed that he would not.

Councillor Billin seconded the amendment and agreed that Rushcliffe should lobby the local MP to urge the Government to change the threshold, to ensure that the most vulnerable were protected.

The Leader stated that the amendment changed the thrust of the motion and given that the County Council provided a hardship fund, if Rushcliffe was to do the same, the Leader hoped that it would also be provided by the Government.

On being put to the vote, the amendment to the motion was lost.

The Mayor asked if anyone wished to speak on the motion.

Councillor Om reiterated concerns raised and stated that winter was a challenging time for pensioners and removing this lifeline would increase health issues and reduce the quality of life for many.

Councillor Polenta stated that providing this allowance was the right thing to do to ensure a fair society for all and means testing stigmatised people and took away their dignity.

Councillor G Wheeler noted that cutting the winter fuel allowance had not been mentioned before the Election, and although in 2017 the Conservative Government had considered it, there would have been a consultation before anything happened.

Councillor Birch stated that many pensioners in Rushcliffe would be severely impacted, and further distress had been caused, due to poor

communication and timing of the announcement so close to winter and he also questioned the existence of the £22billion black hole. He noted that the Government had acknowledged that no full Risk Assessment had been conducted and he confirmed that he would be supporting the motion.

It was proposed by Councillor Clarke, seconded by Councillor Brennan and **RESOLVED** by Councillors that the meeting be extended and would finish no later than 10.30pm.

Councillor Phillips stated that the elderly needed to heat their homes more, it was known that this cut would lead to unnecessary deaths, and pensioners deserved better.

It was proposed by Councillor R Mallender and seconded by Councillor S Mallender and **RESOLVED** that Council should move to the vote.

In seconding the motion, Councillor Brennan stated that she was sure that the Labour Group found this policy as reprehensible as everyone else and she reiterated that if eligible pensioners claimed Pension Credit then no savings would be made. Councillor Brennan stated that the Council would do what it could to help but thought it was wrong that Council Tax payers should be asked to pay more to subsidise winter fuel payments.

The Leader stated that Rushcliffe was one of many councils putting forward similar motions, which he hoped would have considerable influence and he called on James Naish MP to lobby for the payments to be retained. He advised that Rushcliffe was already providing support by having the lowest Council Tax in the county.

On being put to the vote, the motion was carried.

- c) The following Notice of Motion was proposed by Councillor Upton and seconded by Councillor R Walker.

This Council resolves to write to the Secretary of State for Housing, Communities and Local Government to request:

1. that the housing target for Rushcliffe is not increased in recognition of the number of houses we have already built and already plan to build; and
2. that under the Duty to Co-operate, Nottingham City Council is urged to allocate our increase in housing numbers, as we did for them in 2014.

Councillor Upton stated that Rushcliffe had already built its fair share of housing and would continue to do so and the motion was asking that Rushcliffe should not be allocated anymore, and if any additional housing was required, the City of Nottingham should be asked to take it, as Rushcliffe had done in 2014.

Councillor R Walker seconded the recommendation and reserved the right to speak.

Councillor Calvert was concerned that if the motion was accepted, it could delay progress of the GNSP, and he assured Council that the Labour Group also cared but it was also important that local residents could access affordable housing. Councillor Calvert was concerned that by writing to the Secretary of State, this could negatively impact on partnership working.

Councillor Chewings referred to this important issue and stated that the Rushcliffe Independents would be supporting the motion.

Councillor Thomas was very disappointed that the motion had been brought forward and felt that it was Councillor Upton's responsibility as the Portfolio Holder to send a message to the Government and to address this issue in an appropriate, considered manner at JPAB.

Councillor Parekh felt that Rushcliffe had already made a significant contribution and would continue to do so, and increasing the target would fail to recognise the proactive steps already being taken and could also impact on existing residents' quality of life. Councillor Parekh stated that building should be kept at a suitable level to align with local needs.

Councillor Grocock advised that people living in the countryside were not opposed to new housing, it just needed to be suitable and reasonably priced, and if demand kept increasing, then appropriate housing, with the right infrastructure needed to be built.

The Leader stated that in 2014, Rushcliffe was given what it considered to be a reasonable allocation of 6,000 houses, as part of the duty to cooperate with Nottingham City Council, which was over and above the nearly 4,000 houses, which was the housing need for the Borough; however, the Inspector then asked the Borough to find a further 3,500 houses. Given that the City Council now had brownfield sites that it could develop, the Leader felt that Rushcliffe should not be asked to build any additional homes.

In seconding the recommendation, Councillor R Walker stated that this was an opportunity for the City to address significant issues related to population growth and the relative lack of housing delivery, when compared to other major cities, and such increases should be welcomed by the City to act as a catalyst to increase prosperity.

Councillor Upton agreed that smaller villages and rural communities needed some small developments to provide affordable housing for young people and Rushcliffe had a history of infill and garden developments.

On being put to the vote, the motion was carried.

### **33 Questions from Councillors**

#### **a) Question from Councillor Grocock to Councillor Upton**

“Considering the findings of the Environment Agency's Adaptive

Investment for Growth July 2023 prospectus, presented to Growth and Development Scrutiny Committee on 6th March 2024, has there been any analysis of the factors behind Rushcliffe's low score for some of the report's Environmental Inequality Themes, particularly "Plants and Wildlife" for which Rushcliffe is ranked 295, the worst of all councils across Derbyshire and Nottinghamshire?"

Councillor Inglis summarised what the document covered and advised that it ranked Rushcliffe third for overall environmental quality across the county; however, the Council was very aware of the findings, which were based on historical data and had been discussed with the Environment Agency. Rushcliffe comprised largely of good to very good agricultural land, which had been intensively farmed, resulting in ecologically poor land and lower levels of biodiversity compared to other areas. However, the Council had a strong track record in encouraging wider biodiversity across the Borough and advised that Rushcliffe scored 219 for its air quality.

The Mayor asked Councillor Grocock if he had a supplementary question.

"Can the Council commit to developing a strategy with associated actual objectives to address our low score on plants and wildlife and other themes where we ranked relatively poorly with the report?"

Councillor Inglis advised that the Council could.

b) Question from Councillor Way to Councillor J Wheeler

"Residents of estates that have 'open space' management fees are raising concerns about the possible consequences of the current play park survey. How will the Council reassure these residents that any outcomes from the survey will not result in obligatory changes to the facilities on their estates resulting in subsequent increases in their management fees?"

Councillor J Wheeler advised that the survey related to future play parks rather than current ones.

The Mayor asked Councillor Way if she had a supplementary question.

"Apart from financial considerations, what barriers are there preventing Borough or parish councils adopting these play areas?"

Councillor Wheeler advised that the Leader had taken the issue of management of open spaces up with Government ministers and currently, apart from the parks it had responsibility for, the Council had no legal ability to take on any others.

c) Question from Councillor Plant to the Leader, Councillor Clarke MBE

"At the recent Corporate Overview Group the Quarter 1 position for 2024/5 was reported on. There is a predicted net revenue efficiency of £1.106M for 2024/5. £500,000 of the projected underspend is to be put into a new "West Bridgford town centre reserve" towards the pedestrianisation of

WBTC i.e. Central Avenue. Can the Leader of the Council tell me has the decision to pedestrianise Central Avenue been made?”

The Leader advised that this was a complex issue, involving many partners and stakeholders, who would need to be involved, together with public consultation, and although pedestrianisation was not directly within the Borough’s gift, the overarching desire was to ensure the economic prosperity of that area, and the consultation would show if it was wanted.

The Mayor asked Councillor Plant if she had a supplementary question.

“Will residents, businesses and local West Bridgford Councillors be consulted on this important issue before a decision was actually made?”

The Leader stated that as it was a public consultation then anyone could comment.

The meeting closed at 10.25 pm.

CHAIR

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**Council**

**Thursday, 5 December 2024**

**Appointment of the Chief Executive**

## **Report of the Monitoring Officer and Head of Chief Executive's Department**

**Cabinet Portfolio Holder for Strategic and Borough-wide Leadership,  
Councillor N Clarke**

### **1. Purpose of report**

- 1.1. To advise Members of the recruitment process undertaken to recruit to the role of Chief Executive following the resignation of the current Chief Executive, Katherine Marriott, and to seek approval of the permanent appointment on the recommendation of the Council's Interviewing Committee.
- 1.2. This report also seeks approval of interim arrangements to apply following the departure of the current Chief Executive until the new appointee commences employment to ensure continuity and stability as well as designation of statutory roles.

### **2. Recommendation**

It is RECOMMENDED that Council:

- a) approves the appointment of Adam Hill to the position of Chief Executive including designation as Head of Paid Service, Returning Officer and Electoral Registration Officer; and
- b) approves the interim arrangements as set out in paragraph 4.10 of the report.

### **3. Reasons for Recommendation**

- 3.1. The Council's current Chief Executive, who is also the Council's Head of Paid Service, Electoral Registration Officer and Returning Officer, resigned in October 2024 and is due to leave the Council towards the end of January 2025. Following her resignation, the Council has sought to recruit to the role utilising the executive search firm Penna to source qualified applicants and support the selection process.
- 3.2. It is a function of the Council's Interviewing Committee to recommend appointments to the post of Chief Executive and for Council to approve the statutory appointment of the Head of Paid Service, Electoral Registration Officer and Returning Officer.

- 3.3. An extensive recruitment process has been undertaken to enable a recommendation for appointment to the post of Chief Executive, Head of Paid Service, Electoral Registration Officer and Returning Officer to be made to Council. A strong field of candidates has been considered for the role and the selected candidate has demonstrated the required skills, knowledge and characteristics to assume this role.
- 3.4. The recommendations also ensure interim arrangements are in place to secure leadership and designation of the statutory roles during any period between the departure of the current Chief Executive and commencement of the employment of the incoming postholder.

#### **4. Supporting Information**

- 4.1. The post of Chief Executive is the most senior position within a local authority. They provide overall leadership and vision in developing the strategic organisational direction in accordance with Council policy, budgetary and statutory requirements. They are primarily responsible for the successful delivery of the priorities and ambitions of the Council as set by the elected leadership. The role also requires engagement at county, regional and national levels as a strong advocate for the Council, working closely with local government, central government, commercial partners, statutory agencies, residents, local businesses, and other relevant stakeholders and partners.
- 4.2. As the Head of Paid Service, they have overall responsibility for the management and coordination of the employees appointed by the Council. The post holder is also designated as the Council's Returning Officer and Electoral Registration Officer, which are separate statutory appointments.
- 4.3. Consultants Penna were appointed to support the recruitment process. Their appointment included identifying a pool of appropriately experienced and talented individuals capable of leading the Council and to secure their interest in the post and to support the recruitment process.
- 4.4. The Interview Committee were supported throughout the process by Penna and the Council's Strategic Human Resources Manager. There was strong interest in the role and 16 applications were received. Through the longlisting process, seven candidates were put forward for initial technical interviews. Following feedback from those interviews the Interviewing Committee invited three candidates for further assessment and final interviews held over the course of two days on 25 and 26 November 2024.
- 4.5. The Interview Committee were impressed with the calibre and strength of applicants. The final recruitment process culminated in psychometric assessments along with reference and due diligence checks. Each candidate took part in panel sessions with the Council's Leadership Team, staff, a cross section from some of the Council's external partners and members on the Interview Committee. The process concluded with final interviews with the Interviewing Committee.



- 4.6. The Interviewing Committee agreed unanimously on 26 November 2024, following the rigorous recruitment process outlined above, to recommend to Council the appointment of Adam Hill to the role.
- 4.7. Adam Hill is currently Chief Executive at Mansfield District Council and is a proven leader with over 30 years' experience in the public sector. He has previously served as Deputy Chief Executive at Swansea Council.
- 4.8. The recommendation from the Interviewing Committee to Council can only be made after a period of time has elapsed to allow the Leader an opportunity to make material or well-founded objections on their own behalf or on behalf of one or more Executive members. Where no such objections are received the recommendation for the appointment is referred to Council for approval. Cabinet members were notified of the proposed appointment and have agreed the recommendation, raising no objections.
- 4.9. It is likely that the new Chief Executive will not start with the Council until March 2025. It is therefore important that the Council approves interim arrangements, particularly interim appointments to the statutory roles, to ensure continue leadership.
- 4.10. It is proposed that the Council's Deputy Chief Executives jointly undertake the duties of the Chief Executive in any intervening period with David Banks, Director for Neighbourhoods, being appointed as Head of Paid Service and Peter Linfield, Director for Finance and Corporate Services, being appointed as Electoral Registrations Officer and Returning Officer on an interim basis.

**5. Alternative options considered and reasons for rejection**

It is a requirement to ensure that the Council employs a Chief Executive/Head of Paid Service and that the mechanism to do so should be pursuant to the Council's Constitution and statutory requirements. The proposed recommendations ensure that the Council fulfils its statutory obligations, delivers priorities and services and addresses strategic risks following an extensive recruitment process.

**6. Risks and uncertainties**

- 6.1. It is the Council's policy to proactively identify and manage significant risks, which may prevent delivery of business objectives.
- 6.2. It is not possible to eliminate or manage all risks all of the time and risks will remain, which have not been identified. However, based on the information available the risks associated with this recommendation have been identified, as follows.

<b>Action</b>	<b>Risks</b>
1. Approval not given for the recommendation to appoint to the role of Chief Executive	Having a Chief Executive to provide continuity in leadership will mitigate the risk with the delivery of the Council's strategic priorities and ambitions in line

	with expected timescales. A further recruitment process would need to be held, which is unlikely to attract more suitable candidates. Failure to appoint to the statutory roles will mean that the Council will be in breach of its statutory obligations.
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## **7. Implications**

### **7.1. Financial implications**

7.1.1 The salary for the new Chief Executive appointment will need to be paid in accordance with the Council's Pay Policy and will be met from existing budgets.

7.1.2 The two Deputy Chief Executives will be paid an honorarium for the period they undertake the interim duties. This is to be calculated as 50% each of the differential between scale 86 and scale CEX 1 (the lowest scale point for the Chief Executive grade). Again this can be met from existing budgets.

### **7.2. Legal implications**

7.2.1 Section 4 of the Local Government and Housing Act 1989 requires every Council to designate one of its officers as the Head of Paid Service (usually the Chief Executive). The decision to appoint to this statutory role is by law a decision for Full Council.

7.2.2 In addition, section 35 of the Representation of the People Act 1983 requires the Council to appoint an officer of the Council to be the Returning Officer for various elections, polls and referenda and to be the Council's Electoral Registration Officer. Usually, the Chief Executive is appointed to both independent statutory roles and these formed part of the recruitment pack and requirements for the Chief Executive role.

7.2.3 In accordance the Council's Constitution, the Interviewing Committee shortlisted candidates to interview for the post of Chief Executive, undertook those interviews and made a recommendation to Council, taking account of feedback received through the recruitment process.

### **7.3. Equalities implications**

There are no direct equality implications arising from this report. The recruitment process has been conducted in line with the Council's Equality and Diversity policies. The specialist external executive company supporting the process has an inclusive recruitment approach that sought to ensure that the widest range of credible candidates had the opportunity to apply.

#### 7.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no Section 17 implications arising from this report.

#### 7.5 Biodiversity Net Gain Implications

There are no Biodiversity Net Gain implications arising from this report.

### 8. Link to Corporate Priorities

The Environment	The appointment of the Chief Executive is critical in the Council having the right leadership and management of the organisation to achieve all of the Council's Corporate Priorities.
Quality of Life	
Efficient Services	
Sustainable Growth	

### 9. Recommendation

It is RECOMMENDED that Council:

- a) approves the appointment of Adam Hill to the position of Chief Executive including designation as Head of Paid Service, Returning Officer and Electoral Registration Officer; and
- b) approves the interim arrangements as set out in paragraph 4.10 of the report.

<b>For more information contact:</b>	Sara Pregon Monitoring Officer and Head of Chief Executive Department 0115 9148480 <a href="mailto:spregon@rushcliffe.gov.uk">spregon@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	None
List of appendices:	None

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**Council**

**Thursday, 5 December 2024**

**Tollerton Neighbourhood Plan**

## **Report of the Director – Development and Economic Growth**

### **Cabinet Portfolio Holder for Planning and Housing – Councillor R Upton**

#### **1. Purpose of report**

The Examiner's report for the Tollerton Neighbourhood Plan was considered by Cabinet in September 2024, when it was decided to accept all but three of the recommended modifications to the Plan. The decision not to accept three of the modifications has been subject to consultation, which finished on 27 October 2024. Council now needs to decide, taking into account the consultation responses received, whether to approve the holding of a referendum and to agree that, subject to a majority referendum result, the Borough Council should 'make' (adopt) the Neighbourhood Plan.

#### **2. Recommendation**

It is RECOMMENDED that Council:

- a) confirms the decision not to accept the Examiner's recommended modifications 5, 6 and 20 to the Tollerton Neighbourhood Plan;
- b) approves the Tollerton Neighbourhood Plan Revised Decision Statement and its publication;
- c) approves the holding of a referendum for the Tollerton Neighbourhood Plan, with the area for the referendum being the Parish of Tollerton;
- d) delegates authority to the Director – Development and Economic Growth to make any necessary final minor textual, graphical and presentational changes required to the referendum version of the Tollerton Parish Neighbourhood Plan;
- e) subject to a majority vote from the referendum, the Council 'makes' (adopts) the Tollerton Neighbourhood Plan; and
- f) delegates authority to the Director – Development and Economic Growth to issue a statement setting out this decision as soon as possible following the referendum.

### **3. Reasons for Recommendation**

- 3.1. The Borough Council, as the Local Planning Authority, has a statutory duty to assist in the production of Neighbourhood Plans where communities wish to produce them under the Localism Act 2011.
- 3.2. The submitted Tollerton Neighbourhood Plan has been assessed by an Independent Examiner who concluded that, subject to a number of recommended modifications, the Plan should proceed to referendum.
- 3.3. The Cabinet in September 2024 considered each of the recommended modifications and decided to accept them all with the exception of modification 5, modification 6 and modification 20. These recommended modifications were the inclusion of a new policy explaining the relationship between the Tollerton Neighbourhood Plan and the references to the Strategic Allocation East of Gamston/North of Tollerton in the Local Plan Part 1, the inclusion of a new policy to explain the continued relevance of the Green Belt policies and the merging of Policy 8: Local Character, Policy 9: Heritage Assets and Policy 10: Landscape Character into one new policy.
- 3.4. In accordance with relevant statutory requirements, the Borough Council has consulted on the proposed decision not to accept these three modifications. In total, five representations have been received, and these are summarised at Appendix 1. The four representations from Historic England, National Highways, the Environment Agency and the Coal Authority make no further comments on the Tollerton Neighbourhood Plan. The representation from Vistry Group supports the modified iteration of the Tollerton Neighbourhood Plan.
- 3.5. The Council must now decide, taking into account the consultation responses received, whether the decision not to accept the three modifications should be confirmed and the Plan should be put to referendum in the Parish of Tollerton to determine if local people support it.
- 3.6. The purpose of the referendum will be to ask voters whether the Neighbourhood Plan should be used to help decide planning applications in Tollerton Parish. If there is a majority vote in favour of this proposal then the Borough Council would be required, subject to certain prescribed criteria, to make the Neighbourhood Plan part of the statutory Development Plan.

### **4. Supporting Information**

- 4.1. The Tollerton Neighbourhood Plan has been produced by Tollerton Parish Council, in conjunction with the local community. It was submitted to Rushcliffe Borough Council on the 14 June 2023 and contains a number of policies, which would form part of the statutory Development Plan and be applied by the Borough Council in determining planning applications. The Borough Council is required by the Localism Act 2011 to assess whether the Plan and its policies meet certain criteria (the 'Basic Conditions' and other legal requirements).

- 4.2. In order to assist in this process, the Borough Council was required to invite representations on the Plan and appoint an Independent Examiner to review whether the Plan meets the Basic Conditions and other legal requirements. The submitted Plan was publicised and representations were invited from the public and other stakeholders, with the six-week period for representations closing on 9 October 2023. The Plan has been assessed by an Independent Examiner and his report was published on 17 January 2024. He concluded that, subject to the implementation of the modifications set out in his report, the Plan meets the prescribed Basic Conditions and other statutory requirements and that the Plan should proceed to referendum. The Examiner's report is available at Appendix 2.
- 4.3. The Cabinet, on 10 September 2024, considered each of the recommended modifications and decided to accept them all with the exception of modification 5, modification 6 and modification 20. It was considered that these three modifications are unnecessary to meet the Basic Conditions. It was decided that all other recommended modifications meet the Basic Conditions and other regulatory requirements.
- 4.4. In accordance with relevant statutory requirements, the Borough Council was required to consult on the proposed decision not to accept three of the recommended modifications. In total, five representations have been received, and these are summarised at Appendix 1. No issues were raised to alter the Borough Council's position that the Examiner's recommended modifications 5, 6 and 20 are unnecessary to meet the Basic Conditions. It is therefore considered that the final decision should be not to accept these three modifications. This would mean that the Plan is now in a position to proceed to referendum to determine whether local people support the Plan and whether it should become part of the statutory Development Plan.
- 4.5. As agreed by Cabinet in September 2024, it is proposed that the referendum version of the Plan will include all the other modifications recommended by the Examiner. A revised Decision Statement, which reflects the decisions already taken at Cabinet in September 2024 and the recommendation not to accept modification 5, 6 and 20, is set out at Appendix 3. The proposed referendum version of the Tollerton Neighbourhood Plan, which includes the accepted modifications, is at Appendix 4.
- 4.6. The Borough Council is also required to consider whether the area for the referendum should be extended beyond the designated neighbourhood area (the Parish of Tollerton). It is the Examiner's recommendation that the referendum area should not be extended, based on the conclusion that the Plan, incorporating the recommended modifications, would contain no policies or proposals that are significant enough to have an impact beyond the designated Neighbourhood Plan boundary. It was previously reported to Cabinet in September 2024 that this recommendation is considered reasonable and should be accepted.
- 4.7. The referendum would follow a similar format to an election. All electors registered to vote and eligible to vote in Local Government elections within the

neighbourhood area (the Parish of Tollerton) would be given the opportunity to vote in the referendum. In accordance with regulatory requirements, the ballot paper would have the following question: 'Do you want Rushcliffe Borough Council to use the Neighbourhood Plan for Tollerton to help it decide planning applications in the neighbourhood area?' Voters would be given the opportunity to vote 'yes' or 'no'.

- 4.8. If more than 50% of those voting in the referendum vote 'yes', then the Borough Council is required to 'make' (adopt) the Neighbourhood Plan part of the Development Plan for Rushcliffe. If the result of the Referendum is 'no', then nothing further happens. The Parish Council would then have to decide what it wishes to do.
- 4.9. If the Neighbourhood Plan is made part of the Development Plan, then planning applications within the parish would have to be determined in accordance with both the Rushcliffe Local Plan and the Tollerton Neighbourhood Plan, unless material considerations indicate otherwise.

## **5. Alternative options considered and reasons for rejection**

- 5.1. It could be decided that, following the consultation, the Examiner's recommended modifications 5, 6 and 20 should also be accepted and that the Plan should proceed to referendum on this basis. However, the outcome of the consultation is that no issues have been raised that might alter the Borough Council's position that the Examiner's recommended modifications 5, 6 and 20 are unnecessary to meet the Basic Conditions.
- 5.2. It is a legal requirement under section 61E(4)(b) of the Town and Country Planning Act 1990 (as amended) that if more than half of those voting in the referendum vote in favour of the Neighbourhood Plan then the Borough Council must make it part of the statutory Development Plan for Rushcliffe. To not follow these legislative requirements could leave the Borough Council open to legal challenge.

## **6. Risks and Uncertainties**

- 6.1. To not follow the legislation and regulations correctly could lead the Borough Council open to legal challenge. The circumstances whereby a legal challenge, through a claim for judicial review, can be raised are set out in the Town and Country Planning Act 1990, section 61N.
- 6.2. There is a risk of legal challenge to the Council's decision and this would be at a cost not budgeted for.

## **7. Implications**

### **7.1. Financial Implications**

Once it has been decided a referendum can be held, then £20,000 can be claimed from the Ministry of Housing, Communities, and Local Government



once the date for referendum has been set. This financial support ensures that local planning authorities receive sufficient funding to enable them to meet their legislative duties in respect of neighbourhood planning. These duties include provision of advice and assistance, holding the examination and making arrangements for the referendum. Costs incurred to date on examiner fees (approximately £4,000) will be covered by the £20,000 payment as would the costs associated with the referendum.

## 7.2. Legal Implications

The Neighbourhood Plan, as proposed to be amended, is considered to meet the Basic Conditions which are set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended). This is the view taken by the Examiner, as set out in their report. It is also considered that the Neighbourhood Plan meets all the relevant legal and procedural requirements. To not comply with the legislation and regulations correctly would expose the Borough Council to legal challenge. The circumstances whereby a legal challenge, through a claim for judicial review, can be raised are set out in the Town and Country Planning Act 1990, section 61N.

## 7.3. Equalities Implications

There are considered to be no particular equality implications that need addressing from matters arising from this report.

## 7.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no direct crime and disorder implications arising from matters covered in this report.

## 7.5 Biodiversity Net Gain Implications

There are no direct biodiversity implications arising from matters covered in this report.

## 8. Link to Corporate Priorities

The Environment	The Neighbourhood Plan's environmental objective supports and protects green and open spaces in Tollerton, preserving wildlife and enhancing biodiversity and safeguarding the character and beauty of the countryside.
Quality of Life	The Neighbourhood Plan's vision seeks to sustain Tollerton's rural character and improve the quality of the environment for residents and ensures new development respects the heritage of the village.
Efficient Services	The Neighbourhood Plan seeks to retain local services and facilities and protect valued community assets.

Sustainable Growth	The Neighbourhood Plan seeks to ensure housing development reflects local needs and acknowledges the village as a working community, with a strong focus on good design of new development.
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## 9. Recommendation

It is RECOMMENDED that Council:

- a) confirms the decision not to accept the Examiner's recommended modifications 5, 6 and 20 to the Tollerton Neighbourhood Plan;
- b) approves the Tollerton Neighbourhood Plan Revised Decision Statement and its publication;
- c) approves the holding of a referendum for the Tollerton Neighbourhood Plan, with the area for the referendum being the Parish of Tollerton;
- d) delegates authority to the Director – Development and Economic Growth to make any necessary final minor textual, graphical and presentational changes required to the referendum version of the Tollerton Parish Neighbourhood Plan;
- e) subject to a majority vote from the referendum, the Council 'makes' (adopts) the Tollerton Neighbourhood Plan; and
- f) delegates authority to the Director – Development and Economic Growth to issue a statement setting out this decision as soon as possible following the referendum.

<b>For more information contact:</b>	Richard Mapletoft Planning Policy Manager Tel: 0115 9148457 <a href="mailto:rmapletoft@rushcliffe.gov.uk">rmapletoft@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	Electronic copies of the documents relating to the draft Tollerton Parish Neighbourhood Plan and its examination can be found at: <a href="https://www.rushcliffe.gov.uk/planning-growth/planning-policy/neighbourhood-planning/#Tollerton">https://www.rushcliffe.gov.uk/planning-growth/planning-policy/neighbourhood-planning/#Tollerton</a>
<b>List of appendices:</b>	Appendix 1: Summary of representations on the proposed decision not to accept the Examiner's recommended modifications 5, 6 and 20  Appendix 2: Examiner's Report on Tollerton Neighbourhood Plan 2016-2030  Appendix 3: Tollerton Neighbourhood Plan Revised Decision Statement  Appendix 4: Tollerton Neighbourhood Plan Referendum Version

# Appendix 1: Summary of representations on the proposed decision not to accept the Examiner’s recommended modifications 5, 6 and 20

## Summary of representations on the proposed decision not to accept the Examiner’s recommended modifications 5, 6 and 20

Respondent	Summary of Response
Historic England	Historic England did not wish to make any comments.
National Highways	National Highways stated that none of the modifications, including 5, 6 and 20, adversely impacted the safe operation of the Strategic Road Network. Therefore, National Highways had no further comments to make.
Environment Agency	The Environment Agency confirmed it had no formal comments to make on the decision to not accept modifications 5, 6 and 20. As the modifications did not fall within the direct remit of the Environment Agency, it confirmed that it had no further comments to make.
Coal Authority	The Coal Authority stated that the Tollerton Neighbourhood Plan Area does not contain any recorded coal mining features. Therefore, the Coal Authority had no specific comments to make on the decision statement.
Vistry Group	<p>Vistry Group welcomed the modification to refer to the strategic allocation in the Tollerton Neighbourhood Plan as ‘East of Gamston/North of Tollerton’. It acknowledged the requirement to maintain a green buffer between Tollerton and the strategic allocation ‘East of Gamston/North of Tollerton’.</p> <p>Overall, Vistry Group supported the modified iteration of the Tollerton Neighbourhood Plan and stated that it considers the Neighbourhood Plan to comply with the basic conditions.</p> <p>Vistry Group stated that it supports the intention of the Parish to proceed to a referendum to determine whether the Neighbourhood Plan should be adopted.</p>

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**Appendix 2: Examiner's Report on Tollerton  
Neighbourhood Plan 2016 – 2030**

# **Tollerton Neighbourhood Plan 2016-2030**

## **A report to Rushcliffe Borough Council**

**David Kaiserman BA DipTP MRTPI  
Independent Examiner**

**17 January 2024**

## Executive summary

I was appointed by Rushcliffe Borough Council on 26 October 2023, with the agreement of Tollerton Parish Council, to carry out the independent examination of the Tollerton Neighbourhood Plan 2016-2030.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary.<sup>1</sup> I made an unaccompanied visit to the area covered by the Plan on 23 November 2023.

The Plan relates to the largely rural Parish of Tollerton, which lies about four miles south-east of Nottingham. The population of the Parish was 1883 at the 2011 Census; while it has experienced some growth since then, this is due to increase significantly over the next decade or so, as a result of the allocation in the Rushcliffe Local Plan of land at the existing Nottingham City Airport for a mixed-use development intended to deliver some 4000 new homes. The submitted version of the Neighbourhood Plan includes many policies and other references which relate to this important proposal. However, since its implementation is to be guided by a Supplementary Planning Document (incorporating a masterplan) currently being prepared by RBC, I consider it necessary to recommend significant changes to the Plan in order to avoid unnecessary duplication or confusion.

Subject to this and a number of other recommendations, I have concluded that the Tollerton Neighbourhood Plan is capable of meeting all the necessary legal requirements at this stage of its preparation. With that proviso, I recommend that it should proceed to referendum.

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<sup>1</sup> Two separate requests for a hearing were made during the course of my examination, and I refer to this under "Procedural Matters".

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## Introduction

1. This report sets out the findings of my examination of the Tollerton Neighbourhood Plan 2016-2030 (the TNP), submitted to Rushcliffe Borough Council (RBC) by the Tollerton Parish Council (TPC) in June 2023. The Neighbourhood Area for these purposes is the same as that of the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and this intention was given added weight in the National Planning Policy Framework (NPPF), first published in 2012. The current edition of the NPPF is dated December 2023, and it continues to be the principal element of national planning policy. Detailed advice is provided by national Planning Practice Guidance on neighbourhood planning, first published in March 2014.
3. The main purpose of the independent examination is to assess whether the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes to both policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that, subject to a considerable number of substantial amendments, the Plan should proceed to referendum. If this results in a positive outcome, the TNP would ultimately become a part of the statutory development plan and thus a key consideration in the determination of planning applications relating to land lying within the TNP area.
5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years’ experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the independent examination service provided by Penny O’Shea Consulting.

## Procedural matters

6. I am required to recommend that the Tollerton Neighbourhood Plan either
  - be submitted to a local referendum; or
  - that it should proceed to referendum, but as modified in the light of my recommendations; or
  - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
  - the submitted TNP
  - the Consultation Report (June 2023)
  - the Basic Conditions Statement (June 2023)
  - the Strategic Environmental Statement/Habitats Regulations Assessment (May 2023)
  - the Environmental Assessment Statement (June 2023)
  - the representations made to the TNP under Regulation 16
  - selected policies of the adopted development plan for the area
  - relevant paragraphs of the NPPF
  - relevant paragraphs of national PPG

- responses to four clarifying questions I raised with RBC and TPC (EQ1–4).
8. I carried out an unaccompanied visit to the Plan area on 23 November 2023, when I looked at its overall character and appearance together with its setting in the wider landscape and those areas affected by specific policies or references in the Plan.
  9. It is expected that the examination of a draft neighbourhood plan will not include a public hearing, and that the examiner should reach a view by considering written representations<sup>2</sup>. A central issue for me in the present case has been how the TNP should handle references to the “Sustainable Urban Extension” provided for in the Rushcliffe Local Plan (see paragraphs 24ff below). Taylor Wimpey UK Ltd and Rockspring Barwood Gamston Ltd sought a hearing to explain their view that it would be unnecessary for the Plan to cover the SUE, since it is being progressed through a master-planning exercise. The Parish Council have asked for a hearing in the event that I would be minded to accept that argument. After submitting questions to the Parish and Borough Councils about the relationship between the Local Plan, the master-planning exercise and the policies in the TNP, and having received their detailed responses, I have concluded that I have all the information and comment that I need in order to make appropriate recommendations on the issue, and thus that a hearing session would not be needed.
  10. I have addressed the policies in the order that they appear in the submitted Plan. My recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.

### **A brief picture of the neighbourhood plan area**

11. Tollerton is a small, mainly rural, parish on the south-eastern edge of the Nottingham/West Bridgford urban area, but separated from it by the Rushcliffe element of the Nottingham-Derby Green Belt, the boundaries of which are drawn tightly around the main part of the village itself. The Green Belt also separates Tollerton from its other major feature, the Nottingham City Airport and associated businesses, in the north-eastern part of the Parish, and an adjacent hospital complex. The airport currently provides facilities for light aircraft and helicopters, and is home to the local air-ambulance service and the Air Cadets. Nearby is Tollerton Park, described as “a residential park home estate”, detached from any other development.
12. The surrounding flat or gently undulating landscape is dominated by open fields, affording several long views from certain vantage points, and there are many fine hedgerows and banks of trees scattered around the Parish. The main part of the village (which includes a primary school, a pub, a small commercial parade and the Methodist Church) is a compact layout of residential streets similar in character, and dating primarily from the twentieth century. This contrasts markedly with the linear, mainly “ribbon” development along Tollerton Road, which is “washed over” by the Green Belt – this displays a wider range of dwelling types and historical features, including St Peter’s Church and Tollerton Hall. Further, detached ribbon development exists along Cotgrave Lane and on the western side of Cotgrave Road. The northern boundary of the Parish is formed by the disused Grantham Canal, an important recreational and ecological resource for the area.

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<sup>2</sup> Paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

13. The population of the Parish at the 2011 Census was 1883, a figure which is known to have increased since that date<sup>3</sup>. That growth has been of an organic nature – however, the position is set to change rapidly over the next few years as a result of the allocation in the Rushcliffe Local Plan Part 1: Core Strategy of the land at and around the airport for the development of around 4000 new dwellings and employment space, together with a new neighbourhood centre, in preparation for which the Green Belt boundary has been amended. This strategic allocation is a matter to which I will return later in my report.

### The basic conditions and the Basic Conditions Statement

14. I am not required to come to a view about the “soundness” of the Plan (in the way which applies to the examination of local plans). Instead, I must principally address whether or not it is appropriate to make it, having regard to certain “basic conditions”, as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065 of the relevant PPG. In brief, all neighbourhood plans must:
- have regard to national policy and guidance (Condition a);
  - contribute to the achievement of sustainable development (Condition d);
  - be in general conformity with the strategic policies in the development plan for the local area (Condition e);
  - not breach, and otherwise be compatible with, EU obligations, including human rights requirements (Condition f);
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
  - comply with any other prescribed matters.
15. The Basic Conditions Statement (BCS) begins by setting out the statutory requirements governing the preparation of neighbourhood plans, before considering (in a straightforward tabular format) how each of these has been satisfied by the TNP as submitted. While this is entirely satisfactory in its own terms, ***I recommend that the wording of the basic conditions as it appears in the table adhere to that used in the relevant legislation.*** This is to avoid any confusion in the minds of the reader – for example, the TNP does not have to be “in conformity with the Rushcliffe Local Plan”, but more particularly it must be “in general conformity” with its “strategic policies”.
16. Appendix 2 to the BCS contains two tables setting out the TNP’s compliance with NPPF objectives and relevant policies in the Rushcliffe LP Core Strategy. It also includes the Strategic Environmental Assessment and related assessment under the Habitats Regulations, together with the relevant consultation responses. I consider it to be a comprehensive and accessible account of the way the basic conditions have been considered in the making of the Plan, so far as its land-use planning issues are concerned.

### Other statutory requirements

17. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:
- that the Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan;
  - that what has been prepared is a Neighbourhood Development Plan, as formally

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<sup>3</sup> A online search of the Office for National Statistics shows the population at the 2021 Census to have been 2000.

defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;

- that the plan period must be stated. In the case of the TNP this is 2016 to 2030;
- that no “excluded development” is involved (this primarily relates to development involving minerals and waste and nationally significant infrastructure projects).

18. An examination of this kind would require me to bear in mind the particular duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of “preserving or enhancing the character or appearance” of any conservation area. However, while the existence of a conservation area is noted both in the “explanation” element of the TNP’s Policy 9 and in Appendix B, RBC and TCP have confirmed (following my clarifying question EQ3) that this was an error. ***I therefore recommend that this be corrected.***
19. A screening report is required in order to determine whether a neighbourhood plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body’s responsibility to undertake any necessary environmental assessments, but it is the local planning authority’s responsibility to engage with the statutory consultees.
20. An SEA Screening Determination statement<sup>4</sup> was published on behalf of RBC by Urban Imprint Ltd in June 2023, following the publication of a screening report the previous month<sup>5</sup>, prepared by RBC on behalf of the Parish Council.
21. In the formal determination, RBC concludes that the TNP is unlikely to have any significant environmental impacts, meaning that an SEA is not required. The same applies in relation to the Habitat Regulations. Full details of the considerations which support the assessment are set out in the statement, and I have been given no reasons to question any of the conclusions reached. They are also supported by Natural England and Historic England (the Environment Agency had no comment to make), as statutory consultees in the process.
22. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to “the development and use of land”, whether within the Plan area as a whole or in some specified part(s) of it. Subject to some detailed reservations, I am satisfied that that requirement is generally met.

## National policy

23. National policy is set out primarily in the NPPF, a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG) on neighbourhood planning, an online resource which is continually updated by Government. I have borne particularly in mind the advice in paragraph 041 of the PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence. In addition, I have had regard, where appropriate, to the requirement set out in the NPPF itself, at paragraph 16f), that “plans should ... serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area” [for example, those already in place in the relevant local plan].

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<sup>4</sup> The title given to this document is “Environmental Assessment Statement”.

<sup>5</sup> The full title of this document is “Strategic Environmental Assessment and Appropriate Assessment/Screening Opinion Report”

## The existing development plan for the area

24. The principal element of the current development plan for the area is the Rushcliffe Local Plan. This is in two parts: the Core Strategy (LP1), adopted in December 2014, and the detailed land and planning policies (LP2), adopted in October 2019.
25. LP1 includes two policies of particular relevance to the Neighbourhood Plan: Policy 3 is the spatial strategy for Rushcliffe, and this establishes that while Tollerton itself is not seen as a “key settlement”, and therefore development in the village proper will be limited to that needed to meet local needs, provision is made for a significant new development to the east of Gamston/north of Tollerton (within the Parish/TNP area), intended to provide around 2500 homes by 2028 and a further 1500 beyond that period. In addition, significant new employment and appropriate retail uses are proposed. Further detail about this strategic mixed-use allocation is given in LP1 Policy 25 and its associated Figure 6.
26. To avoid any confusion with descriptions of this land associated with the current marketing of individual elements of it, I will refer to it in this report as the Sustainable Urban Extension (SUE), which is how it is described in the Local Plan. ***In addition to my principal recommendation about how the SUE is handled, I recommend that any remaining references in the TNP to “Gamston Fields” be replaced with this term.***
27. In addition, LP1 Policy 4 reaffirms the long-standing significance of the Nottingham-Derby Green Belt, while at the same time accommodating the SUE. Policy 4 also maintains the present position in relation to Tollerton itself, namely that it is an “inset” village within the Green Belt, the boundary being drawn tightly around the existing built-up area.
28. I deal with the detailed implications of these LP policies, and other aspects of the relationship between the TNP and RLP, in the body of this report.
29. I note from RBC’s website that work is underway on the Greater Nottingham Strategic Plan (GNSP), being prepared jointly by Nottingham City Council, and Broxtowe, Gedling and Rushcliffe Boroughs. When completed, this would replace Rushcliffe LP1. The GNSP is at a relatively early stage of its preparation, and I am satisfied from all that I have read that it has no significance for the TNP, and therefore for my report and recommendations.

## The consultation exercise (Regulation 14)

30. Regulation 14 requires the Parish Council to publicise details of their proposals “in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area”, and to provide details of how representations about them can be made. Regulation 15 requires the submission to the local planning authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.
31. The Consultation Report, dated June 2023, begins by setting out the background to the plan-making process, including who was involved and how the community was kept informed of progress. It charts the initial “issues and options” stage, beginning in March 2017, which then led to consultation on the emerging policies and the more formal Regulation 14 stage which ran for six weeks between March and May 2022. The Consultation Report includes a total of 11 appendices which contain a wealth of detail on how stakeholders were encouraged to engage with the process. I am satisfied that the requirements of Regulation 14 have been met.

## General observations about the Plan

32. I have noted that the Parish Council appointed consultants Urban Imprint to assist in the Plan's preparation and publication.
33. The submitted document is well laid out and in an accessible and easy-to-read format, much assisted by clear maps and attractive photographs. The policies themselves are clearly differentiated from the straightforward "explanations", by being set out in bold text within boxes. **Accessibility would, however, be considerably improved by the paragraphs being numbered, and I recommend that this be done.**
34. After a brief explanation of the basic context for the neighbourhood plan and its intended value to the local community, there is a short introduction to the key physical features of the Parish; a summary of its demography; and a comment on the Plan preparation process. These are followed by a statement of the vision for Tollerton:
- "Tollerton is a vibrant community with a rich history and heritage surrounded by farmland with views of open countryside, hills and woodland. This Neighbourhood Plan seeks to protect this special character and safeguard it for existing and future residents. Key assets, valued by residents, are given protection whilst opportunities for sympathetic enhancement and development are identified and encouraged. The parish will need to evolve in response to climate change and the proposed new settlement within the strategic allocation to the east of Gamston/north of Tollerton known as Gamston Fields – this plan aims to make the most of these opportunities for the parish whilst conserving its rural setting".*
35. Nine specific objectives are then set out, which may be summarised as ensuring that development respects its particular context; establishing a vibrant village hub; promoting healthy, sustainable and safe travel for all; protecting important green spaces; supporting local businesses; encouraging community facilities; and ensuring that the SUE project succeeds as a new settlement which nonetheless remains well connected with Tollerton itself. No additional land is allocated for development within the NP area.
36. As a context for the policies, "Map 2" is a simple representation of what is described as the spatial strategy for Tollerton. It depicts the three main elements of the future form of the Parish – the village centre, the SUE (described as the "strategic housing allocation") and the substantial green buffer separating the two – and the principles of the routes (including for leisure) which connect them. Map 2 is difficult to relate to Figure 6 on page 150 of LP1, which shows the principles of the proposed development of the SUE. **I recommend that, depending on the approach taken to my main recommendation about how the SUE is handled, any discrepancies between the two be removed, and that Map 2 be retitled "Diagram 1".**<sup>6</sup>
37. A helpful table then relates each of the Plan's 16 policies to the relevant objective. This is followed by the policies themselves, comments on intended monitoring and review, and relevant maps. I make reference to all of these elements of the document later in my report.
38. I have no concerns about the relationship of any aspects of the Plan to national land-use policy, and nor is there any conflict with the strategic policies in the Local Plan. However, I have found it necessary to make a large number of recommendations for the amendment or

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<sup>6</sup> I would point out that the version of this diagram which appears as Appendix 2 is slightly different in that the latter includes the location of Tollerton Hall. This discrepancy should also be removed.

deletion of policies where I consider them to be insufficiently clear or precise, or where it is important to avoid unnecessary duplication with (especially) local plan policies. The most significant of these involves the inter-relationship between the Plan's policies and ongoing work in relation to the planning framework intended to guide the development of the SUE, which I will now address.

