



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Council

Date: **Wednesday 15 November 2023**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3844

Council

Membership

Mayor Councillor Julie Najuk
Deputy Mayor Councillor Ron McCrossen

Councillor Michael Adams	Councillor Alison Hunt
Councillor Roy Allan	Councillor Viv McCrossen
Councillor Sandra Barnes	Councillor Marje Paling
Councillor Stuart Bestwick	Councillor Michael Payne
Councillor David Brocklebank	Councillor Lynda Pearson
Councillor Lorraine Brown	Councillor Sue Pickering
Councillor John Clarke	Councillor Catherine Pope
Councillor Jim Creamer	Councillor Grahame Pope
Councillor Andrew Dunkin	Councillor Kyle Robinson-Payne
Councillor Boyd Elliott	Councillor Alex Scroggie
Councillor David Ellis	Councillor Martin Smith
Councillor Rachael Ellis	Councillor Sam Smith
Councillor Roxanne Ellis	Councillor Ruth Strong
Councillor Andrew Ellwood	Councillor Clive Towsey-Hinton
Councillor Paul Feeney	Councillor Jane Walker
Councillor Kathryn Fox	Councillor Michelle Welsh
Councillor Des Gibbons	Councillor Henry Wheeler
Councillor Helen Greensmith	Councillor Russell Whiting
Councillor Jenny Hollingsworth	Councillor Paul Wilkinson
Councillor Paul Hughes	

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SUMMONS

A meeting of the Borough Council will be held on Wednesday 15 November 2023 at 6.00 pm to transact the business as set out below.



Mike Hill
Chief Executive

AGENDA

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- 1 Thought for the day
- 2 Apologies for absence
- 3 Mayor's announcements
- 4 To approve, as a correct record, the minutes of the meeting held on 20 September 2023 5 - 17
- 5 Declaration of interests
- 6 To deal with any petitions received under procedural rule 7.8
- 7 To answer questions asked by the public under procedural rule 7.7

Question 1

With reference to the Council's own constitution published on its own website and dated 31 October 2023, in particular 'Section 4 – The Full Council'. How does the Council feel the gendered language, which refers to Members and Mayor as 'he' in the constitution - language which is seen to reinforce glass ceilings rather than break them down, help the social mobility of women in Gedling Borough?

Question 2

I note that the Council's constitution reads 'If the questioner is not present at the meeting, the question will not be dealt with. In exceptional circumstances, in consultation with the Chief Executive, The Mayor has the discretion to put the question in the absence of the questioner, to defer it to the next meeting or to direct that a written response is

provided'. My view is that the very tone of this aspect of the constitution deters people's participation in our local democracy.

In 2023, given the technology available to us, I believe that a constitution that dictates a member of the public must attend a meeting limits people's participation in our democracy. I believe that people with caring commitments, varied working patterns, NHS shift workers, people who have challenges with accessibility etc, should have full access to our democracy. These don't strike me as 'exceptional circumstances. The reasons I cannot attend this evening are far from exceptional, they are my ordinary weekly commitments.

Does the Council not agree that people's participation in our democracy should not rest on the 'discretion' of the Mayor or Chief Executive and should be fully backed and protected within the constitution?

Question 3

What plans does Gedling Borough Council have in place to mitigate the use of council property being used to display election campaign material?

Question 4

Given that over several years there has been issues with Gedling Borough Council's responses to Freedom of Information requests, for example:

- FOI 11304 – late response attributed to the 'a issue with our FOI collation system'. The FOI was only answered once the requester chased the Council.
- FOI 11396 – wrong information was given in the response to the request. This was only picked up because the requester challenged the data. Gedling Borough Council responded, 'we made an error on this question'.
- FOI 8728 – Late response
- FOI 12399 – Late response and partially answered response. Requester had to chase the Council for a response. The reason for the late reply was 'This was due to no other reason that workload issues and annual leave.' The reason the FOI was only partially answered was because 'It would appear that I [the responder] was not provided with the full details of your query'. The requester had to chase the remaining parts of the query.
- FOI 12022 – Regarding Levelling Up bids. Initially the response said 'We do not hold any feedback for round one, as this was dealt with by officers who are no longer employed by the Council. I have included the feedback for round two as a PDF document.' When the requester queried

this they were told in a follow up email 'I have spoken with colleagues and found that feedback for round 1 of the Levelling Up Fund was given verbally at a meeting, attached are notes that were taken by an officer in attendance.'

How does the Council plan to address the issues with the way it handles FOI requests alongside balancing the wellbeing of its colleagues and allowing proper scrutiny within its statutory obligations?

Question 5

Given that the setting up of a Gedling Social Mobility Commission was an objective for the 2020-2023 Gedling Plan, and that it has been over 7 months since its only meeting, and with no further meetings currently scheduled.

Does Gedling Borough Council feel they have adequately seized an opportunity to use the expertise available to review the current social mobility of our residents and consider how all our communities might be enabled to reach their full potential?

Question 6

Communication is a two-way process.

I do not consider that residents near site H8 Killisick Fields were given the same opportunities to have their say about the Local Plan as those in other villages, for example no actual 'event' was held. I do not consider concerns raised by residents on the Development Brief 2019 consultation were properly addressed. Friends of the Hobbucks as a group were omitted from both the consultation processes.

Having decided not to sell their land on Killisick Fields in August 22 citing residents' views, a year later G.B.C. change their minds. The decision to re-consult was made by one person 'The Leader' and then voted through by a small committee, one in which only 3 members need to be present to make a decision. When re-consulted, 198 residents responded. There was a parallel petition raised, signed by 1900 people, 1100 of whom were 'local' which were not allowed to be heard at the earlier Full Council meeting. My concerns and those of residents were not, in my view, properly considered, including my own concern around health and safety on The Hobbucks following any development on site H8. The proposal suggested objections could be mitigated, leading to the proposal to sell the land being voted through, in my opinion.

My question at the last Full Council Meeting was not fully answered. A questioner has no right to respond even if their question has not been answered.

I have made several requests to the council for information, and raised a

number of queries in relation to Killisick fields which I do not consider have been responded to or answered properly. I have raised concerns under the Council's Whistleblowing policy – they were downgraded to complaints (despite being matters of public interest).

My concerns around