### **The Sustainable Urban Extension and the Neighbourhood Plan**

39. As noted earlier, LP1 Policy 3 (at section 2) provides for a major allocation to the east of Gamston/north of Tollerton, to contain around 2,500 homes (as well as significant employment provision) by 2028, and up to a further 1,500 beyond that date. Much more detail concerning the delivery of the SUE is given in LP1 Policy 25 and the accompanying Figure 6, with the explanatory paragraphs making it clear that progress will depend on a comprehensive master-planning exercise in order to establish all the relevant development parameters. Paragraph 3.25.5, for example, states that *“The Council would expect that from the outset there should be a comprehensive scheme for the site as a whole and for its entire development, rather than one that just deals with that element of development expected by 2028, and that planning permission would be granted on this basis”*.
40. I have been told that an outline planning application has been submitted to RBC by Savills on behalf of Taylor Wimpey and Barwood Land, and that one is being prepared by Stantec on behalf of the Vistry Group, in both cases proposals which are intended to take account of current work on the masterplan. Savills also refer to work being done on the preparation of a Supplementary Planning Document (SPD). Both the representations on behalf of these developers (Savills' in considerable detail) suggest that it is unnecessary for the TNP to include reference to matters which are being progressed through the master-planning exercise. I do not accept that this should be the case as a matter of principle – but I do take the view that any overlap or duplication should be avoided where there is the potential for confusion, especially given the ground already covered by LP1 Policies 3 and 25 and related development management policies in LP2.
41. I raised this matter with the Borough and Parish Councils, as a result of which RBC, in its second response<sup>7</sup>, confirmed that:
- notwithstanding numerous elements of Savill's representations which might suggest otherwise, the Borough Council do not consider that the requirements of LP25 paragraph 3.25.5 have yet been met;
  - in addition to incorporating a masterplan to control the mix and distribution of uses across the whole site, the SPD's other functions are to establish the infrastructure requirements of the development and to provide all necessary supplementary guidance in relation to such matters as the historic environment and design quality;
  - while work on the SPD has been delayed for a number of reasons, “many elements of [it] are close to completion in draft”. The expectation is that it will be published for consultation by mid-2024, and hopefully adopted in the autumn, and they confirm that the Parish Council would naturally be fully involved in that process; and
  - they “do not intend to determine relevant planning applications [within the SUE] until after the SPD is in place ... however long it takes”.
42. RBC concludes by saying “Consequently, it should not be perceived that there is some sort of guidance ‘vacuum’ in satisfying the requirements of LP1, which therefore necessitates being

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<sup>7</sup> There were two approaches from me on this: EQ2 and supplementary questions in EQ4.

filled by the neighbourhood plan. It is neither appropriate [n]or necessary for the neighbourhood plan to include very specific details in respect of the design and layout of the SUE, when this will more correctly come via the SPD”.

43. This is a much firmer line on the matter than that taken by the Council in its initial response to my questions and goes a lot further than the scope of their formal representations under Regulation 16, which did not raise any significant matters of principle. In that respect, I have decided to treat their latest views as superseding their earlier ones.
44. Urban Imprint, for the Parish Council, make the following points (these extracts being taken from their two separate responses to my questions):
- the remit from the community requires the TNP “to do all it can to positively influence how the SUE comes forward. A neighbourhood plan that is silent on the SUE would not be responding to the consultation carried out, completely at odds with the Local Plan policy context and is very unlikely to receive support at referendum”;
  - they agree with RBC that the requirements of LP1 paragraph 2.25.5 have not yet been met, adding, however, that this has “increased concerns that the masterplan process is underway behind the scenes”. They say there has been a lack of local engagement in the preparation of the emerging SPD and “responses from those promoting the [revised Barwood] development have not reassured the group that meaningful engagement will take place or that the wishes of the community as set out within the draft TNP will be taken into account. The community, TNPG and TPC want reassurance that these matters will be incorporated and the policies set out above are the only assurance available”;
  - that “there remains a concern that the LPA will be under considerable pressure to determine the [revised Barwood] application”;
  - that in these circumstances it is appropriate that the TNP “seeks to reinforce the broad framework set out within LP1 Policy 25” and to highlight priorities for the community and how the policy framework should be implemented”; and
  - “as it appears an SPD masterplan will not be forthcoming in the short to medium term the TNP should be allowed to operate as an ‘advocacy’ document to provide some assurance for the community ...”.
45. It would clearly not be appropriate for me to comment on what comes across from these exchanges as a lack of communication between the various parties here. My primary role in dealing with the future planning framework for Tollerton is simply to ensure that there are not, in effect, two competing versions of it, at least as far as the SUE is concerned.
46. I fully accept the basic principle that (amongst other things) neighbourhood plans provide the opportunity for local communities to influence the way local plan policies are interpreted and applied on the ground. In addition, they can add important detail to those policies at the local level. In this case, however, if the SPD/masterplan for the SUE were to be launched on the community a short time after the completion of the Neighbourhood Plan, the scope for confusion or misinterpretation would be considerable, and this would not be in the interests either of local residents and businesses or of landowners/developers. To that extent, if references to the SUE were not substantially modified, their purpose would be unclear and the requirements of NPPF paragraph 16f) (referred to in my paragraph 23) would not be met - and consequently basic condition a) would not be satisfied.
47. I see no reason not to take at face value RBC’s assurances, about both the timing of the SPD and their approach in the interim to the determination of planning applications relating to land within the SUE. I am also satisfied that, even if there were to be some further delay in



publishing and adopting the SPD, the existing local planning framework provided by both the Local Plan and the NPPF is clear and robust enough to avoid any significant problems. I do not therefore share the Parish Council's view that the uncertainty over precisely when the SPD will be available is sufficient to justify including within the TNP a raft of overlapping policies relating to the SUE area.

48. In the light of the above, ***I recommend that a new policy be included at an appropriate (but early) point in the Plan along the following lines:***

***“THE SUSTAINABLE URBAN EXTENSION***

***In order to reflect Policies 3 and 25 of part 1 of the Rushcliffe Local Plan, this Neighbourhood Plan allows for the development of land in the northern part of the Parish as a Strategic Urban Extension, the boundaries of which are shown on Map ... This area will provide for the development of around 2,500 homes and related employment provision (together with a new neighbourhood centre and community facilities) by 2028, and up to a further 1,500 dwellings beyond that date. The detailed requirements for the satisfactory development of this area are not included within this Plan, but will be established by means of a master-planning exercise, accompanied by a formally adopted Supplementary Planning Document to be prepared by Rushcliffe Borough Council, in consultation with the Parish Council and the wider community”.***

***I also recommend that, in order to avoid duplication and potential ambiguities, all references to the approach to the development of this area currently set out in the individual policies of the submitted TNP be removed, and that the detail shown on Map 4 be revisited with that in mind.***

49. A related issue is the extent of the Green Belt within the TNP area, something which will have considerable significance in terms of the location of any new development other than that provided for in the SUE. There is at present nowhere within the Plan which explains this; and while the origins of the policy implications lie both at national and local plan level, I consider it important for users of the Plan to be made aware of. ***I therefore recommend the inclusion of a further policy:***

***“GREEN BELT***

***In order to reflect Policy 4 of Part 1, and Policy 21 of part 2, of the Rushcliffe Local Plan, the whole of the area within the Neighbourhood Plan, with the exception of the proposed Strategic Urban Extension and the main built-up area of Tollerton village (as shown on the Adopted Policies Map at page 24) lies within the Green Belt. Planning applications for development within the Green Belt will be determined in accordance with paragraphs 152–156 of the National Planning Policy Framework.”***

***I recommend that a brief explanation of national policy be included, to assist users of the Plan. This might include reference to the fact that the TNP does not propose to alter the boundaries as shown in the Local Plan.***

## Representations received (Regulation 16)

50. Of the three statutory consultees, the Environment Agency recommended some amendments to Policies 1, 7, 12 and 15; and Natural England have comments in particular about Policies 1, 6, 13 and 15. I have seen no response from Historic England.
51. Sport England, National Highways and the Coal Authority had no directly relevant comments to make, and Ramblers Nottinghamshire offered support. The British Horse Society are concerned that the Plan makes no reference to the benefits of equestrian activity; and the Canal and Rivers Trust suggest small amendments to strengthen the references to the Grantham Canal. Nottinghamshire County Council support the Plan's approach to the SUE, but have some comments about Policies 13 and 14.
52. It should be noted that many of the representations made by these public bodies (as well as a number by RBC) take the form of detailed comments or suggestions which either have no implications for the basic conditions or which I consider would be satisfactorily addressed (or rendered irrelevant) if my recommendations are accepted. Where this is the case, I have made no specific references to them in my report, and am content for the Parish Council to take on board any that they consider would be of value (Severn Trent Water, for example, suggest the addition of policies covering the preferred drainage hierarchy, sustainable drainage systems (SUDS), "blue green corridors", flood resilience schemes within local green spaces, protection of water resources and water efficiency, all of which I consider fall into this category).
53. Representations were also made on behalf of three commercial companies. Messrs Boyer act for Harworth Group plc, who are promoting land off Melton Road in Tollerton, which they consider suitable for the development of around 475 dwellings. They support the TNP, subject to a small number of detailed comments, none of which it is necessary for me to address.
54. The other two representations are from Messrs Savills on behalf of Taylor Wimpey and Barwood Land, and Stantec UK Ltd, acting for the Vistry Group. These companies are, with others, involved in the delivery of the SUE. Their principal concerns are addressed in the previous section of this report.

## The policies

### Policy 1: Climate change

55. This policy requires "development of all scales" to be accompanied by a statement showing how it meets 10 specific objectives designed to reflect the community's commitment to reducing its carbon footprint. Clearly this approach is supported at national and local planning policy level, and there can be no objection in principle to the issue's being addressed in a neighbourhood plan, so long as it adds something to what is already provided for elsewhere.
56. In this case, the TNP omits any reference to the significant coverage of this important issue which is already present in LP1, in particular in Policies 2, 10, 11, 14 and 16. Moreover, by seeking to apply its provisions across the board ("whether it is a residential extension or several new dwellings and services", to quote from the explanation), Policy 1 goes considerably further than the preamble to LP1 Policy 2 which has similar expectations "*unless it can be clearly demonstrated that full compliance with the policy is not viable or feasible*".
57. Given this assessment, I have concluded that Policy 1 adds little, if anything, to the existing policy framework for the area, and potentially is in conflict with an important element of it.

***I therefore recommend that Policy 1 be replaced with the following: “As required by Policy 2(1) of the adopted Rushcliffe Core Strategy, all development proposals will be expected to contribute towards the mitigation of, and adaptation to climate change, and to comply with national and local targets on reducing carbon emissions and energy use, unless it can be clearly demonstrated that full compliance with the policy is not viable or feasible. Applicants for planning permission will be expected to show that the detailed provisions of Core Strategy Policy 2 have been taken into account when submitting their proposals”.***

58. I have noted some detailed suggestions for amendments to the policy made by the Environment Agency (on water efficiency measures) and Natural England (on nature-based approaches to adaptation and mitigation), but given the above recommendation do not think it necessary to comment further on them.

## **Policy 2: The village centre**

59. Land uses which allow for the growth of the village centre are supported by this policy, subject to a number of appropriate safeguards. However, some aspects of it require clarification.
60. The first point relates to terminology. Policy 2 and Map 3a refer to the area to which the policy applies as “a Centre of Neighbourhood Importance (CNI)”. The accompanying explanation states that this term “is a recognised tier of local centres within the Rushcliffe Local Plan”. While this is true, its inclusion here is misleading. LP2 Policy 26 identifies 11 CNIs, but they are all in either West Bridgford or Keyworth. Development within them is supported, subject to a range of considerations set out in parts (2) and (3) of the policy, which are different from those set out in TNP Policy 2.
61. It is not within the scope of the Neighbourhood Plan to make *de facto* modifications to the Local Plan, and while I have no reason to think that this was actually intended, ***I recommend that the term ‘Centre of Neighbourhood Importance’ be replaced with “village centre”.***
62. The third paragraph of the policy is confusing. Its first sentence suggests that its scope is intended to be limited to “the diversification of existing public buildings and sites for additional community uses”. It is not clear what purpose this serves, however, given the fact that the first paragraph of the policy already deals with the approach to community and social uses within the village centre; and nor is it clear why specific reference is made to the Methodist Church grounds (as distinct from any other land within the centre). In addition, the specific requirements in relation to this land (that proposals for its redevelopment would need to be accompanied by evidence of how they “benefit the community and meet an existing need”) are very vague, notwithstanding the requirement to have regard to the terms of Policy 6. An additional expectation, that “all proposals must be supported by evidence of meaningful community consultation”, is also difficult to pin down or indeed to justify.
63. Furthermore, the Methodist Church is listed as a Community Facility on Map 3a, and so it falls within the scope of Policy 5: this introduces a new and different range of requirements if proposals affecting its future were to come forward.
64. ***I recommend either that the third paragraph of Policy 2 be deleted or (if considered necessary) that it be replaced by a separate sub-policy dealing specifically with the Church and its grounds, including any appropriate cross-reference to Policy 5.***

### **Policy 3: Supporting existing businesses**

### **Policy 4: Facilitating new businesses**

65. Given the close relationship between these two policies, it is convenient to deal with them together.
66. Policy 3 seeks to protect and support existing businesses in the Parish, subject to consideration of the impact on local amenity, including parking and traffic. This broad objective is clearly one which meets national and local planning policies. There are, however, some difficulties with the wording which need to be addressed.
67. The second sentence of the policy reads: “Where the expansion and diversification of existing premises and farms would protect existing businesses, this will be permitted.....”. The criteria for limiting the applicability of this to those proposals which would “protect” existing businesses are not clear, and nor is the requirement that such development must “actively promote and protect the local character and identity of the parish” – something which appears to me too onerous, and is in any event too vague to be capable of implementation. This second requirement is adequately covered by other policies in the Plan, such as 8, 9, 10 and 16. I would also point out that much of the ground covered by the policy is already dealt with in LP2 Policies 1 and 15.
68. The first sentence of the second part of Policy 3 deals with the redevelopment of brownfield land for new premises for existing businesses. It is not clear either why it is necessary to separate out previously developed land from other land in the Parish which might be suitable for employment uses, nor why the policy should not cover establishment of *new* businesses. In addition, “the creation of new premises should seek to establish a staircase of different sizes and types, to cater to a range of businesses” is something which would not be practicable in many cases, and the need for which is not included in the explanation to the policy.
69. The third sentence of this paragraph reads: “All proposals must ensure high-quality communication infrastructure connectivity, especially broadband, subject to appropriate landscape and visual impact”, This is a sensible requirement, but it is not clear why it should not apply equally to all new development, for example new businesses (the subject of Policy 4).
70. Policy 4 supports the principle of new local businesses, including homeworking. In addition to the broad requirement for development to respect the rural character of the Parish, the purposes of the Green Belt and local amenity, “all new businesses should be in a location that is accessible by public transport or via the walking or cycling network”. While I appreciate the intention here, this is too imprecise to be of practical value in the development management process.
71. Schemes consisting of “major” development would be required to submit a full movement strategy, with smaller proposals having to include relevant information in a Design and Access Statement. However, paragraph 030 of the relevant PPG (“Making an Application”)<sup>8</sup> makes it clear that design and access statements would only be required (other than in certain specified cases) where major development<sup>9</sup> is involved, and it would be inappropriate for the TNP to follow a different approach.

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<sup>8</sup> ID: 14-030-20140306

<sup>9</sup> Defined in Article 2 of the Town and Country Planning (Development Management Procedure (England)) Order 2015

72. As with Policy 3, many aspects of these factors overlap with other policies both in the Local Plan and the TNP itself.
73. ***Taking all this into account, I recommend that Policies 3 and 4 be deleted and replaced with a single new policy as follows:***

***“SUPPORTING THE LOCAL ECONOMY***

***Development involving new businesses or the expansion of existing ones (including homeworking) will be supported in principle, subject to account being taken of other relevant policies of this Plan and Policies 1 and 15 of the Rushcliffe Local Plan (part 2). In particular, proposals will be required to demonstrate that***

- there is adequate provision for parking and servicing***
- there is no harmful impact on residential amenity***
- there is no harmful impact on the visual qualities of the Parish.***

***In addition,***

- a travel plan and car parking strategy will be required to accompany planning applications for all major developments (as defined in Section 2/Part 1 of the Development Management Procedure Order)”.***

**Policy 5: Existing facilities**

74. ***I recommend that the title of this policy be changed to “Existing community facilities”, the better to reflect its intended scope.*** It relates to a total of 16 existing community facilities within the Parish, the locations of which are shown on Maps 3a and 3b<sup>10</sup>.
75. The first paragraph of the policy begins with the following requirement: “All development proposals that affect existing community facilities must demonstrate the protection and enhancement of their community role”. It is unclear precisely what is being sought of an applicant for planning permission in these circumstances, but I do not see it as adding to what is covered by the third paragraph (as I suggest it be amended – see below). In addition, there is a requirement for proposals which would actually secure the retention of these assets “[to be] supported by a strong business case and long term business plan”. In my view, this cannot reasonably be insisted upon, even if its justification were clear – in other words, I am not convinced that the absence of such material could justify the refusal of planning permission.
76. The principal objective of the policy is clearly set out in the third paragraph, i.e. to seek to ensure the future of these community facilities, or to secure equivalent provision elsewhere. LP2 Policy 30 covers much the same ground.
77. ***I recommend that Policy 5 be reworded as follows: “Development that would result in the loss of, or have a negative impact on, the existing community facilities<sup>11</sup> listed in the explanation to this policy, and whose locations are shown on Maps 3a and 3b, will not be granted unless the criteria set out in Local Plan Part 2 Policy 30 are met. Community-led schemes to provide or retain such facilities will be particularly encouraged”. I also recommend that the explanation to Policy 5 be expanded by setting out the terms of LP2 Policy 30, for information.***

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<sup>10</sup> I note that no. 16 (the Air Cadets HQ) is not shown on Map 3b: this omission should be rectified.

<sup>11</sup> I have not included the phrase “now or in the future” on the grounds that it is too open-ended and imprecise.

## Policy 6: New community and retail facilities

78. This policy includes an eclectic list of new activities, such as cafes, a grocers/local produce store, changing-rooms, public transport facilities etc., the establishment of which would be supported in principle, but whose logic or rationale is unclear beyond its apparently constituting a “wish-list” of amenities based on the comments of residents during the survey stages. While I can understand the desire to enhance the range of shops and other facilities, the policy has little practical value in terms of how development management (an essentially reactive process) actually functions. Much of the ground covered by the policy is in any event already provided for under Policy 2, at least as far as the village centre is concerned.
79. In addition, the policy introduces a requirement for there to be “an identified local demand” for the activities concerned (or “a recognised local need”) before they could be supported: why it should be necessary for this to be demonstrated, or how it is to be achieved, is not clear. Moreover, activities not included in the list “will only be considered acceptable where the applicant has clearly identified an existing gap in provision and where it [is] supported by a long-term business plan”: the same comments apply to this provision.
80. Neither of these onerous requirements can be justified in terms of national or local strategic policy or guidance. Further, given the likely limited scale of new retail proposals in the village (beyond what might form part of the SUE), the reference in the policy to a need for “sequential testing” is unnecessary; and the requirement for all services and facilities to be “easily and widely accessible for residents” is too vague to have any practical value. It also seems inappropriate for all proposals to be “appropriate to the rural character and setting”, given the fact that many on the list are likely to be located within the built-up area of the Parish.
81. The policy is essentially a list of aspirations. However, given its range and significance in terms of the consultation exercise, I accept that it should be given some prominence. ***I recommend that the present policy be replaced with the following: “Proposals for new or expanded shops, services and community facilities will be supported in principle, subject to compliance with other relevant policies of the Plan. Particular encouragement is given to proposals located within or adjacent to the village centre”.*** [I have included a reference to the expansion of existing facilities but would have no objection if the Parish Council considered that to be unnecessary].

## Policy 7: The green buffer at Gamston Fields

82. Policy 7 is cross-referenced to Map 4, which shows various elements of the landscape network, including a band of land running east from the Parish boundary at the A52, across Tollerton Road and along the southern perimeter of the airfield. This specific area is shown on the accompanying key as a “green buffer”, which the policy says is primarily for biodiversity enhancement in the form of a nature reserve. Its wider purpose is stated as ensuring the separation and openness of land between Tollerton and the strategic allocation, although it is not clear from the various maps whether the area involved lies wholly within the SUE site.
83. The location of the green buffer as shown on Map 4 differs substantially from what is shown in Map 2 by not including land lying to the immediate north and west of the village proper. There is also a significant area of land shown on Map 4 on the eastern periphery of the airfield, shaded differently, which appears as an extension to the designated green buffer, but which is not referenced in the key (although it is shown in schematic form as part of an area of “enhanced green infrastructure”), on LP2 Figure 6.

84. This is a confusing picture. RBC has also drawn attention to the matter, and because it is intimately related to the SUE *I recommend that Policy 7 and Map 4 be revisited in the light of the observations above and my general recommendation on the way the SUE is addressed in the Plan.*

**Policy 8: Local character**

**Policy 9: Heritage assets**

**Policy 10: Landscape character**

85. I have grouped these three policies together because there is considerable overlap between them, as well as duplication with local plan policies. Essentially, they seek to ensure that all new development respects (and where appropriate enhances) the physical qualities of Tollerton that the Plan considers important, whether they relate to its built form, its heritage or its broader landscape.
86. Policy 8 (but not the other two) is cross-referenced to Appendix B, which itself is an overview of three background studies dealing broadly with character, heritage and conservation. Appendix B lists 10 features of the built environment and six relating to the landscape which are considered to be of particular significance. It says that “those proposing development in the Parish should review these [background] documents in full and demonstrate how they have been taken into account”, in addition to the TNP’s policies themselves. As written, this is an onerous requirement (especially for small-scale schemes).
87. The explanation to Policy 8 adds further, and in some cases overlapping, detail by specifying seven features which make a specific contribution to the character of the Parish. It also includes a reference to the need to comply with Policy 16, which deals with the design of new developments.
88. Policy 9 deals specifically with heritage assets as set out in Appendix C. Some of these appear to be the same as those listed in Policy 8, but this is not always clear. Appendix C identifies the listed buildings in the Parish, as well as a number of non-designated heritage assets which are said to meet “local listing” tests set by RBC. No explanation of the background to this is given. Reference is also made in the explanation to the policy to the importance of “the conservation area” but, as previously noted, RBC has confirmed (following my request for clarification) that Tollerton does not have a conservation area.
89. Policy 10 is restricted to considering the need to respect the landscape features of the Parish. As mentioned above, the relevance of Appendix B is only referred to under Policy 8, but it clearly is also important in the context of Policy 10. However, the policy itself includes a list of seven key landscape features which varies in detail from that given in Appendix B. In addition, specific features shown on Map 4 are said to make “particularly important contributions to the landscape”, but it is not clear how precisely they relate to the list in the policy or the appendix.
90. There is clearly no conflict with national or local policies in terms of the broad objectives here, but as it stands this part of the Plan is unwieldy and confusing. I also draw attention to the fact that the Local Plan already covers much (if not most) of the ground: see LP2 Policy 28 (conserving and enhancing heritage assets), which includes (for example) detailed advice on the way non-heritage assets should be handled at paragraphs 9.13-9.15; LP2 Policies 1(4) (development requirements in relation to scale, density, height, massing, design, layout and materials); 1(7) (effect on landscape character); 1(9) (heritage etc); 34 (green infrastructure and open space assets); and Policy 37 (trees and woodlands).

91. ***In the light of the foregoing, I recommend that Policies 8, 9 and 10 be replaced with a single new policy. Given the range of issues involved, I have not attempted to substitute my own detailed wording to replace them. Instead, I confine myself to recommending that a more concise approach be adopted which takes into account the following guidelines to improve understanding and the general utility of the Plan:***
- ***the replacement policy should begin with a general statement to the effect that all new development will be expected to respect, and where practicable, enhance the physical and heritage attributes of the Parish, in accordance with relevant parts of Local Plan Part 2 Policies 1, 28, 34 and 37;***
  - ***that, as required by national policy, only material which clearly adds substance or necessary detail to relevant Local Plan policies be included (such as references to specific assets or types of asset); and***
  - ***there should be greater clarity in the relationship between the content of the policies, their supporting material, the maps and the material in the appendices, to reflect the specific issues to which I have drawn attention, with note being taken of my recommendations below relating to the Plan's appendices.***
92. One specific issue covered by Policy 10 is the desire to protect key views and vistas (as well as three visual “gateways” marking the entrance to the urban parts of the Parish). The viewpoints are not listed or described in either the Plan or appendices to it, although I have noted that Schedule C to the “Character, Heritage and Conservation Strategy” supporting document lists 10 locations which are said to contribute to the openness of the village. It is not possible clearly to relate these to the vectors shown on Map 4, something which is needed for the policy to be capable of implementation.
93. ***I recommend that, in addition to the wider changes I have referred to above, an appendix is added to the Plan which effectively would form a key to the viewpoints shown on Map 4. In doing this, I draw attention to the fact that several of them appear to relate to views into a block of land (described on the map as being important to the setting of the village) south of the A606, beyond the Parish/Neighbourhood Plan boundary, and therefore outside the scope of its policies.***
94. To respond to a representation from the Canal and River Trust, ***I also recommend that the Grantham Canal be shown on Map 4 as a “green” resource in its own right*** (it is identified as a wildlife corridor, but not named).

#### **Policy 11: Local green spaces**

95. Policy 11 gives effect to NPPF paragraphs 105–107: *“The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them ... Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period. The Local Green Space designation should only be used where the green space is:*
- a) in reasonably close proximity to the community it serves;*
  - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
  - c) local in character and is not an extensive tract of land.”*



96. These requirements are summarised in the explanation to Policy 11, and the areas of land to be protected are shown on Map 5. Appendix D sets out the assessment of the sites against the NPPF criteria. Some matters require clarification, however. The policy itself lists 12 sites for protection, whereas Map 5 actually enumerates only eight. This is because “The Pinfold” and the two linear verges are not numbered; land at Melton Road is not shown on the map at all; and the Grantham Canal (which is said to fulfill the criteria for LGS) is not included either in the policy or on Map 5. ***I recommend that these apparent anomalies be rectified.***
97. I have some reservations about the necessity of including land which is clearly incidental to the design of roads (such as the undeveloped area in the middle of a roundabout, or narrow grassed verges separating the highway from the footpath) – but this is not specifically noted in national policy, and I have concluded that it is not an issue which needs any further comment.

### **Policy 12: Biodiversity enhancement**

98. This policy supports proposals “that incorporate the protection and enhancement of the green and blue infrastructure network identified in Map 4”. Map 4 does not, in fact, show any elements of blue infrastructure, usually understood to mean water elements such as rivers, canals, ponds, wetlands, floodplains etc. ***I recommend that this anomaly be rectified. In addition, for clarity, I recommend that the opening phrase of the policy be changed to “Proposals that incorporate the protection or enhancement.....”.***
99. The policy goes on to expect proposals of all scales to deliver a minimum of 10% biodiversity net gain. In principle, this supports LP1 Policy 17 and gives effect to NPPF paragraphs 180d and 185. The Environment Act 2021 makes the achievement of a net gain mandatory; however, this requires amendments to the town and country planning legislation, something which the available information suggests is not likely to happen until the early part of 2024. The new legislation, when it comes into effect, provides for a minimum gain of 10%<sup>12</sup>, and it is not limited in its applicability to major development (unless changes are made by the Secretary of State). Policy 12 is therefore in alignment with the current position.

### **Policy 13: Sustainable modes**

100. ***I recommend that the title of this policy be amended to “Sustainable modes of transport and movement” to better reflect its scope.*** It is a very broad requirement for all development to seek to reduce reliance on the private car. It is made more specific by identifying those localities (clearly shown on Map 6) where the policy supports improvement to connectivity generally. While the policy to a large extent covers the same ground as LP1 Policy 14, it thereby adds necessary detail. Nottinghamshire County Council (NCC) has made some observations about the delivery of this objective, which do not necessitate a recommendation from me.
101. The policy states that “proposals that enhance existing routes through improved quality or connecting/creation of the network will be *supported*”, but the explanation puts a somewhat different construction on this by saying that the policy “*requires* all new developments (excepting householder applications) to be well connected to existing walking and cycling routes” [my emphases]. This second, more stringent requirement is too inflexible and may well not be deliverable in many cases. ***I recommend that the first sentence of the first paragraph of the policy commence with the phrase “Where practicable, and as appropriate to its scale and character, development should seek to reduce ...”, and that the second***

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<sup>12</sup> Environment Act 2021, Sch 14 Part 1 (which inserts a new Schedule 7A into the 1990 Town and Country Planning Act).

***sentence of the first paragraph of the explanation be deleted.***

102. To respond to a representation by the British Horse Society, ***I also recommend that the first paragraph of the policy should be amended to read: "... opportunities to make walking, cycling and horse-riding a practical and safe option should be encouraged"***.
103. The Canal and River Trust consider that the Grantham Canal is valuable as a traffic-free walking and cycling route. I imagine it is unlikely that the Parish Council would disagree with that assessment, and ***I recommend that its route be shown on Map 6.***
104. The policy is followed by an "aspiration" in relation to developer contributions aimed at enhancing bus services, with an appropriate note explaining that this goes beyond a land-use policy. NCC has made a suggestion about how this is worded.

#### **Policy 14: Junction improvements**

105. The beginning of this policy reads: "The improvement of the parish's streets is encouraged through works that prioritise more vulnerable road users. Development will be required to consider the needs of the most vulnerable road users first, using the following road user hierarchy....." There then follows a list of six modes of transport, designed to reflect the overall strategic objective of seeking "to improve sustainable and active modes of travel" (to quote from the explanation to the policy).
106. There are two problems with this. Firstly, the policy does not actually deal with junction improvements (although a number of locations where these are supported are shown on Map 6). In any event, these would not appear to have any clear land-use implications: a proposal for a new *route* (irrespective of mode) might well have, but improvements to existing junctions generally would not.
107. Secondly, the policy appears to place a requirement on applicants for planning permission to adopt the hierarchy, but it is unclear how, or in what circumstances, this is to be done.
108. Map 6 shows the location of seven junctions requiring improvement (three of which being described as "major"), and also four places where "improved crossings" are advocated. It is not clear how these relate to the list of junctions shown in Appendix E, most of which highlight road safety concerns.
109. ***I recommend that Policy 14 be deleted. Where elements of the strategy shown on Map 6 would involve the creation of new routes, reference to these should be retained in a replacement policy. All other elements of the policy as currently drafted should be treated as an appropriately worded "aspiration", serving as advocacy in respect of discussions with the local highway authority<sup>13</sup> and Highways England, as appropriate. Reference to horse-riders should be made in the list of vulnerable road users.***

#### **Policy 15: Tollerton Housing Strategy**

110. The first part of this policy requires the design of all new housing (including extensions and alterations) "to respond to its context....". This very general phrase is similar to what is contained in the first paragraph of Policy 16 (Design in new development"), ***and (subject to account being taken of my recommendations in relation to Policy 16 itself) I recommend that it be deleted.***

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<sup>13</sup> NCC has made some detailed observations on this subject

111. The remainder of the policy encourages a mix of different dwelling types, including well-integrated affordable housing and the need to adopt sustainable methods of construction, energy and water use, together with the need for electric vehicle charging points. No explanation is given for resisting plans “to replace an existing bungalow with a significantly larger dwelling”: this intention needs in any event to take account of recent changes to the permitted development regime, which in many cases would allow this to happen without planning permission. ***I recommend either that this reference be removed or that it be accompanied by an addition to the explanation to the policy that indicates the current statutory position.***

#### **Policy 16: Design in new development**

112. There is some uncertainty over the types of development to which this policy is meant to apply: the first paragraph lists aspects of the local character to which all new development needs to respond, and the second paragraph adds four further criteria which would be relevant only in the case of any “major” new development. The explanation to the policy states that it only relates to “larger” housing sites, but it is not clear if the two terms are meant to have the same meaning for development management purposes. The third paragraph relates solely to the SUE and would be rendered redundant if my principal recommendation in relation to it were to be accepted.

113. ***I recommend that the first two paragraphs of Policy 16 be reconsidered in the light of these uncertainties, while also taking into account the fact that Policy 10 of Local Plan part 1 and elements of LP part 2 Policy 1 cover much of the same ground. The third paragraph of the Policy should be deleted.*** [See also my further recommendation in relation to the reference to Appendix B, below].

#### **Other matters: supporting documents**

114. The Plan document includes five appendices (A–E) relating to shopfront guidance, character summary, heritage assets, local green spaces and junction improvements<sup>14</sup>. The relevance of these is clear, since they are all referenced at some point within the Plan policies themselves. However, I have noted that there is also a list of 15 “supporting documents” on RBC’s website relating to the TNP: some of these seem on the face of it to be of some significance (for example, “Neighbourhood Design Guidelines for Tollerton”), whereas others are clearly historical or merely contextual in nature.

115. I sought clarification from the Councils (EQ1) on the relevance of these documents, primarily to understand which of them are intended to be “material considerations” in development management terms. RBC explained that the supporting documents appearing on the website are essentially part of the evidence base for the Plan: they have not been subject to any consultation and do not constitute “supplementary planning documents”. However, RBC added that development proposals should, where relevant, have regard to the Strategy for Character, Heritage and Conservation 2017, the Tollerton Design Guidelines 2019 and the Tollerton Heritage and Character Assessment 2017 (all of which are described in Appendix B to the Plan as “studies” carried out by AECOM). The Parish Council agree with this summary.

116. Appendix A to the Plan is guidance in relation shop front design. Appendix B is much more wide-ranging and sets out the key features of the Parish both in terms of the built and “green” environment. Both seem to me to be relevant to the application of Policy 16. ***I therefore***

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<sup>14</sup> I note that Appendix E is not listed on the contents page, something which is easily corrected.

***recommend that, in any re-wording of Policy 16 to be considered following my last recommendation, the phrase “taking regard of Appendix B” at the end of the existing first paragraph be deleted and replaced with a new sentence, reading: “Where appropriate to their scale and location, proposals for development should have regard to the guidance set out in Appendices A and B of this Plan”.*** If this is done, there would be no need for the modification to Appendix B suggested by RBC.

### **Monitoring and review**

117. It is the practice in many neighbourhood plans for clear guidance to be given on the circumstances where (or when) a review might be undertaken. However, this is not a statutory requirement, nor is it the subject of Government policy beyond guidance that communities are encouraged to keep plans up to date.

118. Part 8 of the TNP concludes that the existing monitoring arrangements established by RBC for the Local Plan will be sufficient for most TNP policies. However, flexibility is sensibly maintained by including a commitment to monitor “key indicators” and any relevant changed circumstances which might suggest the need for a review in whole or in part.

### **Conclusions on the basic conditions**

119. I am satisfied that the Tollerton Neighbourhood Plan makes appropriate provision for sustainable development. I conclude that in this and in all other material respects, subject to my recommended modifications, it has appropriate regard to national policy. Similarly, and again subject to my recommended modifications, I conclude that the Plan is in general conformity with the strategic policies in the development plan for the local area. There is no evidence before me to suggest that the Plan is not compatible with EU obligations, including human rights requirements.

### **Formal recommendation**

120. I have concluded that, provided that the recommendations set out above are followed, the Tollerton Neighbourhood Plan would meet the basic conditions, and therefore recommend that, as modified, it should proceed to a referendum. Finally, I am required to consider whether the referendum area should be extended beyond the neighbourhood plan area, but I have been given no reason to think this is necessary.

David Kaiserman

David Kaiserman BA DipTP MRTPI  
Independent Examiner

**17 January 2024**

## Appendix 1 – Summary table of recommendations

Examiner's report paragraph	NP reference	Recommendation
15	(Basic Conditions Statement)	References to basic conditions should adhere to the legislation.
18	Policy 9 explanation and Appendix B	Remove references to a conservation area.
26	several	Replace any references to "Gamston Fields" with "Sustainable Urban Extension" or "SUE".
33	throughout	Number the paragraphs.
36	Map 2	Remove any discrepancies with LP1 Figure 6. Retitle map as Diagram 1.
48	general	Include new policy explaining the relationship between the Plan and the references to the SUE in the Local Plan. Remove all references to the approach to the development of the SUE in the TNP's individual policies, and reconsider detail shown on Map 4.
49		Include new policy to explain continued relevance of Green Belt policies and add brief explanation of national policy.
57	Policy 1	Replace with new wording to link with Core Strategy Policy 2(1).
61	Policy 2	Replace "Centre of Neighbourhood Importance" with "village centre".
64	Policy 2	Delete third paragraph or replace as suggested.
73	Policies 3 and 4	Delete both policies and replace with a new one headed "Supporting the Local Economy" with wording as recommended.
74	Policy 5	Amend title of policy.
77	Policy 5	Reword policy as suggested.
81	Policy 6	Reword policy as suggested.
84	Policy 7, Map 4	Revise in the light of recommendation relating to the SUE.
91, 93, 94	Policies 8,9,10 Map 4	Replace three existing policies with a new policy taking into account guidelines as recommended. Add new appendix relating to Map 4. Add reference to Grantham Canal in Map 4.
96	Policy 11	Rectify apparent anomalies between the policy, Map 5 and Appendix D.

98	Policy 12	Address discrepancy with Map 4 and adopt minor change of wording.
100	Policy 14	Amend title of policy.
101	Policy 13	Amend wording.
102, 103	Policy 13	Add reference to horse-riding; add Grantham Canal to Map 6.
109	Policy 14	Delete policy but retain elements as an aspiration.
110, 111	Policy 15	Remove or amend two references as suggested.
113, 116	Policy 16	Reconsider first two paragraphs and delete the third. Include references to Appendices A and B.

**Appendix 3: Tollerton Neighbourhood Plan  
Revised Decision Statement**



# **Tollerton Neighbourhood Plan**

## **Revised Decision Statement**

**5 December 2024**



# **Tollerton Neighbourhood Plan Revised Decision Statement**

## **1. Summary**

- 1.1 The draft Tollerton Neighbourhood Plan was examined by an independent Examiner, who issued his report on 17<sup>th</sup> January 2024. The Examiner recommended a number of modifications to the Plan and concluded that, subject to these modifications being accepted, it should proceed to referendum.
- 1.2 The Borough Council previously considered and decided on 10 September 2024 to accept all but three of the Examiner's recommended modifications (modification 5, 6 and 20). The three recommended modifications that the Council did not agree with do not relate to any of the Basic Conditions and therefore it was decided to propose not to accept these recommendations.
- 1.3 There was a requirement to publish and consult on the proposed decision not to accept these three modifications and the reasons why. The consultation was undertaken between 13 September and 27 October 2024. In total, five representations were received and none of the respondents objected to the proposed decision not to accept modifications 5, 6 and 20.
- 1.4 The Borough Council, having considered the consultation responses received, confirms its decision not to accept modifications 5, 6 and 20. This means that the Tollerton Neighbourhood Plan can now proceed to referendum within the Parish of Tollerton on the basis that it includes all the Examiner's recommended modifications except modifications 5, 6 and 20.

## **2. Background**

- 2.1 In 2016, Tollerton Parish Council, as the qualifying body, successfully applied for its parish area to be designated as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. In 2022, Tollerton Parish Council, as the qualifying body, successfully reapplied for its parish area to be designated as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish of Tollerton was re-designated as a Neighbourhood Area on 28<sup>th</sup> February 2022.
- 2.2 The plan was submitted to Rushcliffe Borough Council on the 14 June 2023 and representations were invited from the public and other stakeholders, with the six-week period for representations commencing in August and closing on 9 October 2023.

- 2.3 The Borough Council appointed an independent Examiner, David Kaiserman, to examine the Plan and to consider whether it meets the ‘Basic Conditions’ and other legal requirements, and whether it should proceed to referendum.
- 2.4 The Examiner completed his examination of the Plan and his report was provided to Rushcliffe Borough Council on the 17 January 2024. He concluded that, subject to the implementation of the modifications set out in his report, the Plan meets the prescribed Basic Conditions and other statutory requirements and that it should proceed to referendum.
- 2.5 Having considered all of the Examiner’s recommendations and the reasons for them, the Borough Council has decided to make modifications to the draft Plan, as set out at Appendix A, in order to ensure that the Plan meets the Basic Conditions and other legal requirements. All but three of the recommended modifications have been accepted by the Borough Council. It is the decision of the Borough Council that modifications 5, modification 6 and modification 20 should not be accepted. This decision follows a six-week period of consultation, which finished on 27 October 2024, to seek views on the appropriateness of not accepting the three modifications.
- 2.6 Following the decision to proceed to referendum, the modifications identified within Appendix A will be made to the submitted Neighbourhood Plan prior to the referendum taking place.

### **3. Decisions and Reasons**

#### Recommended Modifications

- 3.1 Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action it intends to take in response to each of the Examiner’s recommendations. Appendix A sets out each of the Examiner’s recommendations and the Borough Council’s response to each.
- 3.2 In summary, the Examiner has recommended 23 modifications to the Neighbourhood Plan, including:
- Remove reference to a Tollerton Conservation Area
  - Replace reference to ‘Gamston Fields’ with ‘Sustainable Urban Extension’ or ‘SUE’
  - Number the paragraphs
  - Remove any discrepancies between Map 2 and the Local Plan Part 1 Figure 6 and retitle Map 2 as Diagram 1

- Include a new policy explaining the relationship between the Tollerton Neighbourhood Plan and the references to the SUE in the Local Plan. Remove all references to the approach to the development of the SUE in the Tollerton Neighbourhood Plan’s individual policies, and reconsider the detail shown on Map 4
- Include a new policy to explain the continued relevance of the Green Belt policies and add a brief explanation of national policy
- Replace Policy 1: Climate Change with the proposed new wording to link with the Local Plan Part 1 Policy 2(1)
- Within Policy 2: The Village Centre, replace the term ‘Centre of Neighbourhood Importance’ with ‘village centre’
- Delete the third paragraph of Policy 2: The Village Centre, or replace as suggested
- Delete Policy 3: Supporting existing businesses and Policy 4: Facilitating new businesses and replace with a new policy headed “Supporting the Local Economy” with wording as recommended
- Amend the title of Policy 5: Existing Facilities
- Reword Policy 5: Existing Facilities as suggested
- Reword Policy 6: New Community and Retail Facilities as suggested
- Revise Policy 7: The Green Buffer at Gamston Fields and Map 4 in the light of the previous recommendation relating to the SUE
- Replace Policy 8: Local Character, Policy 9: Heritage Assets and Policy 10: Landscape Character with a new policy taking into account the guidelines as recommended. Add a new appendix relating to the viewpoints illustrated in Map 4. Add reference to the Grantham Canal in Map 4
- Rectify the anomalies between Policy 11: Local Green Spaces, Map 5 and Appendix D
- Address the discrepancy between Policy 12: Biodiversity Enhancement and Map 4 and adopt the minor change of wording
- Amend the title of Policy 13: Sustainable Modes
- Amend the wording of Policy 13: Sustainable Modes
- Add reference to horse riding in Policy 13: Sustainable Modes and add the Grantham Canal to Map 6
- Delete Policy 14: Junction Improvements but retain elements as an aspiration
- Remove or amend two references in Policy 15: Tollerton Housing Strategy as suggested
- Reconsider the first two paragraphs and delete the third paragraph of Policy 16: Design in New Development. Include references to Appendices A and B

- 3.3 The Examiner concluded that, with the inclusion of the modifications that he recommends, the Plan would meet the Basic Conditions and other relevant legal requirements. Examiners can only recommend modifications to a neighbourhood plan that are necessary for the plan to meet the legal tests required if the plan is to proceed to referendum.
- 3.4 The Borough Council considers the Examiner's Report to be comprehensive and one which addresses the relevant issues raised through the Examination process in relation to the Basic Conditions and legal compliance. The Borough Council is of the view that the majority of his recommendations are needed to satisfy the Basic Conditions and legal requirements. However, three of the proposed modifications (modification 5, modification 6 and modification 20 in Appendix A) are not considered necessary to meet these tests and are therefore not accepted. These recommended modifications relate to the inclusion of a new policy explaining the relationship between the Tollerton Neighbourhood Plan and the references to the Strategic Allocation East of Gamston/North of Tollerton in the Local Plan Part 1, the inclusion of a new policy to explain the continued relevance of the Green Belt policies and the merging of Policy 8: Local Character, Policy 9: Heritage Assets and Policy 10: Landscape Character into one new policy.
- 3.5 With respect to the introduction of a new policy that explains the relationship between the Tollerton Neighbourhood Plan and the Strategic Allocation East of Gamston/North of Tollerton in the Local Plan Part 1, the Examiner's recommended wording at paragraph 48 of his report repeats the main elements of Local Plan Part 1 Policy 25: Strategic Allocation East of Gamston/North of Tollerton. As the role of the examiner is to assess accordance with the Basic Conditions, it is not considered that there is justification for making the change proposed since the recommended wording is not considered to improve the interpretation of Policy 25 of the Local Plan Part 1, given that it essentially repeats the main elements. Instead, it is proposed that a paragraph is inserted into the introductory part of the Tollerton Neighbourhood Plan that highlights the allocation of the SUE within the Local Plan Part 1 and the relationship between the Tollerton Neighbourhood Plan and the SUE. The Examiner's other recommendations within modification 5 (remove reference to the SUE set out in the individual policies and revisit Map 4) have been adhered to.
- 3.6 With respect to the introduction of a new policy that explains the significance of the Green Belt, the Examiner's recommended wording for the new policy at paragraph 49 of his report repeats the main elements of Local Plan Part 1 Policy 4 (Nottingham-Derby Green Belt), Local Plan Part 2 Policy 21 (Green Belt) and elements of the National Planning Policy Framework. As the role of the examiner is to assess accordance with the Basic Conditions, it is not considered that there is justification for making the change proposed by the

Examiner since the wording proposed is not considered to improve the interpretation of Local or National policy given that it repeats the main elements.

- 3.7 With respect to the merging of Policy 8: Local Character, Policy 9: Heritage Assets and Policy 10: Landscape Character into one policy, paragraph 91 of the Examiner's report stated "I have not attempted to substitute my own detailed wording to replace them. Instead, I confine myself to recommending that a more concise approach be adopted which takes into account the following guidelines". The Tollerton Neighbourhood Plan categorised Policy 8 and Policy 9 as Heritage policies, and Policy 10 as a Landscape and Biodiversity policy. Therefore, it is proposed to merge Policy 8 and Policy 9 into one concise policy, whilst additionally amending Policy 10 to ensure its brevity, adhering to the guidelines set out by the Examiner, whilst also ensuring the two policies remain separate as envisioned in the Neighbourhood Plan. The Examiner's other recommendations within modification 20 (add a new appendix relating to the viewpoints illustrated in Map 4 and add reference to the Grantham Canal in Map 4) have been adhered to.
- 3.8 The Borough Council therefore decided on 10 September 2024 that recommended modifications 5, 6 and 20 not be accepted.
- 3.9 As the Borough Council's view in respect of recommended modifications 5, 6 and 20 differs to that of the Examiner, there was a requirement to publicise and consult on the proposal not to accept these three modifications. The consultation was undertaken for a six-week period between 13 September and 27 October 2024. The Borough Council was required to notify the following people or groups of the proposed decision (and reason for it) and invite representations: the qualifying body (i.e. Tollerton Parish Council), anyone whose representation was submitted to the examiner and any consultation body that was previously consulted.
- 3.10 In total, five consultation responses were received and there were no objections to the proposal not to accept the three modifications. The outcome of the consultation is that no issues have been raised that alter the Borough Council's view that the Examiner's recommended modifications 5, 6 and 20 are unnecessary to meet the Basic Conditions. Therefore, the Borough Council's final decision is not to accept these three modifications.
- 3.11 Beyond those recommended modifications by the Examiner that have been accepted, the Borough Council does not consider that it is appropriate to make any additional modifications. The Borough Council is satisfied that issues raised at Regulation 16 stage that have not resulted in a proposed modification are not

required to be addressed by a modification in order for the relevant policy to meet the Basic Conditions.

### Referendum

3.12 As the Plan, with those modifications set out at Appendix A, meets the Basic Conditions, in accordance with the requirements of the Localism Act 2011 a referendum will now be held which asks the question:

“Do you want Rushcliffe Borough Council to use the Neighbourhood Plan for Tollerton to help it decide planning applications in the neighbourhood area?”

3.13 The Borough Council has considered whether to extend the area in which the referendum is to take place, but agrees with the Examiner that there is no reason to extend this area beyond the Neighbourhood Plan area (the Parish of Tollerton)

**Date 5 December 2024**

## Appendix A: Proposed Modifications to the draft Tollerton Neighbourhood Plan

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
1	18	Policy 9 Appendix B	Delete reference to a Conservation Area in Tollerton as Rushcliffe Borough Council has confirmed that there is not one in Tollerton	Delete reference to Conservation Area
2	26	Several	References to 'Gamston Fields' should be replaced with the term Sustainable Urban Extension to avoid confusion with the marketing of individual elements of the site	Throughout the document, replace Gamston Fields with the term Sustainable Urban Extension
3	33	Throughout	Add paragraph numbers to improve accessibility	The paragraphs have been numbered to improve the accessibility of the document
4	36	Map 2	<p>Retitle Map 2 as Diagram 1 to avoid confusion with the maps at the end of the document.</p> <p>Remove discrepancies between the diagram and figure 6 in the Local Plan Part 1 that illustrates the Sustainable Urban Extension. This includes removing elements that would impact the sustainable urban extension as paragraph 48 of the Examiner's Report requested any reference to the approach to the development of the Sustainable Urban Extension be deleted</p> <p>Replace 'Map 2' with a copy of diagram 1 to remove discrepancies between the two</p>	<p>Rename Map 2 to Diagram 1</p> <p>Alter the new connections and the leisure route illustrated on the diagram so they do not enter the Sustainable Urban Extension, so they do not relate to the approach to the Sustainable Urban Extension.</p> <p>Delete village centre from Sustainable Urban Extension</p> <p>Include a north arrow.</p> <p>Remove Map 2 within section 9 to remove the differences between the two.</p>

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
5	48	General	<p>Include a new policy early in the plan which sets out the Local Plan Part 1 policy 25 regarding the Sustainable Urban Extension, and explains how the detailed requirements of the site will be dealt with via a supplementary planning document. This will provide clarification on the local planning framework that will govern the development.</p> <p>Insert explanatory text that supports the new policy.</p> <p>Remove all reference to the development of the Sustainable Urban Extension set out in the individual policies so as to avoid duplication and potential ambiguities with the Local Plan and the future Supplementary Planning Document.</p> <p>That Map 4 be revised as a consequence of the above recommendations.</p>	<p>Do not accept modification to include the new policy. The policy would essentially repeat the main elements of Local Plan Part 1 policy 25 and is not considered necessary to meet the Basic Conditions.</p> <p>Remove all reference to the development of the Sustainable Urban Extension set out in the individual policies so as to avoid duplication and potential ambiguities with the Local Plan and the future Supplementary Planning Document.</p> <p>Insert a paragraph in the introductory part of the plan (paragraph 1.1.3) which notes the allocation of the Sustainable Urban Extension in the Local Plan.</p> <p>Map 4 – remove the key views at the Sustainable Urban Extension and remove the * and its explanatory text</p> <p>Map 4 – remove the wildlife corridor which crosses the Sustainable Urban Extension</p> <p>Map 4 – Remove the green buffer around the southern edge of the Sustainable Urban Extension and remove the lime greenish buffer around the east of the Sustainable Urban Extension (see also Modification 18 below).</p>



Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
6	49	General	Include a new policy that concerns the Green Belt as the Green Belt will have considerable significance when determining the location of any new development (other than the Sustainable Urban Extension), but it is currently not explained in the TNP.	Do not accept modification to include the new policy. The policy would essentially repeat the main elements of Local Plan Part 1 policy 4 and Local Plan Part 2 policy 21 and is not considered necessary to meet the Basic Conditions.
7	57	Policy 1	<p>Replace policy 1 with paragraph 1 of Policy 2 of the Local Plan Part 1: Rushcliffe Core Strategy to remove conflict with the Local Plan policy.</p> <p>Amend supporting paragraph 5.1.2 to reflect the amendments to the policy.</p>	<p>Delete policy 1 and replace with the following text:</p> <p><u><a href="#">“All development proposals will be expected to contribute towards the mitigation of, and adaption to climate change, and to comply with national and local targets on reducing carbon emissions and energy use, unless it can be clearly demonstrated that full compliance with the policy is not viable or feasible. This is in accordance with Policy 2(1) of the adopted Local Plan Part 1: Rushcliffe Core Strategy. Applicants for planning permission will be expected to show that the detailed provisions of Core Strategy Policy 2 have been taken into account when submitting their proposals.”</a></u></p> <p>Convert part of the deleted policy into an aspiration that encourages applicants to submit a climate adaptation statement.</p> <p>The supporting paragraphs have been amended to reflect the change in the policy:</p> <p>“Tollerton as a community is committed to reducing the carbon footprint of the parish and working towards carbon neutrality. <u><a href="#">The Parish Council wants climate adaptation to be considered carefully by all those proposing</a></u></p>

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
				<p><u>development in the parish whether it is a residential extension or new dwellings or services.</u></p> <p><del>This policy seeks to encourage those involved in development to consider how they can best reduce energy consumption through where development is located, the layout and orientation of layouts and building design and the type of materials used. The policy promotes the prudent use of new and existing resources and efficient management of resources during the construction process.</del> The above measures will be encouraged alongside campaigns and programmes led by the community and Parish Council to raise awareness of how small actions can cumulatively make a significant impact on the fight against climate change.”</p>
8	61	Policy 2	<p>Replace 'Centre of Neighbourhood Importance' with 'village centre' in the first paragraph of the policy as the Local Plan Part 2 policy 26 does not identify a centre of neighbourhood importance within Tollerton</p> <p>Delete paragraph 4 of the policy, including the reference to the centre of neighbourhood importance, as it relates to the Sustainable Urban Extension</p> <p>Delete the final sentence of the supporting text as it refers to the Centre of Neighbourhood Importance, for reasons set out above</p>	<p>Change paragraph 1 in the first paragraph of the policy as follows:</p> <p><b>“The junction of Burnside Grove and Stansted Avenue has been identified as a <u>Centre of Neighbourhood Importance Village Centre</u> as shown in Map 3a.”</b></p> <p>Paragraph 4 of the policy concerns the village centre to be provided as part of the Sustainable Urban Extension. Paragraph 48 of the Examiner's Report requested any reference to the approach to the development of the Sustainable Urban Extension be deleted. Therefore paragraph 4, including the term 'Centre of Neighbourhood Importance', has been deleted from policy 2.</p> <p>The final sentence of supporting text has been removed due to it concerning 'Centre of Neighbourhood Importance':</p> <p><del>“The term 'Centre of Neighbourhood Importance' is a recognised tier of local centres within the Rushcliffe Local Plan.”</del></p>

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
9	64	Policy 2	Delete paragraph 3 of the policy as it is unclear what purpose it would serve, it is not clear why there is specific mention of the Methodist Church grounds, and some of the requirements are difficult to justify.	<p>Paragraph 3 of the policy has been deleted.</p> <p>Convert the deleted paragraph into an aspiration for the Methodist Church site should the site become vacant and redeveloped.</p>
10	73	Policy 3 Policy 4	<p>Delete policy 3 and policy 4 and insert a new policy 3 that combines the two. Much of policy 3 is dealt with by policies in the Local Plan Part 2, parts of policy 3 can also be applicable to facilitating new businesses which is covered in policy 4, and policy 3 and policy 4 have a close relationship making it logical to combine the two.</p> <p>Delete the supporting text of policy 3 and policy 4 and insert new supporting text that reflects the new policy.</p>	<p>Policy 3 and policy 4 have been deleted and the two have been combined to form a new policy - <b><u>Policy 3: Supporting the Local Economy</u></b>:</p> <p><b><u>“Development involving new business or the expansion of existing ones (including homeworking) will be supported in principle, subject to account being taken of other relevant policies of this Plan and Policies 1 and 15 of the Rushcliffe Local Plan Part 2: Land and Planning Policies. In particular, proposals will be required to demonstrate that:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>There is adequate provision for parking and servicing</u></b></li> <li>• <b><u>There is no harmful impact in residential amenity</u></b></li> <li>• <b><u>There is no harmful impact on the visual qualities of the Parish</u></b></li> </ul> <p><b><u>In addition:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>A travel plan and car parking strategy will be required to accompany planning applications for all major developments (as defined by the Development Management Procedure Order).”</u></b></li> </ul> <p>The supporting text has been amended to reflect the deletion of policy 3 and policy 4 and the insertion of the new policy 3. The amended supporting text now reads as follows:</p> <p><b><u>“Through this policy, the Parish Council seeks to protect and support the Local Economy of Tollerton, allowing existing businesses to not only survive but grow, and supporting people who wish to set up new businesses within the Parish. Homeworking is common across the parish and looks set to</u></b></p>

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
				<p><a href="#">become more common. This policy additionally seeks to create a mechanism that supports those who wish to work from home.</a></p> <p><a href="#">The TNP recognises and values the contribution that local businesses make to the local economy and how important they are in providing employment and services to the community. It is crucial however that these businesses, and any new proposed premises, complement the existing character and setting of Tollerton. This policy therefore requires proposals to consider the other policies within the TNP and policies 1 and 15 of the Rushcliffe Local Plan Part 2: Land and Planning Policies.</a></p> <p><a href="#">Finally, the Parish Council wishes to support development that encourages and supports residents who want to 'work from home' either at their house or in a shared premises. Proposals for shared workspaces that provide meeting rooms or desks within or near the village centre will be welcomed"</a></p>
11		Policy 5	Re-number to take account of new policies and the deletion of policies	Change from policy 5 to policy 4
12	74	Policy 5	Rename the policy to better reflect its scope	The policy has been renamed to <a href="#">POLICY 4: EXISTING COMMUNITY FACILITIES</a>
13	Footnote 10	Map 3b	Amend Map 3b to include the Air Cadets HQ to provide consistency with what is listed in the explanatory text to Policy 5	Amend Map 3b to include the Air Cadets HQ
14	77	Policy 5	<p>Reword the policy to clarify the principal objective of the policy and to remove requirements that are unreasonable and unjustified.</p> <p>Amend the supporting text to include the criteria of Policy 30 of the Local Plan Part 2: Land and</p>	<p>The policy has been deleted and replaced with the following text:</p> <p><a href="#">"Development that would result in the loss of, or have a negative impact on, the existing community facilities listed in the explanation to this policy, and whose locations are shown on Maps 3a and 3b, will not be granted unless the criteria set out in Policy 30 of the Local Plan Part 2: Land and Planning Policies are met. Community-led schemes to provide or retain such facilities will be particularly encouraged."</a></p>

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
			Planning Policies for information purposes	<p>The criteria of Policy 30 of the Local Plan Part 2: Land and Planning Policies has been added as additional paragraph to the supporting text as follows:</p> <p><u><a href="#">“The criteria set out in Policy 30 of the Local Plan Part 2: Land and Planning Policies should be met. The criteria are listed below:</a></u></p> <ul style="list-style-type: none"> <li>• <u><a href="#">alternative provision exists with sufficient capacity which can be reasonably accessed by walking, cycling or public transport and would not result in a significant increase in car journeys;</a></u></li> <li>• <u><a href="#">alternative provision will be provided as part of the redevelopment of the site;</a></u></li> <li>• <u><a href="#">alternative provision will be provided in an appropriate location which can be reasonably accessed by walking, cycling or public transport and would not result in a significant increase in car journeys; or</a></u></li> <li>• <u><a href="#">it has been satisfactory demonstrated that it is no longer economically viable, feasible or practicable to retain the existing community use and its continued use has been fully explored.”</a></u></li> </ul>
15		Policy 6	Renumber to take account of new policies and the deletion of policies	Change from policy 6 to policy 5
16	81	Policy 6	<p>Reword the policy to remove onerous and unjustified requirements, to remove reference to the sustainable urban extension, and to remove ground covered by other policies of the TNP</p> <p>Amend the supporting text to reflect the reworded policy and to remove reference to the sustainable urban extension as paragraph 48 of the Examiner's Report requested any reference to the approach to</p>	<p>The policy has been deleted and replaced with the following text:</p> <p><u><a href="#">“Proposals for new or expanded shops, services and community facilities will be supported in principle, subject to compliance with other relevant policies of the Plan. Particular encouragement is given to proposals located within or adjacent to the village centre.”</a></u></p> <p>The deleted policy has been converted into an aspiration that covers specific new services and facilities that are encouraged to open in Tollerton.</p> <p>The supporting text has been amended as follows:</p>

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
			the development of the Sustainable Urban Extension be deleted	<p>"Tollerton currently has some provision of amenities. However, the parish lacks some key facilities that would improve people's quality of life and limit the need to leave the village for certain everyday needs. <u>This aspiration therefore seeks to support development that would encourage new facilities in the parish. During consultation, the community identified a number of community facilities that they feel Tollerton currently lacks. The gaps seem to be focused on indoor and outdoor social and recreational spaces in addition to facilities that support sustainable modes of travel.</u></p> <p><u>This policy therefore seeks to support development that would encourage these listed new facilities in the parish. The policy also aims to ensure that the strategic allocation to the east of Gamston/north of Tollerton is sufficiently served by new facilities to help create its own identity as a place and to reduce the need for new residents to travel to meet everyday basis needs."</u></p>
17		Policy 7	Renumber to take account of new policies and the deletion of policies	Change from policy 7 to policy 6
18	84	Policy 7	Policy 7 and Map 4 be revisited in the light of the observations relating to the Sustainable Urban Extension (SUE) and the general recommendation on the way the SUE is addressed in the Plan.	<p>Paragraph 48 of the Examiner's Report requested any reference to the approach to the development of the Sustainable Urban Extension be deleted. As the proposed policy on the green buffer was intimately related to the SUE, policy 7 and its supporting text has been significantly revised to avoid this, and now replaces the previous policy and supporting text.</p> <p><u>"Proposals for development should not reduce or diminish the physical and visual separation established by the Green Buffer between the settlement of Tollerton and the sustainable urban extension Land East of Gamston/North of Tollerton (illustrated on Diagram 1). In making this assessment, consideration will be given to the individual effects of the proposal and the cumulative effects when considered with other existing and proposed development.</u></p>

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
				<p><u>The TNP seeks to retain the separation between Tollerton and the Sustainable Urban Extension Land East of Gamston/North of Tollerton through the establishment of a Green Buffer (illustrated on Diagram 1). Within the Green Buffer, the development of larger scale development and incremental, piecemeal smaller scale development which could result in the merging of Tollerton and the Sustainable Urban Extension will be resisted. It is important to the community that the separate identities of the two settlements are retained and coalescence avoided. This is reinforced by the existing topography that rises between the current airfield and Tollerton village.</u></p> <p><u>There is also a further aim for this area to make a positive contribution to the biodiversity of the parish in addition to protecting natural water systems so that surface water can safely travel to nearby watercourses. Where possible, opportunities to enhance the quality and biodiversity of these areas should also be considered to improve water quality and amenity."</u></p> <p>Amend Map 4 to delete the green buffer.</p>
19	86	Appendix B	Delete the requirement in Appendix B to require all developments to demonstrate how a number of the supporting studies to the TNP have been taken into account as it is too onerous.	<p>Delete the requirement to demonstrate how the supporting studies to the TNP have been taken into account:</p> <p>"Those proposing development in the parish should review these documents in full. <del>and demonstrate how they have been taken into account in conjunction with the relevant policies of the Tollerton Neighbourhood Plan.</del>"</p>
20	91	Policy 8 Policy 9	<p>Replace policy 8 and policy 9 with a single new policy to ensure a more concise approach is taken.</p> <p>Whilst the Inspector recommended including policy 10 within this new</p>	<p>Delete policy 8 and policy 9 and the supporting text and replace with the following:</p> <p><b><u>"POLICY 7: LOCAL CHARACTER AND THE HISTORIC ENVIRONMENT</u></b></p>

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
			<p>single policy, it has been kept separate since it belongs to the 'Landscape and biodiversity' section of the TNP, and policy 8 and policy 9 belonged to 'Character and heritage'. Policy 10 has been amended to reflect the Inspector's comments as shown at modification 22.</p> <p>New supporting text has been provided to reflect the merging of policy 8 and policy 9</p>	<p><u>All new development will be expected to respect, and where practicable, enhance the physical and historic attributes and local built and cultural character of the Parish, in accordance with other relevant policies within the Plan and the relevant parts of Policy 1: Development Requirements and Policy 28: Conserving and Enhancing Heritage Assets of the Local Plan Part 2: Land and Planning Policies. The designated and non-designated heritage assets located in the TNP area are identified in Appendix C.</u></p> <p><u>Innovative and contemporary design will be supported where it is sensitive to this local character.</u></p> <p><u>Applicants will be expected to set out how their design proposals contribute positively to this local character through:</u></p> <ul style="list-style-type: none"> <li>• <u>plot sizes, building lines and density</u></li> <li>• <u>architectural style, use of materials and detailing</u></li> <li>• <u>boundary treatments and other landscape features</u></li> </ul> <p><u>Schemes that seek to ensure that heritage assets remain in long-term active and viable use, and/or seek to bring existing heritage assets back into use, will be strongly supported. Applications that are sensitive to their heritage and cultural value will be encouraged.</u></p> <p><u>The Parish has a mixed but unique local character. Appendix B contains a character summary of the basic elements of Tollerton's characteristics, heritage and natural environment that the TNP aims to maintain and enhance. This policy seeks to ensure that all future development is designed to be in keeping and reflective of this local character.</u></p> <p><u>Tollerton contains many heritage assets, both designated and non-designated, as identified in Appendix C, that are all central to defining the character of the parish. Proposals that seek to secure the long-term use or protection of a heritage asset will be supported where it can be</u></p>



Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
				<p><a href="#">demonstrated that the significance of the asset is retained, as per the requirements of the NPPF. In all proposals affecting heritage assets, their significance should be consciously considered at the concept stage of an application putting Tollerton's heritage at the forefront of the process.</a></p> <p><a href="#">The Parish Council is keen to protect cultural features that cumulatively contribute to the unique character of Tollerton. Proposals are encouraged to consider how cultural features (including the non-physical) have been carefully taken into account. Integration of the cultural heritage of the parish into development proposals can be achieved through interpretation boards, signage, street and place names and public art."</a></p>
21		Policy 10	Renumber to take account of new policies and the deletion of policies	Change from policy 10 to policy 8
22	91	Policy 10	<p>Reword the policy to make it more concise. Include more explicit references to the supporting appendix and map. Remove unjustified requests for information.</p> <p>Amend the supporting text to reflect the changes to the policy and to remove unjustified requests for information.</p>	<p>Amend the policy and the supporting text to the following:</p> <p><b><a href="#">"All new development will be expected to respect, and where practicable, enhance the <del>Development proposals should seek to retain, and where possible enhance,</del> key identified features that contribute to the landscape character of the parish in accordance with other policies within the Plan and the relevant parts of Policy 1 Development Requirements, Policy 34 Green Infrastructure and Open Space Assets and Policy 37 Trees and Woodlands of the Local Plan Part 2: Land and Planning Policies.</a></b></p> <p><a href="#">Appendix B lists several key features that contribute towards the landscape character of Tollerton. The list at Appendix B has been expanded upon, but is not limited to, the below: <del>These key features include but are not limited to:</del></a></p> <ul style="list-style-type: none"> <li>• Areas of woodland</li> <li>• Field boundaries</li> <li>• Mature trees and hedgerows</li> <li>• Landscape views and vistas</li> <li>• Watercourses and waterbodies</li> </ul>

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
				<ul style="list-style-type: none"> <li>• Grass verges</li> <li>• Green spaces / paddocks</li> </ul> <p><del>Specific features identified on Map 4 are considered to make particularly important contributions to the landscape setting of Tollerton and applications that result in loss or harm will be resisted. Many of these features also make important contributions to local water management and biodiversity.</del></p> <p><del>Where development proposals will impact negatively or result in the loss of one of the above listed features, applications should be accompanied by hard and soft landscape plans that propose and set out appropriate mitigation or replacement. Where a key view is to be affected, an assessment on the impact of that view will be required to support the proposal.</del></p> <p><b>The following features are identified on Map 4 as they contribute towards the <u>local landscape</u> character and identity <u>of the Parish. Applications that result in the loss or harm to these features will be resisted:</u></b></p> <ul style="list-style-type: none"> <li>• Key green and open spaces</li> <li>• Views and vistas <u>as listed as Appendix D</u></li> <li>• Gateways into the settlements</li> </ul> <p>This policy seeks to define the key features that make up the local landscape character, which is so important to the setting of the parish. These features have been suggested by the community and tested through site work. The policy also seeks to protect and enhance these features including woodland, <del>parkland character</del>, field patterns and important trees and will resist their loss. <del>Where key views and vistas are affected, applications must be supported by an LVIA which assesses the impact of the proposal on the wider landscape setting.</del>"</p>

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
23	93	Appendices Map 4	<p>Introduce a new appendix that acts as a key to the viewpoints shown on Map 4, to enable parts of Policy 10 to be implemented</p> <p>Amend references throughout the document to appendices D and E to acknowledge the introduction of a new appendix</p> <p>Amend Map 4 to include an * that recognises that the land illustrated as important to the setting to the south of the plan area is outside of the TNP boundary, and therefore outside the scope of its policies, but acknowledge that the TNP still want to recognise the importance of this view</p>	<p>Creation of Appendix D – Viewpoints which acts as a key to the viewpoints illustrated on Map 4</p> <p>Change references from Appendix D to Appendix E throughout the document following the introduction of the new appendix.</p> <p>Change references from Appendix E to Appendix F throughout the document following the introduction of the new appendix.</p> <p>Amend Map 4 to recognise that the land identified as important to the setting is outside of the TNP boundary, and therefore outside the scope of its policies, but the TNP want to recognise the importance of this view.</p>
24	94	Map 4	Add the Grantham Canal as its own feature to Map 4 to reflect the comments from the Canal and River Trust	Add the Grantham Canal to Map 4.
25		Policy 11	Renumber to take account of new policies and the deletion of policies	Change from policy 11 to policy 9
26	96	Policy 11	<p>Rectify the anomalies between the Local Green Spaces listed in the policy and those listed in Appendix D</p> <p>Amend Map 5 to include all the sites listed in Appendix D.</p>	<p>Amend the policy to include the Grantham Canal and remove land at Melton Road:</p> <p><del>“9. Land at Melton Road, alongside rail track</del></p> <p><u>12. Grantham Canal”</u></p>

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
				<p>Change the reference to paragraph 102 of the NPPF to paragraph 105. This is the correct reference in the new NPPF published in December 2023.</p> <p>Amend Map 5 to include the following:</p> <ul style="list-style-type: none"> <li>- The Pinfold</li> <li>- Make clear the location of all the wildflower verges</li> <li>- Delete land at Melton Road</li> <li>- Grantham Canal</li> </ul>
27		Policy 12	Renumber to take account of new policies and the deletion of policies	Change from policy 12 to policy 10
28	98	Map 4 Policy 12	<p>Include blue infrastructure features in Map 4 as Policy 12 references the green and blue infrastructure that is identified in Map 4, however, no blue infrastructure is currently shown on the map</p> <p>Delete 'and' and replace with 'or' in the first sentence of the policy for clarity.</p> <p>Delete 'there to be' in supporting text to improve grammar.</p>	<p>Amend Map 4 to include, as far as possible, blue infrastructure features.</p> <p>Amend the first sentence of the policy:</p> <p><b>“Proposals that incorporate the protection <del>and</del> <u>or</u> enhancement of the green and blue infrastructure network”</b></p> <p>Amend the supporting text:</p> <p>“Community support exists for <del>there to be</del> biodiversity interventions”</p>
29		Policy 13	Renumber to take account of new policies and the deletion of policies	Change from policy 13 to policy 11
30	100	Policy 13	Rename the policy and aspiration to better reflect its scope	<p><b>POLICY <u>11</u>: SUSTAINABLE MODES <u>OF TRANSPORT AND MOVEMENT</u></b></p> <p><b>ASPIRATION – <u>DEVELOPER CONTRIBUTIONS</u></b></p>

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
31	101	Policy 13	<p>Amend the first sentence of the first paragraph of the policy to ensure deliverability</p> <p>Delete the second sentence of the first paragraph of the explanatory text to ensure deliverability</p>	<p>The first sentence of the first paragraph has been amended as follows:</p> <p><b><u>"All Where practicable, and as appropriate to its scale and character, development should seek to"</u></b></p> <p>The second sentence of the first paragraph of the explanatory text has been deleted:</p> <p><del><u>"It requires all new developments (excepting householder applications) to be well connected to existing walking and cycling routes."</u></del></p>
32	102	Policy 13	<p>Include horse-riding in the first paragraph of the policy to respond to comments by the British Horse Society</p>	<p>Horse-riding has been included as an opportunity to be encouraged as part of development proposals:</p> <p><b><u>"development that takes opportunities to make walking, <del>and</del> cycling <del>and</del> horse-riding a practical and safe option should be encouraged."</u></b></p>
33	103	Map 6	<p>Add the Grantham Canal to Map 6 to reflect the comments by the Canal and River Trust</p>	<p>Add the Grantham Canal to Map 6</p>
34	109	Policy 14	<p>Delete the policy as it does not deal with junction improvements, and it is unclear how the hierarchy listed in the policy would be implemented</p> <p>A replacement policy has not been introduced as Map 6 does not illustrate any new routes to be created</p> <p>The policy has been renamed as an aspiration. Reference to horse riders has been added to the list of vulnerable road users to respond to</p>	<p>Deletion of Policy 14.</p> <p>Adapt the policy to an aspiration, including horse riders as a vulnerable road users:</p> <p><b><u>"ASPIRATION – THE TOLLERTON MOVEMENT STRATEGY"</u></b></p> <p><b><u>The improvement of the parish's streets is encouraged through works that prioritise more vulnerable road users. Development should consider the needs of the most vulnerable road users first, using the following road user hierarchy:</u></b></p> <ul style="list-style-type: none"> <li>• <u>Pedestrians</u></li> <li>• <u>Cyclists and scooters</u></li> <li>• <u>Horse-riders</u></li> </ul>

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
			<p>comments by the British Horse Society</p> <p>Amend the supporting text to reflect the amendments of the policy to an aspiration</p>	<ul style="list-style-type: none"> <li>• <a href="#">Public transport</a></li> <li>• <a href="#">Goods traffic</a></li> <li>• <a href="#">Motorbikes</a></li> <li>• <a href="#">Long-distance freight and private car traffic</a></li> </ul> <p><a href="#">A strategy for the whole parish has been prepared that combines multiple transport modes, see Map 6. The Parish Council will also work to achieve these aims. This strategy includes 'green lanes' where cyclists and pedestrians have priority and may incorporate traffic calming measures.</a></p> <p><a href="#">The improvement of the key junctions and roads listed within Appendix F will be prioritised, subject to discussions with the local highway authority and Highways England.</a></p> <p><del>This policy</del> <a href="#">This aspiration</a> identifies key junctions and highways <del>that the TNP has identified as being in need of to be prioritised for</del> improvement associated with the strategic growth in the parish, <a href="#">subject to discussions with the local highway authority and Highways England.</a> <del>including This includes</del> specific reference to 'green lanes' where cyclists and pedestrians have priority, <a href="#">and may include traffic calming measures.</a> <del>and public realm improvements along Tollerton Lane.</del> In all cases non-road users will be a priority. This policy works in conjunction with policies on walking, cycling and public transport that seek to secure their safety and ensure they are kept as the priority. Overall, these policies seek to improve sustainable and active modes of travel for residents across the parish.</p> <p><del>Whilst it</del> <a href="#">It</a> is recognised that the responsibility for these highways and transport infrastructure belongs to Nottinghamshire County Council and Highways England, <a href="#">but</a> the role of the Parish Council and local groups is crucial in bringing forward positive changes to the areas that need it most.</p>
35		Policy 15	Renumber to take account of new policies and the deletion of policies	Change from policy 15 to policy 12

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
36	110	Policy 15	<p>Amend the first sentence of the first paragraph of the policy as it is general and similar to what is included in Policy 16: Design in New Development</p> <p>Minor grammatical amendments in the policy and supporting text</p>	<p>Amend the first sentence of the first paragraph of the policy:</p> <p><b>“The design of all new housing (including extensions and alterations) in the parish should <del>respond to its context and</del> provide a high standard of internal and external living space. A mix of different types of housing is encouraged <del>and to</del> diversify the offer of housing in the parish.”</b></p> <p>“This policy sets out a strategy for the design of all proposals that affect residential dwellings, <del>be that whether</del> extensions and alterations or the creation of new homes.”</p> <p>“The policy also includes reference <del>to</del> the provision of affordable housing...”</p> <p>“and should be of a high standard <del>so as to be and</del> indistinguishable...”</p>
37	111	Policy 15	Delete the last sentence of the first paragraph of the policy or include additional explanation to the policy that indicates the current statutory position.	<p>Do not accept the proposal to remove the last sentence. The Parish Council have provided suitable wording which will be provided in the explanatory text of the policy.</p> <p>Include the following paragraphs in the explanatory text:</p> <p><u>“The policy seeks to avoid the reduction in availability of single storey accommodation (specifically bungalows) through extension or the adding of an additional storey, where permitted development rights do not apply.</u></p> <p><u>The loss of bungalows was a recurring issue raised by residents who consider the provision of single storey dwellings to be important for those who wish to remain in the community as they age.”</u></p>
38		Policy 16	Re-number to take account of new policies and the deletion of policies	Change from policy 16 to policy 13
39	113	Policy 16	Delete reference to larger housing sites from the explanatory text to	Delete the final paragraph of the policy as it relates to the Sustainable

Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
			<p>reduce uncertainty over whether the policy applies to 'larger housing sites' or 'major development'.</p> <p>Delete the final paragraph of the policy as it relates to the Sustainable Urban Extension as paragraph 48 of the Examiner's Report requested any reference to the approach to the development of the Sustainable Urban Extension be deleted</p> <p>Delete the explanatory text that relates to the Sustainable Urban Extension for the same reasons as above</p>	<p>Urban Extension:</p> <p><del>"Within the new Gamston Fields settlement, new character areas should be established to complement the character of the parish whilst creating its own unique identity. The Gamston Fields settlement should be supported by a comprehensive masterplan and design code. This may be produced by the applicant in support of an application or by the Local Authority through a Supplementary Planning Document (SPD)."</del></p> <p>Delete reference to larger housing sites from the explanatory text:</p> <p><del>"This policy guides planning application relating to larger housing sites. It provides high level guidance on where the how key design considerations principles for development should be considered. For such development should begin. These core principles relate to how proposals should reinforce local character whilst avoiding its fragmentation and loss."</del></p> <p>Delete the explanatory text that relates to the Sustainable Urban Extension:</p> <p><del>"It then reiterates the importance of there being a comprehensive masterplan and strategy for the entirety of the new Gamston Fields settlement. The aim of this should be to ensure the proposal delivers a strong local character, which complements the character that already exists."</del></p> <p>Insert supporting text detailing how the design of the sustainable urban extension will be covered by other planning mechanisms.</p> <p><del>"Policy 25 – 'Strategic Allocation East of Gamston/North of Tollerton' of the</del></p>



Mod Ref	Examiner's report paragraph	NP reference	Recommendation	Proposed Modification
				<p><a href="#">Rushcliffe Borough Core Strategy provides a design brief for the Sustainable Urban Extension. This covers design criteria related to housing mix, employment provision, creation of a new Neighbourhood Centre, transport connections, protection of heritage assets, drainage, character, open space and community facilities. The policy clearly requires that the design and layout of the Sustainable Urban Extension will be arrived at through a masterplanning process.</a></p> <p><a href="#">The TNP fully supports the requirement of a masterplan for the Sustainable Urban Extension and the Parish Council will be providing comments and encouraging residents to comment when consultation takes place."</a></p>
40	116	Policy 16	Reword reference to appendix B to include reference to appendix A and B as both appendices are relevant	<p>Reword reference to appendix B:</p> <p><a href="#">Where appropriate to their scale and location, all new proposals should have regard to the guidance set out in Appendices A and B of this Plan. <del>taking regard of Appendix B.</del></a></p>
41		General	Amend the contents page to reflect the updated page numbers	Update the page numbers on the contents page.
42		General	Amend the List of Maps and the map numbers to reflect the renaming of Map 2 as Diagram 1, and the subsequent renumbering.	Update the map numbers listed in Part 9 of the TNP.
43		General	Amend the 'policy overview and compliance with objectives' table to reflect the new policies, deleted policies, and the renumbered and renamed policies.	Update the 'policy overview and compliance with objectives' table
44		General	Minor grammatical amendments throughout the document.	Make minor grammatical amendments throughout the Plan that does not materially affect the content.

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## **Appendix 4: Tollerton Neighbourhood Plan Referendum Version**

# TOLLERTON NEIGHBOURHOOD PLAN

Referendum Version

Tollerton Parish Council

Plan period 2016-2030

urban  
imprint



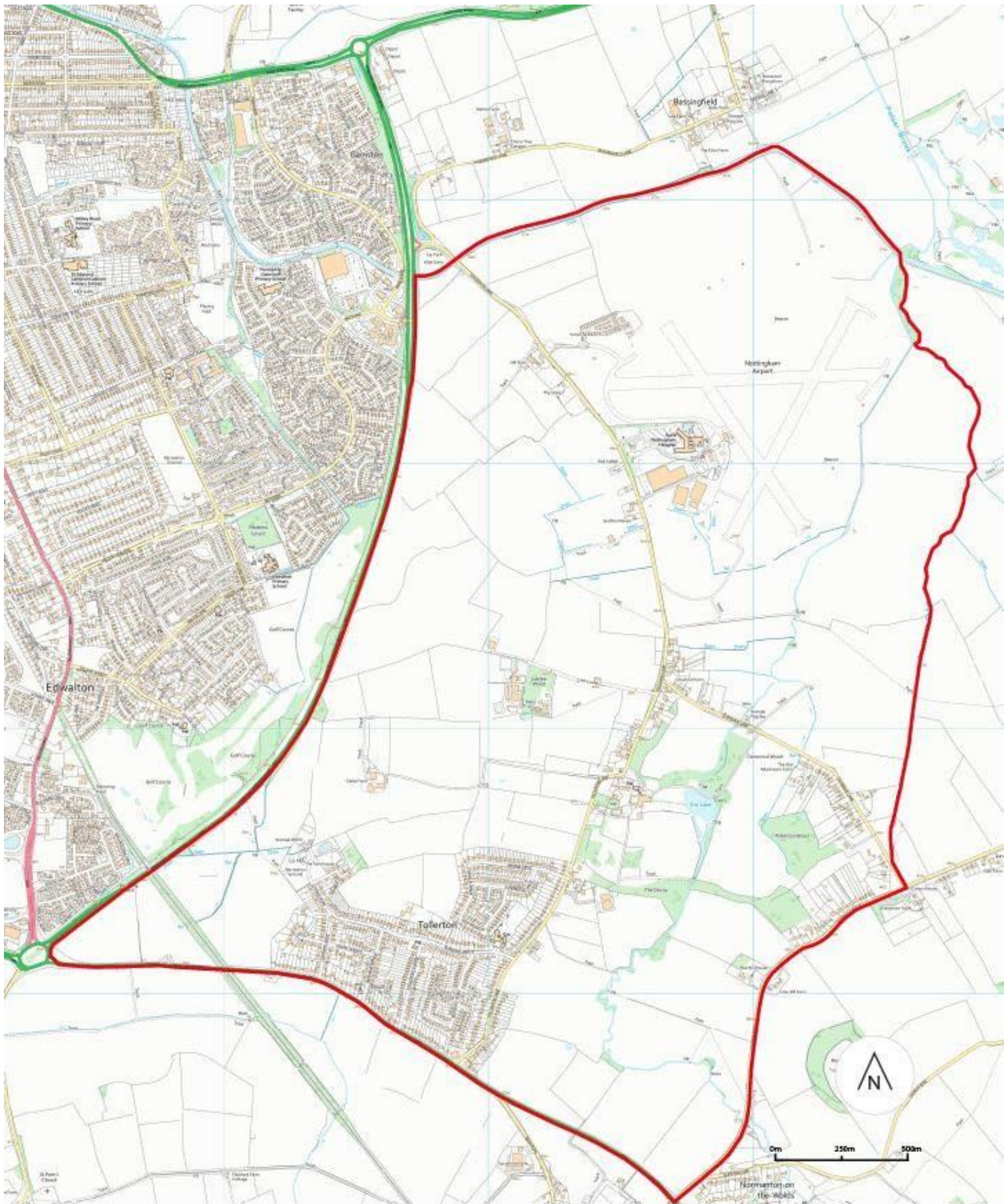
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## List of maps

- Maps 1a, 1b – Community facilities
- Map 2 – The landscape network
- Map 3 - Local green spaces
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# The designated neighbourhood plan area



# What is neighbourhood planning?

- 1.1.1. Introduced by the 2011 Localism Act, neighbourhood planning aims to empower local communities to engage with the planning system to shape development in their area. This is done by the completion of a neighbourhood plan, a document recognised under the National Planning Policy Framework (NPPF). This neighbourhood plan must be in general conformity with the strategic policies of the Rushcliffe Local Plan Part One (2014) and Part Two (2019) and take into consideration relevant national policy and guidance.
- 1.1.2. The Development Plan comprises Rushcliffe Borough Council's planning policies that set out the strategy for the development of houses, employment land, leisure uses and shops and services up until 2028. The Tollerton Neighbourhood Plan (TNP) will have a plan period up until 2030.
- 1.1.3. The Rushcliffe Local Plan Part One sets out the strategic planning policy for the whole Borough. This includes the allocation of sites for development. One of these allocated sites is within the Tollerton Neighbourhood Plan Area. This site is known as Land East of Gamston / North of Tollerton (the Sustainable Urban Extension). The Tollerton Neighbourhood Plan does not have the ability to remove or alter this site allocation. This Neighbourhood Plan therefore instead seeks to ensure that development that comes forward within Tollerton is of a high design standard and prioritises improvement of connections, enhancement of services and protection of landscape and green space.
- 1.1.4. The key topics that the TNP will focus on are:
- Sustainability
  - The rural economy
  - Community facilities
  - Character and heritage
  - Landscape and biodiversity
  - Connectivity and transport
  - Local housing and design

## **How will this neighbourhood plan benefit Tollerton?**

- 1.1.5. The creation of the TNP will give local residents influence in the planning decisions affecting their local area in terms of the types of development to come forward, as well as setting high standards of design and sustainability. Neighbourhood planning will provide the residents of Tollerton with the opportunity to set out a framework for how development should take place in the village.

## **Who will use the neighbourhood plan?**

- 1.1.6. The TNP seeks to assist a range of stakeholders, including the following:
- Landowners and homeowners proposing development (of a range of types and scales) within Tollerton
  - Local residents and other stakeholders as they comment on planning applications submitted in Tollerton
  - The Parish Council, who will remain a statutory consultee on all planning applications in Tollerton and who will monitor the neighbourhood plan once made and promote key community projects
  - Rushcliffe Borough Council, who will be using the neighbourhood plan to determine planning applications in Tollerton.



View from Tollerton Lane looking SW towards Jubilee Wood



Huntsman Green from Cotgrave Road looking NW



# Background and context

## Geography / key features

- 1.2.1. Tollerton lies within the Borough of Rushcliffe in the county of Nottinghamshire. The Parish lies approximately 4 miles south of the city of Nottingham, offering great accessibility to the city region. Tollerton grew in popularity thanks to the creation of Nottingham Airport (1930-present). It became more developed during the 1940's. Tollerton Hall, located to the north of the village off Tollerton Lane, dates back to 1792. It has had several different uses since then including educational use as St Hugh's College but is now a private residence.
- 1.2.2. The neighbourhood plan area follows the same boundary as Tollerton Parish. It comprises the historic core of Tollerton, along Tollerton Lane, dwellings on Cotgrave Lane, park homes at Tollerton Park and the largest area of housing, which centres on Burnside Grove and contains the majority of the area's amenities. Nottingham City Airport is located within the north of the parish.

## Census data

- 1.2.3. Tollerton falls within Rushcliffe, the population of which has increased by 7.1% from 111,100 since the last Census (2011) to 119,000 (2021), which is higher than the overall increase for England (6.6%). The population of Tollerton at the last Census (2011) was 1,883 with 944 males (50.1%) and 939 females (49.9%). Approximately 17% of the population was between the ages of 0 and 15, 56% between the ages of 16 and 64, and 27% aged 65 or older. The population of Tollerton's built up area has increased since the last census (2011) from 1,544 to 1,634 in 2021 with 830 females (50.8%) and 804 males (49.2%).

## Links to Rushcliffe Local Plan

- 1.2.4. Tollerton is located within the Green Belt, with the exception of the strategic site East of Gamston / North of Tollerton allocated under Policy 25 of the Local Plan Part 1: Rushcliffe Core Strategy (referred to in this document as the Sustainable Urban Extension) to the north of the parish, which was removed from the Green Belt when the Local Plan Part One was adopted in 2014. This is the site of the existing Nottingham City Airport.
- 1.2.5. The Sustainable Urban Extension is an allocation for 4000 new houses and new employment space. This site was allocated by the Rushcliffe Local Plan and outline applications for development of parts of the site have been submitted but not yet decided. Policies within the TNP seek to influence the development of the site as it comes forward.

## Preparation of the TNP

- 1.2.6. The TNP and its policies have been shaped by input and feedback from the local community through a series of consultation processes in addition to work completed in Tollerton in 2016 to create the Tollerton Parish Community Plan. The vision and objectives within the Parish Plan have formed the basis of the vision and objectives for the TNP. The process began in spring of 2016. Firstly, the parish council established whether a neighbourhood plan was wanted by Tollerton residents. 97% of people who attended this consultation were in favour of creating one.
- 1.2.7. The second stage took place throughout the summer and autumn of 2016. This involved designating the area that the plan would encompass. An application was sent to Rushcliffe Borough Council for all of Tollerton parish to be included in the neighbourhood plan area. This application was approved.



**Airport looking north towards Tollerton Park and the City**



**View from the corner of the Open Space towards Melton Road**

# Vision and objectives

## VISION

- 1.3.1. **Tollerton is a vibrant community with a rich history and heritage surrounded by farmland with views of open countryside, hills and woodland. This Neighbourhood Plan seeks to protect this special character and safeguard it for existing and future residents. Key assets, valued by residents, are given protection whilst opportunities for sympathetic enhancement and development are identified and encouraged. The parish will need to evolve in response to climate change and the proposed Sustainable Urban Extension to the east of Gamston/north of Tollerton. This plan aims to make the most of these opportunities for the parish whilst conserving its rural setting.**

## OBJECTIVES

- 1.3.2. For the Vision to be implemented and effective, it must be broken down further into key objectives, all of which contribute to the delivery of the Vision. The draft objectives are presented below that address a specific issue identified from the questionnaire and consultation with key groups and organisations. To ensure that the vision can be implemented and is effective, it must be broken down further into objectives that contribute to the delivery of the vision. These objectives form the outline of the Neighbourhood Plan and are delivered through the policies.
1. To celebrate and look after the tranquillity, landscape and heritage within our parish whilst keeping community at its heart.
  2. To create a village hub with shops, services and community spaces that the parish can be proud of.
  3. To ensure that the design and appearance of any new development make a positive contribution to local character and sense of place.
  4. To promote healthy and sustainable living habits by encouraging the use of 'green' modes of travel around the parish to reduce the parish's emissions and reliance on the car.
  5. To protect existing areas of green space, including the green buffer to the north of the village, and ensure future development contributes to the creation of a strong network of green biodiverse spaces and corridors.
  6. To ensure road and transport improvements create streets and spaces that are safe, attractive and prioritise the most vulnerable road users first.
  7. To support existing businesses and encourage start-ups and independents that will contribute to the green economy and are sympathetic to the rural setting of the parish.
  8. To encourage the delivery of community facilities and services to meet the needs of the parish today and in the future.
  9. To encourage the self-contained Sustainable Urban Extension to come forward as a new and successful settlement that remains well connected with Tollerton through good infrastructure and community links.

# The spatial strategy for Tollerton

1.4.1. The aim of the spatial strategy is to show the vision for Tollerton parish in a visual way. All the policies work towards this strategy. Whilst Tollerton village and the Sustainable Urban Extension to the east of Gamston/north of Tollerton are within the same parish, the aim is to ensure that both function as self-sufficient settlements meeting the needs of existing and future residents. Key to this vision is that the two settlements will be separate but well connected, particularly by foot and bicycle. The existing green buffer between the two settlements will be maintained and enhanced.

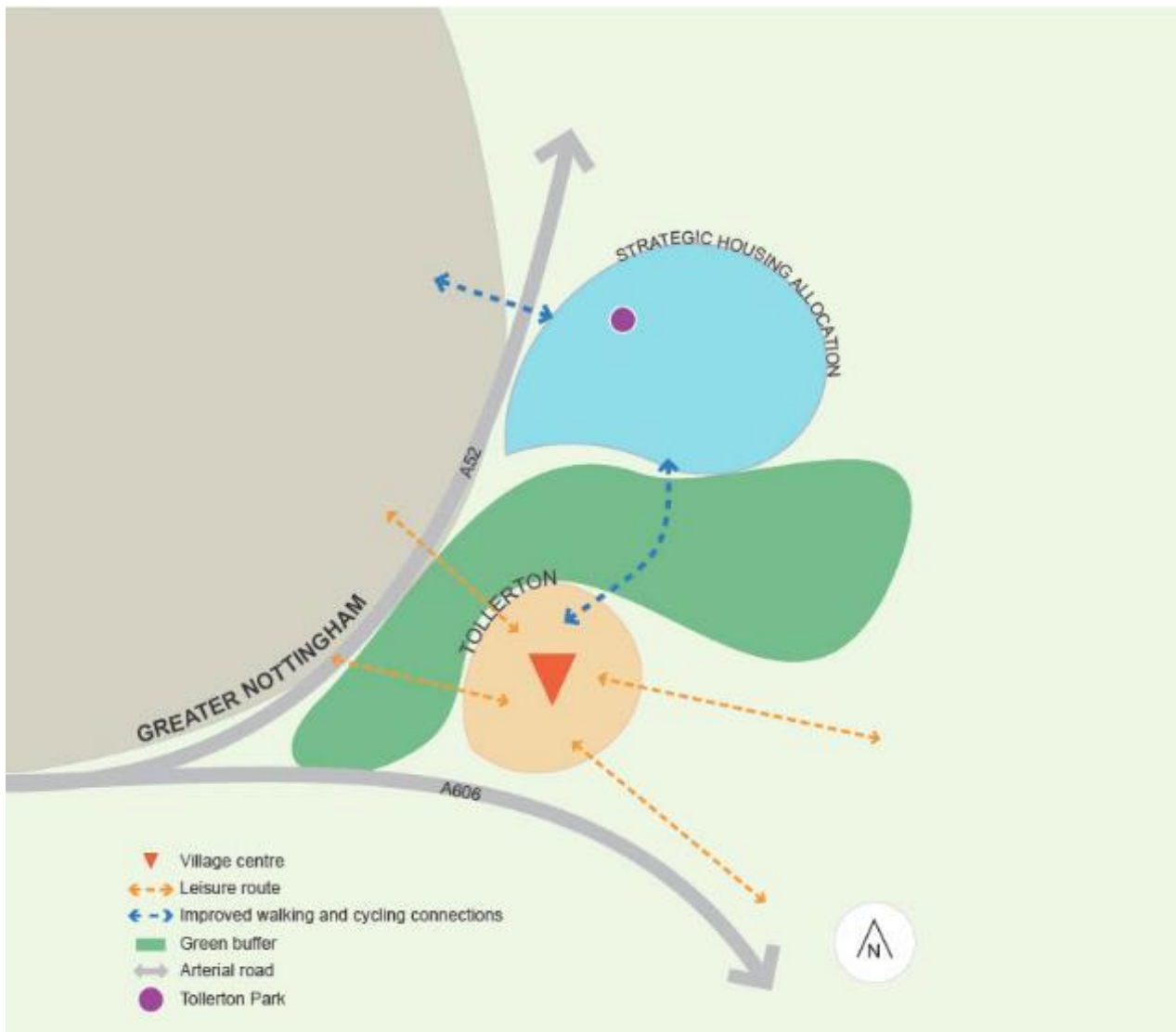


Diagram 1 – Spatial strategy



# THE POLICIES

# Policy overview and compliance with objectives

<b>POLICY</b>	<b>OBJECTIVE</b>
Policy 1: Climate Change	1, 4, 5, 6, 7
Policy 2: The Village Centre	1, 2, 4, 7, 8
Policy 3: Supporting the Local Economy	1, 2, 4, 7, 8
Policy 4: Existing Community Facilities	1, 2, 4, 7, 8
Policy 5: New Community and Retail Facilities	1, 4, 7, 8
Policy 6: The Green Buffer	1, 3, 4, 5, 9
Policy 7: Local Character and the Historic Environment	1, 3, 5
Policy 8: Landscape Character	1, 5
Policy 9: Local Green Spaces	1, 5
Policy 10: Biodiversity Enhancement	1, 5
Policy 11: Sustainable Modes of Transport and Movement	1, 4, 6
Policy 12: Tollerton Housing Strategy	3, 4
Policy 13: Design in New Development	1, 3, 4, 6, 8

# 1. Strategic policy

## **POLICY 1: CLIMATE CHANGE**

All development proposals will be expected to contribute towards the mitigation of, and adaption to climate change, and to comply with national and local targets on reducing carbon emissions and energy use, unless it can be clearly demonstrated that full compliance with the policy is not viable or feasible. This is in accordance with Policy 2(1) of the adopted Local Plan Part 1: Rushcliffe Core Strategy. Applicants for planning permission will be expected to show that the detailed provisions of Core Strategy Policy 2 have been taken into account when submitting their proposals.

## **ASPIRATION - CLIMATE ADAPTATION STATEMENT**

The Parish Council encourages applicants to demonstrate through a statement submitted with the planning application how proposals meet the following objectives:

- located nearby existing services and facilities to reduce the need to travel
- designed to encourage working from home to reduce the need to travel
- designed to encourage the use of sustainable modes of transport including walking, cycling and public transport
- designed to be accessible for everyone particularly those with reduced mobility including consideration of all ages including the very young, elderly and those with wheelchairs and prams
- designed to use all resources more efficiently during construction
- proposed building materials are sustainable, recyclable and locally sourced where possible
- designed to reduce carbon emissions and the use of water and energy for the lifetime of the development adopting green energy measures, where possible
- encourages the use of electric vehicles through the provision of electric vehicle charging points
- avoids demolition of existing structures but, if demolition is demonstrably necessary, reuses materials that exist on site where practicable
- takes a proactive approach to encourage biodiversity and wildlife

The Parish Council strongly encourages applicants to carefully consider the above factors in the design of proposals and to pursue development that is capable of climate adaptation and crucially encourages use of sustainable movement patterns. The sourcing of building materials locally contributes positively to new development in terms of reducing the distances materials have been transported and also helps reinforce local character by using facing, roofing and surfacing materials available locally. The Parish Council also wants applicants to carefully consider whether demolition of existing buildings can be avoided and if not, that materials can be reused on site.



## EXPLANATION

- 2.1.1. Tollerton as a community is committed to reducing the carbon footprint of the parish and working towards carbon neutrality. The Parish Council wants climate adaptation to be considered carefully by all those proposing development in the parish whether it is a residential extension or new dwellings or services.
- 2.1.2. The above measures will be encouraged alongside campaigns and programmes led by the community and Parish Council to raise awareness of how small actions can cumulatively make a significant impact on the fight against climate change.



## 2. Rural economy

### **POLICY 2: THE VILLAGE CENTRE**

The junction of Burnside Grove and Stansted Avenue has been identified as a Village Centre as shown in Map 1a. Within this area, uses, businesses and activities that support the growth of this as a village centre, including but not limited to, food, retail, community uses, social uses, and pop-up events and shops, will be considered appropriate subject to their impact on local amenity. The design of shop fronts should make a positive contribution to the area, following guidance in Appendix A, and ensuring that premises are accessible for all.

Planning applications that enhance the area to create spaces that are better suited for public events and pop-ups by way of public realm and environmental improvements will be supported subject to amenity impacts.

### **ASPIRATION – METHODIST CHURCH**

Tollerton Methodist Church is located in the centre of the village on Stanstead Avenue adjacent to the hugely successful community owned Air Hostess Pub. It is increasingly likely that the Methodist Church site will become vacant during the plan period of the Neighbourhood Plan. The Parish Council will seek to ensure that the site continues to benefit the community and will expect community consultation to be undertaken prior to submission of a planning application.

### EXPLANATION

- 2.2.1. This policy seeks to better establish a local centre of community activity within the village. Tollerton Parish Council is keen to encourage development that will further establish this area as a hub for events and activities run by and for the community. Using the success of the community owned Air Hostess as a catalyst, the aim is to guide further development in this area that would support the vitality of the village and create a central focus for activity. Working alongside Policy 6, this policy seeks to ensure that such new development is well-considered and fills the existing gaps that exist in the village. Facilities that have been requested by the community, such as a café, will be encouraged through this policy but directed towards the village centre.

### **POLICY 3: SUPPORTING THE LOCAL ECONOMY**

**Development involving new business or the expansion of existing ones (including homeworking) will be supported in principle, subject to account being taken of other relevant policies of this Plan and Policies 1 and 15 of the Local Plan Part 2: Land and Planning Policies. In particular, proposals will be required to demonstrate that:**

- **There is adequate provision for parking and servicing**
- **There is no harmful impact in residential amenity**
- **There is no harmful impact on the visual qualities of the Parish**

**In addition:**

- **A travel plan and car parking strategy will be required to accompany planning applications for all major developments (as defined by the Development Management Procedure Order).**

#### **EXPLANATION**

- 2.2.2. Through this policy, the Parish Council seeks to protect and support the Local Economy of Tollerton, allowing existing businesses to not only survive but grow, and supporting people who wish to set up new businesses within the Parish. Homeworking is common across the parish and looks set to become more common. This policy additionally seeks to create a mechanism that supports those who wish to work from home.
- 2.2.3. The TNP recognises and values the contribution that local businesses make to the local economy and how important they are in providing employment and services to the community. It is crucial however that these businesses, and any new proposed premises, complement the existing character and setting of Tollerton. This policy therefore requires proposals to consider the other policies within the TNP and policies 1 and 15 of the Local Plan Part 2: Land and Planning Policies.
- 2.2.4. Finally, the Parish Council wishes to support development that encourages and supports residents who want to 'work from home' either at their house or in a shared premises. Proposals for shared workspaces that provide meeting rooms or desks within or near the village centre will be welcomed.



The post office on the corner of Melton Road and Bentinck Avenue

### 3. Community facilities

#### **POLICY 4: EXISTING COMMUNITY FACILITIES**

**Development that would result in the loss of, or have a negative impact on, the existing community facilities listed in the explanation to this policy, and whose locations are shown on Maps 1a and 1b, will not be granted unless the criteria set out in Policy 30 of the Local Plan Part 2: Land and Planning Policies are met. Community-led schemes to provide or retain such facilities will be particularly encouraged.**

#### EXPLANATION

2.3.1. Tollerton has a strong base of independent and locally run community services and facilities. These all contribute significantly to Tollerton’s strong sense of community and place. This policy seeks to both support and future-proof these facilities to secure their long term local role. By recognising that demand may change over time, this policy aims to ensure that these sites are retained for use by the community and can adapt to the needs of those who live in the parish.

2.3.2. The identified existing facilities to be protected include:

#### Map 1a

1. Play area, Lothian Road
2. Tollerton Open Space, Lothian Road
3. Post Office, Melton Road
4. Early years building, Burnside Grove
5. Tollerton Primary School, Burnside Grove
6. Methodist Church and Grounds, Stanstead Avenue
7. Air Hostess Pub, Stanstead Avenue
8. The Parish Rooms, Burnside Grove

#### Map 1b

9. Forest School, Tollerton Lane
10. Tollerton Lane Allotments, Tollerton Lane
11. Paddock, Tollerton Lane
12. St Peter’s Church Hall, Tollerton Lane
13. St Peter’s Church, Tollerton Lane
14. War Memorial, Tollerton Lane
15. Scout Hut, Tollerton Lane
16. Air Cadets Headquarters building, Tollerton Lane

2.3.3. The criteria set out in Policy 30 of the Local Plan Part 2: Land and Planning Policies should be met. The criteria are listed below:

- alternative provision exists with sufficient capacity, which can be reasonably accessed by walking, cycling or public transport and would not result in a significant increase in car journeys;
- alternative provision will be provided as part of the redevelopment of the site;
- alternative provision will be provided in an appropriate location, which can be reasonably accessed by walking, cycling or public transport and would not result in a significant increase in car journeys;
- or
- it has been satisfactorily demonstrated that it is no longer economically viable, feasible or practicable to retain the existing community use and its continued use has been fully explored.

## **POLICY 5: NEW COMMUNITY AND RETAIL FACILITIES**

Proposals for new or expanded shops, services and community facilities will be supported in principle, subject to compliance with other relevant policies of the Plan. Particular encouragement is given to proposals located within or adjacent to the village centre.

### **ASPIRATION – WELCOMING NEW SERVICES TO THE VILLAGE CENTRE**

The Parish Council welcomes new services and facilities in the village centre and in the historic core of the village. Consultation throughout the production of the TNP has found that residents are keen for there to be a greater cluster of services, particularly in the village centre. The following services would be considered to positively enhance the offer of the parish for residents and visitors:

- Cafés
- Social meeting spaces for all age groups
- Grocers / local produce store
- Pop-up uses and events
- Outdoor play areas and spaces
- Sports and recreation
- Changing rooms at the Tollerton Open Space
- Public transport facilities
- Facilities for cyclists

### **EXPLANATION**

2.3.4. Tollerton currently has some provision of amenities. However, the parish lacks some key facilities that would improve people's quality of life and limit the need to leave the village for certain everyday needs. This aspiration therefore seeks to support development that would encourage new facilities in the parish.

## **POLICY 6: THE GREEN BUFFER**

**Proposals for development should not reduce or diminish the physical and visual separation established by the Green Buffer between the settlement of Tollerton and the sustainable urban extension Land East of Gamston/North of Tollerton (illustrated on Diagram 1). In making this assessment, consideration will be given to the individual effects of the proposal and the cumulative effects when considered with other existing and proposed development.**

### EXPLANATION

- 2.3.5. The TNP seeks to retain the separation between Tollerton and the Sustainable Urban Extension Land East of Gamston/North of Tollerton through the establishment of a Green Buffer (illustrated on Diagram 1). Within the Green Buffer, the development of larger scale development and incremental, piecemeal smaller scale development which could result in the merging of Tollerton and the Sustainable Urban Extension will be resisted. It is important to the community that the separate identities of the two settlements are retained and coalescence avoided. This is reinforced by the existing topography that rises between the current airfield and Tollerton village.
- 2.3.6. There is also a further aim for this area to make a positive contribution to the biodiversity of the parish in addition to protecting natural water systems so that surface water can safely travel to nearby watercourses. Where possible, opportunities to enhance the quality and biodiversity of these areas should also be considered to improve water quality and amenity.



**View from the junction of Tollerton Lane and Bassingfield Lane looking NE**

## 4. Character and heritage

### **POLICY 7 : LOCAL CHARACTER AND THE HISTORIC ENVIRONMENT**

All new development will be expected to respect, and where practicable, enhance the physical attributes and historic assets and local built and cultural character of the Parish, in accordance with other relevant policies within the Plan and the relevant parts of Policy 1: Development Requirements and Policy 28: Conserving and Enhancing Heritage Assets of the Local Plan Part 2: Land and Planning Policies. The designated and non-designated heritage assets located in the TNP area are identified in Appendix C.

Innovative and contemporary design will be supported where it is sensitive to this local character.

Applicants will be expected to set out how their design proposals contribute positively to this local character through:

- plot sizes, building lines and density
- architectural style, use of materials and detailing
- boundary treatments and other landscape features

Schemes that seek to ensure that heritage assets remain in long-term active and viable use, and/or seek to bring existing heritage assets back into use, will be strongly supported. Applications that are sensitive to their heritage and cultural value will be encouraged.

### EXPLANATION

- 2.4.1. The Parish has a mixed but unique local built character. Appendix B contains a character summary of the basic elements of Tollerton's characteristics, heritage and natural environment that the TNP aims to maintain and enhance. This policy seeks to ensure that all future development is designed to be in keeping with and reflective of this local built character.
- 2.4.2. Tollerton contains many heritage assets, both designated and non-designated, as identified in Appendix C, that are all central to defining the character of the parish. Proposals that seek to secure the long-term use or protection of a heritage asset will be supported where it can be demonstrated that the significance of the asset is retained, as per the requirements of the NPPF. In all proposals affecting heritage assets, their significance should be consciously considered at the concept stage of an application putting Tollerton's heritage at the forefront of the process.
- 2.4.3. The Parish Council is keen to protect cultural features that cumulatively contribute to the unique character of Tollerton. Proposals are encouraged to consider how cultural features (including the non-physical) have been carefully taken into account. Integration of the cultural heritage of the parish into development proposals can be achieved through interpretation boards, signage, street and place names and public art.

## 5. Landscape and biodiversity

### **POLICY 8 : LANDSCAPE CHARACTER**

All new development will be expected to respect, and where practicable, enhance the key identified features that contribute to the landscape character of the parish in accordance with other policies within the Plan and the relevant parts of Policy 1 Development Requirements, Policy 34 Green Infrastructure and Open Space Assets and Policy 37 Trees and Woodlands of the Local Plan Part 2: Land and Planning Policies.

Appendix B lists several key features that contribute towards the landscape character of Tollerton. The list at Appendix B has been expanded upon, but is not limited to, the below:

- Areas of woodland
- Field boundaries
- Mature trees and hedgerows
- Landscape views and vistas
- Watercourses and waterbodies
- Grass verges
- Green spaces / paddocks

The following features are identified on Map 2 as they contribute towards the landscape character and identity of the Parish. Applications that result in the loss or harm to these features will be resisted:

- Key green and open spaces
- Views and vistas as listed at Appendix D
- Gateways into the settlements

### EXPLANATION

- 2.5.1. This policy seeks to define the key features that make up the local landscape character, which is so important to the setting of the parish. These features have been suggested by the community and tested through site work. The policy also seeks to protect and enhance these features including woodland, field patterns and important trees and will resist their loss.





Huntsman Green from Cotgrave Lane looking SE



View from Cotgrave Lane looking north towards airport

## **POLICY 9 : LOCAL GREEN SPACES**

The Neighbourhood Plan designates the following sites within Tollerton as Local Green Spaces in accordance with paragraph 105 of the NPPF, see Map 3 and Appendix E for a full assessment of each against the criteria:

1. Tollerton Lane Allotment, opposite North End Cottage
2. Brookers Bank, Tollerton Lane
3. Huntsman Green, junction of Cotgrave Lane and Cotgrave Road
4. St Peters Paddock, Tollerton Lane
5. Tollerton Open Space and playing fields, Lothian Road
6. Priory Circus
7. Lenton Circus
8. Methodist Church grounds, Stanstead Avenue
9. Pinfold, junction of Tollerton Lane and Cotgrave Lane
10. Wildflower verges, Burnside Grove
11. Burnside Grove – grass verges
12. Grantham Canal

**Inappropriate development on these sites or their loss for community use will be strongly resisted. Development of flood resilience schemes within local green spaces will be supported provided the schemes do not adversely impact the primary function of the green space.**

### EXPLANATION

- 2.5.2. Local Green Spaces are a land allocation set out within the NPPF intended to protect green areas of particular importance to a community from inappropriate development. The green space must meet certain criteria to qualify; it should be in close proximity to the community it serves, special and of local significance (beauty, history, recreational value, tranquillity or wildlife). The sites listed and mapped have been suggested by the community as of particular value locally. Appendix E sets out how each of the spaces listed meets the criteria of the NPPF. Some of these local green spaces are located within highways land and are considered to make a key contribution to local amenity and character.

## **POLICY 10 : BIODIVERSITY ENHANCEMENT**

**Proposals that incorporate the protection or enhancement of the green and blue infrastructure network identified in Map 2 will be supported. The loss or fragmentation of the identified network will be resisted.**

**Planning applications, regardless of scale, should actively promote biodiversity enhancement to create new habitats or protect and enhance existing habitats. Proposed development that incorporates the creation of new spaces and planting specifically for wildlife will be supported. Proposals of all scales will be expected to deliver a minimum of 10% biodiversity net gain and the implementation of measures beyond this will be encouraged.**

### **EXPLANATION**

- 2.5.3. The parish's existing network of green infrastructure is shown in Map 2. This includes important wildlife corridors and identifies gaps within the network where improvements could be made. This policy requires new development to contribute positively to this network and not lead to its loss or fragmentation. Proposals that seek to enhance biodiversity and rewilding of sites in the village or allocated sites will be supported.
- 2.5.4. This policy also encourages local scale interventions that promote and enhance biodiversity within the parish through campaigns to encourage measures in people's gardens and strategies for specific areas of land or facilities. Community support exists for biodiversity interventions such as a village pond and areas of wildlife and tree planting.



**View from the junction of Tollerton Lane and Bassingfield Lane looking SE**

## 6. Connectivity and transport

### **POLICY 11: SUSTAINABLE MODES OF TRANSPORT AND MOVEMENT**

Where practicable, and as appropriate to its scale and character, development should seek to reduce reliance on the private car and encourage more sustainable and active types of transport. Whilst recognising the rural location of the parish, development that takes opportunities to make walking, cycling and horse-riding a practical and safe option should be encouraged.

Proposals that enhance existing routes through improved quality or connecting/creation of the network will be supported. The enhancement of the routes identified on Map 4 will be encouraged. The provision of electric vehicle infrastructure throughout the village, for example public charging points, will be encouraged and, for major schemes, considered mandatory.

### **ASPIRATION – DEVELOPER CONTRIBUTIONS**

Developer contributions will be sought to support the enhanced running of bus services, including nighttime services, serving the village of Tollerton and the Sustainable Urban Extension to the east of Gamston/north of Tollerton from major developments.

### **EXPLANATION**

- 2.6.1. This policy seeks to establish a safe network of walking and cycling routes across the parish. It will identify these important routes within the parish (including safe off road cycling to the Grantham Canal, neighbouring settlements and east-west bridleways and footpaths) and support their improvement. New developments in Tollerton should take existing and proposed links into consideration in seeking to improve connections. This includes the new foot-cycle bridge that is to be built by 2024 by Nottingham City Council between Lady Bay and Trent Basin (Poulton Drive) across the River Trent.
- 2.6.2. This policy is accompanied by an aspiration that seeks to support and safeguard the existing public transport routes that run through the parish connecting nearby villages and other services. This is linked to but beyond the role of the planning system however, developer contributions should focus on improving these connections.

## **ASPIRATION – THE TOLLERTON MOVEMENT STRATEGY**

The improvement of the parish's streets is encouraged through works that prioritise more vulnerable road users. Development should consider the needs of the most vulnerable road users first, using the following road user hierarchy:

- Pedestrians
- Cyclists and scooters
- Horse-riders
- Public transport
- Goods traffic
- Motorbikes
- Long-distance freight and private car traffic

A strategy for the whole parish has been prepared that combines multiple transport modes, see Map 4. The Parish Council will also work to achieve these aims. This strategy includes 'green lanes' where cyclists and pedestrians have priority and may incorporate traffic calming measures.

The improvement of the key junctions and roads listed within Appendix F will be prioritised, subject to discussions with the local highway authority and Highways England.

## **EXPLANATION**

2.6.3. This aspiration identifies key junctions and highways that the TNP has identified as being in need of improvement associated with the strategic growth in the parish, subject to discussions with the local highway authority and Highways England. This includes specific reference to 'green lanes' where cyclists and pedestrians have priority, and may include traffic calming measures. In all cases non-road users will be a priority. This policy works in conjunction with policies on walking, cycling and public transport that seek to secure their safety and ensure they are kept as the priority. Overall, these policies seek to improve sustainable and active modes of travel for residents across the parish.

2.6.4. It is recognised that the responsibility for these highways and transport infrastructure belongs to Nottinghamshire County Council and Highways England, but the role of the Parish Council and local groups is crucial in bringing forward positive changes to the areas that need it most.

## 7. Local housing and design

### **POLICY 12: TOLLERTON HOUSING STRATEGY**

**The design of all new housing (including extensions and alterations) in the parish should provide a high standard of internal and external living space. A mix of different types of housing is encouraged to diversify the offer of housing in the parish. In line with this, where development seeks to replace an existing bungalow with a significantly larger dwelling, this will be resisted.**

**Affordable dwellings are welcomed and should be indistinguishable from market dwellings in their design and amenity space provision. A range of types of affordable units should be sought and groupings according to tenure should be avoided.**

**All new homes in the parish are to be built to reduce emissions and energy usage through construction to occupancy. Materials used should be sustainably sourced locally, particularly timber used during construction. Dwellings should be designed to encourage passive solar gain, passive cooling and water reduction techniques.**

**Proposals must demonstrate how they are providing occupants with home working options. On site energy generation will be encouraged and electric vehicle charging points will be required for all new buildings.**

**Previously developed sites and conversions will be preferred forms of development.**

### EXPLANATION

- 2.7.1. This policy sets out a strategy for the design of all proposals that affect residential dwellings, whether extensions and alterations or the creation of new homes. The policy seeks to retain a good mix of types and sizes of houses in the parish and ensure that proposals are making the most of opportunities to reduce emissions and energy usage, including encouraging appropriate spaces for working from home.
- 2.7.2. The policy also includes reference to the provision of affordable housing that will be required when proposed developments meet the thresholds set by Rushcliffe Borough's Local Plan policies. Affordable housing is encouraged and should be of a high standard and indistinguishable from the scheme's market housing.
- 2.7.3. The policy seeks to avoid the reduction in availability of single storey accommodation (specifically bungalows) through extension or the adding of an additional storey, where permitted development rights do not apply.
- 2.7.4. The loss of bungalows was a recurring issue raised by residents who consider the provision of single storey dwellings to be important for those who wish to remain in the community as they age.

## **POLICY 13: DESIGN IN NEW DEVELOPMENT**

**All new development (including extensions and alterations) should actively reinforce the existing natural and built character of the parish. Proposals within existing built up areas should seek to identify and respond to local character through appropriate scale, mass and plot sizes in addition to use of materials and landscaping. Where appropriate to their scale and location, all new proposals should have regard to the guidance set out in Appendices A and B of this Plan.**

**New major development should ensure the following matters are considered:**

- **Retention or creation of a gateway into the site and settlement to reinforce sense of place**
- **Ensuring a clear hierarchy of streets and spaces – including routes for pedestrians and cyclists**
- **Maintaining a sensitive transition into the wider landscape**
- **Incorporating sustainable drainage systems and green spaces to promote biodiversity and alleviate flooding**

## **EXPLANATION**

- 2.7.5. This policy provides high level guidance on how key design principles for development should be considered. These core principles relate to how proposals should reinforce local character whilst avoiding its fragmentation and loss.
- 2.7.6. Policy 25 – ‘Strategic Allocation East of Gamston/North of Tollerton’ of the Rushcliffe Local Plan Part 1: Core Strategy provides a design brief for the Sustainable Urban Extension. This covers design criteria related to housing mix, employment provision, creation of a new Neighbourhood Centre, transport connections, protection of heritage assets, drainage, character, open space and community facilities. The policy clearly requires that the design and layout of the Sustainable Urban Extension will be arrived at through a masterplanning process.
- 2.7.7. The TNP fully supports the requirement of a masterplan for the Sustainable Urban Extension and the Parish Council will be providing comments and encouraging residents to comment when consultation takes place.
- 2.7.8. Resources for sustainable urban drainage systems design:

Local Government Association:

<https://www.local.gov.uk/topics/severe-weather/flooding/sustainable-drainage-systems>

Susdrain: <https://www.susdrain.org/>

## 8. Monitoring and review

- 2.8.1. The Neighbourhood Plan, once made, will form part of the Development Plan for Rushcliffe, and will be subject to the Council's Local Plan Annual Monitoring Report (AMR) regime. The AMR provides many of the monitoring and review mechanisms relevant to Neighbourhood Plan policies, as they sit within the wider Strategic Policies of the Local Plan, including matters of housing and employment delivery.
- 2.8.2. Consequently, it is considered that the existing monitoring arrangements for the strategic policies of the Local Plan Part One and Part Two will be sufficient for most of the Neighbourhood Plan policies.
- 2.8.3. It may be necessary for Tollerton Parish Council, in conjunction with Rushcliffe Borough Council, to monitor specified indicators or to agree to a certain time period for review. These indicators will establish whether the policies are having the desired outcomes and will highlight policies requiring immediate or timely review to align them with their original purpose.
- 2.8.4. Subsequently, key indicators from approved planning applications and relevant policies (although other policies in the Plan should also be taken into account) covering applications only within Tollerton relating to the Neighbourhood Plan are (but not limited to):
- Revisions to national policy and guidance
  - Revision to the Local Plan or its evidence base
  - The list of designated and non-designated heritage assets in the Parish, should any new sites or structures be required to be added to the lists of both designated and non-designated heritage assets
  - Changes to the Local Green Spaces in Tollerton
- 2.8.5. The Neighbourhood Plan has been prepared to guide development up to 2030.
- 2.8.6. There are a number of circumstances under which a partial review of the Neighbourhood Plan may be necessary. These may include a revision of the existing local planning documents or if the policies highlighted for review are not adequately addressed in the objectives set out for the Neighbourhood Plan.
- 2.8.7. Once the TNP is formally 'made' the Parish Council will review planning applications that come forward within the neighbourhood plan area and provide comments on proposals and whether they comply with the policies, vision and objectives of the TNP. This group will also be responsible for monitoring the TNP and determining if the document in whole or in part needs to be reviewed or updated.



## 9. Maps

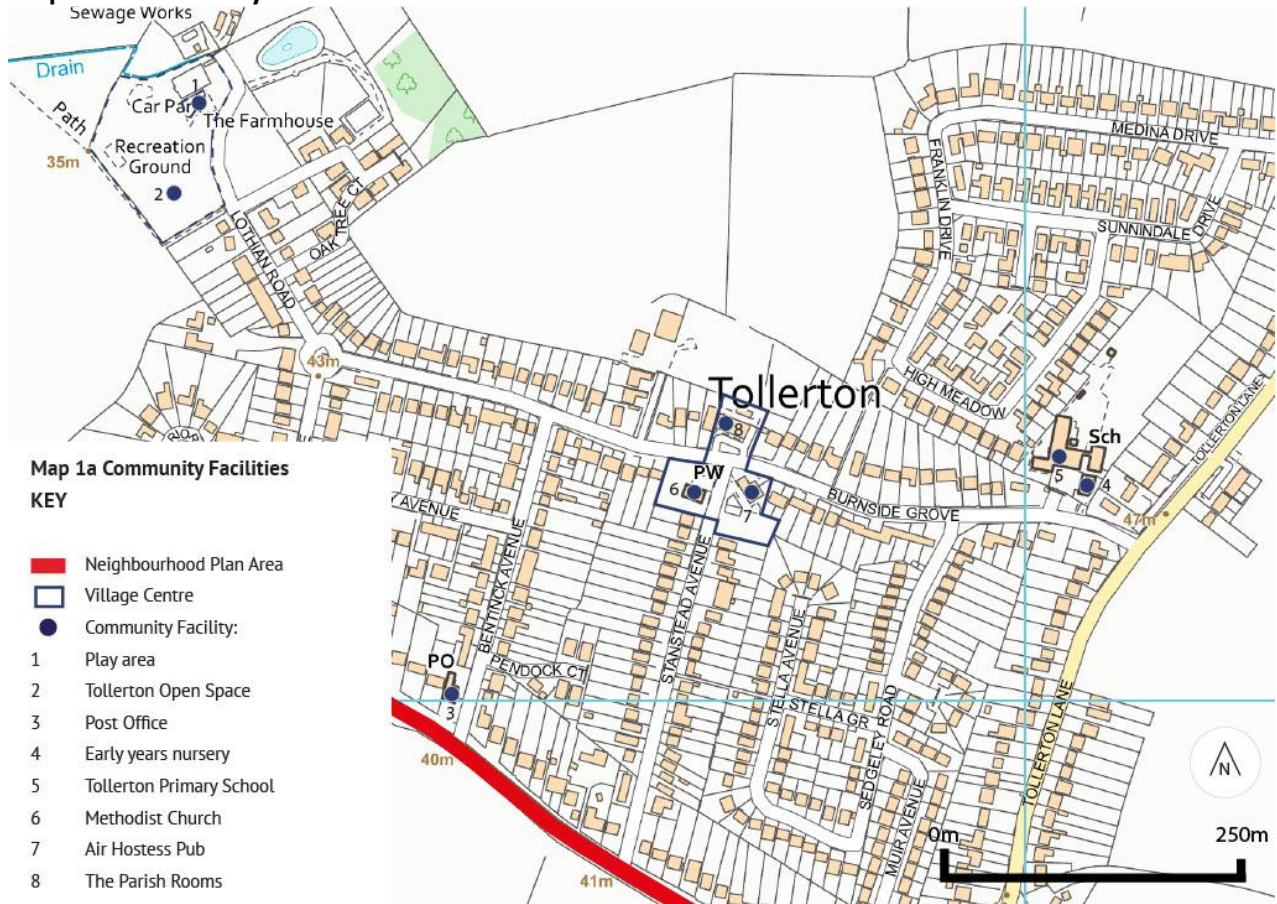
Maps 1a and 1b – Community Facilities

Map 2 – The landscape network

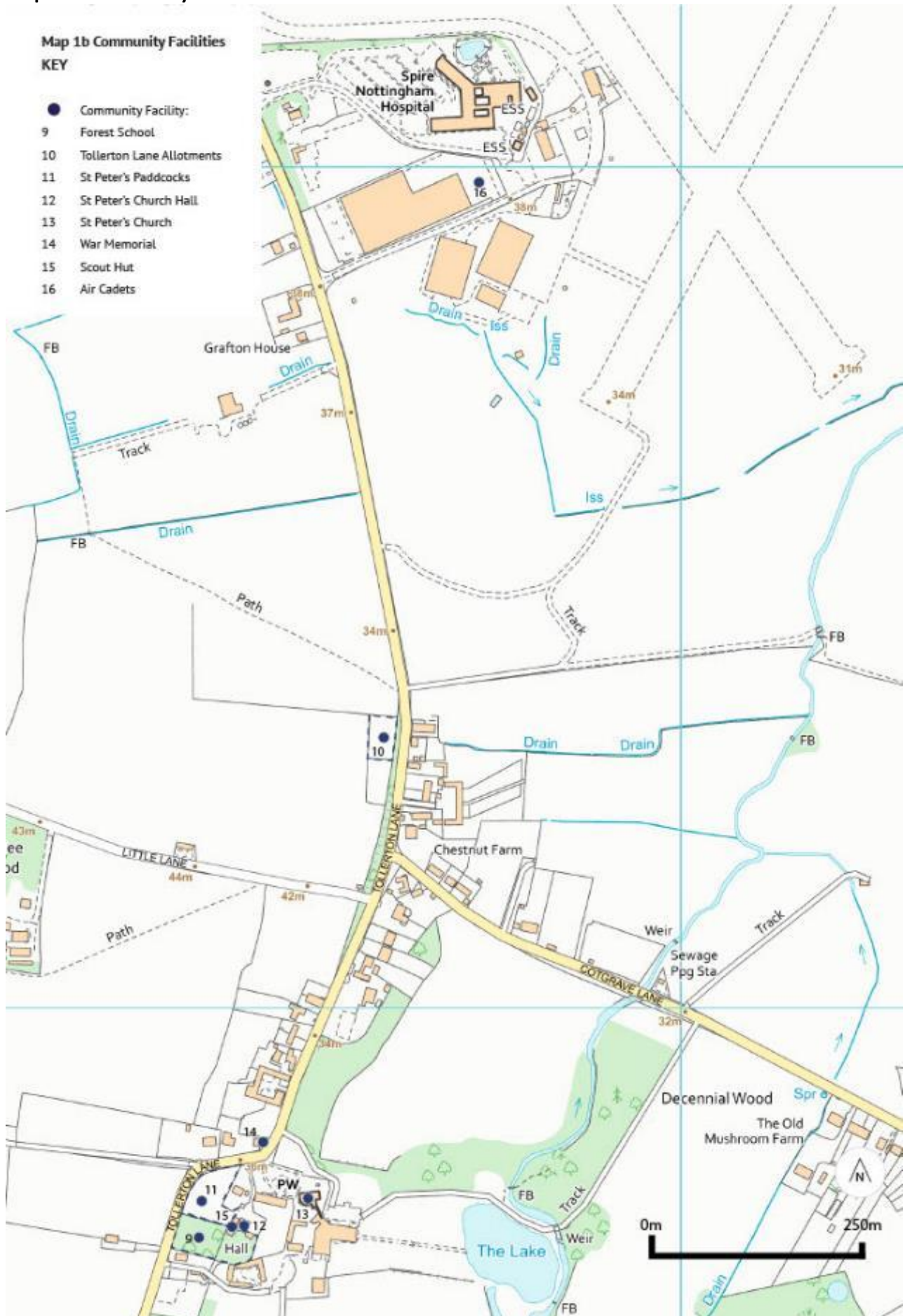
Map 3 - Local green spaces

Map 4 – Movement strategy

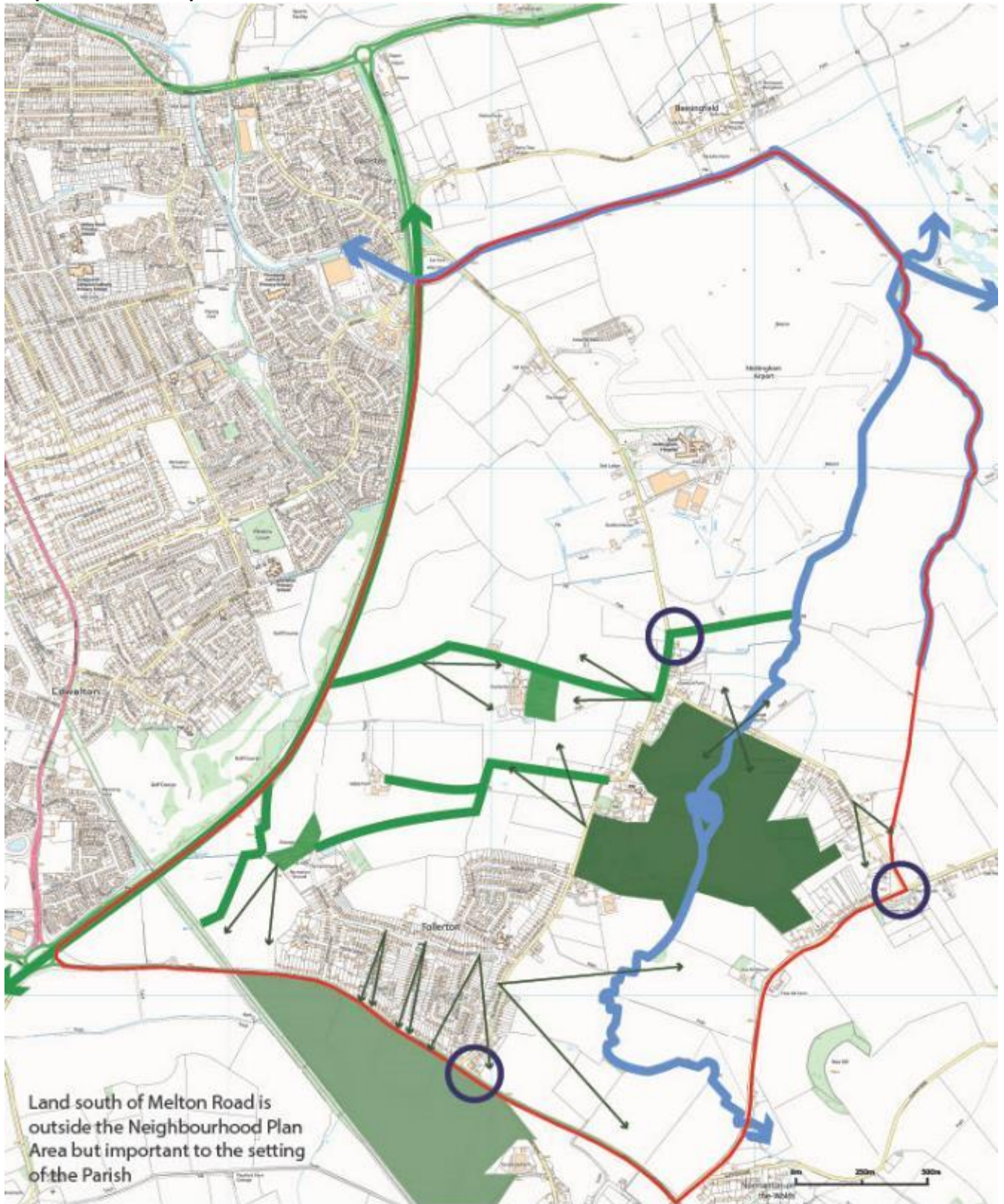
### Map 1a - Community facilities



Map 1b – Community facilities



Map 2 – The landscape network



**Map 2 Landscape Network**


**KEY**


 Neighbourhood Plan Area

 Key view

 Gateway

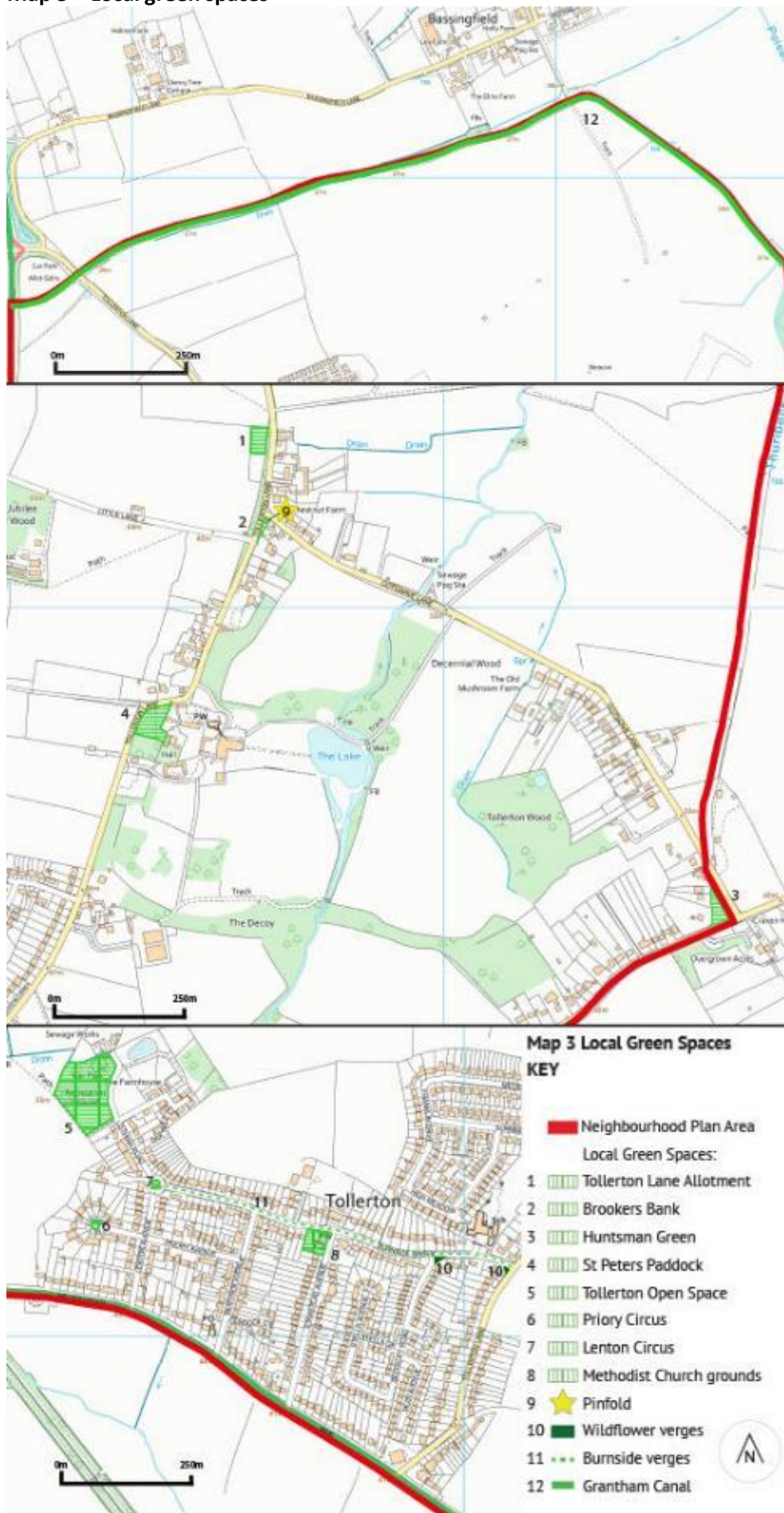
 Wildlife corridor

 Blue infrastructure

 Woodland

 Important to setting

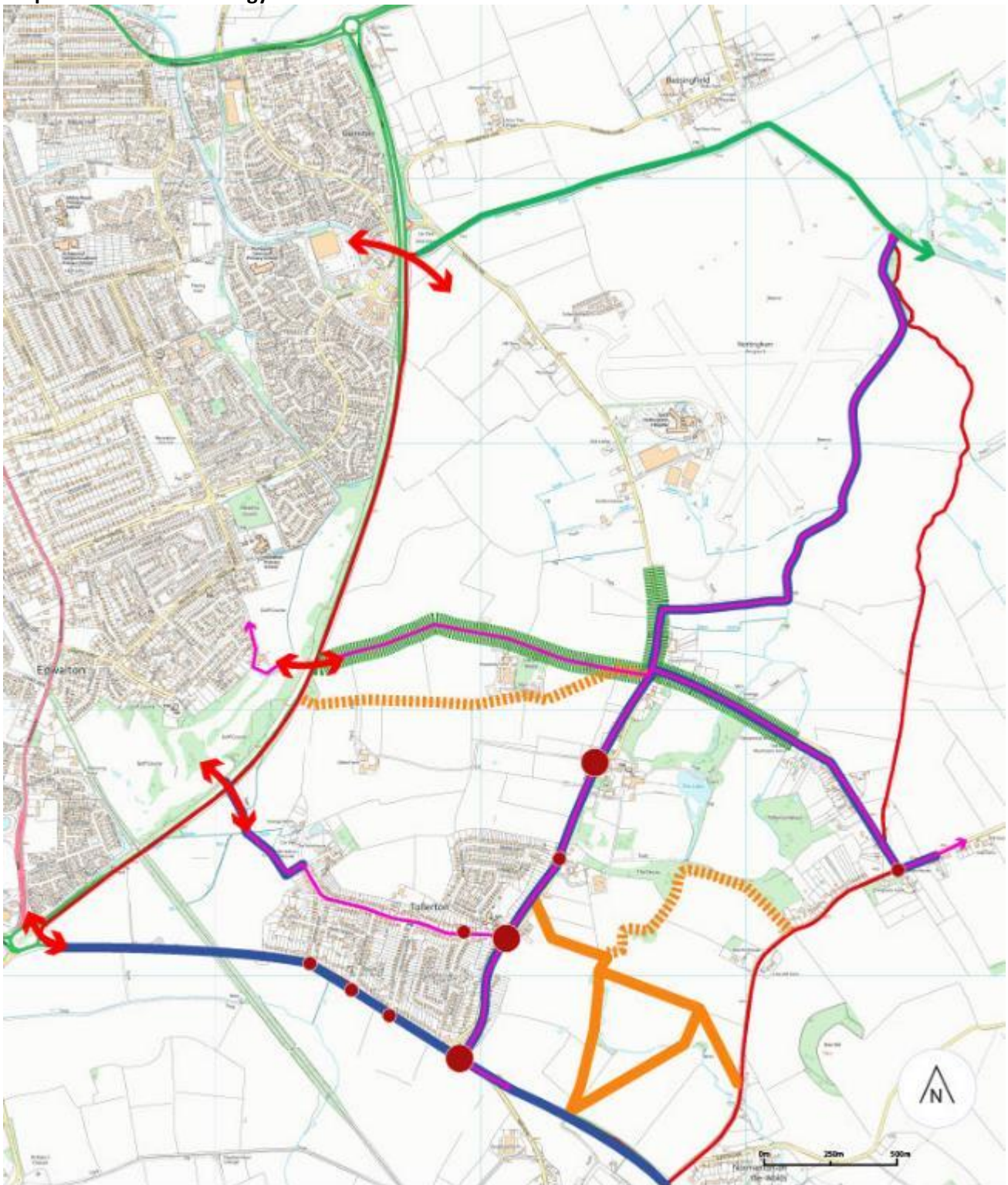
Map 3 – Local green spaces



Map 3 Local Green Spaces  
KEY

- █ Neighbourhood Plan Area
- Local Green Spaces:
- 1  Tollerton Lane Allotment
- 2  Brookers Bank
- 3  Huntsman Green
- 4  St Peters Paddock
- 5  Tollerton Open Space
- 6  Priory Circus
- 7  Lenton Circus
- 8  Methodist Church grounds
- 9 ★ Pinfold
- 10  Wildflower verges
- 11 ⋯ Burnside verges
- 12  Grantham Canal

Map 4 – Movement strategy



**Map 4 Movement Strategy**

**KEY**

- |   |                               |   |                                |
|---|-------------------------------|---|--------------------------------|
|  | Neighbourhood Plan Area       |  | Green lane                     |
|  | Major junction improvement    |  | Strategic cycling improvements |
|  | Junction improvement          |  | Improve crossing               |
|  | Walking / cycling improvement |  | Walking route for improvement  |
|   |                               |  | Walking route                  |
|   |                               |  | Grantham Canal leisure route   |

## **10. Appendices**

Appendix A – Shop front design guidance

Appendix B – Character summary

Appendix C – Heritage assets list

Appendix D – Viewpoints

Appendix E – Local Green Space table

Appendix F – Junction improvements

## **11. Appendix A – Shop front design guidance**

Where shop fronts are to be replaced or refurbished, it is recommended that the following design guidance is followed to help achieve a cohesive and attractive contribution towards local character:

- Consider the architectural styles of neighbouring buildings and be sensitive to them
- Fascias should be in proportion with the building in terms of height, width and depth
- Fascias should not obscure windows or other architectural features and should align with neighbouring fascias where possible
- Box fascias and box lighting are not encouraged
- Windows and openings should be in proportion to the building
- One hanging sign only per shop
- Solid shutters should be avoided and a transparency into the shop should be retained
- Projecting boxes and external shutters should be avoided



## 12. Appendix B – Character summary

This summary sets out the basic elements of Tollerton’s characteristics, heritage and natural environment to maintain and enhance. It provides an overview of the findings of the following studies; Tollerton Parish Council’s Strategy for Character, Heritage and Conservation 2017, The Tollerton Design Guidelines 2017 and the Tollerton Heritage and Character Assessment 2017 prepared by AECOM. Those proposing development in the parish should review these documents in full.

For much of its history, Tollerton has remained a distinctly agricultural settlement with a core of houses focused around two manor houses and a number of satellite farms dispersed throughout the parish. A polyfocal settlement pattern emerged after development shifted south of the historic core of the village in the 1930s. Successive phases of development from the 1930s to 1960s have moved the greater proportion of the village’s populations towards the new settlement.

The following elements are considered key in contributing to the unique character of Tollerton as a parish:

- A rural and sparsely settled area
- The village centre and suburban development patterns
- The historic village and Tollerton Hall estate
- Buildings of character and heritage and their setting
- Traditional architectural styles
  - o Use of red brick and pantiles (19<sup>th</sup> century dwellings)
  - o One and two storey dwellings with pitched or hipped rooflines
  - o Chimneys
  - o Gabled dormers
- The openness of the village
- Key views through and out of the village to the open countryside
- Wildlife and planted areas
- Mature trees

Landscape character is an important contribution to identity and sense of place. In summary key features identified are:

- A gently undulating landscape with part of the village located upon a local high point
- Dense vegetation along Tollerton Lane and within residential gardens
- Agricultural land separating the village from Nottingham
- Variable sized arable fields
- Large individual trees
- Hedgerows
- Woodland blocks

## 13. Appendix C – Heritage assets list

Listed Buildings
<ul style="list-style-type: none"> <li>• Roclaveston Manor St Hugh's College /Tollerton Hall</li> <li>• Church of St Peter and Adjoining Wall</li> <li>• The Old Rectory</li> <li>• War Memorial</li> <li>• 198, Tollerton Lane (Bassingfield House)</li> <li>• The Lodge and Attached Gateway and Wall</li> <li>• Multiple Grade II listed pillboxes</li> </ul>

Non-designated heritage assets	Meeting of RBC local list checklist
<ul style="list-style-type: none"> <li>• North End Cottages, 232, 224, 226 Tollerton Lane</li> </ul>	A prominent row of dwellings at the northern access to the village. Comply with criteria b, c, d and e in the RBC checklist.
<ul style="list-style-type: none"> <li>• Chestnut Farm, Tollerton Lane</li> </ul>	Adjacent to North End Cottages and a prominent building on the junction of Tollerton Lane and Cotgrave Lane. Several of the outbuildings of the farm have been sympathetically converted into dwellings. Complies with checklist criteria b, c and d
<ul style="list-style-type: none"> <li>• 206 Tollerton Lane</li> <li>• 165-167 Tollerton Lane</li> <li>• 159/161 Tollerton Lane</li> <li>• 157 Tollerton Lane</li> <li>• Barn End Manor Farm, Tollerton Lane</li> <li>• Old Post office, 157 Tollerton Lane</li> </ul>	All these dwellings are part of 'old' Tollerton and face or are adjacent to Tollerton Hall, the Church of St Peter, the estate walls, 198 Tollerton Lane and the War Memorial, all of which are listed buildings or structures.  They all comply with checklist criteria b, c and d.
<ul style="list-style-type: none"> <li>• The Pinfold, junction of Tollerton Lane and Cotgrave Lane (cultural heritage asset)</li> </ul>	Rebuilt in recent times as a link to the history of Tollerton. Its proximity to all the assets listed above and the village sign at the northern entrance to the village makes it a significant asset and symbol of Tollerton's history.  Complies with checklist criteria b, c and d.
<ul style="list-style-type: none"> <li>• Grantham Canal</li> </ul>	Marks the northern boundary of the village and is reminder of its history and the importance of inland waterways.  Complies with checklist criteria d and e.

## 14. Appendix D – Viewpoints

Map 2 indicates a number of viewpoints. This appendix is a key to those viewpoints:

- Tollerton Skate Park with views South across open fields, mature trees and hedges to the railway line, Plumtree, Plumtree Church (lit at night), Keyworth and Keyworth hills
- Bentinck and Stansted Avenues with views along the avenues to open fields, mature trees and hedges towards the railway line
- Village Centre with views South to the gateway at Melton Road/Tollerton Lane, across open fields, mature trees and hedges to the railway line, Plumtree Church (lit at night) and Keyworth hills
- Tollerton Lane with views East across open fields, mature trees and hedges to Hoe Hill and woodland,
- Tollerton Lane with views North West over open fields and city night sky
- Cotgrave Lane with views North across open field, South with views across pasture land to Tollerton Hall
- Cotgrave Lane with views East to the gateway at Cotgrave Lane/Cotgrave Road, across open fields, mature trees and hedges to Hoe Hill and woodland
- Public Footpath past Homestead Farm with views east towards Tollerton Hall, across open fields and west across open fields and woodland

## 15. Appendix E – Local Green Space Table

Local Green Space no.	Name	Criteria 1 – Proximity to community	Criteria 2 – Special character					Criteria 3 – Not an extensive	Fulfilling of criteria?
			Beauty	Historic significance	Recreational value	Tranquility	Rich in wildlife		
1	Allotments – Tollerton Lane	On northern edge of village			Provide space for growing crops and fruit. All plots are well used by residents.		Supports biodiversity	Reasonable in scale for current use	Yes
2	Brookers Bank	By the roadside on the northern edge of the village	Particularly attractive in the spring when the daffodils are out	Long established at an important village gateway			Supports biodiversity in conjunction with the adjoining allotments	An attractive bank of a proportionate scale given its location	Yes
3	Huntsman's Green	At the junction of Cotgrave Road and Cotgrave Lane, which is an important gateway to the village	An attractive open space with trees, a wildflower area and grass	Historically important in the context of the village as an agricultural community	Has been used as a location for community activity as, for example, the Tour of Britain cycle race came along Cotgrave Road.	A quiet area beside two roads that can get busy at times.	Supports biodiversity	An attractive area of a proportionate scale given its location	Yes
4	St Peter's paddock	Adjacent to the church	An important open green space with adjoining woods	A piece of glebe land linked to the church	It is well used by the Scouts, whose hut is next to the paddock, the Forest school group that is based there and other users of both the Scout Hut and the Church Centre.		The paddock and woods support a wide range of wildlife and contribute to local biodiversity	Reasonable in scale for its current uses	Yes
5	Tollerton Open Space Park and playing field	Located at the end of Lothian Road			Provides extensive facilities for both formal and informal recreation across all age ranges and all the year round. The site for the annual 'village event'	Playpark area provides a space for children to play safely and creatively while remaining under parental supervision	The boundaries of the site provide good habitat for a variety of wildlife	Reasonable in scale for current uses in a community the size of Tollerton	Yes
6	Priory Circus	In the middle of a 'banjo' of houses in the heart of the village	Visually attractive green space in a residential area		Provides a visual amenity for people living next to it and people walking through the village			In proportion to its setting and unsuitable for any other use	Yes

7	Lenton Circus	In the middle of a 'banjo' of houses in the heart of the village	Visually attractive green space in a residential area		Provides a visual amenity for people living next to it and people walking through the village			In proportion to its setting and unsuitable for any other use	Yes
8	Green space beside the Methodist Church	In the centre of the village		Long established open space in the middle of the village		Provides a green space in the middle of a developed area		Reasonable in scale in the context of the village centre	Yes
9	Pinfold	At the north end of Tollerton Lane at a major gateway to the village	An attractive and unusual feature	Historically important in the context of the village as an agricultural community	Provides an item of interest for visitors to the village. It was restored by the Parish Council some years ago and has an interpretation board.		The pinfold and surrounding area provide opportunities for wildlife to flourish	Reasonable in scale for current use	Yes
10	Wildflower verges	A number of locations around the village, particularly at gateway sites	Provide a good level of visual amenity and help maintain the feeling of Tollerton as a village	Long established and an important feature of the village			Support biodiversity in and around the village	In proportion to its setting and unsuitable for any other use	Yes
11	Verges on Burnside Grove	Burnside Grove is a major access route into the centre of the village from Tollerton Lane	Provide a green edged corridor in a built up residential area		Improve the visual amenity of this part of the village	Prevents this road looking like an urban street and helps to maintain a village feel		The verges are linear strips of grass proportionate to the width of the road	Yes
12	Canal – linear route	Runs along the northern boundary of the parish	A peaceful and attractive pathway that is well used and appreciated by walkers and cyclists	The Grantham canal was once a major waterway between Nottingham and Grantham	Well used by walkers and cyclists both for recreational and commuting purposes		The canal and its banks support a wide range of wildlife	A linear strip of land that provides a clear and important demarcation at the edge of the parish.	Yes

## 16. Appendix F – Junction improvements

- Melton Road/Tollerton Lane – traffic light controlled but Tollerton Lane is narrow on the approach to the junction sometimes causing congestion, particularly close to the exit from the petrol station.
- Bentinck Avenue/A606 – poor visibility to the right. Turning either way but particularly to the right out of Bentinck Avenue can be difficult due to traffic volume.
- Stanstead Avenue/A606 - poor visibility to the right. Turning either way but particularly right out of Stanstead Avenue can be difficult due to traffic volume
- Lenton Avenue/A606 - poor visibility to the right. Turning either way but particularly to the right out of Lenton Avenue can be difficult due to traffic volume
- Tollerton Lane bend – a tight double bend with adverse cambers. There have been several serious accidents on this bend although road surface improvements and the imposition of a 30mph speed limit have helped reduce these.
- Medina Drive/Tollerton Lane – very poor visibility in both directions although particularly to the left coming out of Medina Drive where there is the brow of a hill.
- Sedgley Road/Burnside Grove – poor visibility, often made worse by parked cars associated with school dropping off and pick up times.
- Cotgrave Lane/Cotgrave Road – poor visibility to the left for traffic turning right out of Cotgrave Lane caused by high hedges and proximity to the brow of a hill to the left.
- A52/Tollerton Lane – difficult to turn out of Tollerton Lane at times as the A52 is a busy dual carriageway. Turning right can be problematic and hazardous despite the road configuration with a central refuge area between the carriageways due to the volume of traffic coming from the left and difficulties caused by cars turning right from the A52 up Tollerton Lane.
- Lings Bar Road (A52) crossings – four – none of these crossings has any formal crossing points controlled by traffic lights or by other means. There is one traffic light controlled crossing to the north beyond the parish boundary.
- Junctions associated with the development of the strategic allocation to the east of Gamston/north of Tollerton – careful attention will be required to ensure that these are suitable as and when detailed proposals are put forward for this development.

[tollertonparishcouncil.gov.uk](http://tollertonparishcouncil.gov.uk)

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**Council**

**Thursday, 5 December 2024**

**Barton in Fabis Community Governance Review**

## **Report of the Chief Executive**

**Cabinet Portfolio Holder for Strategic and Borough-wide Leadership,  
Councillor N Clarke**

### **1. Purpose of report**

- 1.1. In September 2024, Council received a petition from residents of Barton in Fabis requesting the removal of the Fairham development from Barton in Fabis Parish and the establishment of a new parish to represent the population of Fairham. The petition was validated by the Borough Council's Electoral Services team with 87 valid signatories.
- 1.2. Following validation of the petition, the Council is required to carry out a Community Governance Review in accordance with Part 4 of the Local Government and Public Involvement in Health Act 2007.
- 1.3. This report sets out the key issues to be addressed and seeks approval for the Terms of Reference for the Barton in Fabis Community Governance Review and the establishment of a cross party Task and Finish Group.

### **2. Recommendation**

It is RECOMMENDED that Council:

- a) notes the process involved for the delivery of a Community Governance Review and the proposed timetable;
- b) approves the Terms of Reference for the Community Governance Review (Appendix Two);
- c) establishes a cross party Task and Finish Group to consider the Council's position in response to the consultation to be undertaken as part of the Review; and
- d) approves the Task and Finish Group Terms of Reference (Appendix Three).

### **3. Reasons for Recommendation**

- 3.1. The Council as principal council has a responsibility under the Local Government and Public Involvement in Health Act 2007, to undertake a Community Governance Review if one is requested by the community and sufficient community support, in the form of a valid petition, is received.
- 3.2. It is also recognised that the development at Fairham will lead to a significant new community, both in terms of size, location and modernity which will be very different to the historic settlement of Barton in Fabis. Barton in Fabis has a population of 258 (2021 census) and is an historic rural settlement whose name comes from the Latin word “fabis” meaning beans and refers to the beans previously grown in the village.
- 3.3. Fairham is a sustainable urban extension in Rushcliffe, adjacent to Clifton and has an allocation of up to 3,000 homes plus employment land through the 2014 Rushcliffe Local Plan. Currently significant employment units have been built and Countryside is on site with the first phases of housing development.
- 3.4. The historic parish boundary covers a wider geographic area than the village of Barton in Fabis and without review, will in due course result in a population of several thousand over two very distinct settlements both being covered by the same parish council. The existing parish council of Barton in Fabis has raised concerns about this and the petition, which has been submitted and verified shows that a significant number of residents share this view.

### **4. Supporting information**

#### **The Petition**

- 4.1. Under the Local Government and Public Involvement in Health Act 2007, the Council must carry out a Community Governance Review on receipt of a valid petition specifying one or more recommendations, which the petitioners wish a review to consider making.
- 4.2. At the Council meeting in September 2024, a petition was submitted asking for the removal of the Fairham development from Barton in Fabis parish and the establishment of a new parish to represent the population of Fairham. The petition contained 90 signatures from people indicating they were electors of the Barton in Fabis parish. At that time Barton in Fabis had 228 electors (based on the 1 May 2024 Electoral Register). For a petition of this type to be valid it must be signed by at least 37.5% (or 86 of the electors) in an area where there are below 500 electors (in this case the ‘area’ is that defined by the petition (and map) provided at Appendix One). Following checking of the petition, it was established that it contained 87 valid signatures. Consequently, the petition was determined as valid for the purposes of the Community Governance Review.
- 4.3. The petition proposes the separation of the new Fairham development from the existing Barton in Fabis parish with the wording set out below: “This proposal is seeking to create a new Parish of Fairham so that the existing Parish Council

can remain focussed on the interests of the Barton in Fabis population and the residents of Fairham will have their own representation”. It goes on to present six reasons why this is necessary and proposes new boundaries for both parishes.

- 4.4. Barton in Fabis Parish Council petitioned residents between 8 October 2023 and 4 June 2024. They also held a residents’ coffee morning to discuss the proposals and delivered an information booklet including map to every home in the village – Appendix One.

### **Community Governance Review**

- 4.5. A Community Governance Review is the process used to consider whether separate parish councils for Barton in Fabis and Fairham should be created. It is anticipated that the Review will recommend to Council whether to establish such a parish council, and if so, the boundary, name and style, and the electoral arrangements, including how many councillors and the election cycle.
- 4.6. The recommendations made in a Community Governance Review have two main objectives:
  - to improve community engagement and better local democracy; and
  - more effective and convenient delivery of local services.
- 4.7. The Review must ensure that community governance reflects the identities and interests of the community in that area and is effective and convenient.
- 4.8. It is proposed that a Community Governance Review is conducted in line with the Terms of Reference set out in Appendix Two.
- 4.9. As part of the Terms of Reference, the Council has to provide the number of electors in the area. This will be used to decide on the electoral arrangements if the Council recommends that separate parish councils for Barton in Fabis and Fairham should be created. The Council has used the Register of Electors of 1 May 2024, in providing the existing parish electorate figures. The Council must also give consideration to the electorate forecasts for the next five years, which are set out in the proposed Terms of Reference.

### **The Review Process**

- 4.10. There are two main stages to a Community Governance Review. During the first stage, the Council consults the affected community to gather opinions on whether separate parish councils for Barton in Fabis and Fairham should be created – a ‘yes’ or ‘no’ answer is sought. At the second stage, agreement is sought with the recommendations of the Council’s Task and Finish Group before these recommendations are made to Council. The legislation includes a requirement to consult local government electors who are affected by the proposals and also those who appear to have an interest.

- 4.11. The key stages of the Review, including the consultation proposed, is set out below:

<b>Action</b>	<b>Timescale</b>
Council agree Terms of Reference	December 2024
First meeting of the Task and Finish Group focusing on background information	Spring 2025
Stage one consultation on the proposal to create a parish council	Through Spring and Summer 2025
Second meeting of the Task and Finish Group to consider the outcome of the stage one consultation and develop draft proposals	Autumn 2025
Stage two consultation on the draft proposals of the Task and Finish Group	Autumn 2025
Third meeting of the Task and Finish Group to consider the outcome of the stage two consultation and draft recommendations	Early 2026
Council considers recommendations for final approval	March 2026
If required: Organisation of Community Governance Order	Summer 2026
If agreed: Establishment of new parish councils for Barton in Fabis and Fairham	May 2027

### **Task and Finish Group**

- 4.12. To support the delivery of the Review, the establishment of a cross-party Task and Finish Group is recommended. As with other such groups it is proposed this will comprise nine Councillors and will be politically balanced. The Terms of Reference for the Task and Finish Group are attached at Appendix Three.
- 4.13. It is intended that the Task and Finish Group will meet on three occasions. At the first meeting, the petitioners from Barton in Fabis Parish Council will be invited to send a representative to address the Group to outline why they believe the community needs its own parish council. The Group will also receive more detailed information about the Community Governance Review process from officers and be able to feed into the stage one consultation. The second meeting of the Group will consider the submissions received as part of the first round of consultation undertaken and take officer advice relating to the cost of running the new parish council, the potential transfer of assets to the new parish council, and to develop draft proposals for the second stage of the consultation. The second stage of consultation will be followed by the final meeting of the Task and Finish Group. The consultation responses will be considered and final recommendations formulated. The Group will report to Council in March 2026. If required, a Community Governance Order will be drawn up at this point.

### **Other issues for consideration**

- 4.14. The Task and Finish Group, in considering the outcomes of both consultation exercises, need to be mindful of the following issues:

- Is there sufficient support for separate parish councils in Barton in Fabis and Fairham?
  - Would separate parish councils in Barton in Fabis and Fairham provide convenient and effective governance for both areas?
  - If yes:
    - Should separate parish councils be established?
    - How many parish councillors are needed on each council?
    - Should either parish be warded?
- 4.15. If, following consultation and delivery of the Community Governance Review, the Council is minded to recommend and agrees to the creation of separate parish councils for Barton in Fabis and Fairham, a Reorganisation of Community Governance Order will need to be adopted by Council. This is a requirement of Part 4 of the Local Government and Public Involvement in Health Act 2007.
- 4.16. The Reorganisation Order may cover consequential matters if relevant including:
- the transfer and management or custody of property;
  - the setting of precepts for new parishes;
  - provision with respect to the transfer of any functions, property, rights and liabilities;
  - provision for the transfer of staff, compensation for loss of office, pensions; and
  - other staffing matters.
- 4.17. The electoral arrangements for the new parish councils, if agreed, would come into force at the next scheduled parish council elections in May 2027.

## **5. Alternative options considered and reasons for rejection**

The valid petition has triggered a Community Governance Review. The Council would not be carrying out its responsibilities under the Local Government and Public Involvement in Health Act 2007, if it did not now carry out a Community Governance Review.

## **6. Risks and Uncertainties**

There is a question mark over the best time to bring forward the Community Governance Review linked to the build out timescales at Fairham. However, Barton in Fabis have considered this and have brought the petition forward now, with a view to any new arrangements coming into force in May 2027.

## **7. Implications**

### **7.1. Financial Implications**

Any cost incurred by the Council associated with the community governance review will be met from existing budgets. It is recognised that there are potential additional costs to the parish associated with the establishment of a parish council. The level and detail of these costs are something that would be determined by the parish council at the time a decision was made on its establishment. It will be the responsibility of the parish council to determine the nature and level of its ongoing costs, which will be linked to its activities and the level of support required to deliver these e.g. associated salaries, premises, and any assets that might be transferred to its possession.

### **7.2. Legal implications**

The legal implications are set out within the body of the report.

### **7.3. Equalities implications**

There are no Equalities Implications connected to the recommendations of this report.

### **7.4. Section 17 of the Crime and Disorder Act 1998 implications**

There are no Section 17 Implications connected to the recommendations of this report.

### **7.5. Biodiversity net gain implications**

There are no Biodiversity Net Gain Implications connected to the recommendations of this report.

## **8. Link to Corporate Priorities**

The Environment	None
Quality of Life	It is important that residents feel that their community is governed at an appropriate level and is representative of their identify as a community – this contributes towards their quality of life.
Efficient Services	It is important that local governance is appropriate to the community and operates effectively.
Sustainable Growth	None

## 9. Recommendation

It is RECOMMENDED that Council:

- a) notes the process involved for the delivery of a Community Governance Review and the proposed timetable;
- b) approves the Terms of Reference for the Community Governance Review (Appendix Two);
- c) establishes a cross party Task and Finish Group to consider the Council's position in response to the consultation to be undertaken as part of the Review; and
- d) approves the Task and Finish Group Terms of Reference (Appendix Three).

<b>For more information contact:</b>	Sara Pregon Monitoring Officer spregon@rushcliffe.gov.uk
<b>Background papers available for Inspection:</b>	
<b>List of appendices:</b>	Appendix One: The Petition Document Appendix Two: Terms of Reference for the Community Governance Review Appendix Three: Terms of Reference for the Task and Finish Group

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# **Petition to remove the Fairham development from Barton in Fabis Parish and create a new Parish to represent the population of Fairham.**

Barton in Fabis is an ancient settlement, of circa 210 people, dating back to the 11th century. It lies in the rural Trent Valley floodplain. As part of the 2014 Rushcliffe Local Plan Part 1, a large sustainable urban extension was allocated within the parish boundary of Barton in Fabis. This new settlement known as “Fairham” is suburban in nature and with a final anticipated population in excess of 6000 adults and 100,000m<sup>2</sup> of commercial space will overwhelm the interests of the existing residents in the village.

The Parish Council is petitioning residents of Barton as part of a formal request to Rushcliffe Borough Council to consider the creation of a new parish in a process termed “Community Governance Review”

The proposal is seeking to create a new Parish of Fairham so that the existing Parish Council can remain focussed on the interests of the Barton in Fabis population and the residents of Fairham will have their own representation.

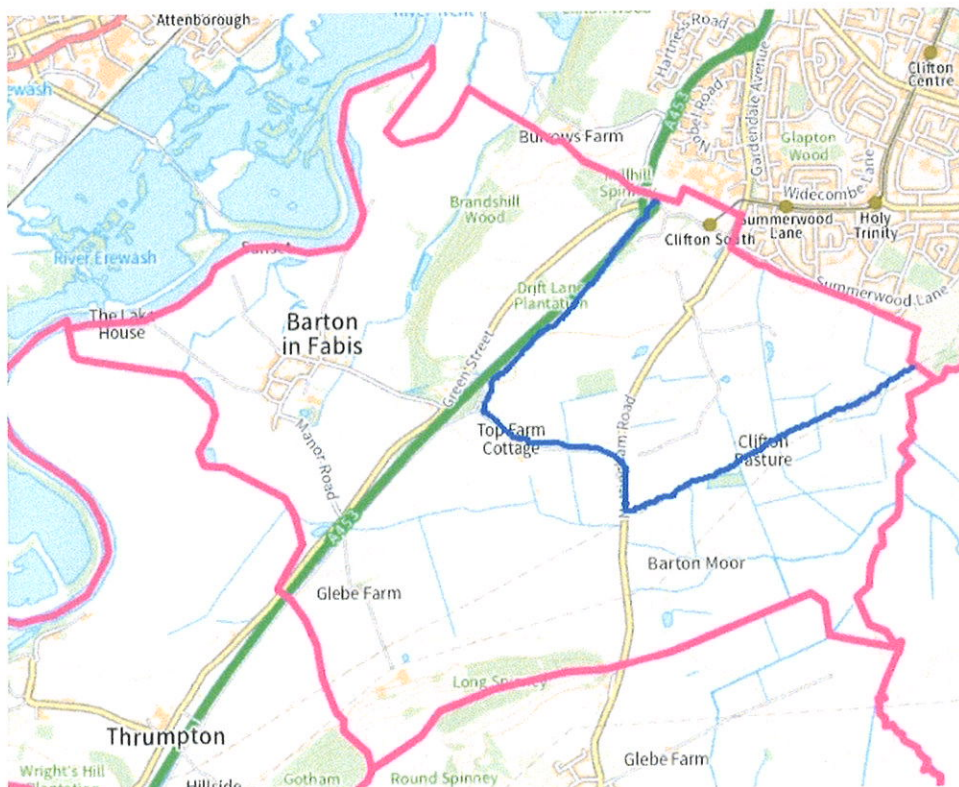
## **Reasons:**

1. Fairham will be an extension of Clifton which, when fully developed, will include 3000 new homes. Barton in Fabis as a small rural parish with currently circa 100 houses in a separate and remote location.
2. Barton in Fabis village and surrounding land is protected by green belt designation. The land allocated for the Fairham development was removed from the green belt in the last review so development and planning issues will be very different.
3. Barton in Fabis Parish has no assets and as a result charges a modest precept. The needs of Fairham are unknown and the parish precept may need to differ markedly as a result.

4. The streets and parks in Fairham will be managed by a “management company” on behalf of the residents. Barton in Fabis will rely on the County and Borough Councils.
5. The settlement in Fairham will be served by a local school, a GP surgery, have access to local playing fields as well as a substantial commercial and industrial footprint. Barton in Fabis lies a mile away with a village hall and church as the only public amenities.
6. Residents of Barton in Fabis have longstanding ties with neighbouring rural settlements of Thrumpton, Ratcliffe on Soar, Gotham and Kingston on Soar with mutual interests focussed on rural and environmental matters. As an extension to Clifton, Fairham will have issues more closely aligned to Clifton and the rest of the City.

### Proposed Parish Boundary:

The existing boundary is marked in a pink outline, The proposed alteration to the boundary follows the blue line. The northern boundary of the new parish lying along the A453, the southwestern boundary along Barton lane and southeastern boundary along the line of pylons following the greenbelt boundary. There is only one property lying close to the revised boundary - Top Farm Cottage - which would remain in the parish of Barton in Fabis.



### **Rushcliffe Borough Council Community Governance Review of Barton in Fabis Terms of Reference**

#### **Introduction**

Rushcliffe Borough Council is carrying out a Community Governance Review in Barton in Fabis in accordance with Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007.

The Council is required to have regard for the Guidance on Community Governance Reviews issued by the Secretary of State.

This guidance has been considered in drawing up these Terms of Reference.

#### **Why are we carrying out a Community Governance Review in Barton in Fabis?**

Rushcliffe Borough Council has received a valid petition asking the new Fairham development to be separated from the existing community in Barton in Fabis. The petition was signed by 90 people from Barton in Fabis. After checking of the petition, it was established that it contained 87 valid signatures and was presented to Council on 26 September 2024.

The petition was for the proposal to establish separate parish councils for Barton in Fabis and Fairham with the wording as set out below:

“This proposal is seeking to create a new Parish of Fairham so that the existing Parish Council can remain focussed on the interests of the Barton in Fabis population and the residents of Fairham will have their own representation”. It goes on to present six reasons why this is necessary and proposes new boundaries for both parishes.

#### **What is a Community Governance Review?**

A Community Governance Review is the process used to consider whether separate parish councils for Barton in Fabis and Fairham should be created. It will recommend to Council whether to separate the existing parish into two areas creating two separate parish councils. It will also specify the boundaries, name and style, and the electoral arrangements, including how many councillors and the election cycle.

The recommendations made in a Community Governance Review have two main objectives:

- to improve community engagement and better local democracy
- more effective and convenient delivery of local services.

The Review must ensure that community governance within the area under review reflects the identities and interests of the community in that area and is effective and

convenient. It must also take into account any existing arrangements such as community or residents associations or neighbourhood councils.

There are two stages to the Review: the first stage will gather opinions on whether separate parish councils should be established in Barton in Fabis and Fairham; the second stage will be the Council's recommendations on the way forward which the public will be able to comment on.

### **Who carries out the Review?**

The Borough Council is responsible for conducting the Review. A decision on whether or not to establish separate parish councils in Barton in Fabis and Fairham will be taken by Rushcliffe Borough Councillors at Council in December 2025.

A full consultation process will form part of the Review to take full account of the views of local people.

### **How to submit your views**

You can submit your views by writing to: Head of Corporate Services  
 Rushcliffe Borough Council  
 Rushcliffe Arena  
 Rugby Road  
 West Bridgford  
 Nottingham, NG5 7YG

### **A timetable for the Review**

#### **Action Timescale**

<b>Action</b>	<b>Timescale</b>
Council agree Terms of Reference	December 2024
First meeting of the Task and Finish Group focusing on background information	Spring 2025
Stage one consultation on the proposal to create a parish council	Through Spring and Summer 2025
Second meeting of the Task and Finish Group to consider the outcome of the stage one consultation and develop draft proposals	Autumn 2025
Stage two consultation on the draft proposals of the Task and Finish Group	Autumn 2025
Third meeting of the Task and Finish Group to consider the outcome of the stage two consultation and draft recommendations	Early 2026
Council considers recommendations for final approval	March 2026
If required: Organisation of Community Governance Order	Summer 2026
If agreed: Establishment of new parish councils for Barton in Fabis and Fairham	May 2027

### **What area is being reviewed?**

The area being reviewed is the area on which the petition was based. This is existing parish of Barton in Fabis as per the map provided as part of the petition submission.

As part of the Review, the Council has to provide the number of electors in the area. If the Council recommends that a parish council should be set up this information will be used to decide on the electoral arrangements, eg how many councillors on a parish council.

The Council has used the Register of Electors of 1 May 2024 in providing the existing electorate figures. These are:

	<b>Current number of electors</b>	<b>Estimated electorate in 2030</b>
Barton in Fabis	228	TBC

### **Will there be any additional cost to residents in establishing separate parish councils in Barton in Fabis and Fairham?**

It is recognised that there are potential additional costs associated with the establishment of a parish council. The level and detail of these costs are something that would be determined by the parish council at the time a decision was made on its establishment. It will be the responsibility of the parish council to determine the nature and level of its ongoing costs which will be linked to its activities and the level of support required to deliver these e.g. associated salaries, premises, and any assets that might be transferred to its possession.

As indicated, part of the costs would be dependent on the transfer of any assets or services from the Borough Council or any other organization to the parish council.

Precepts of similar sized parishes will be shared with the Member Working Group and can be found in the annual Budget Report which goes to March Council.

### **When will the Review begin?**

The Review will begin in Spring 2025.

## **Appendix Three**

### **Task and Finish Group Proposed Terms of Reference**

#### **Membership**

Nine Members cross party and based on rules of proportionality as confirmed by the Monitoring Officer.

It is anticipated that the Group will meet three times: between Spring 2025 and early 2026.

#### **Terms of Reference**

The Task and Finish Group will:

- Consider the views of the Barton in Fabis community as put forward by the lead petitioner from Barton in Fabis Parish Council.
- Consider officer advice in drawing up the stage one consultation materials for the Barton in Fabis Community Governance Review consultation.
- Consider the submissions received in response to the stage one consultation for the Review.
- Develop a recommended way forward which will form the basis of the second stage of consultation with the Barton in Fabis community.
- Consider the responses of the second round of consultation for the Community Governance Review of Barton in Fabis.
- Make final recommendations to Council in March 2026.



**Council**

**Thursday, 5 December 2024**

**Gambling Act 2005 - Draft Statement of Licensing Principles  
2025-2028**

## **Report of the Director – Neighbourhoods**

### **Cabinet Portfolio Holder for Environment and Safety, Councillor R Inglis**

#### **1. Purpose of report**

- 1.1. The Council's current Statement of Principles made under the Gambling Act 2005 ("the Act") was approved in 2021. Rushcliffe Council is a Licensing Authority under the Gambling Act 2005. As a Licensing Authority, the Council must determine and publish its Statement of Principles every three years.
- 1.2. In determining the Policy, the Council must carry out the statutory consultation as provided by the Act. Once the revised Policy has been reviewed, adopted and published it will be valid until 31 January 2028.
- 1.3. The revised Statement of Licensing Principles was considered and endorsed for approval by the Licensing Committee at its meeting on the 14 October 2024

#### **2. Recommendation**

It is RECOMMENDED that the draft Statement of Licensing Principles be approved.

#### **3. Reasons for Recommendation**

The Council is required to produce a Gambling Act 2005 Statement of Principles upon which it will base its decisions. If approved the final Policy will take effect on 31 January 2025.

#### **4. Supporting Information**

- 4.1. Each Licensing Authority is required before each successive three-year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. This document is commonly referred to as the authority's Statement of Principles.
- 4.2. There are three licensing objectives set out in the Act, as follows:
  - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  - Ensuring that gambling is conducted in a fair and open way.

- Protecting children and other vulnerable people from being harmed or exploited by gambling.
- 4.3. The Statement of Licensing Policy is prescribed by Central Government in its guidance to Local Authorities. The Council must have due regard to the statutory guidance and the current Policy is compatible with this advice and guidance.
- 4.4. It should be noted that the Government intend to review the gambling regime in accordance with their manifesto, and as highlighted in the consultation response from James Naish MP, see Appendix 3. However, this review will fall too late to be included within this Policy, which may therefore need a further review in accordance with any Statutory changes later. The proposed Policy reflects current legislation and Government Guidance at this time.
- 4.5. The Policy has been subject to public consultation and with members. The consultation took place from 21 July to 6 September 2024. Following the consultation process one consultee comment was made in respect of equality impact, and this was considered by the Council's Licensing Committee when it considered the draft policy on 14 October 2024. The comment was not specific to any group, and options to amend the Policy were discussed at Licensing Committee and it was agreed that no changes were necessary. It was noted that an Equality Impact Assessment has been undertaken and is provided in Appendix 4.
- 4.6. The Draft Statement of Principles, which is attached in Appendix 1, has also been subject to an extensive consultation with members of the trade, responsible authorities and current licence holders.
- 4.7. A list of amendments and response to the consultation on the draft Statement of Principles is attached at Appendix 2 and 3 to this report.

## **5. Alternative options considered and reasons for rejection**

No alternatives considered. The draft revised Policy has been subject to public consultation and Member scrutiny.

## **6. Risks and Uncertainties**

The Council will be at risk of legal challenge if a properly consulted and adopted Statement of Principles 2025-2028 is not in place by 31 January 2025.

## **7. Implications**

### **7.1. Financial Implications**

There are no financial implications arising from the recommendations in this report. The cost of the service is contained within existing budgets and broadly met by the fees received from licences.



## 7.2. Legal Implications

The Council's current statement expires on 31 January 2025, and it is necessary that the Council adopts and publishes a revised Statement of Principles by this date. If the Council fails to do this, then it will be unable to fulfil its statutory duties, with possible additional financial and legal consequences arising as a result.

## 7.3. Equalities Implications

An Equalities Impact Assessment has been undertaken and is attached to this report at Appendix 4.

## 7.4. Section 17 of the Crime and Disorder Act 1998 Implications

One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. The Policy supports and assists with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences.

## 7.5. Biodiversity Net Gain Implications

There are no implications arising from this report.

## 8. Link to Corporate Priorities

The Environment	Ensuring traders use best practice to minimise their impact on the environment.
Quality of Life	Ensuring that appropriate controls are in place to manage street trading across the Borough. Benefits to the community would include safer food and environmental standards all of which will significantly impact on our residents.
Efficient Services	None
Sustainable Growth	None

## 9. Recommendation

It is RECOMMENDED that the draft Statement of Licensing Principles be approved

<b>For more information contact:</b>	Geoff Carpenter Head of Public Protection Tel: 0115 9148438, <a href="mailto:gcarpenter@rushcliffe.gov.uk">gcarpenter@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	Report to Full Council 6 December 2021 'Gambling Act 2005 - Statement of Principles <a href="#">Guidance to licensing authorities</a>

	<a href="#">Report to the Licensing Committee 14 October 2024 Gambling Act 2005 – Statement of Licensing Principles</a>
<b>List of appendices:</b>	Appendix 1: Statement of Principles 2025-2028 Appendix 2: List of changes following consultation Appendix 3: Summary of consultation responses Appendix 4: Equalities Impact Assessment



# **Gambling Act 2005**

## **Statement of Licensing Principles 2025 - 2028**

## Rushcliffe Borough Council

### Version History

Version No:	Period to which policy applies:	Review date:
1	2007-09	2009
2	2010-12	2012
3	2013-16	2015
4	2016-19	2017
5	2017-19	2018
6	2019-22	2021
7	2022-25	2024
8	2025-28	2027

# **Statement of Gambling Policy**

## **Gambling Act 2005**

### **Preface**

The Gambling Act 2005 provides the regime for regulating gambling and betting. 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 license 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 regarding this statement (see Appendix One). The consultation period ran from 21 July 2024 to 06 September 2024.

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# 1. Introduction and Scope

## Introduction

- 1.1 Section 349(1) of the Gambling Act 2005 [“the Act”] imposes a statutory requirement upon 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

## Licensing Objectives

- 1.2 **In exercising their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The three objectives are as follows:**
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  - Ensuring that gambling is conducted in a fair and open way; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 The aim of the Authority in this Statement is to address the impact of licensed premises in terms of crime and disorder arising from gambling and to ensure that their location and internal layout are appropriate with a view to protecting children and vulnerable persons. The Authority is committed to partnership with all stakeholders with a view to the promotion of this aim. The Authority recognises the impact that unregulated gambling may have on its community and sustainability as a viable local economy and in delivering the gambling regime will, with regard to the principles set out in this Statement, seek to support its local economy and protect vulnerable people. In doing so it will consider each application on its own merits within the context of this Statement, the legislation and guidance and codes of practice issued by the Gambling Commission.
- 1.4 The Authority will in the statutory discharge of its functions have 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.
- This Policy takes effect on 31 January 2025 and replaces the policy previously in force.
- 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

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

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

A full list of consultees is shown in appendix 1.

## 2. Approval of policy

- 2.1 This Policy was approved at a meeting of the full Council on TBA December 2024 and is available on the Councils website. Copies are available on request.

It should be noted that this Policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Act.

### Local Area Profile

- 2.2 Rushcliffe lies immediately south of the City of Nottingham and the River Trent and extends across towards Newark in the northeast and Loughborough in the southwest. Rushcliffe covers 157 square miles (around 400 sq. km) and the circumference of the Borough is 76.6 miles (123.3km).

Although parts of the Borough lie close to Nottingham, Rushcliffe has a strong identity of its own. The main centre of population is West Bridgford, where over 40,000 of the Borough's population of 120,000 live. The remainder of the district is largely rural, with the centres of population split between small towns and villages.

West Bridgford can boast that it is the home of two of the most famous names in the world of sport - the Trent Bridge Cricket Ground and the City Ground, home of Nottingham Forest Football Club. The National Water Sports Centre is nearby at Holme Pierrepont. These top-class facilities are complemented by an excellent range of sports and leisure facilities provided by the Council.

The population of the Borough at the time of the 2021 Census was 119,000. This represents approximately a 7.1% population increase over the monitoring period. The

East Midlands region's population increased by 7.7% over the same period with the English population increasing by 6.6%. The balance between male and female residents is 49% male and 51% female. The 2021 Census results show that the Borough has an ageing population, with residents over 65 representing 21.7% of the population (compared with 18% in England). There are more than 7,200 residents over the age of 80, representing 6% of the Borough's population, compared to 5% in England. The percentage of the population aged over 65 within the Borough increased by 26% between 2011 and 2021.

### **Ethnicity**

90% of the Rushcliffe population gave their ethnic group as 'White' in the 2021 Census. The largest non-white ethnic group in the borough is 'Asian/Asian British' at 5.7%, followed by 'Mixed/Multiple Ethnic Group' (2.8%), and 'Black or Black British' (0.9%).

### **Deprivation**

According to the IMD (Indices of Multiple Deprivation) 2019 rankings, Rushcliffe Borough is one of the least deprived in England, being ranked at fourth least deprived in the country based on the overall IMD score (out of 317 local authorities). There are pockets of relative deprivation in the borough with areas in Cotgrave and Keyworth amongst the 40% most deprived in England.

### **Economy Unemployment**

At the start of the Core Strategy monitoring period, unemployment was 5.2% (March 2012). It has since decreased to 1.9% for the year ending March 2023. Economic activity rates compare favourably to the East Midlands and national averages. As of March 2023, 84% of residents aged 16-64 were economically active in Rushcliffe, compared to 77.7% for the East Midlands and 78.4% for Great Britain.

### **Labour Supply**

Employment by occupation (March 2023) Education 85.8% per cent of pupils in the borough gained English and Mathematics grades of 9 - 5 (A\* - C equivalent) for the 2019/20 year. This was significantly higher than the Nottinghamshire average of 67.6% (Source Rushcliffe Local Plan Monitoring Report 2022/23, <https://www.rushcliffe.gov.uk/media/rsfjv0ei/local-plan-monitoring-report-2023.pdf>)

### **Crime**

Rushcliffe is characterized by a low crime rating.<sup>1</sup>

It stands 24th in the crime rate ranking among 25 neighbouring districts, with 5,619 reported incidents in 2023. With a population of 119,077, the crime rate is 47.19 per 1,000 residents, indicating a 9.96% decrease from the last year.

The most frequent crimes in Rushcliffe are Violence and sexual offences (31.3%), Anti-social behaviour (15.0%), and Shoplifting (11.4%), with the least common being Possession of weapons (1.0%), Robbery (0.5%), and Theft from the person (0.3%).

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<sup>1</sup>[Rushcliffe crime rate Interactive maps and visualisation \(crimesinmyarea.co.uk\)](https://www.rushcliffe.gov.uk/media/rsfjv0ei/local-plan-monitoring-report-2023.pdf)

Among its 25 wards, Rushcliffe's areas with higher crime rates include Trent Bridge (143.8), Gotham (62.4), Edwalton (62.0), while the safest wards are East Bridgford (26.1), Bunny (24.8), Tollerton (19.3).

In Rushcliffe, Anti-social behaviour saw an increase of 8.44% in 2020, but then it decreased by 3.13% in 2021 and further by 9.23% in 2022. Shoplifting experienced a slight rise of 1.71% in 2022. On the decline, Other theft decreased by 2.08% in 2023, while Vehicle crime went down by 2.51% in 2020 and by 1.72% in 2023.

#### Rushcliffe crime incidents by crime type

A total of 5619 crime incidents were reported in 2023. Below is the breakdown by crime type.

- Violence and sexual offences – 1758 (31.3)%
- Anti-social behaviour – 841 (15.0)%
- Shoplifting – 641 (11.4)%
- Criminal damage and arson – 488 (8.7)%
- Other theft – 434 (7.7)%
- Public order – 379 (6.7)%
- Vehicle crime – 365 (6.5)%
- Burglary – 256 (4.6)%
- Other crime – 142 (2.5)%
- Drugs – 129 (2.3)%
- Bicycle theft – 79 (1.4)%
- Possession of weapons – 58 (1.0)%
- Robbery – 30 (0.5)%
- Theft from the person – 19 (0.3)%

Rushcliffe ranks 24th when compared against 25 nearby boroughs/local administrative districts.

List of nearby boroughs/local administrative districts from high crime rate to low (2023):

- Derby (147.4)
- Nottingham (145.5)
- Leicester (135.5)
- Chesterfield (133.5)
- Mansfield (123.6)
- Erewash (111.6)
- Bolsover (103.1)
- Ashfield (100.2)
- Amber Valley (97.6)
- North-West Leicestershire (87.3)
- Charnwood (84.3)
- Newark and Sherwood (80.1)
- South Derbyshire (78.9)
- Blaby (76.2)
- North-East Derbyshire (75.3)
- Oadby and Wigston (75.1)
- Broxtowe (73.9)
- Melton (73.3)

- Hinckley and Bosworth (71.0)
- South Kesteven (68.8)
- Gedling (63.5)
- Harborough (56.4)
- North Kesteven (51.6)
- Rushcliffe (47.2)
- Rutland (46.6)

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

### 2.3 A map showing the administrative boundaries of the borough.



### Authorised activities

#### 2.4 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.

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

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

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

### **Relationship with other legislation**

2.5 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.

2.6 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**

2.7 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**

2.8 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.

2.9 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**

2.10 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 2018 will not be contravened and we will comply with the UK General Data Protection Regulations (UK GDPR). The Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by

the Secretary of State under the powers provided in the Gambling Act 2005. The Council processes all of the personal information you provide in accordance with this regulation. For further details please see our [Privacy Policy](#).

## **Equality**

- 2.11 Rushcliffe Borough Council is committed to promoting equality and diversity. The Equality Act 2010 (as amended) 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.

## **3. Local Risk Assessments**

- 3.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which are effective from 1 April 2024 (available at [Online LCCP](#)), formalise the need for operators to consider local risks. Local risk assessment applies to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. This provision comes into force on 6 April 2016
- 3.2 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.
- 3.3 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.
- 3.4 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; and
  - when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 3.5 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.

3.6 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.

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

Where an area has a high proportion of people who do not have English as their first language, the Licensing Authority will expect this to be reflected in the local area risk assessment. The provision of gamble awareness literature in languages other than English should be considered.

### **Nottinghamshire Health Statement of Policy (Gambling)**

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

- Ethnic groups
- Youth
- Low IQ
- Substance abuse/misuse
- Poor mental health.

It is estimated that there are over 370,000 problem gamblers in England. There are no local level estimates available. Gambling harm includes poor physical and mental ill-health and is associated with substance misuse problems especially alcohol and with smoking. It also contributes to debt problems, relationship breakdown and criminality.

3.9 There is less evidence available to support gambling Statement of Licensing Principles (SOLPs) at a local level. Nationally there is a significant amount of gambling that takes place on the internet which reduces barriers to where people can gamble. Problem gambling is linked with areas of socio-economic deprivation, so identifying areas with potentially higher levels of gambling harm can therefore be informed by the alcohol licensing maps on Nottingham Insight. <https://nottinghamshireinsight.org.uk/d/aAXSv0F>. For other health reports see [Home - Nottingham Insight](#)

## **4. Making Representations**

### **Who can make a representation?**

4.1 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**.

4.2 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**

4.3 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**

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

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

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

4.5 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.

- 4.6 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.
- 4.7 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.
- 4.8 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**

- 4.9 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.
  - local area profile and applicants local risk assessments; and
  - where the application is reasonably in accordance with the licensing objectives.
- 4.10 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.
- 4.11 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.
- 4.12 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**

- 4.13 **A representation should indicate the following:**

(i) The name, address and a contact number for the person making the representation.

(ii) The capacity in which the representation is made (e.g. interested party, responsible Authority, licensee) and if made as a representative should indicate who is being represented.

(iii) The name and address of the premises in respect of which the representation is being made.

(iv) The licensing objective(s) relevant to the representation.

(v) Why it is felt that the application.

- is not reasonably consistent with the licensing objectives or.
- is not in accordance with this Policy, the Commission's Guidance or the relevant Codes of Practice or.
- 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.**

4.14 A preferred form of representation is available. A copy of the form can be downloaded from the [Rushcliffe Borough Council website](#) or requested directly from the Licensing service (Email: [licensing@rushcliffe.gov.uk](mailto:licensing@rushcliffe.gov.uk)). 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.

4.15 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.

4.16 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**

4.17 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

4.18 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**

- 4.19 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).
- 4.20 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.
- 4.21 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.
- 4.22 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.
- 4.23 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.

## **5. Licensing Objectives**

### **Preventing gambling from being a source of Crime and Disorder**

- 5.1 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.

- 5.2 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.
- 5.3 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.
- 5.4 Where an application is received in relation to premises in an area noted for particular problems with 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.
- 5.5 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.
- 5.6 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.
- 5.7 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**

- 5.8 **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**

- 5.9 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).

- 5.10 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.

- 5.11 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**

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

The Authority will consult with the Nottinghamshire Safeguarding Children Partnership and the Nottinghamshire Safeguarding Adults Board on any application that indicates

there may be concerns over access for children or vulnerable persons. Please see link [About \(nottinghamshire.gov.uk\)](http://www.nottinghamshire.gov.uk)

- 5.13 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; and
  - Appropriate measures/training for staff as regards suspected truant school children on the premises.
- 5.14 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**

- 5.15 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; and
  - 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.

- 5.16 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.
- 5.17 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

## **6. Premises Licences**

### **General Principles**

- 6.1 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.

- 6.2 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.
- 6.3 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.
- 6.4 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**

- 6.5 Betting premises relates to those premises operating off-course betting. That is other than at a track.
- 6.6 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.
- 6.7 Permitted activities include:
- off-course betting.
  - on-course betting for tracks.
  - betting by way of betting machines, and.
  - gaming machines as stipulated by regulations.
- 6.8 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.

6.9 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.

6.10 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.

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

### **B2 & B3 Machines**

6.12 In respect to nationally expressed concerns that exist in relation to the potential adverse impact of B2 (often called Fixed Odds Betting Terminals or FOBTs) and B3 machines may have on vulnerable groups of adults, The Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to ensure the promotion of responsible gambling; to adequately protect players particularly those who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.

6.13 The Licensing Authority expects B2 & B3 machines to be positioned in such a way that they can be appropriately monitored by staff particularly where those staff are positioned at a counter away from the machines. In general, the Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Particular attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard. ([LCCP 9.1.1](#)) Where an existing licensee adds 'privacy screens' a variation application will be required. The minimum stakes on a FOBT is £2.

6.14 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)**

6.15 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.

6.16 Permitted activities include:

- the provision of gaming machines as stipulated by regulations

6.17 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.

6.18 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.



6.19 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**

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

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

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

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

- (a) the applicant does not fulfill the requirements for a member's 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.

6.24 The Authority may grant or refuse a permit, but it may not attach conditions to a permit.

### **Alcohol Licensed Premises**

6.25 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.

6.26 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.

6.27 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.

- To enable the Licensing Authority to come to an appropriate decision, applicants are expected to submit a plan to show the proposed positioning of machines with their application.

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

6.29 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](#)

### **Family Entertainment Centres**

6.30 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.

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

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

6.33 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**

6.34 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.

6.35 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; and
- Town Centre or edge of Town Centre locations.

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

- 6.37 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**

- 6.38 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**

- 6.39 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.
- 6.40 Small society lotteries are required to be registered with the local Authority in the area where their principal office is located.

### **Temporary Use Notices**

- 6.41 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**

- 6.42 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**

- 6.43 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**

- 6.44 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.
- 6.45 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.
- 6.46 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.
- 6.47 A limited number of gaming machines may also be made available at bingo licensed premises.
- 6.48 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**

- 6.49 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.

## **7. Inspection and Enforcement**

### **General Statement**

- 7.1 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.
- 7.2 It is the intention of the Authority to establish and maintain enforcement protocols with other enforcement agencies.

## **Inspections**

- 7.3 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.
- 7.4 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.
- 7.5 In addition to programmed inspections the licensing Authority will also investigate any evidence-based complaints that it receives.

## **Policy Four**

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

- 7.7 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.
- 7.8 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.
- 7.9 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
- 7.10 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.
- 7.11 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.
- 7.12 The Authority may institute proceedings in respect of a number of offences as identified in section 346 of the Act.
- 7.13 The Authority will avoid duplication with other regulatory regimes.

## 8. 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.

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

## **9. Appendix One – List of bodies and organisations consulted**

Association of British Bookmakers

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 Partnership.

Nottinghamshire Safeguarding Adults Board

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

Public Health England

Gambler Anonymous

Gamble Aware

James Naish MP

Robert Jenrick MP

Police and Crime Commissioner

RBC Councillors

Local Councils

Nottingham City Council

Gedling Borough Council

Broxtowe Borough Council

Newark and Sherwood District Council

Ashfield District Council

Mansfield District Council

Bassetlaw District Council

Social Services (Nottinghamshire)



## Amendments to the Gambling Policy for 2024: Summary

The policy has been discussed by Licencing Officers and other attendees to the NALG. The wording has been drafted to enable a consistent regional view of policy.

Changes log	Context and reason	comment
Pages numbering and some indexing changed throughout	Necessary due to changes in spacing	Some page numbers may have changed
1.5	Commencement date updated	
2.1	Approval date	Requires insertion once determined
2.2	Area profile updated	
3.1	Date changed to 1/4/2024	
3.9	Link inserted at end of para	
4.14	Insertion of text and email to make representation	(Email: <a href="mailto:licensing@rushcliffe.gov.uk">licensing@rushcliffe.gov.uk</a> ). inserted
6.13	At end of para "but there are no statistics available to support that the FOBT play has reduced."	Removed as not necessary
Appendix one	Updated list of consultees.	This was updated following consultation ending.

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Number	Consultation Response	Officer Comment
1	<p>In view of the evidence of harm to our society and its association with other damaging behaviours, both to individuals and society, we should not permit ANY additional gambling without our district. Gambling is solely permitted for the personal gain of a few people at the expense of so many others. It is so harmful in so many ways. Let's work to make our society better, step by step, NOT worse</p>	Noted
2	<p>Gambling sponsorship should be completely banned. Online gambling should be completely banned. Betting shops should be few and far between.</p>	Outside the scope of a local Gambling Policy
3	<p><b><u>Consultation on the review and update of the Rushcliffe Borough Council Gambling Policy (Statement of Licensing Principles)</u></b></p> <p>We would like to thank the Council for the opportunity to review this document. As was stated in Labour’s 2024 general election manifesto, the government is “committed to reducing gambling-related harm” and it is important that national and central government work together to this end.</p> <p>This consultation is an integral part of regularly reviewing Rushcliffe Borough Council’s role as a statutory Licensing Authority, and we hope that the consultation process will ultimately strengthen delivery of the policy’s proposed aims.</p> <p>**</p> <p><b>2:10</b></p> <p>It is noted that in this section at present, there is no reference to information exchange with third parties such as a constable or police force, an enforcement officer, another licensing authority or His Majesty’s Commissioners of Customs and Excise. Other authorities have clarified that information exchange may take place with the</p>	<p>2:10</p> <p>We have no objection to the insertion of this comment in 2:10 if this aids clarity in legally sharing information with “ a constable or police force, an enforcement officer, another licensing authority or His Majesty’s Commissioners of Customs and Excise”. But this comment repeats what is stated in legislation which officers are</p>



<p>stated.</p> <p>We also note that the text in the current policy refers to a <u>Corporate Equality Scheme</u>. This is not the same term as <u>Equalities Scheme</u> which is used on the current Council website. We suggest that the text is updated accordingly.</p> <p>**</p> <p><b>5:12</b></p> <p>To fulfil the licensing objective of <i>“Protecting children and other vulnerable persons from being harmed or exploited by gambling”</i>, we believe it is important that children are protected from targeted advertising. The below may, therefore, be a helpful addition to the “Protection of children and other vulnerable persons” section of the policy (p.19 onwards):</p> <p><i>“The Authority will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.”</i></p> <p>**</p> <p><b>5.13</b></p> <p>Building on the above, to further protect children and other vulnerable persons from gambling, section 5.13 could be expanded to include further examples of safeguards. For example:</p> <p>CCTV          Clear notices / signage          Clear policies that outline the steps to be taken to protect children</p>	<p>5:12</p> <p>The policy relates to premises regulated by this authority and not online gambling so can only relate to advertising in the place licenced. The current policy is clear that gambling is adult only and gambling should not be aimed at children and this is clear in guidance, however officers have no objection to the inclusion of this statement for clarity if required. see <a href="http://Young people in marketing material (gamblingcommission.gov.uk)"><u>Young people in marketing material (gamblingcommission.gov.uk)</u></a> which we will <u>have regard to.</u></p> <p>5:13</p> <p>The current list is of few examples, the list is not intended to be exhaustive to do so would limit measures. If the committee feels further examples are needed to be added this can be done. But superfluously adding more will just increase the policy with little purpose.</p>
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<p>from harm Proof of age schemes Provision of information leaflets / helpline numbers for organisations such as GamCare Self-barring schemes Specified / restricted opening hours</p> <p>**</p> <p>Thank you for the opportunity to contribute to this consultation. We hope that these contributions help to strengthen the document and, as a result, help to fulfil the core objectives outlined as part of the Gambling Act 2005:</p> <p><i>“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.”</i></p> <p>27 August 2024</p>	
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Rushcliffe  
Borough Council

# Rushcliffe Borough Council

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## Equality impact assessment form

July 2024



Name and brief description of proposal/project / policy / service being assessed:  
Review of the Gambling Act 2005, Statement of Licensing Principles 2025 - 2028.

The proposed Policy is required by legislation with the aims of 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

The policy has been revised as required by legislation..

Information used to analyse the effects of equality::

The policy has been subject to public consultation and with members. The consultation took place from August 24 to September 24. Following the consultation process one consultee comment was made in respect of equality impact, and this was discussed at the licensing committee. The comment was not specific to any group indicated below and options to amend the policy were discussed in the meeting and none was agreed or felt necessary.

First stage assessment:

*As specified in the guidance note you need to answer the following questions to identify a full assessment is required.*

1. Could the policy affect one or more groups in a different way to others? Yes
2. Could different groups have different needs in relation to the policy? no
3. Does the policy actually or potentially hinder equality of opportunity? no
4. Does the policy actually or potentially contribute to equality of opportunity? no
5. Does the policy offer opportunities to promote equality? no
6. Does the policy offer opportunities to promote positive relations? no

If a full application is not required, please send this form to [HR@rushcliffe.gov.uk](mailto:HR@rushcliffe.gov.uk)






	<b>Could particular benefit (X)</b>	<b>May adversely impact (X)</b>	<b>How different groups could be affected: Summary of impacts</b>	<b>Details of actions to reduce negative or increase positive impact (or why action not possible)</b>
People from different ethnic groups	n/a	n/a	There is no requirements or restrictions in the policy.	
Men, women (including maternity/pregnancy impact), transgender people	n/a	n/a	There is no requirements or restrictions in the policy.	
Disabled people	n/a	n/a	There is no requirements or restrictions in the policy.	
Care leavers	n/a	n/a	There is no requirements or restrictions in the policy.	
People from different faith groups	n/a	n/a	There is no requirements or restrictions in the policy.	
LGBTQIA + e.g. heterosexual, homosexual, bisexual, transgender.	n/a	n/a	There is no requirements or restrictions in the policy.	
Older or younger people	yes	n/a	The policy legally restricts access to young people. Those looking younger may need to provide proof of age and may be prohibited from access to gambling if not able to prove age.	The policy has numerous actions to protect those that are considered vulnerable. No further action needed
Other (marriage/civil partnership, looked after children, cohesion/good relations, vulnerable	yes		The policy aims to ensure those that are vulnerable to gambling harm are protected and measures put in place to	The policy has numerous actions to protect those that are considered vulnerable. No further action needed



Rushcliffe  
Borough Council

children/adults, veteran of the armed forces)			reduce or protect them from further harm	
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<b>OUTCOME(S) OF EQUALITY IMPACT ASSESSMENT:</b> <i>(delete as appropriate)</i>	
No major change need <del>Adjust policy/proposal/project</del> <del>Adverse impact but continue</del> <del>Stop/remove project/policy/proposal</del>	
<b>Arrangements for future monitoring of equality impact of this policy/proposal/project:</b>	
<i>Note when assessment will be reviewed (e.g. review assessment in 6 months or annual review).</i>	
On review of the policy normally every 3 years	
<b>Names of officers who conducted EIA and date</b>	
M Hickey 11/6/24 D Roberts 11/6/24	
<b>Approved by:</b> <i>(manager signature)</i>	 <b>Date:24/10/24</b>

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Once the form is signed off by the Manager please send to HR@rushcliffe.gov.uk for discussion by the Equality and Diversity Steering Group.



**Council**

**Thursday, 5 December 2024**

**Street Trading Policy 2025-2030**

## **Report of the Director – Neighbourhoods**

### **Cabinet Portfolio Holder for Environment and Safety, Councillor R Inglis**

#### **1. Purpose of report**

- 1.1. In 2019 the Council approved the adoption of a new Street Trading Policy across the Borough. This Policy expires in January 2025 and is now due for review.
- 1.2. The Licensing Committee considered the revised draft Policy at its meeting on 14 October 2024 and it was resolved that:
  - 1.2.1. The draft Street Trading Policy be endorsed, subject to the inclusion of additional wording in sections related to ice cream traders to include “traders with the primary objective of selling to children”;
  - 1.2.2. It be recommended to Council that the Street Trading policy be adopted; and
  - 1.2.3. that a framework detailing the assessment of convictions and suitability of applicants process be drafted and submitted to a future meeting of Council for approval.

#### **2. Recommendation**

It is RECOMMENDED that Council approves the revised Street Trading Policy attached at Appendix 1 to the report.

#### **3. Reasons for Recommendation**

The existing Street Trading Policy expires on 31 January 2025 and provides the Council with a means to control street trading across the Borough.

#### **4. Supporting Information**

- 4.1. In accordance with the Local Government (Miscellaneous Provisions Act) 1982, all of the streets in the Borough are proposed to be designated as either “Consent Streets” or “Prohibited Streets”. This will effectively mean that no trading (unless exempted) may take place without the Council having first issued the appropriate Trading Consent to the trader, on prohibited streets no street trading can take place.

- 4.2. The revised draft Street Trading Policy was put out to public consultation on 21 July 2024, seeking comments by 6 September 2024. A total of two consultation comments were received and a summary is provided in Appendix H.
- 4.3. The Council's Licensing Committee considered the draft Policy on 14 October 2024. In accordance with the request by the Licensing Committee the draft policy has been amended to refer to "ice cream vendors **and traders with the primary objective of selling to children**" (amendments in bold).
- 4.4. Licensing Committee also requested a framework be submitted to Council detailing the assessment of convictions and suitability of applicants. Officers have reviewed the Policy and provided a revised framework in Appendix C.

## **5. Alternative options considered and reasons for rejection**

No alternative is provided. Whilst discretionary, the adoption of a Street Trading Policy provides the Council with a means of controlling street trading, which is particularly needed owing to the high-profile sporting and other events located within the Borough.

## **6. Risks and Uncertainties**

Prior to the adoption of the Street Trading Policy 2020-2025, in 2019 by Full Council, Street Trading was confined to the area around the Nottingham Forest Football Club, at the City Ground, with traders outside of this area being unregulated and able to trade wherever they pleased. It was identified that a number of roadside traders had taken advantage of this as they fell out of scope for enforcement. After adoption of the Policy traders were brought into the regulatory umbrella. If the Policy is not again adopted by Council this will give an open door to traders to roam at will across the Borough without enforcement of food standards, trading location and protection of vulnerable sectors of the public.

## **7. Implications**

### **7.1. Financial Implications**

Fees for Street Trading Consents are reviewed on an annual basis and are set on a cost recovery basis. Where a prosecution is undertaken costs would be reclaimed from the defendant where the prosecution is successful.

### **7.2. Legal Implications**

The Council has powers under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') to regulate street trading through the designation of streets in its area under one of three statutory designations. Through the designation of streets for trading, the Council is able to authorise trading on those streets in accordance with the Policy and is able to regulate unauthorised trading.

### 7.3. Equalities Implications

An Equality Impact Assessment has been undertaken (Appendix G), which identified no major or adverse impacts.

### 7.4. Section 17 of the Crime and Disorder Act 1998 Implications

This Policy provides protections to children and vulnerable adults across the Borough who come into contact with street traders.

### 7.5. Biodiversity Net Gain Implications

There were no implications arising from this report.

## 8. Link to Corporate Priorities

The Environment	Ensuring traders use best practice to minimise their impact on the environment.
Quality of Life	Ensuring that appropriate controls are in place to manage street trading across the Borough. Benefits to the community would include safer food and environmental standards all of which will significantly impact on our residents.
Efficient Services	None
Sustainable Growth	None

## 9. Recommendation

It is RECOMMENDED that Council approves the revised Street Trading Policy attached at Appendix 1 to the report.

<b>For more information contact:</b>	Geoff Carpenter Head of Public Protection Tel: 0115 9148229 gcarpenter@rushcliffe.gov.uk
<b>Background papers available for Inspection:</b>	Report to Licensing Committee 14 October 2024
<b>List of appendices:</b>	<u><a href="#">Appendix 1 Neighbourhood Services Street Trading Policy 2025-30</a></u>  Appendix A Prohibited Streets inset Plan A restricted Streets Plan B West Bridgford

	<p>Appendix B Proof Of Eligibility To Work In The UK</p> <p>Appendix C Policy/Framework for determining the Relevancy of Criminal Convictions</p> <p>Appendix D Street Trading Consent Conditions</p> <p>Appendix E Data Protection Privacy Notice</p> <p>Appendix F Summary of Changes</p> <p>Appendix G Equality Impact Assessment</p> <p>Appendix H Consultation responses</p>
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Rushcliffe  
Borough Council

# Neighbourhood Services Street Trading Policy

2025-2030

Category	Reference
Officer(s)	Mr David Roberts, Senior Licensing and Enforcement Officer Mr Martin Hickey, Principal Officer
Department	Neighbourhoods, Licensing
Address	Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG
Telephone	0115 981 9911
E-mail	<a href="mailto:licensing@rushcliffe.gov.uk">licensing@rushcliffe.gov.uk</a>
Report Reference number	STC 2024v1
Date	Drafted July 2024 Licensing Committee 14 October 2024 Published date TBA



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## Introduction

### Purpose

The aim of the Council's Street Trading policy is to create an environment which compliments premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments.

This policy has been developed to ensure that street trading consents are granted in accordance with the policy and to assist persons applying for street trading consents in Rushcliffe.

### Definitions of terms used in this policy

Within the terms of the Rushcliffe Borough Council's Street Trading consent Scheme the following definitions apply:

<i>The Council</i>	Means Rushcliffe Borough Council
<i>Street Trading</i>	Means the selling or exposing or offering for sale of any article (including a living thing) in any street, Local Government (Miscellaneous Provisions Act) 1982
<i>Street</i>	Includes: (a) any road, footway, beach or other area to which the public have access without payment. (b) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
<i>consent Street</i>	Means a street in which street trading is prohibited without the consent of Rushcliffe Borough Council.
<i>consent</i>	Means a consent to trade on a street by Rushcliffe Borough Council.
<i>consent holder</i>	Means the person or company to whom the consent to trade has been granted by Rushcliffe Borough Council.
<i>Static Street Trader</i>	Means a trader granted permission by Rushcliffe Borough Council to trade from a specified position.
<i>Mobile Trader</i>	Means a trader who moves from street to street but trades for less than 60 minutes at any one point and does not return to a similar trading position within 2 hours.
<i>Authorised Officer</i>	Means an officer employed by Rushcliffe Borough Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

*A Pedlar*

A pedlar is a trader who must:

- keep moving, stopping only to serve customers at their request
- move from place to place and not circulate within the same area
- hold a valid pedlar's certificate, issued by a Chief Constable of Police.

**What is street trading**

Street trading means the selling, exposing or offering articles for sale on roads, pavements and other areas to which the public have unrestricted access without payment. The law applies equally to public and private land.

A "Street" is defined as any road, footway, beach or other area to which the public have access without payment (this includes private land), and a service area as defined in Section 329 of the Highways Act 1980.

The Council has determined under the [Local Government \(Miscellaneous Provisions Act\) 1982](#) that all of the streets in the Borough are designated as "consent Streets" or "prohibited streets", which in effect means that no trading (**unless exempted**) may take place without the Council having first issued the appropriate Trading Consent to the trader and on prohibited streets no street trading can take place.

**Exempted Street Trading Activities**

The following street trading activities are legally exempt from the requirement to obtain a prior consent from the Council:

1. Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
2. Anything done in a market or fair, the right to hold which, was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order.
3. Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
4. Trading as a news vendor.
5. Trading which:
  - a. is carried on at premises used as a petrol filling station; or
  - b. is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business or shop.
6. Selling things, or offering or exposing them for sale, as a roundsman.
7. The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway.
8. The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
9. The doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

With regard to point 6 above it has been established in law that mobile ice cream sales normally will not be deemed to be exempt from street trading controls because they are not roundsmen.

### **Markets/ Markets Charters**

Markets (including Temporary Markets) and Special Events **operated and promoted by Rushcliffe Borough Council** held in the Borough fall outside of the scope of the Street Trading Policy.

A market is comprised of not less than five stalls, stands, vehicles or pitches from which articles are sold and may sometimes be held as part of a wider event.

Rushcliffe has no rights to hold a market under a charter.

However, within Rushcliffe, Bingham was granted a Market Charter in 1314 and a market was held here until the end of the 19th century. The market was revived in 1975 and the bustling Thursday market is an attractive feature of Bingham today. The large open Market Place lies at the heart of the Conservation Area, and its octagonal Butter Cross is a distinctive focal point. Other markets held in Rushcliffe are listed at [Markets and Fairs](#).

Nottingham City Council is the owner of Market Rights granted by Royal Charter and also under the 1984 Food Act. Any person or organisation wishing to operate a rival market within 6 $\frac{2}{3}$  miles of one of the council's markets may only do so with the Council's agreement. A licence can be issued which will waive the council's right to take legal action for that event. See <http://www.nottinghamcity.gov.uk>

The Council can seek legal protection from any violation of those rights, i.e. any rival markets. This protection extends to 6 $\frac{2}{3}$  miles from any City Council run market including the Sunday Colwick car boot sale, and so extends beyond the Council's local government boundary.

The licence only relates to the Council's market rights. The organiser must obtain any other consents and permissions needed, whether statutory or private.

Similarly, East Leake, and surrounding villages, falls under the market charter restrictions from within the Loughborough area.

See [Charnwood Borough Council - rival markets](#)

Should an individual trader wish to trade or an event take place in these areas outside the scope of the market charters, then they will be subject to the street trading scheme and will require a consent from Rushcliffe Borough Council.

### **Other Street Trading consents for which fees are not payable**

The following Street Trading activities do not require the payment of fees to the Council, however, a standard administration charge may still be payable, please refer to the fees and charges section:

1. Non-Commercial (community) Car Boot Sales.
2. Sales of articles by residential occupiers within the curtilage of their properties, or on land contiguous with it.

## **One-Off and Community Based Events**

One-off events that are essentially non-commercial would not normally be considered to be street trading (street trading implies a degree of regularity) and therefore would be outside of the scope of the scheme and not require any form of street trading consent. If the purpose of the event is more than a one-off event or is of a commercial nature then it would be caught by the policy and an application required. A letter of intent/confirmation from the community organisers would usually be required. It is assumed, or strongly advised, that the community event organisers will have consulted with residents and businesses prior to holding the event.

## **Car Boot Sales**

Where the events are of a commercial nature and operating on a more regular basis than a one-off, then the event will require a street trading consent.

## **Farmers Markets**

Where the events are commercial in nature and operating on a more regular basis than a one-off, then the event will require a street trading consent.

## **Paying for access**

Any event which can restrict access to those persons who pay an entry fee would be legally exempt from any street trading provisions and therefore would not require a street trading consent.

## **Trading on private land**

In order to trade on private land (including car parks) within Rushcliffe Borough Council, you will also be required to produce written permission from the landowner before the Council can consider the site suitable for trading.

Applicants should note that planning permission may be required separately for the proposed trading site subject to this licensing application. Planning permission is usually required for the siting of trading units on private land and are liable to planning enforcement action if no planning permission is granted.

Each case will be considered on its own merits with a copy of the full planning decision required for the Council to make a decision.

## **Application & Procedure for determining Street Trading Consent**

### **Application process**

The application process for new, renewals or transfers is by application and must be accompanied with the [correct fee](#). The procedure set out in the following flowchart will be followed. For renewal or transfer certain aspects of the process may not be required as set out in the notes to the flow chart below. The applications forms are available at [Street trading pages and application form](#).

## Submission of application

An application for a street trading consent must be made to Rushcliffe Borough Council in writing or submitted online. The application forms are available online at [Licensing - Street Trading](#)

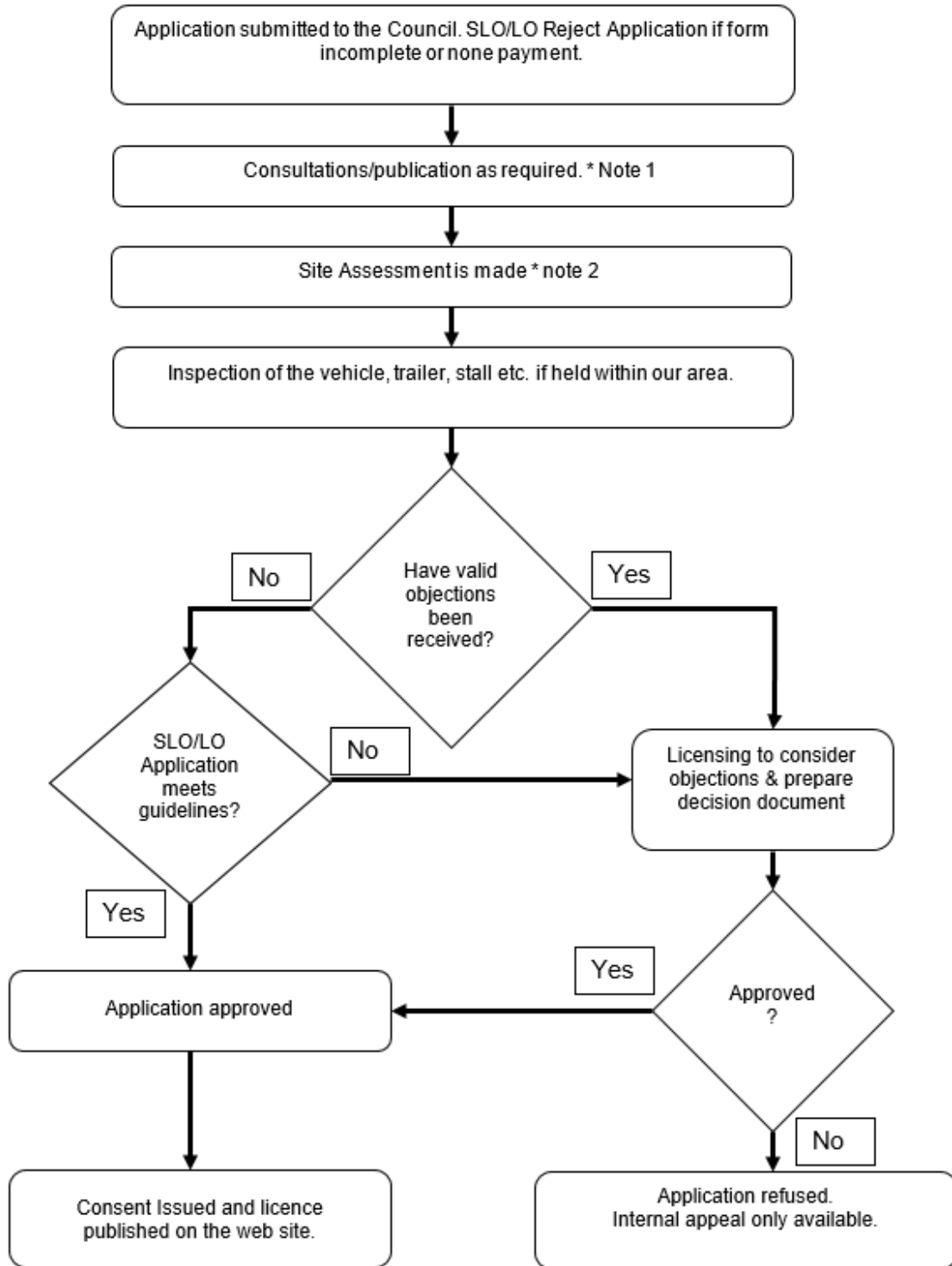
Applicants will need to submit the following documents and fees with the application:

1. A completed and signed street trading consent application form.
2. Proof of current address and identity will be requested at this stage (Original banks statements or utility bills, dated within 3 months of the application).
3. Proof of eligibility to work in the United Kingdom and sign a declaration to that effect.
4. A Payment of the annual fee with the application. The fee will be refunded if the application is withdrawn or refused less the admin charges. Fees for trading periods of less than 15 days will require submission of the full fee with the application.
5. Where the proposed street trading activity is from a fixed position, 1 copy of a map. The map should clearly identify the proposed site position by marking the site boundary with a red line.
6. Four different colour photographs of the stall, van, barrow, cart etc. that will be used for the street trading activity (Showing All sides).
7. An original copy of the certificate of insurance that covers the street trading activity for Third Party and Public Liability risks up to a maximum of £5,000,000. This includes block consent applications which must cover all types of anticipated trading. At the point of application for a consent a quote will be accepted but no consent will be granted without an original certificate of insurance being seen.
8. Written permission from a landowner if the street trading activity is to be carried out on private land or from any road /layby within the borough (VIA Nottinghamshire County Council)
9. Block consent applications will require colour photographs of the area the consent is being applied for.
10. Mobile catering vehicles and Ice cream vans will require a valid MOT certificate.
11. For **Ice Cream vendors** and **traders with the primary objective of selling to children** a basic criminal background check (DBS) on the applicant/vendor will be required. The check will not be accepted if it is submitted later than 12 months from the date of issue of the check.
12. Block consent applications will require proof that all food traders are registered with a Local Authority.
13. Written permission for toilet provisions for the street trader and all staff to use may be required.
14. For trade waste, original proof of a contract set up with a trade waste collection contractor.

Where available all application will be by online application. If not available applications should be made in person or by post to the Council at:

**Rushcliffe Customer Service Centre, see [Find and Contact Us - Rushcliffe Borough Council](#).** An appointment is necessary if visiting the office for advice or assistance.

### Flow chart for application process



Note 1 Renewals consultation not required

Note 2 For Transfers site assessment may not be required

### **Notes on application process**

To apply for a renewal application for a street trading consent the applicant will need to submit relevant application and supporting paperwork at least 8 weeks before the expiry of the current street trading consent. Data is subject to Appendix E Data Protection Privacy Notice requirement subject to legal exemptions.

Fees for Annual consents must be paid on application and in accordance with any fee structure in place; failure to maintain payments of the fee will be a breach of the conditions attached to the consent.

Should a consent holder wish to transfer a current street trading consent into another person's name, then a transfer form will need to be completed with both parties signing it. The proposed new consent holder is also required to complete a new application form with the current hours in order to provide relevant information required.

Once the relevant transfer and application is received, the proposed new applicant will be permitted to trade during the consultation period. There will be a 14-day consultation with the Police on the proposal and it will require a fee to be paid.

Please note, should the Police object to the change of ownership then the trader may be requested to cease trading until such time the application has been determined by the Council.

In addition, should the new applicant wish to operate under different hours to those currently on the street trading consent, then a new application will be required. This may result in the request to cease trading until determination of the application. Please note this would include a full consultation with any or all of the "Responsible Authorities and other persons" listed on page 14.

If a renewal application is submitted at the same time as a transfer application, the transfer application must be determined before the renewal application can be processed. Full consultation in accordance with the Policy will be undertaken.

No changes to mode of operation or hours will be permitted through the transfer of consent process.

### **Refunds**

Where a consent is surrendered, the council may remit or refund, as they consider appropriate.

The application fee may be refunded if the application is withdrawn prior to being issued less any administrative charges or other costs incurred.

Where an application is refused/revoked the applicant will not be refunded any application element of the fee.

### **Types Of consent**

There are three different types of consents that can be applied for, they are Static consent, Mobile consent and Block consent.

Further details of each are provided below:-

#### **Static consent**

Static consents are applied for by traders who want to trade from one specific location. An example would be a fast-food van which trades every day from the same



lay-by. Please note, even though a static consent allows you to trade from a specific location, the unit must be moved from the trading site outside of permitted trading hours.

### **Mobile consent**

Mobile consents are applied for by traders who want to trade from numerous locations for a short period of time. An example would be someone who trades from an ice cream van.

It is expected that a mobile trader will move from street to street and will only remain for the period in which sales are being made. There are conditions in force to ensure this.

### **Block consent**

Block consents are often applied for by organisers of street trading events involving more than one trader. For block consents, the organiser is responsible for all street trading and is liable for any potential breaches of conditions.

It is a requirement for organisers of block consents to keep an up-to-date list of all traders operating at any one time. This list must be presented to the Police or Council Officers upon request.

Applications will be considered from organisers of Markets (outside the scope of the market charters), Car Boot Sales, Fetes, Carnivals and similar Community Events on the basis of one Block consent for the market or event in question. The market or event organiser in receipt of a Block consent will become responsible for all of the individual trading activities, including the collection and payment of the relevant fees to the Council, where appropriate.

Applications for block consents must also include Third Party and Public Liability insurance covering all traders, or individual insurance for all traders.

A list of all the traders to be covered by the block consent must be provided, if known at the time of the application. If the traders aren't known at the time of the application, a list must be provided 5 working days before the consent is used.

Where an application is made for the grant of a street trading consent for the first time, applicants **should give a minimum of eight weeks' notice** of the application to:

**NB If you are visiting the offices please go to the Rushcliffe Customer Service Centre see [Find and Contact Us - Rushcliffe Borough Council](#).**

Telephone 01159 819911

E-mail [licensing@rushcliffe.gov.uk](mailto:licensing@rushcliffe.gov.uk)

### **Changes to trading hours**

Should the applicant wish to extend trading hours then a full application will need to be submitted and will be treated as a new application unless at the discretion of the Licensing officer the variation is considered to be minor.

When applying for additional hours, the Council will determine each application on its own individual merits. Generally, street trading will only be permitted between 06:00 hours and 23:00 on any one day.

Any trading outside of these hours will have to be approved by the Council.

### **Surrendering of Street Trading consent**

Should an applicant no longer wish to hold a street trading consent, they will need to provide written confirmation of this fact detailing the last trading day.

Once they have ceased trading, they will be required to return their Street Trading consent plate and paper consent to the Council within 7 days of your last trading day.

Once written confirmation has been received to cease trading on a site, new applications will be considered for the location.

### **Choosing a Location To Trade**

When choosing a prospective pitch/location and deciding on the hours to trade, it is advised that you consider a number of issues, some of which are:-

- Would the proposed location have a detrimental effect on road safety?
- Would the proposed location obstruct pedestrian or vehicular traffic?
- Are there current or planned traffic orders or waiting restrictions in place?
- Would the proposed location affect local residential or business properties for example with noise, traffic, odour etc.?
- Would the proposed location potentially increase public order problems?

The Council has determined that applications for a Street Trading consent or a Mobile Trading consent (save for certain exemptions) will likely be refused for locations that are deemed to be:

- In close proximity to a place of worship.
- In close proximity to a place of education.
- In close proximity to a place of healthcare.
- In close proximity to a place of cultural or historical local / national significance.
- In close proximity to primarily residential properties.
- In close proximity to a business offering the same goods / services.
- Likely to undermine the safety and / or convenience of the general public and / or road users.

### **Nottingham Forest and Trent Bridge Street Trading.**

There is a higher demand for street trading in these areas during events and a number of streets are prohibited streets to protect the residents in the area and promote the objectives of the council. The prohibited streets are shown in Appendix A. Sites around these areas for street consent are therefore limited.

During other events at the City Ground or Trent Bridge the Safety Advisory Groups or the police will request street trading will not take place at certain times or during events. As such any licences issued in this area see (<https://www.rushcliffe.gov.uk/privacy/>)

Appendix A Prohibited Streets inset Plan A restricted Streets Plan B West Bridgford) **will/may not be able to trade during these periods or will have a consent which limits dates and trading times.**

### **Hours**

The Council will determine each application on its own merits but generally will only permit street trading between 06:00 hours and 23:00 on any one day.

Any trading outside of these hours will have to be approved by the Council.

Please note that should an application be received for a street trading consent to sell hot food and/or drinks between the hours of 23:00 hours and 05:00 hours the applicant will also be required to apply for a Premises Licence under the Licensing Act 2003.

### **Appeals**

Appeals to any decisions are to the Council within 21 days by the applicant from the date of any determination of any application or issue of refusal or revocation letter/notice.

### **Disclosure and Barring Service (DBS) check**

A DBS check from Disclosure England will be required for certain street trading consents considered a higher risk. Where this applies a DBS will be required with each grant or renewal application for the applicant.

**Ice Cream vendors and traders with the primary objective of selling to children** will require a DBS

[Request a copy of your criminal record check.](#)

The [street trading application form](#) requires a declaration to be completed by the applicant to confirm that they have not received any convictions and/or cautions or to list any they have. The applicant must also provide a list of all working assistants associated with the street trading consent, as detailed in the conditions.

When considering the relevance of convictions and cautions the Council will have regard to **Appendix C Policy/Framework for determining the Relevancy of Criminal Convictions**

In assessing whether an applicant is a “fit and proper” person, the Council will consider each case on its own merits.

The Council will take account of unspent convictions and cautions, but only as far as they are relevant to an application for a consent to determine if the applicant has demonstrated being a “fit and proper” person to hold a consent. See **Appendix C Policy for determining the Relevancy of Criminal Convictions** for further detail.

### **Consultations**

Before a Street Trading consent is granted, renewed or transferred the Council will carry out a consultation process of up to 21 days with various Responsible Authorities and others listed below. Wording for the notice will be supplied by the Council to the applicant to display on a notice.

**Applicants must produce and affix the notice of the application in the immediate vicinity of the proposed trading site upon submission of the application.** This must remain in place until the application consultation has ended.

Written observations from “Responsible Authorities” and occupiers of properties will be sought and taken into consideration when determining an application that has been made to the Council.

For Community based events, the applicant will be required to affix a notice of the application in the immediate vicinity of the site of the proposed event. Consultation on such application by the Council will only be by way of e-mail to the Responsible Authorities. No consultation will be undertaken by the Council with the general public.

### **New applications process**

In particular, we will consult with the following Responsible Authorities and other persons:

1. Town Councils / Parish Councils / Ward Councillors
2. Local Residents (with properties within 100 meters of the proposed trading site)
3. Nottinghamshire Police (for Crime and Disorder issues)
4. Nottinghamshire Fire and Rescue Service
5. Rushcliffe Borough Council Planning Department (to decide if planning permission is required or that an exemption will be made dependent upon the type of trading taking place, the length of the licence to be issued and type of vehicle or stall to be used)
6. Nottinghamshire County Council Highways Department (VIA)
7. National Highways If within a motorway junction
8. Rushcliffe Borough Council Environmental Health
9. Rushcliffe Borough Council Property Services
10. The landowner (If the proposed street trading site is on private land)
11. Streetwise Team
12. Nottinghamshire County Council Public Health Team
13. Home Office – Interventions & Sanctions Directorate

New applications will be placed online for public consultation

### **Renewal applications process**

In particular we will consult with the following Responsible Authorities and other persons:

1. Town Councils / Parish Councils / Ward Councillors
2. Nottinghamshire Police (for Crime and Disorder issues)
3. Nottinghamshire Fire and Rescue Service
4. Rushcliffe Borough Council Planning department (to decide if planning permission is required or that an exemption will be made dependent upon the type of trading taking place, the length of the licence to be issued and type of vehicle or stall to be used)
5. Nottinghamshire County Council Highways department (VIA)
6. National Highways

7. Rushcliffe Borough Council Environmental Health
8. Rushcliffe Borough Council Property Services
9. The landowner if the proposed street trading site is on private land
10. Streetwise Team
11. Nottinghamshire County Council Public Health Team

Renewal applications will be placed online for public consultation.

### **Transfer applications process**

This Council will consult with:

1. Nottinghamshire Police (for Crime and Disorder issues) only

### **Site Assessment**

Street Trading consents from static locations will not normally be granted where:

1. A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site, or
2. Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
3. There would be a significant loss of amenity caused by traffic, noise, odour or fumes, or
4. There is a conflict with Traffic Orders such as waiting restrictions, or
5. The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes, or
6. The trading unit obstructs the safe passage of users of the footway or carriageway, or
7. The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
8. The site does not allow the consent holder, staff and customers to park in a safe manner, or
9. The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

### **Inspection of the Street-Trading Unit**

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council, prior to the issue of any Street Trading consents, where this is reasonably practicable. The unit to be used for the street trading activity shall comply in all respects to the legal requirements relating to type of street trading activity proposed. In particular the unit to be used shall comply with the following legislation:

1. Environmental Protection Act 1990
2. Equality Act 2010
3. Food Information Regulations 2014

4. Food Premises (Registration) Regulations 1991
5. Food Safety Act 1990 and Associated Regulations
6. Food Safety and Hygiene (England) Regulations 2013,"Regulation (EC) 852/2004"
7. Health Act 2006
8. Health and Safety at Work etc. Act 1974 and any Regulations made under this Act
9. Licensing Act 2003

There must be a waste contract in place and information of this available for inspection upon request submitted as part of any application.

Where the consent relates to the sale of food the vendor, will be required to be registered with their relevant local authority.

There current Food Hygiene Rating Scheme score **must be 3 or higher**. Where the trader is inspected and their rating falls below a 3, a period of time will be allowed for improvements and a rescore inspection to be carried out. This should not normally exceed 16 weeks.

Food safety records and any documented food safety procedures to be made available at the time of any inspection by an officer of the council of competent officer of the Food Authority.

Further advice on any of the above requirements can be obtained by:

telephoning: 0115 981 9911.

### **Objections to the application**

If objections are received against the granting of a Street Trading consent and are considered by Officers to be valid in terms of this policy the application will normally be referred to the Council's Licensing Principal Officer for determination.

Before such a referral is made officers will assess the objections on the following criteria:

1. Potential, or actual, nuisance to a property occupier from noise, fumes or smells.
2. Concern of crime and disorder problems resulting from the proposed street trading activity.
3. Any other valid reason raised that would affect the occupier of a property as a result of the application made.

A Licensing Officer will make every effort to liaise between the applicant and objectors to resolve any justified objections, within the consultation period. If no resolution is agreed, the application will be referred to the Principal Officer for consideration and determination of the application. The applicant will be informed in writing of the referral of the application to the Principal Officer and notified of the date when the application will be considered.

Persons making written objections will also be informed of a decision to refer an application to the Principal Officer and notified of the outcome.

## **Determination of the application**

The Council will use the criteria listed below in the determination of Street Trading consents. All the criteria should normally be satisfied, and equal weight will be applied to the criteria listed. Each case though will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.

## **Where Trading Will Not Likely Be Permitted**

The Council has determined that applications for a Street Trading consent or a Mobile Trading consent (save for certain exemptions) are more likely be refused for locations that are deemed to be:

- **In close proximity to a place of worship.**
- **In close proximity to a place of education.**
- **In close proximity to a place of healthcare.**
- **In close proximity to a place of cultural or historical local / national Significance.**
- **In close proximity to primarily residential properties.**
- **In close proximity to a business offering the same goods / services.**
- **Likely to undermine the safety and / or convenience of the general public and / or road users.**

Where the above applies the place affected will be consulted and any views expressed will be significant in determining the application.

## **Relevant Considerations Applicable To All Applications**

### **Public Safety**

The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term “public” refers to both customers frequenting the street trading activity, and other members of the public using the street. In particular reference will be made to the guidelines set out in the Site Assessment of this policy (on page 15).

### **Prevention of Crime and Disorder**

The street trading activity should not present a risk of potential crime and disorder in the locality in which it is situated. Observations from the Nottinghamshire Police will be taken into consideration under this heading.

### **Avoidance of Nuisance**

The street trading activity should not present a substantial risk of nuisance from noise, smells, refuse or fumes to households and businesses in the vicinity of the proposed street trading site. Litter and food waste can be a significant cause of nuisance, defacement of the street scene and lead to public health concerns due to attracting vermin. Observations/ complaints and ongoing concerns about the suitability of a site and the recurrence of nuisance/litter from Council Officers shall be taken into consideration under this heading which may include rejecting or revoking any consent.

### **Compliance with legal requirements**

The proposed street trading activity should be carried out from a trading unit that complies with the relevant legislation. Observations from Council Officers on the

compliance with the requirements of Food Safety and Hygiene, Health and Safety and Environmental Protection legislation shall be taken into consideration. The street trader will need to ensure they comply with any conditions and legal requirements to avoid the occurrence of litter as a result of the street trading which will include litter from customers.

### **Consultees Observations**

In relation to points above consideration will also be given to written observations from consultees. Any objections made to the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made.

### **Permitted Trading Hours**

The Council will determine each application on its individual merits but generally will only permit street trading between 06:00 and 23:00 on any one day. Any trading outside these hours will have to be approved by the Council. Street Trading outside of the guideline hours, will be assessed in terms of public order, public nuisance, and avoidance of nuisance.

The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances require it.

Should an application be received for a street trading consent to sell hot food and/or drink between the hours of 23:00 and 05:00 the applicant will be advised of the need to have a premises licence under the Licensing Act 2003.

### **Environmental Impacts**

#### **Use of Single Use Plastics**

The Council is committed to reduce the amount of single use plastics which are prevalent in the fast-food communities. Street traders will be licensed only if they can demonstrate they have removed all such plastic use in the council area or there is a **justified reason for the continued use**.

Failure to do so may mean that the trader will not have the street trading licence granted or renewed.

#### **Trade Waste**

Under the Environmental Protection Act 1990 people have a legal duty to make sure that any waste they produce is handled and disposed of correctly. All Street Traders are businesses that this requirement applies to and have a legal duty to ensure that waste is stored securely pending collection and only given it to authorised waste contractors.

For trade waste, this would normally require a contract to be set up with a trade waste collection contractor. Records must also be kept for 2 years showing how the waste has been disposed of (waste transfer notes), which must be made available on request to the regulating authorities.

Trade waste must not be disposed of through the household waste collection system or at the Council waste Centres which includes being taken back to private residents or disposed of in on-street litter bins.



Failure to provide adequate waste disposal upon application and trade waste arrangements are in place will not be granted a Street Trading consent.

### **Approval of applications**

On approving the application the Council will issue a Street Trading consent to which conditions will be attached. The consent will also contain specific terms such as days and hours when street trading is permitted, and goods that may be sold. A copy of the Council's standard conditions, which are attached to Street Trading consents, are shown in Appendix D Street Trading Consent Conditions. Additional conditions may be attached to the Standard Conditions if special circumstances apply to the consent being granted by the Council.

The conditions attached to the consent form part of the approval to carry out street trading in Rushcliffe. They **MUST** be complied with at all times and failure to do so may result in the consideration of enforcement action.

consent holders are therefore requested to familiarise themselves with the terms and conditions attached to the Street Trading consent and comply with the requirements.

### **Issue of Street Trading consent**

Street Trading consents will be issued for a maximum period of 12 months. Annual consents issued will be renewable on the date specified in the consent. Shorter term consents may be issued on a daily, weekly or monthly basis.

In all cases when a consent has expired, and an application has not been submitted to the Council for renewal, a new application will have to be made. In such cases the application will be required to go through the full consideration process outlined in these guidelines.

Fees for Annual consents must be paid on application and in accordance with any fee structure in place.

Failure to maintain payments of the fee will be a breach of the conditions attached to the consent.

Where available online payment will be used. Payment can be made in person or over the telephone by credit or debit card or in the form of a cheque. ***The current fees and charges can be found on the licensing pages of the Council website on this [link](#).***

Street Trading consents and unit identification plates will be issued only at the Licensing Team Offices, currently at the Community Contact centre at West Bridgford. The applicant or a person representing the applicant (with written consent) must attend in person to collect any documentation or plates. This also applies for replacement documentation or plates.

### **Refusal of applications**

The Council will consider an appeal and will provide a written decision within 21 working days from receipt of your appeal, unless further information is required in order to consider the appeal. In this situation the Council will provide a written decision within 21 working days from receipt of this information. The Council's written decision will refer to all information taken into account when considering the application and appeal information and reasons for reaching the decision. Please also see Complaints against the Service section in this policy on page 22.

The Local Government (Miscellaneous Provisions) Act 1982 does not allow any legal appeals against the decision of the Council in relation to the issue of Street Trading consents. A person aggrieved against a decision of the Council may though seek a Judicial Review of the decision.

## **General Information on Street Trading Consents**

### **Trading Unit Identification Plates**

All vehicles, stalls, carts or other devices used for street trading will be required whilst trading to display a trading unit identification plate. The plate is issued by the Council and remains the Council's property throughout the duration of the consent. The plate should be displayed in a prominent position on the trading unit so that it is clearly visible to members of the public using the trading unit.

The trading unit identification plate should be returned to the Council if the consent holder ceases to trade and surrenders his/her consent.

Block consent- The identification plate should be displayed in a prominent position that is clearly visible to members of the public, the insurance covering all stalls/ units under the Block consent shall be visible to the public.

### **Persons under the age of 17 years**

The Council will refuse to grant a consent, where the consent to be granted, would be in contravention of the Children and Young Persons Act 1933. Please refer to [Nottinghamshire County Council - employing a 13-16-year-old](#).

### **Access by Council and Police Officers**

consent holders shall allow access to Authorised Officers of the Council and Police Officers at all reasonable times. Council Officers will carry with them and produce authorisation identity cards issued by Rushcliffe Borough Council.

If you have any doubts about a person claiming to be from Rushcliffe Borough Council ask to see their official identification card. If you remain uncertain please contact the Council on 01159 819911 and ask to speak to the Licensing department.

### **Street Trading consents Changes/Transfer**

The conditions attached to all Street Trading consents stipulate that a consent holder cannot underlet or sublet a Street Trading consent.

Should a consent holder wish to transfer a current Street Trading consent into another person's name, then a transfer form will need to be completed which will be provided upon request with both parties signing it. The proposed new consent holder is also required to complete a new application form with the current hours in order to provide relevant information required.

Once the relevant transfer and application is received, the proposed new applicant will be permitted to trade during the consultation period. There will be a 14-day consultation with the Police on the proposal and a fee is payable.

Please note, should the Police object to the change of ownership then the trader may be asked to cease trading until such time the application has been determined by the Council.

**In addition should the new applicant wish to operate under different hours to those currently on the consent, then a new application will be required. This**

**may result in the request to cease training until determination of the application. Please note this would include a full consultation with Other Persons and the Responsible Authorities.**

If a renewal application is submitted at the same time as a transfer application, the transfer application must be determined before the renewal application can be processed. Full consultation in accordance with the Policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to determine the application.

No changes to mode of operation or hours will be permitted through the transfer process.

Should a consent holder wish to change their operating hours, by extending them in some way, during the course of their existing consent period they will have to apply using the normal application form clearly specifying that this is for a change of hours only.

Full consultation in accordance with the Policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to consider the matter. An application for extended hours will attract a non-refundable fee.

### **Change of Trading Unit process**

Should a consent holder wish to change their stall, van, cart, barrow etc. during the period of their consent they must submit three colour photographs of the unit showing the front side and rear of the unit that will be used for the street trading activity.

### **Policy Review**

The Council will keep the policy under constant review and make such revisions to it, as it considers appropriate. The Council will formally review the policy statement every five years and informally re-evaluate it from time to time. Where revisions are made, the Council shall publish a statement of such revisions or a revised street trading policy statement.

## **Enforcement**

### **Enforcement options**

Rushcliffe Borough Council will actively enforce the provisions of the Street Trading Scheme within its area in a fair and consistent manner. Due regard will be given to the Council's Enforcement Policy before any action is taken. Read the relevant information in [Rushcliffe Corporate Enforcement Policy](#) and the [Regulators Code \(Gov.uk\)](#)

Where licensable activities are conducted without the relevant permissions having been granted by the Council, or where conditions / permitted trading hours are breached, the Council will gather evidence and take the necessary enforcement actions as required.

The Licensing Officers will firstly seek to advise traders of the requirements of their Trading consent, and should it be necessary issue Warnings. Should a trader continue to fail to comply with the requirements of the Council's Street Trading Policy or the conditions applicable to his / her Street Trading or Mobile Trading consent, the

traders' suitability to continue to hold the Trading consent will be reviewed by Rushcliffe Borough Council.

The options available are to:

- Review and (if necessary) vary the conditions attached to an existing Street Trading or Mobile Trading consent when necessary to promote public safety and / or prevent nuisance or annoyance to any affected parties, or the Trader has failed to comply with the conditions of the consent, or information has come to light as to the suitability of the Trader.
- Review and (if necessary) **suspend or revoke** a Street Trading or Mobile Trading consent issued to an existing Trader when necessary to promote public safety and / or prevent nuisance or annoyance to any affected parties, or the Trader has failed to comply with the conditions of the consent, or information has come to light as to the suitability of the Trader.
- Take no further action, if having reviewed matters, it is deemed that the Trader is not responsible for the issues that led to the Hearing being held.

### **Pedlars and non-licenced traders**

A pedlar is someone who travels and trades on foot, going from town to town or house to house selling goods or offering their skills. A pedlar must hold a certificate granted by a chief constable. The certificate is valid for one year and applies throughout the United Kingdom.

To apply for a pedlar's certificate, contact your local police station. Someone who acts as a pedlar without a certificate commits an offence.

- A pedlar must not remain stationary for long periods of time.
- A pedlar must not set up a stall and wait for people to approach.

The Pedlars Act 1871 specifically precludes the now common place practice of a pedlar standing in one place for an extended period of time to sell their goods or services. The Pedlars act defines the difference between street traders and pedlars as "Street traders travel to trade, whereas a pedlar should trade as they travel."

Non licenced street traders and pedlars who illegally participate in street trading in prohibited or consent streets could face enforcement action **including summary prosecution** under the Local Government (Miscellaneous Provisions) Act 1982.

### **Complaints against the Service**

Rushcliffe Borough Council has an agreed procedure for dealing with complaints about the services it delivers. If you wish to complain about the delivery of Licensing Services in relation to street trading please contact the Council on 0115 9819911 and ask to speak to the Senior Licensing Officer.

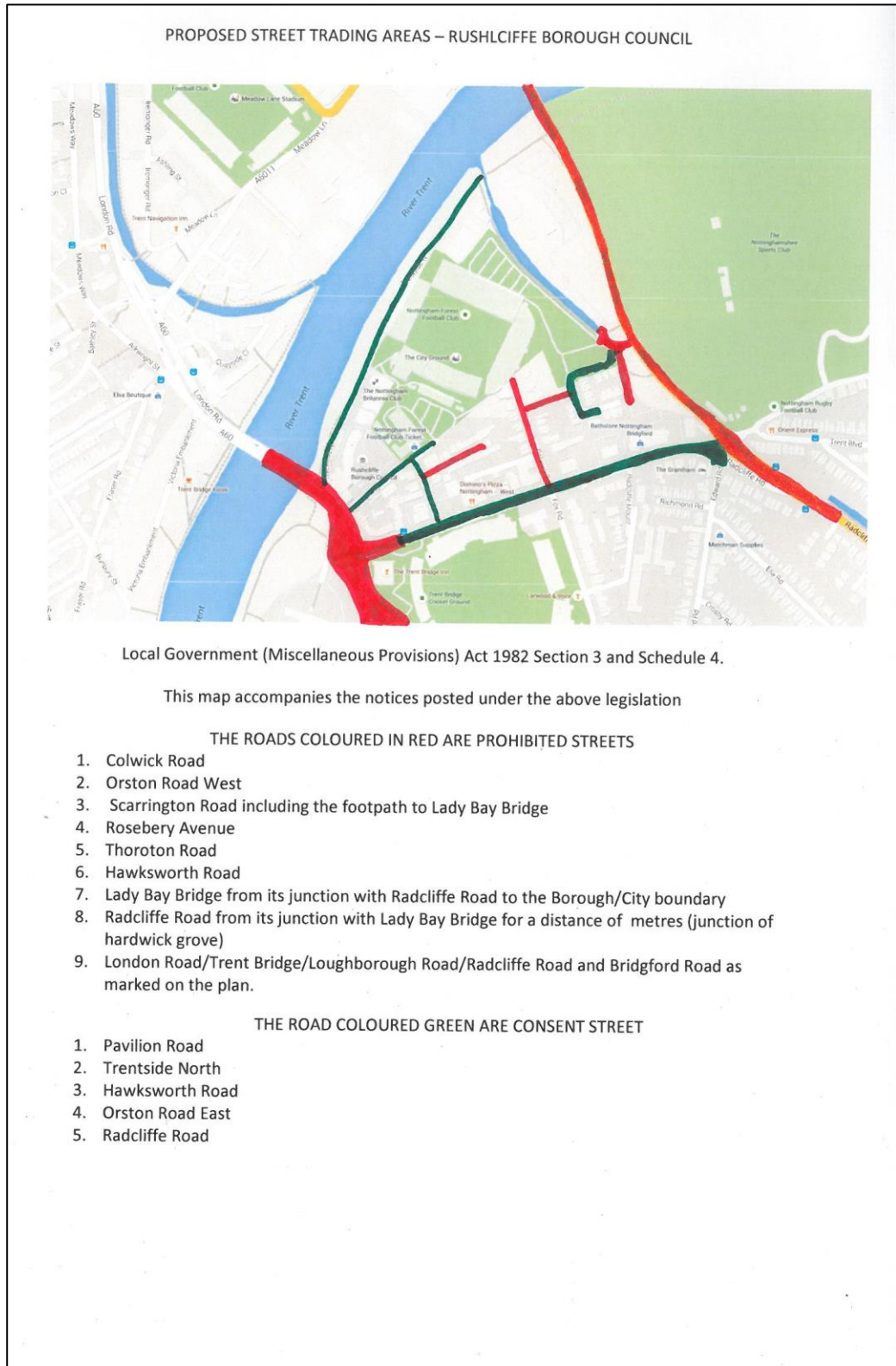
If the matter cannot be resolved advice will be given on how to further your complaint under the [Council's Complaints Scheme](#)

### **Data Protection**

The Licensing Service will adhere to the principles set out in the Data Protection Act 1998, The GDPR and other relevant legislation. See the [Council's Privacy Policy](#) for information. (<https://www.rushcliffe.gov.uk/privacy/>)

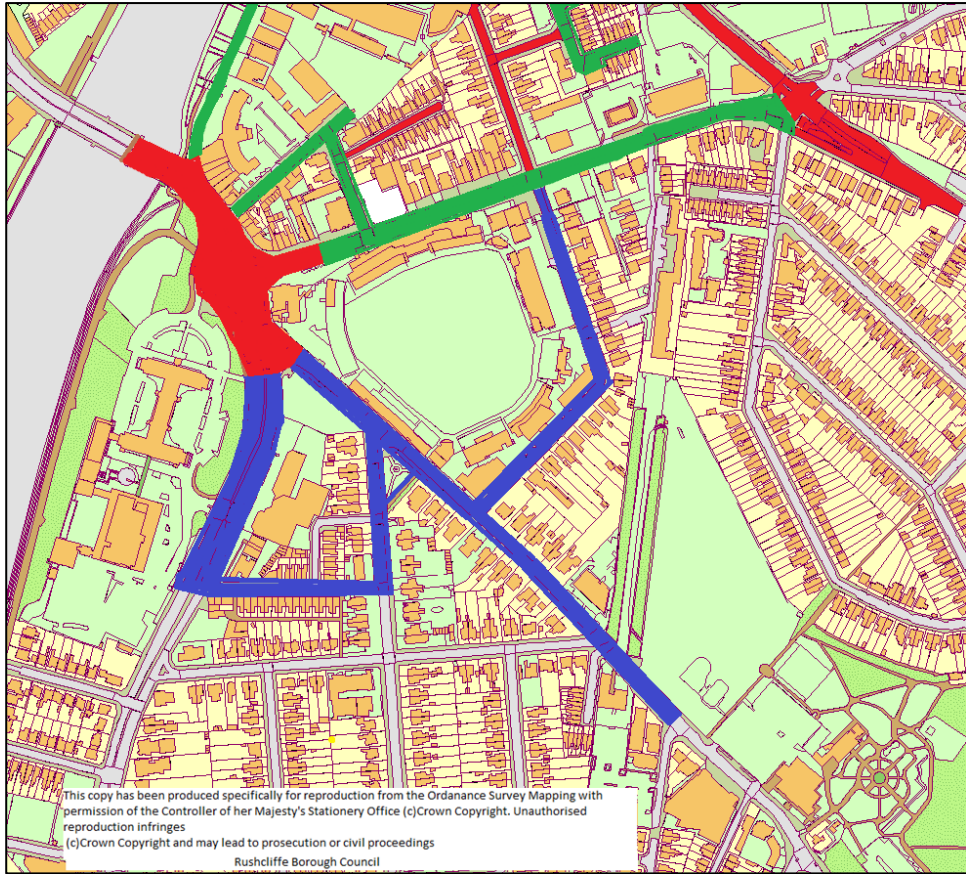
Appendix A Prohibited Streets inset Plan A restricted Streets Plan B West  
Bridgford

**Plan A**



**Plan B**

Restricted trading during events (shown in blue)



## Appendix B Proof Of Eligibility To Work In The UK

The Council will require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is British Citizen
- EUSS Share Code for the EU, EEA Nation State Citizens or Citizens of Switzerland.
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment
- Full UK Birth / Adoption Certificate
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment
- A work permit or other approval to take employment issued by the Home Office (Home Office Share Code) or the Border and Immigration Agency when produced in combination with either a passport or other travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further information will be provided by the Licensing Service on request.

## Appendix C Policy/Framework for determining the Relevancy of Criminal Convictions

### **Applications**

1. When submitting an application for the grant or renewal of a Street Trading consent, applicants must declare any unspent convictions or cautions they may have, and in addition they must disclose any matters currently under investigation.

### **Public Safety**

2. The Council's key objective is ensuring public safety and protection from criminal activity such as fraud. The policy reflects this overriding concern and although it recognises that employment plays an important part in preventing ex-offenders from reoffending, the very nature of a street trader's job being in a position of trust will, by implication, mean that a pattern of offending/ re-offending or, indeed a single specific offence may render an applicant unfit to hold such a position of trust.
3. Applicants demonstrating either or both of these will not normally be issued a consent by the Council.
4. Before, the Council makes any decision, it will allow an opportunity for the applicant to make comment about any unspent convictions and cautions.
5. The Council may offer some discretion if the offence is isolated and there are mitigating circumstances. This will be based upon the Council establishing the facts surrounding a unique case. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.
6. The Council will in all cases verify the applicant's identity and may require a basic criminal record check to be undertaken. Where the check reveals that the applicant has a record of convictions and/ or cautions and warnings, the Council will consider these carefully on the basis of:-
  - How relevant the offences were to the type of consent applied for
  - The relative gravity of the offences committed and
  - How recent they were
7. The Council will consider all unspent convictions with further attention given to criminal offence involving:-
  - Dishonesty
  - Assault including, Battery, or Grievance Bodily Harm/ Actually Bodily Harm including any conviction of aiding or abetting or incitement for any such offence
  - Drugs including cultivation, sale, supply or the recreational use thereof
  - Sexual offence
8. A basic criminal record check is required upon application and thereafter every three years for relevant consents as indicated in this policy.
9. The Council reserve the right to seek intelligence from all 'appropriate sources'.



10. Applicants with relevant offences (see list below, under heading **Specific Guidance of the Relevance of Convictions**) or are a cause for concern will be referred to the Licensing Sub-Committee for determination.
11. Existing holders of a Street Trading consent will be required to notify the Council, in writing, within five working days of receiving a criminal conviction (including cautions).
12. Any applicant who is refused a Street Trading consent, does not have the right to appeal to a Magistrates Court. If a person is aggrieved against a decision made by a Licensing Sub-Committee, may seek a Judicial Review of the decision of the Licensing Sub-Committee, should it be deemed necessary.
13. A serious view will be taken of any substantiated complaint relating to verbal abuse, violence or aggression towards any member of the public, authorised officers or employee of the Council or Police Officers whilst in the course of their duty.

### **Specific Guidance of the Relevance of Convictions.**

#### **Drugs**

14. An isolated conviction for the possession or misuse of drugs need not preclude an applicant from gaining a Street Trading consent, although further consideration of the application should be required, having regard to the circumstances of the offence.
15. However, more than one conviction would usually merit refusal and normally no further application will be entertained until a period of at least 3 years free from conviction has elapsed.

#### **Indecency offences**

16. As a Street Trading consent holder, applicants will often be in remote locations at various times. Therefore applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences will be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind will preclude consideration for at least 5 years. In either case, if a consent is granted a strict warning as to future conduct will be issued.
17. NB- Offences of a serious sexual nature will be considered separately outside the terms of the policy, prior to the granting of any consent.

#### **Violence**

18. As a Street Trading consent holder, will have close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault.
19. At least three years free of such conviction should be shown before an application will be entertained and even then a strict warning as to future conduct will be given.

#### **Dishonesty (including theft)**

20. Street Trading consent holders are expected to be a person of trust. It is comparatively easy for a dishonest street trader to defraud the public by demanding more money for goods, etc. Foreign visitors can be confused by the change in currency and become "fair game" for an unscrupulous street trader.

21. For these reasons a serious view will be taken of any convictions involving dishonesty. Normally, a period of three to five years free of conviction will be required before entertaining an application.

**Statement on the rehabilitation of offenders**

22. Except for the above The Rehabilitation of Offenders Act 1974 and current guidance (<https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>) shall apply when determining an application for a consent under this policy to ensure those with minor spent convictions are not excluded from employment or discriminated against.

## Appendix D Street Trading Consent Conditions

### GENERAL CONDITIONS

1. The consent holder (which expression where appropriate includes joint holders of this consent) and any person employed by him to assist him in his trading, shall produce the consent on demand when so required by a duly authorised officer of Rushcliffe Borough Council, or by a Police Officer.
2. A copy of this consent shall be kept onsite by the holder and available for inspection by an authorised officer of the Council, or a Police officer.
3. The consent holder shall notify the Environmental Health Manager of the Council immediately of any convictions or proceedings arising out of the use or enjoyment of the consent, within 5 working days.
4. The consent holder shall not sublet or underlet this consent or any part thereof, but may surrender it to the Council or transfer the consent to a third party at any time.
5. The consent holder shall observe and comply with any directions in relation to the use of the street or public place by a duly Authorised Officer of the Council.
6. Nothing contained in these conditions shall relieve the consent holder or his/her employees or agents from any legal duty or liability and the consent holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this consent
7. The consent holder shall at all times maintain a valid Third-Party Public Liability Insurance Policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an Authorised Officer of the Council.
8. If the street trading site is located on private land, including forecourts, satisfactory written evidence must be provided to the Council that permission of the landowner or lessee has been obtained to carry out the Street Trading activity.
9. The Council may vary the conditions attached to the consent at any time.
10. The identities of all persons working on street trading units shall be notified to the Council and all such persons will wear an identification badge.
11. If public toilets are not readily accessible from the street trading site, the consent holder shall provide written permission from the owner of any toilet facilities that they are proposing to use while the street trading business is operating.
12. Such toilet permission must include confirmation that the facilities will be available at all times during normal trading hours. If this is not possible, the consent holder shall provide a suitably screened chemical toilet, maintained and emptied at their own expense.
13. The Council's Health, Safety and Food Team will assess the appropriateness of any proposed toilet arrangements and consent will be withheld until they are satisfied with them.
14. The Council will expect all traders to cease the use of single use plastics, where this is practicable and reasonable to do so, traders will be licensed only if they can demonstrate they have removed all such plastic use in the council area or there is a justified reason for the continued use.
15. The consent holder shall not operate before 06:00 or later than 23:00 on any day.
16. The consent holder shall ensure that any person who is working on the vehicle has a right to work in the UK and has made appropriate checks.

### SITE CONDITIONS

17. The consent holder, when operating on a static trading site shall have access to suitable and sufficient sanitary accommodation for both the consent holder, and any persons

employed in the street trading activity. The sanitary accommodation arrangements shall be approved by the Council.

18. The consent holder shall not use any television, tape recorder or other device for the reproduction of sound whilst trading which is audible beyond 5 metres from the site.
19. The consent holder shall not place on any street or public place, or affix to any equipment placed on the street or public place, any advertising of any description whatsoever except with the previous consent in writing from the Council.
20. Advertisements or other notices must not be placed outside of the immediate area of the street trading site without the approval of the Council. The consent holder shall not make any excavations or alterations of any description to the surface of the street, or land in the ownership of the Council adjoining a street, or place or fix equipment of any description in the said surface, except with the previous consent from the Council in writing.
21. The consent holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
22. The consent holder shall keep his trading position and the immediate adjacent area in a clean and tidy condition during the permitted hours and also leave the location in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this consent.
23. The consent holder shall provide and maintain at his own expense adequate refuse receptacles for litter.
24. Litter and trade waste arising from the activities of the consent holder shall be removed from the site on a daily basis and disposed of by a trade waste collection contractor. Records must also be kept for 2 years showing how the waste has been disposed of (waste transfer notes), which must be made available on request to the regulating authorities.
25. The consent holder shall make such provision as is necessary to prevent the deposit in any street or public place of solid or liquid refuse and shall not discharge any water or effluent from the street trading activity to street surface drainage or other watercourse.

#### **TRADING CONDITIONS**

26. The consent holder shall not carry out street trading activities other than those permitted by the consent.
27. The consent holder shall not trade outside the time and days permitted by the consent.
28. The consent holder shall display on any van, cart, barrow or other vehicle or stall in a conspicuous position that is visible to members of the public a street trading identification plate that has been issued by the Council.
29. The consent holder shall not trade in such a way that is likely to cause undue obstruction to any part of any street or public place.
30. The consent holder shall not trade in such a way that is likely to cause any injury to any person using the street or public place.
31. The consent holder shall not trade in such a way that is likely to cause damage to any property in the street or public place.
32. The consent holder shall not trade in such a way as to cause a nuisance or annoyance to persons using the street or public place, or occupiers of premises in the vicinity. Noise from equipment used in connection with consented street trading activity shall not be audible inside nearby residences.
33. All street trading fees are due yearly every July.

34. Static Street trading units, vehicles or other equipment associated with the street trading activity shall be removed from the site at the cessation of trading each day.
35. Any consent holder who wishes to employ an assistant who will be left solely in charge of the street trading site during the course of a day's trading shall be required to:
  - a. Obtain written permission from the Council
  - b. Provide the name, age and address of the assistant.
36. The consent holder shall at all times conduct his business in a clean, honest, civil and business-like manner without interfering with the business of other Traders and consent holders.
37. There current Food Hygiene Rating Scheme score for any consent vending food must be rated at **3 or higher**. Food safety records and any documented food safety procedures shall be made available at the time of any inspection by an officer of the council or competent officer of the Food Authority.

**THE FOLLOWING CONDITIONS ONLY APPLY TO STREET TRADERS WITH PERMISSIONS IN THE AREA OF THE NOTTINGHAM FOREST FOOTBALL GROUND**

38. The permission to trade on the pitch designated shall only apply to days on which football matches take place at the Nottingham Forest Football Club, The City Ground and no other days.(unless with prior written permission of the Council.)
39. The consent holder must trade personally from the designated pitch on at least 75% of Nottingham Forest Football Club's home match days and shall not leave the above pitch vacant on more than 2 consecutive home match days without the prior written permission of the Council.
40. In regard to Mobile Food vendors based on private property, the vehicle must be positioned on the property in such a location that the serving hatch of the vehicle is at least two meters from the edge of the public highway. This is to allow free access to pedestrians and vehicles using the highway.

**LEGAL PROVISIONS**

41. Nothing contained in these conditions shall relieve or excuse the consent holder or his/her employees or agents from any legal duty or liability.
42. At all times the consent holder shall comply with the legislation in force. Particular attention, where appropriate, should be paid to the Health and Safety at Work etc. Act 1974, the Food Safety and Hygiene (England) Regulations 2013,"Regulation (EC) 852/2004" and the Food Safety Act 1990.
43. Traders must comply with Trading Standards legislation I.E.:
  - Goods sold by weight must be sold in metric units
  - Goods that contravene the Trade Marks Act 1994 (counterfeit goods) must not be sold
  - All goods must have a price inclusive of VAT displayed on them.
44. In accordance with the food hygiene legislation the applicant must provide proof to the Council that the business/mobile food unit is currently registered with the food authority in which the stall, handcart, barrow or mobile food unit is currently stored. It is a criminal offence to operate a food business without being registered. Note: There is no charge for the registration of a food business.

**REVOCATION OR SURRENDER OF CONSENT**

45. The consent may be revoked by the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation. There will be a right of appeal to the Licensing Sub-Committee against a decision to revoke a consent.

46. The consent holder of a Street Trading Unit Identification Plate shall return the said plate to the Council immediately on revocation or surrender of the consent.
47. The consent holder shall return the paper consent to the Rushcliffe Borough Council immediately on revocation or surrender of the.
48. A consent holder who is found to be employing an illegal immigrant will have the consent immediately revoked. There will be a right of appeal to the Licensing Sub-Committee against a decision to revoke a consent.
49. In the event of a consent holder having the consent revoked by the Council a further application from that person will not normally be considered within 3 years from the date of such revocation.

**MOBILE TRADING CONSENT – Additional Conditions for ice cream vendors or similar**

50. This consent is granted on the basis that a mobile trader must not trade from a site for more than 60 minutes and not return to the same site within 2 hours.
51. Mobile units may sound chimes but not:-
  1. For longer than 12 seconds at a time.
  2. More often than once every 2 minutes.
  3. When the vehicle is stationary.
  4. When the vehicle is moving, except on approach to a selling point.
  5. When in sight of another vehicle which is trading.
  6. When within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship).
  7. More often than once every 2 hours in the same length of street.
  8. Chimes must not be louder than 80dB(A) at 7.5m; and
  9. Chimes must not be sounded before 12 noon or after 19:00 hours.
10. Must comply with the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013 or subsequent amendments.

**BLOCK TRADING CONSENT- Additional Conditions**

52. Block consent applications will require numerous colour photographs of the area the consent is being applied for.
53. Third Party and Public Liability insurance must cover all traders, or individual insurance for all traders must be provided.
54. A list of all the traders to be covered by the block consent must be provided, if known at the time of the application. If the traders aren't known at the time of the application, a list must be provided to the Council at least 5 working days before the consent is granted.
55. Copies of proof that all food traders covered by the block consent are registered with a Local Authority

**NOTES TO THE CONDITIONS**

Within the terms of these conditions the following words have the meanings as described:

The Council	Means the Rushcliffe Borough Council
Street Trading	Means the selling or exposing or offering for sale of any article (including a living thing) in any street,
Street	Includes:

- a. Any road, footway, beach or other area to which the public have access without payment.

A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.

consent Street Means a street in which street trading is prohibited without the consent of the district council.

Authorised Officer Means an officer employed by Rushcliffe Borough Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

**THIS CONSENT DOES NOT:**

1. Permit trading outside the terms of the consent.
2. Indicate that planning permission is not required, Please note:
  - a. That the requirement to obtain planning permission applies to all streets, whether they have been designated consent Streets or not.
  - b. That the grant of one or more street trading consents does not give the trader immunity from planning control
  - c. The Council has discretion whether or not to enforce planning laws in relation to street trading.
3. Indicate that the unit is exempt from business rates
4. Override parking restrictions or any other traffic regulations
5. Imply approval from the highway authority or any other person or authority

## Appendix E Data Protection Privacy Notice

Please visit [Rushcliffe Borough Council Privacy Notice - Rushcliffe Borough Council](https://www.rushcliffe.gov.uk/privacy/)  
(<https://www.rushcliffe.gov.uk/privacy/>)

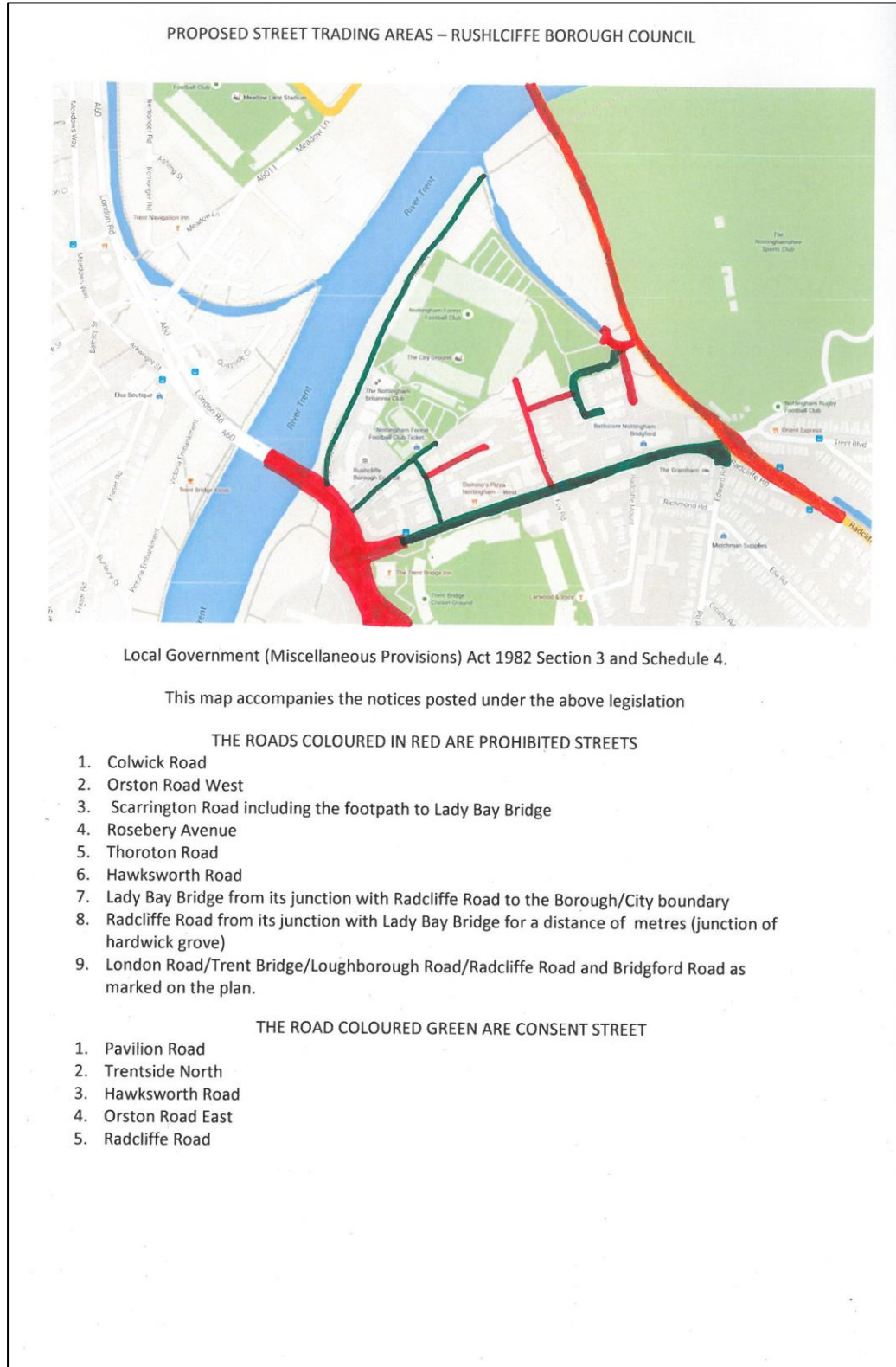
For further details about how your personal information may be used or about your rights under data protection legislation, please contact the Council's Data Protection Officer at:

- By post: Data Protection Officer, Rushcliffe Borough Council, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG.
- By email: [customerservices@rushcliffe.gov.uk](mailto:customerservices@rushcliffe.gov.uk)
- By Telephone: 0115 981 9911



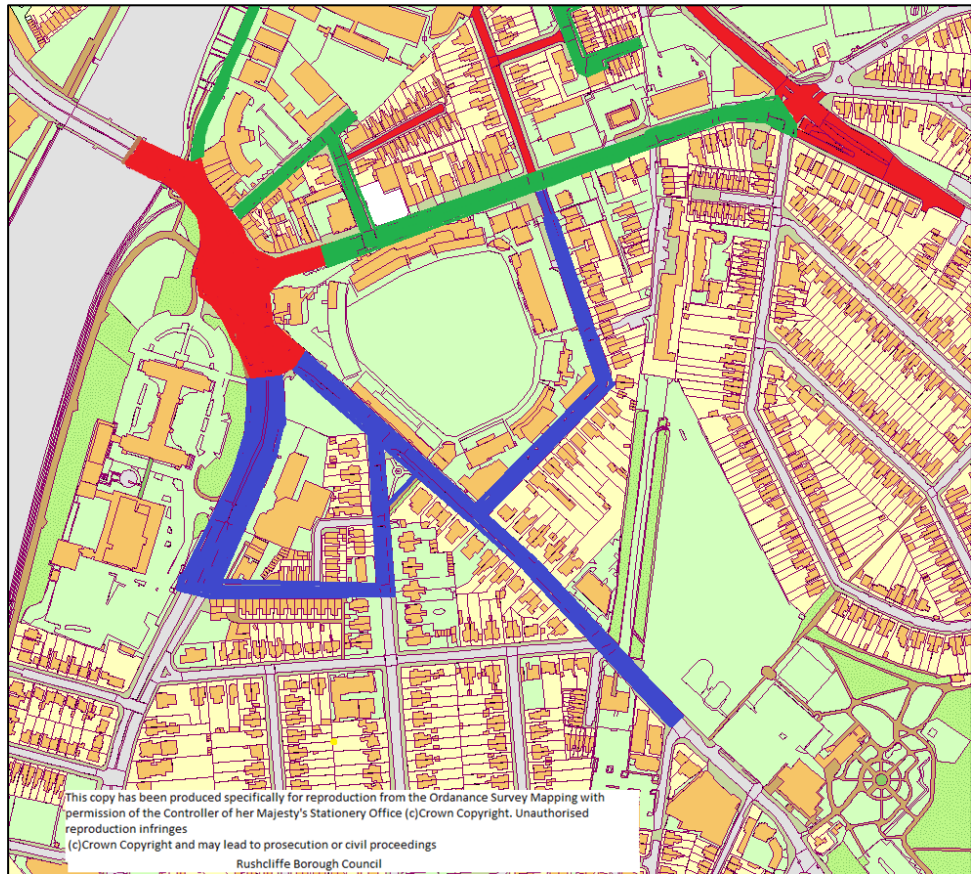
# Appendix A Prohibited Streets inset Plan A restricted Streets Plan B West Bridgford

## Plan A



**Plan B**

Restricted trading during events (shown in blue)



### Proof Of Eligibility To Work In The UK

The Council will require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is British Citizen
- EUSS Share Code for the EU, EEA Nation State Citizens or Citizens of Switzerland.
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment
- Full UK Birth / Adoption Certificate
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment
- A work permit or other approval to take employment issued by the Home Office (Home Office Share Code) or the Border and Immigration Agency when produced in combination with either a passport or other travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further information will be provided by the Licensing Service on request.

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### Policy/Framework for determining the Relevancy of Criminal Convictions

#### Applications

1. When submitting an application for the grant or renewal of a Street Trading consent, applicants must declare any unspent convictions or cautions they may have, and in addition they must disclose any matters currently under investigation.

#### Public Safety

2. The Council's key objective is ensuring public safety and protection from criminal activity such as fraud. The policy reflects this overriding concern and although it recognises that employment plays an important part in preventing ex-offenders from reoffending, the very nature of a street trader's job being in a position of trust will, by implication, mean that a pattern of offending/ re-offending or, indeed a single specific offence may render an applicant unfit to hold such a position of trust.
3. Applicants demonstrating either or both of these will not normally be issued a consent by the Council.
4. Before, the Council makes any decision, it will allow an opportunity for the applicant to make comment about any unspent convictions and cautions.
5. The Council may offer some discretion if the offence is isolated and there are mitigating circumstances. This will be based upon the Council establishing the facts surrounding a unique case. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.
6. The Council will in all cases verify the applicant's identity and may require a basic criminal record check to be undertaken. Where the check reveals that the applicant has a record of convictions and/ or cautions and warnings, the Council will consider these carefully on the basis of:-
  - How relevant the offences were to the type of consent applied for
  - The relative gravity of the offences committed and
  - How recent they were
7. The Council will consider all unspent convictions with further attention given to criminal offence involving:-
  - Dishonesty
  - Assault including, Battery, or Grievance Bodily Harm/ Actually Bodily Harm including any conviction of aiding or abetting or incitement for any such offence
  - Drugs including cultivation, sale, supply or the recreational use thereof
  - Sexual offence
8. A basic criminal record check is required upon application and thereafter every three years for relevant consents as indicated in this policy.

9. The Council reserve the right to seek intelligence from all 'appropriate sources'.
10. Applicants with relevant offences (see list below, under heading **Specific Guidance of the Relevance of Convictions**) or are a cause for concern will be referred to the Licensing Sub-Committee for determination.
11. Existing holders of a Street Trading consent will be required to notify the Council, in writing, within five working days of receiving a criminal conviction (including cautions).
12. Any applicant who is refused a Street Trading consent, does not have the right to appeal to a Magistrates Court. If a person is aggrieved against a decision made by a Licensing Sub-Committee, may seek a Judicial Review of the decision of the Licensing Sub-Committee, should it be deemed necessary.
13. A serious view will be taken of any substantiated complaint relating to verbal abuse, violence or aggression towards any member of the public, authorised officers or employee of the Council or Police Officers whilst in the course of their duty.

### **Specific Guidance of the Relevance of Convictions.**

#### **Drugs**

14. An isolated conviction for the possession or misuse of drugs need not preclude an applicant from gaining a Street Trading consent, although further consideration of the application should be required, having regard to the circumstances of the offence.
15. However, more than one conviction would usually merit refusal and normally no further application will be entertained until a period of at least 3 years free from conviction has elapsed.

#### **Indecency offences**

16. As a Street Trading consent holder, applicants will often be in remote locations at various times. Therefore applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences will be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind will preclude consideration for at least 5 years. In either case, if a consent is granted a strict warning as to future conduct will be issued.
17. NB- Offences of a serious sexual nature will be considered separately outside the terms of the policy, prior to the granting of any consent.

#### **Violence**

18. As a Street Trading consent holder, will have close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault.
19. At least three years free of such conviction should be shown before an application will be entertained and even then a strict warning as to future conduct will be given.

### **Dishonesty (including theft)**

20. Street Trading consent holders are expected to be a person of trust. It is comparatively easy for a dishonest street trader to defraud the public by demanding more money for goods, etc. Foreign visitors can be confused by the change in currency and become "fair game" for an unscrupulous street trader.
21. For these reasons a serious view will be taken of any convictions involving dishonesty. Normally, a period of three to five years free of conviction will be required before entertaining an application.

### **Statement on the rehabilitation of offenders**

22. Except for the above The Rehabilitation of Offenders Act 1974 and current guidance (<https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>) shall apply when determining an application for a consent under this policy to ensure those with minor spent convictions are not excluded from employment or discriminated against.

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## Street Trading Consent Conditions

### GENERAL CONDITIONS

1. The consent holder (which expression where appropriate includes joint holders of this consent) and any person employed by him to assist him in his trading, shall produce the consent on demand when so required by a duly authorised officer of Rushcliffe Borough Council, or by a Police Officer.
2. A copy of this consent shall kept onsite by the holder and available for inspection by an authorised officer of the Council, or a Police officer.
3. The consent holder shall notify the Environmental Health Manager of the Council immediately of any convictions or proceedings arising out of the use or enjoyment of the consent, within 5 working days.
4. The consent holder shall not sublet or underlet this consent or any part thereof, but may surrender it to the Council or transfer the consent to a third party at any time.
5. The consent holder shall observe and comply with any directions in relation to the use of the street or public place by a duly Authorised Officer of the Council.
6. Nothing contained in these conditions shall relieve the consent holder or his/her employees or agents from any legal duty or liability and the consent holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this consent
7. The consent holder shall at all times maintain a valid Third-Party Public Liability Insurance Policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an Authorised Officer of the Council.
8. If the street trading site is located on private land, including forecourts, satisfactory written evidence must be provided to the Council that permission of the landowner or lessee has been obtained to carry out the Street Trading activity.
9. The Council may vary the conditions attached to the consent at any time.
10. The identities of all persons working on street trading units shall be notified to the Council and all such persons will wear an identification badge.
11. If public toilets are not readily accessible from the street trading site, the consent holder shall provide written permission from the owner of any toilet facilities that they are proposing to use while the street trading business is operating.
12. Such toilet permission must include confirmation that the facilities will be available at all times during normal trading hours. If this is not possible, the consent holder shall provide a suitably screened chemical toilet, maintained and emptied at their own expense.
13. The Council's Health, Safety and Food Team will assess the appropriateness of any proposed toilet arrangements and consent will be withheld until they are satisfied with them.
14. The Council will expect all traders to cease the use of single use plastics, where this is practicable and reasonable to do so, traders will be licensed only if they can demonstrate they have removed all such plastic use in the council area or there is a justified reason for the continued use.
15. The consent holder shall not operate before 06:00 or later than 23:00 on any day.

16. The consent holder shall ensure that any person who is working on the vehicle has a right to work in the UK and has made appropriate checks.

### **SITE CONDITIONS**

17. The consent holder, when operating on a static trading site shall have access to suitable and sufficient sanitary accommodation for both the consent holder, and any persons employed in the street trading activity. The sanitary accommodation arrangements shall be approved by the Council.
18. The consent holder shall not use any television, tape recorder or other device for the reproduction of sound whilst trading which is audible beyond 5 metres from the site.
19. The consent holder shall not place on any street or public place, or affix to any equipment placed on the street or public place, any advertising of any description whatsoever except with the previous consent in writing from the Council.
20. Advertisements or other notices must not be placed outside of the immediate area of the street trading site without the approval of the Council. The consent holder shall not make any excavations or alterations of any description to the surface of the street, or land in the ownership of the Council adjoining a street, or place or fix equipment of any description in the said surface, except with the previous consent from the Council in writing.
21. The consent holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
22. The consent holder shall keep his trading position and the immediate adjacent area in a clean and tidy condition during the permitted hours and also leave the location in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this consent.
23. The consent holder shall provide and maintain at his own expense adequate refuse receptacles for litter.
24. Litter and trade waste arising from the activities of the consent holder shall be removed from the site on a daily basis and disposed of by a trade waste collection contractor. Records must also be kept for 2 years showing how the waste has been disposed of (waste transfer notes), which must be made available on request to the regulating authorities.
25. The consent holder shall make such provision as is necessary to prevent the deposit in any street or public place of solid or liquid refuse and shall not discharge any water or effluent from the street trading activity to street surface drainage or other watercourse.

### **TRADING CONDITIONS**

26. The consent holder shall not carry out street trading activities other than those permitted by the consent.
27. The consent holder shall not trade outside the time and days permitted by the consent.
28. The consent holder shall display on any van, cart, barrow or other vehicle or stall in a conspicuous position that is visible to members of the public a street trading identification plate that has been issued by the Council.

29. The consent holder shall not trade in such a way that is likely to cause undue obstruction to any part of any street or public place.
30. The consent holder shall not trade in such a way that is likely to cause any injury to any person using the street or public place.
31. The consent holder shall not trade in such a way that is likely to cause damage to any property in the street or public place.
32. The consent holder shall not trade in such a way as to cause a nuisance or annoyance to persons using the street or public place, or occupiers of premises in the vicinity. Noise from equipment used in connection with consented street trading activity shall not be audible inside nearby residences.
33. All street trading fees are due yearly every July.
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37. There current Food Hygiene Rating Scheme score for any consent vending food must be rated at **3 or higher**. Food safety records and any documented food safety procedures shall be made available at the time of any inspection by an officer of the council or competent officer of the Food Authority.

**THE FOLLOWING CONDITIONS ONLY APPLY TO STREET TRADERS WITH PERMISSIONS IN THE AREA OF THE NOTTINGHAM FOREST FOOTBALL GROUND**

38. The permission to trade on the pitch designated shall only apply to days on which football matches take place at the Nottingham Forest Football Club, The City Ground and no other days.(unless with prior written permission of the Council.)
39. The consent holder must trade personally from the designated pitch on at least 75% of Nottingham Forest Football Club's home match days and shall not leave the above pitch vacant on more than 2 consecutive home match days without the prior written permission of the Council.
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43. Traders must comply with Trading Standards legislation I.E.:
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#### **MOBILE TRADING CONSENT – Additional Conditions for ice cream vendors or similar**

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  4. When the vehicle is moving, except on approach to a selling point.
  5. When in sight of another vehicle which is trading.
  6. When within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship).
  7. More often than once every 2 hours in the same length of street.
  8. Chimes must not be louder than 80dB(A) at 7.5m; and
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## **BLOCK TRADING CONSENT- Additional Conditions**

52. Block consent applications will require numerous colour photographs of the area the consent is being applied for.
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## **NOTES TO THE CONDITIONS**

Within the terms of these conditions the following words have the meanings as described:

The Council	Means the Rushcliffe Borough Council
Street Trading	Means the selling or exposing or offering for sale of any article (including a living thing) in any street,
Street	Includes: <ol style="list-style-type: none"><li>a. Any road, footway, beach or other area to which the public have access without payment.</li></ol> <p>A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.</p>
consent Street	Means a street in which street trading is prohibited without the consent of the district council.
Authorised Officer	Means an officer employed by Rushcliffe Borough Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

## **THIS CONSENT DOES NOT:**

1. Permit trading outside the terms of the consent.
2. Indicate that planning permission is not required, Please note:
  - a. That the requirement to obtain planning permission applies to all streets, whether they have been designated consent Streets or not.
  - b. That the grant of one or more street trading consents does not give the trader immunity from planning control
  - c. The Council has discretion whether or not to enforce planning laws in relation to street trading.
3. Indicate that the unit is exempt from business rates
4. Override parking restrictions or any other traffic regulations
5. Imply approval from the highway authority or any other person or authority

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For further details about how your personal information may be used or about your rights under data protection legislation, please contact the Council's Data Protection Officer at:

- By post: Data Protection Officer, Rushcliffe Borough Council, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG.
- By email: [customerservices@rushcliffe.gov.uk](mailto:customerservices@rushcliffe.gov.uk)
- By Telephone: 0115 981 9911

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**Summary of changes:**

All links have been checked and updated

Changes are considered minor in the main.

Significant changes are:

- Insert condition in relation to not being able to trade around the Forest Ground unless on match days or otherwise agreed in writing.
- Remove the need for DBS for all except ice cream sellers and those selling primarily to children
- Administration of refunds.
- Minor hours change can be approved by officer discretion
- Hours of operation limited to 0600 to 2300 fixes error in last policy
- Any colour notice can be used not just yellow
- Re-phrasing of single use plastic as this is now in force
- Data protection references updated
- Proof Of Eligibility To Work In The UK updated
- Appendix c Policy/Framework for determining the Relevancy of Criminal Convictions updated, ref table from rehabilitation of offender's act removed but separate reference to this act made/inserted and new para 22 emphasizing minor spent convictions are not relevant, minor updates to wording.
  - Conditions updated or inserted are highlighted. Those of significance are:
  - Important change relates to permission to trade only on football games unless otherwise approved
  - Condition of the consent is not sell fake goods
  - Right to work of employed persons
  - Hours of use are set as a condition.

Detailed changes by page number

Changes log	Context and reason	comment
Pages numbering and some indexing changed throughout	Necessary due to changes in spacing	Some page numbers may have changed
Page 8	Point 11	Now only requiring Ice cream traders for DBS and others that sell to children
Page 8	Point 13	Toilet provision permission now 'may be required'
Page 10	In section "Notes on application process" "Listed on page 14"	Directs reader the list

Page 10	Refunds has been amended	Makes clearer when a refund can/should will not be provided.
Page 11	Inserts officer discretion and	Rewording and corrects 2400 to 2300
Page 12	Link to privacy at RBC	
Page 13	Rewording , only ice cream sellers are listed now for DBS and traders with the primary objective of selling to children  Minor wording changes.  Also allows non specific coloured notice.	Limited to ice cream and at the request of the committee to those primarily selling to children, other products.
Page 14	National Highways is the new name of the Highways Agency	
Page 16	“Associated Regulations” appended to food safety act	Now reads “Food Safety Act 1990 and Associated Regulations”
Page 17	‘are more likely’ inserted and “Where the above applies the place affected will be consulted and any views expressed will be significant in determining the application.” And “Site Assessment of this policy (on page 15).” Inserted/amended to.	Caveats that refusal is more likely and a consultative process and driven by local comment but added weight if the situation applied.
Page 18	2400 changed to 2300 And updated changed wording on single use plastics.	
Page 19	In Refusal of app Please also see Complaints against the Service section in this policy on page 22.	
Page 22	Updated link to privacy policy	

Appendix B	Rewritten	Appendix B Proof Of Eligibility To Work In The UK
Appendix C	Amendment to the title to include 'Framework' and rewording of para one and formatting	Framework requested by committee
Appendix C	Tables referencing rehabilitation of offenders removed	Table not necessary to repeat legislation
Appendix C	Para 9 amended '...for relevant consents as indicated in this policy' added .	Ensures DBS requirement is limited to designated consent types only
Appendix C	Para 22 and title added to reference rehabilitation of offender's act	Directed to guidance
Appendix D Conditions	Conditions 14,15,16 inserted/amended	Re single use plastics, hours of operation, right to work
Appendix D specific conditions in the forest football ground area	Conditions 38, inserted/amended	Restricts use to forest football days unless otherwise agreed. This condition was missing from the last revision and reapplies this restriction. Allows control to permit or not at other times.
Appendix D specific conditions in the forest football ground area	Conditions 39, inserted/amended	Ensures the pitch is used, as there is great demand if holders do not take up pitch
Appendix D specific conditions in the forest football ground area	Conditions 40, inserted/amended	Ensures free access for the public during use.
Appendix D Conditions: other legal provisions which will enable action to be taken under the licence if breached.	Conditions 43, inserted/amended	Relates to trading standards infringement.
Appendix D Conditions: other legal provisions which will enable action to	Conditions 38, inserted/amended	If food must be registered.

be taken under the licence if breached.		
Appendix E	Shortened Data Protection Privacy Notice and link	

# Rushcliffe Borough Council

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## Equality impact assessment form

July 2024



Name and brief description of proposal/project / policy / service being assessed:

Review of the Street Trading Policy 2025-2030.

The proposed Policy is to support the provision, regulation compliance of street trading consents in the borough to protect members of the public and promote the council's priorities such as waste reduction, food safety and crime or disorder or the prevention of nuisance.

The policy has been revised as required periodically with minor changes.

Information used to analyse the effects of equality:

The policy has been subject to public consultation and with members. The consultation took place from July 24 to September 24.

There was no comment on equality impacts.

First stage assessment:

*As specified in the guidance note you need to answer the following questions to identify a full assessment is required.*

1. Could the policy affect one or more groups in a different way to others? no
2. Could different groups have different needs in relation to the policy? no
3. Does the policy actually or potentially hinder equality of opportunity? no
4. Does the policy actually or potentially contribute to equality of opportunity? no
5. Does the policy offer opportunities to promote equality? no
6. Does the policy offer opportunities to promote positive relations? no

If a full application is not required, please send this form to [HR@rushcliffe.gov.uk](mailto:HR@rushcliffe.gov.uk)

	<b>Could particular benefit (X)</b>	<b>May adversely impact (X)</b>	<b>How different groups could be affected: Summary of impacts</b>	<b>Details of actions to reduce negative or increase positive impact (or why action not possible)</b>
People from different ethnic groups	n/a	n/a	There is no requirements or restrictions in the policy.	
Men, women (including maternity/pregnancy impact), transgender people	n/a	n/a	There is no requirements or restrictions in the policy.	
Disabled people	n/a	n/a	There is no requirements or restrictions in the policy.	
Care leavers	n/a	n/a	There is no requirements or restrictions in the policy.	
People from different faith groups	n/a	n/a	There is no requirements or restrictions in the policy.	
LGBTQIA + e.g. heterosexual, homosexual, bisexual, transgender.	n/a	n/a	There is no requirements or restrictions in the policy.	
Older or younger people	n/a	n/a	The policy provides that the applicant is fit and proper and may require a DBS for certain higher risk consents.	This policy will seeks to ensure younger persons are not put at risk.

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Rushcliffe  
Borough Council


Other (marriage/civil partnership, looked after children, cohesion/good relations, vulnerable children/adults, veteran of the armed forces)	n/a	n/a	The policy provides that the applicant is fit and proper and may require a DBS for certain higher risk consents.	This policy will seeks to ensure younger persons are not put at risk.
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**OUTCOME(S) OF EQUALITY IMPACT ASSESSMENT:** *(delete as appropriate)*

No major change need ~~Adjust policy/proposal/project~~ ~~Adverse impact but continue~~ ~~Stop/remove project/policy/proposal~~

**Arrangements for future monitoring of equality impact of this policy/proposal/project:**  
*Note when assessment will be reviewed (e.g. review assessment in 6 months or annual review).*  
 Upon revision expected every 5 years

**Names of officers who conducted EIA and date**  
 M Hickey 24/6/24  
 D Roberts 24/6/24

**Approved by:**  **Date: 24/10/24**  
*(manager signature)*

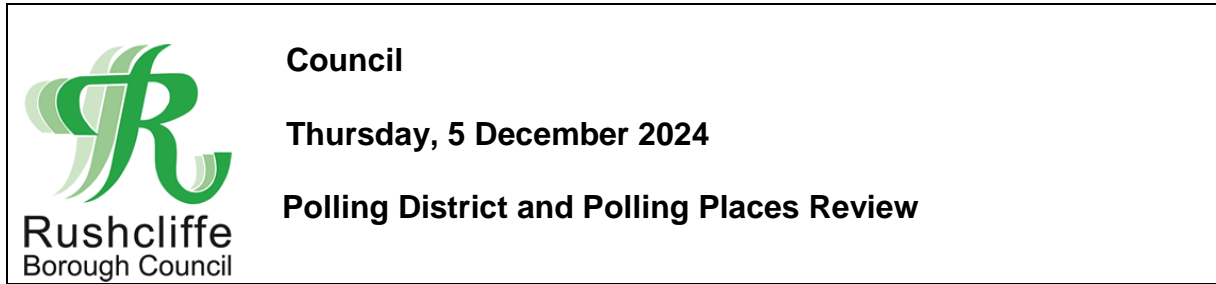
Once the form is signed off by the Manager please send to HR@rushcliffe.gov.uk for discussion by the Equality and Diversity Steering Group.



## Appendix H - Consultation responses

Number	Consultation Response	Officer Comment
1	References to National Highways 'if within a motorway junction' be removed please? I don't know if it's worth listing NH routes and if it would help anything as I know that the general population don't understand different agencies for different roads. Its good that all renewals trigger a consultation (I'm aware of others rubber stamping renewals if land ownership hasn't changed which I'm not 100% comfortable with).	RBC Senior Licensing Officer has discussed the consultees comments in person with the NH Officer. We don't have a Motorway junctions in the district so this element wont apply. Emphasis is noted that the NH require consulting on their roads and appreciate being consulted on this policy.
2	No objection/comments on environmental health grounds.	From EH at RBC

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## **Report of the Chief Executive**

**Cabinet Portfolio Holder for Strategic and Borough-wide Leadership,  
Councillor N Clarke**

### **1. Purpose of report**

This report sets out proposals for revised polling districts and polling places following a periodic review required by the Electoral Registration and Administration Act 2013.

### **2. Recommendation**

It is RECOMMENDED that:

- a) Council approves the:
  - (i) proposals setting out changes to polling districts and polling places; and
  - (ii) revised schedule of polling districts and polling places as set out in Appendix 2.
- b) Council requests the Chief Executive to formally publish the notice of the conclusion of the review and its findings; and
- c) the (Acting) Returning Officer be given authority to select an appropriate alternative polling place (if required). Formal retrospective approval to be sought by Council following an election, if appropriate.

### **3. Reasons for Recommendation**

- 3.1. To comply with the legislation requiring the Council to undertake periodic reviews of polling districts and polling places.
- 3.2. To ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances and that, as far as is reasonable and practicable, polling places are accessible to disabled electors.

### **4. Supporting Information**

*Reason for Review*

- 4.1. In accordance with the Representation of the People Act 1983, the Council has a duty to divide the Borough into polling districts and to designate a polling place

for each of these districts. The legislation also requires every local authority to start and complete a review of its polling districts and polling places between 1 October 2023 and 31 January 2025 (inclusive). Subsequent reviews must be undertaken at least once every five years.

#### *Review Process*

- 4.2. As required by the legislation, a public consultation period was held from Monday, 2 September 2024 to Friday, 18 October 2024 seeking the views and comments of electors, interested persons and any persons or bodies with expertise in access to premises or facilities for persons with any type of disability. The consultation also included all Borough Councillors, all Parish/Town Councils, and the Acting Returning Officer for the Newark Parliamentary Constituency, which includes some electoral areas within the Rushcliffe Borough.
- 4.3. During this period the Acting Returning Officer's proposals and maps of the proposed polling districts were published on the Council's website. These proposals contained the following suggested changes to the existing polling districts and polling places:
- In Compton Acres Ward, it is suggested to merge Polling Districts CAB3 and CAB4 given that both polling districts are allocated the same polling place for all polls and there is no reason for them to be kept separate. The Polling district would be renamed CAB3 and polling district CAB5 would then become CAB4.
  - In Lady Bay Ward, it is proposed to move polling places for polling district LBAD from All Hallows Halls to Lady Bay Scout Hall to help equalize the electorate for these polling places.
  - In Newton Ward, Upper Saxondale Village Hall is recommended as a permanent polling place for Upper Saxondale Parish which is a change from the Catalyst Church.
  - In Radcliffe on Trent Ward, St Mary's Church Hall is recommended as the new polling place for polling district RTM2, replacing the British Legion Hall which is no longer available as a polling place.
  - In Ruddington Ward, it is proposed to have an additional polling place of Jubilee Clubhouse, Loughborough Road for the exclusive use of the electors in RUFL polling district to help ease the demand on St Peter's Rooms due to the large number of electors that currently use this polling place. The Acting Returning Officer also asked for suggestions for an additional polling place for electors in polling district RUEA to also ease the demand on Ruddington Village Hall for the same reasons.

#### *Requirements of the Review*

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

- It must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances.
- It must seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled.
- Where possible, the polling place should be in its own polling district.
- Where possible, each parish should be a separate polling district.
- No polling place should be shared by two wards.
- Where possible, “natural” boundaries should be used, e.g. railways, major roads, etc.
- All properties in a minor road or estate should, ideally, be in the same polling district.
- Polling places should be “logical”; that is, electors should not have to pass another polling place to get to their own.

### *Consultation Responses*

- 4.5. A summary of the consultation comments requesting changes to the polling places and polling districts is attached at Appendix 1.
- 4.6. A total of seven responses were received during the consultation period.
- 4.7. Six of the seven responses either supported the proposals or requested the retention of an existing polling place, which is already included in the revised schedule of polling places (see Appendix 2) and no further comment is made in respect of these responses.
- 4.8. The remaining response queried the reason we had identified Gamston Village Hall as having an access issue with a door frame threshold. Upon further investigation it is clear that the building is fully accessible, and the schedule has been updated to reflect this.

### *Schedule of Polling Places*

- 4.9. If the proposed changes, as set out in the report, are agreed then it is necessary to revise the schedule of polling places. As such a revised schedule of polling districts and polling places is attached at Appendix 2 for approval.

## **5. Alternative options considered and reasons for rejection**

- 5.1 There was not any alternative options suggested as part of the consultation period with either no comments made, or agreements given to the Acting Returning Officer’s proposals.
- 5.2 It was not possible to find an additional polling place in Ruddington Ward for polling district RUEA for electors to use instead of Ruddington Village Hall despite enquiries being made with no suitable venue available within the polling district and therefore it was decided to recommend retaining Ruddington Village Hall as a polling place for both RUCA and RUEA polling districts at the present time.

## 6. Risks and Uncertainties

- 6.1. The Council is required by legislation to undertake periodic reviews of polling districts and polling places and to implement the outcome of the review of electoral arrangements by the Local Government Boundary Commission for England. Failure to undertake the review risks a legal challenge to future elections.
- 6.2. The completion of the review enables effective planning and organisation of the 2025 elections and to incorporate the alterations to the polling districts in a revised register of electors to be published on 1 January 2025.

## 7. Implications

### 7.1. Financial Implications

If changes are made to the polling districts and polling places, then there could be a resource implication depending on the nature of the change. It is anticipated that these costs would be met from existing budgets.

### 7.2. Legal Implications

The report supports compliance with relevant legislation.

### 7.3. Equalities Implications

There is a requirement under Electoral Registration and Administration Act 2013 for authorities to give due regard to the accessibility of polling places to ensure electors who are disabled can vote in person should they desire to do so.

### 7.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no direct Section 17 implications.

### 7.5. Biodiversity Net Gain Implications

There are no biodiversity net gain implications associated with this report.

## 8. Link to Corporate Priorities

The Environment	The recommendations in this report do not impact on or contribute to the Council's Environment priority.
Quality of Life	Undertaking the review of polling districts and polling places contributes to the Council's Corporate Priority "Maintaining and enhancing our residents' quality of life" by enabling them to effectively engage in the democratic processes.
Efficient Services	The recommendations in this report do not impact on or contribute to the Council's Efficient Services priority.
Sustainable Growth	The recommendations in this report do not impact on or contribute to the Council's Sustainable Growth priority.

## 9. Recommendation

It is RECOMMENDED that:

- a) Council approves the:
  - (i) proposals setting out changes to polling districts and polling places; and
  - (ii) revised schedule of polling districts and polling places as set out in Appendix 2.
- b) Council requests the Chief Executive to formally publish the notice of the conclusion of the review and its findings; and
- c) the (Acting) Returning Officer be given authority to select an appropriate alternative polling place (if required). Formal retrospective approval be sought by Council following the election if appropriate.

<b>For more information contact:</b>	Kath Marriott Chief Executive 0115 914 8291 <a href="mailto:kmarriott@rushcliffe.gov.uk">kmarriott@rushcliffe.gov.uk</a>
<b>Background papers Available for Inspection:</b>	Notice of Review of Polling Districts and Polling Places  Review of Polling Districts and Polling Places guidance  Acting Returning Officers Proposals  Submissions to consultation received
<b>List of appendices:</b>	Appendix 1. Summary of Consultation Comments  Appendix 2. Proposed Revised Schedule of Polling Districts and Polling Places

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## Polling District & Polling Places Review 2024

### Summary of Consultation Comments

Response No.	Respondent	Polling Station/Polling District	Comments
1.	Borough Councillor	Newton Ward	<ul style="list-style-type: none"> <li>Respondent supported the permanent change of polling place for Upper Saxondale parish to Upper Saxondale Village Hall and the continued use of the ATC Building Newton and Shelford Village Hall for the remainder of the ward as currently used.</li> </ul>
2.	Resident	Langar cum Barnstone Parish	<ul style="list-style-type: none"> <li>Response from a resident requesting that Langar Church and Langar cum Barnstone Community Hall be retained as polling places.</li> </ul>
3.	Kinoulton Parish Council	Kinoulton	<ul style="list-style-type: none"> <li>The parish council are happy with the current arrangements and wish Kinoulton Village Hall to be continued to be used as a polling place.</li> </ul>
4.	East Leake Parish Council	East Leake	<ul style="list-style-type: none"> <li>The parish council have no comments.</li> </ul>
5.	Whatton Parish Council	Whatton	<ul style="list-style-type: none"> <li>The parish council wish Whatton Village Hall to be retained as a polling place.</li> </ul>
6.	Upper Saxondale Parish Council	Upper Saxondale	<ul style="list-style-type: none"> <li>The parish council support the permanent change of polling place for Upper Saxondale to Upper Saxondale Village Hall.</li> </ul>
7.	Holme Pierrepont & Gamston Parish Council	Gamston	<ul style="list-style-type: none"> <li>The parish council queried the Council's view that there was a Door Frame Threshold to the building and what changes were required if any.</li> </ul>

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## Rushcliffe Borough Council

## Proposed Revised Schedule of Polling Districts and Polling Places

Ward	Polling District	Polling Place	Polling District Area
<b>ABBEY</b>	<b>ABB1</b>	Abbey Park Community Centre, Buckfast Way, West Bridgford	<a href="#">Map No. 1</a>
	<b>ABB2</b>	West Bridgford Sports Club, Stamford Road, West Bridgford	
	<b>ABB3</b>	Test Match Hotel, Gordon Square, West Bridgford	
	<b>ABB4</b>	Test Match Hotel, Gordon Square, West Bridgford	
<b>BINGHAM NORTH</b>	<b>BNEA</b> This Polling district comprises the North East Ward of Bingham Parish	Bingham Arena, Mercia Court, Chapel Lane, Bingham	<a href="#">Map No. 2</a>
	<b>BNWE</b> This Polling district comprises the North West Ward of Bingham Parish	Town Pavilion, Brendon Grove, Bingham	
	<b>BNCC</b> Car Colston Scareveton Parish	Car Colston & Scareveton Village Hall, Car Colston	
	<b>BNSCA</b> Scarrington Parish	Car Colston & Scareveton Village Hall, Car Colston	
	<b>BNSCR</b> Scareveton Parish	Car Colston & Scareveton Village Hall, Car Colston	

<b>BINGHAM SOUTH</b>	<b>BSEA</b> This Polling district comprises the South East Ward of Bingham Parish	Old Church House, East Street, Bingham	<a href="#">Map No. 3</a>
	<b>BSWE</b> This Polling district comprises the South West Ward of Bingham Parish	Bingham Methodist Centre, Union Street, Bingham	
<b>BUNNY</b>	<b>BUBR</b> Bradmore Parish	Bradmore Methodist Community Hall, Bradmore	<a href="#">Map No. 4</a>
	<b>BUBU</b> Bunny Parish	Bunny Village Hall Bunny	
	<b>BUCO</b> Costock Parish	Costock Village Hall Costock	
	<b>BURE</b> Rempstone Parish	Rempstone Village Hall Main Street, Rempstone	
	<b>BUTH</b> Thorpe in the Glebe Parish	Wysall Village Hall Wysall	
	<b>BUWW</b> Willoughby on the Wolds Parish	Willoughby on the Wolds Village Hall, London Lane, Willoughby on the Wolds	
	<b>BUWY</b> Wysall Parish	Wysall Village Hall Wysall	
<b>COMPTON ACRES</b>	<b>CAB1</b>	Gresham Sports Park Gresham Park Road, Off Wilford Lane, West Bridgford	<a href="#">Map No. 5</a>
	<b>CAB2</b>	Gresham Sports Park Gresham Park Road, Off Wilford Lane, West Bridgford	
	<b>CAB3</b>	Rushcliffe Arena Rugby Road, West Bridgford	
	<b>CAB4</b>	Mobile Station, Compton Acres Shopping Centre, Compton Acres, West Bridgford	

<b>COTGRAVE</b>	<b>COCL</b> Clipston Parish	Cotgrave Methodist Church, Bingham Road, Cotgrave	<a href="#">Map No. 6</a>
	<b>COAS</b> This Polling district comprises the Ash Lea Ward of Cotgrave Parish	Cotgrave Leisure Centre Wood View, Cotgrave	
	<b>COMA</b> This Polling district comprises the Manor Ward of Cotgrave Parish	Cotgrave Methodist Church, Bingham Road, Cotgrave	
	<b>CONO</b> Normanton- on-the-Wolds Parish	Plumtree Cricket Club Pavilion, Bradmore Lane, Plumtree	
<b>CRANMER</b>	<b>CRAS</b> Aslockton Parish	Thomas Cranmer Centre Main Street, Aslockton	<a href="#">Map No. 7</a>
	<b>CREL</b> Elton on the Hill Parish	Orston Village Hall, Orston	
	<b>CRFLA</b> Flawborough Parish	Orston Village Hall, Orston	
	<b>CRGR</b> Granby cum Sutton Parish	Granby Village Hall, Granby	
	<b>CROR</b> Orston Parish	Orston Village Hall, Orston	
	<b>CRTH</b> Thoroton Parish	Orston Village Hall, Orston	
	<b>CRWHA</b> Whatton-in- the-Vale Parish	Jubilee Hall, Whatton in the vale	
<b>CROPWELL</b>	<b>CWCBI</b> Cropwell Bishop Parish	Cropwell Bishop Community Building, Fern Road, Cropwell Bishop	<a href="#">Map No. 8</a>
	<b>CWCBU</b> Cropwell Butler Parish	Cropwell Butler Village Hall, Main Street, Cropwell Butler	
	<b>CWOW</b> Owthorpe Parish	Cropwell Bishop Community Building, Fern Road, Cropwell Bishop	
	<b>CWTI</b> Tithby Parish	Cropwell Butler Village Hall, Main Street, Cropwell Butler	
	<b>CWWH</b> Wiverton Hall Parish	Cropwell Butler Village Hall, Main Street, Cropwell Butler	

<b>EAST BRIDGFORD</b>	<b>EBEB</b> East Bridgford Parish	East Bridgford Methodist Chapel, Main Street, East Bridgford	<a href="#">Map No. 9</a>
	<b>EBFLI</b> Flintham Parish	Flintham Village Hall, Inholms Road, Flintham	
	<b>EBHA</b> Hawksworth Parish	Hawksworth Church Hall, Hawksworth	
	<b>EBKN</b> Kneeton Parish	East Bridgford Methodist Chapel, Main Street, East Bridgford	
	<b>EBSH</b> Shelton Parish	Hawksworth Church Hall, Hawksworth	
	<b>EBSI</b> Sibthorpe Parish	Hawksworth Church Hall, Hawksworth	
<b>EDWALTON</b>	<b>EDB1</b>	Alford Road Pavilion, Alford Road, West Bridgford, NG12 4AU	<a href="#">Map No. 10</a>
	<b>EDB2</b>	Edwalton Church Hall, Vicarage Green, Edwalton	
<b>GAMSTON</b>	<b>GAB</b> (Unparished area)	n/a	<a href="#">Map No. 11</a>
	<b>GAGA</b> Gamston Parish	Gamston Village Hall, Old Tollerton Road, Gamston	
	<b>GAHP</b> This Polling District comprises the Holme Pierrepont Ward of Holme Pierrepont Parish	Gedling & Sherwood Cricket Club, Regatta Way, Holme Pierrepont	
	<b>GAB1</b>	Gamston Community Hall, Ambleside, West Bridgford	
	<b>GAB2</b>	St Lukes Church Hall, Leahurst Road, West Bridgford	

<b>GOTHAM</b>	<b>GOBA</b> Barton in Fabis Parish	Barton in Fabis Village Hall, Barton in Fabis	<a href="#">Map No. 12</a>
	<b>GOGO</b> Gotham Parish	Gotham Village Memorial Hall, Nottingham Road, Gotham	
	<b>GOKI</b> Kingston upon Soar Parish	Kingston on Soar Village Hall, Kingston on Soar	
	<b>GORA</b> Ratcliffe upon Soar Parish	Kingston on Soar Village Hall, Kingston on Soar	
	<b>GOTH</b> Thrumpton Parish	Thrumpton Village Hall, Church Lane, Thrumpton	
<b>KEYWORTH &amp; WOLDS</b>	<b>KWKN</b> This polling district comprises the North ward of Keyworth Parish	Keyworth Sports Association, Platt Fields, Platt Lane, Keyworth	<a href="#">Map No. 13</a>
	<b>KWKS1</b> This polling district comprises part of the South Ward of Keyworth Parish	Keyworth Village Hall, Elm Avenue, Keyworth	
	<b>KWKS2</b> This polling district comprises part of the South Ward of Keyworth Parish	Keyworth Village Hall, Elm Avenue, Keyworth	
	<b>KWPL</b> Plumtree Parish	Burnside Memorial Hall, Church Hill, Plumtree	
	<b>KWST</b> Stanton on the Wolds Parish	The Clubhouse, Stanton-on-the-Wolds Golf Club, Golf Course Road, Stanton-on-the-Wolds	
	<b>KWWI</b> Widmerpool Parish	Keyworth Rugby Club Pavilion, Willoughby Road, Widmerpool	

<b>LADY BAY</b>	<b>LBAD</b> This polling district comprises the Adbolton Ward of Holme Pierrepont Parish	Lady Bay Scout Hall, adjacent to 53 Mona Road, West Bridgford	<a href="#">Map No. 14</a>
	<b>LBB1</b>	All Hallows Halls, Pierrepont Road, West Bridgford	
	<b>LBB2</b>	Lady Bay Scout Hall, adjacent to 53 Mona Road, West Bridgford	
<b>LEAKE</b>	<b>LEELC</b> This Polling District comprises the Castle ward of East Leake Parish	East Leake Village Hall, Main Street, East Leake	<a href="#">Map No. 15</a>
	<b>LEELS</b> This Polling District comprises the Stonebridge ward of East Leake Parish	East Leake Leisure Centre, Lantern Lane, East Leake	
	<b>LEELW</b> This Polling District comprises the Woodgate ward of East Leake Parish	St Mary's Church Hall, School Green, East Leake	
	<b>LEWL</b> West Leake Parish	St Mary's Church Hall, School Green, East Leake	
<b>LUTTERELL</b>	<b>LUB</b>	Walcote Drive Community Centre, Walcote Drive, West Bridgford	<a href="#">Map No. 16</a>
<b>MUSTERS</b>	<b>MUB1</b>	Social Centre, Holy Spirit Catholic Church, Victoria Road	<a href="#">Map No. 17</a>
	<b>MUB2</b>	St Paul's Church Hall, Boundary Road, West Bridgford	
	<b>MUB3</b>	West Bridgford Baptist Church, Melton Road, West Bridgford	



<b>NEVILE &amp; LANGAR</b>	<b>NLBA</b> This polling district comprises the Barnstone Ward of Langar cum Barnstone Parish	Langar cum Barnstone Community Hall, Barnstone	<a href="#">Map No. 18</a>
	<b>NLCB</b> Colston Bassett Parish	Colston Bassett Village Hall	
	<b>NLHI</b> Hickling Parish	Hickling Village Hall, Main Street, Hickling	
	<b>NLKI</b> Kinoulton Parish	Kinoulton Village Hall, Kinoulton	
	<b>NLLA</b> This polling district comprises the Langar ward of Langar cum Barnstone Parish	Langar Church, Church Lane, Langar	
	<b>NLUB</b> Upper Broughton Parish	Upper Broughton Village Hall, Upper Broughton	
<b>NEWTON</b>	<b>NENE</b> Newton Parish	RAFAC Building, Trenchard Close, Newton	<a href="#">Map No. 19</a>
	<b>NESA</b> Saxondale Parish	RAFAC Building, Trenchard Close, Newton	
	<b>NESH</b> Shelford Parish	Shelford Village Hall, Church Street, Shelford	
	<b>NEUSC</b> This polling district comprises part of the Upper Saxondale Parish	Upper Saxondale Village Hall, Serpentine Close, Upper Saxondale	
	<b>NEUSR</b> This polling district comprises part of the Upper Saxondale Parish	Upper Saxondale Village Hall, Serpentine Close, Upper Saxondale	

<b>RADCLIFFE ON TRENT</b>	<b>RTM1</b> This Polling district comprises part of the Manvers Ward of Radcliffe-on-Trent Parish	ROT Sports Association Pavilion, Bingham Road, Radcliffe on Trent	<a href="#">Map No. 20</a>
	<b>RTM2</b> This Polling district comprises part of the Manvers Ward of Radcliffe-on-Trent Parish	St Mary's Church Hall, 11 Main Road, Radcliffe on Trent, NG12 2FD	
	<b>RTT1</b> This Polling district comprises part of the Trent Ward of Radcliffe-on-Trent Parish	Craig Moray Community Centre, 42 Shelford Road, Radcliffe on Trent	
	<b>RTT2</b> This Polling district comprises part of the Trent Ward of Radcliffe-on-Trent Parish	The Grange, Vicarage Lane, Radcliffe on Trent	
<b>RUDDINGTON</b>	<b>RUCA</b> This Polling district comprises the Camelot Ward of Ruddington Parish	Ruddington Village Hall, Wilford Road, Ruddington	<a href="#">Map No. 21</a>
	<b>RUEA</b> This Polling district comprises the Easthorpe Ward of Ruddington Parish	Ruddington Village Hall, Wilford Road, Ruddington	
	<b>RUFL</b> This Polling district comprises the Flawford Ward of Ruddington Parish	Jubilee Clubhouse, Loughborough Road, Ruddington, NG11 6NX	

	<b>RUMA</b> This Polling district comprises the Manor Ward of Ruddington Parish	St. Peter's Rooms, Church Street, Ruddington	
<b>SOAR VALLEY</b>	<b>SVNS</b> Normanton on Soar Parish	The Hall, Main Street, Normanton on Soar	<a href="#">Map No. 22</a>
	<b>SVSS</b> Stanford on Soar Parish	The Hall, Main Street, Normanton on Soar	
	<b>SVSB</b> Sutton Bonington Parish	Sutton Bonington Village Hall, St. Annes Lane, Sutton Bonington	
<b>TOLLERTON</b>	<b>TO</b> Tollerton Parish	Tollerton Methodist Church Hall, Burnside Grove, Tollerton	<a href="#">Map No. 23</a>
<b>TRENT BRIDGE</b>	<b>TBB</b>	West Bridgford Methodist Church, Musters Road, West Bridgford	<a href="#">Map No. 24</a>

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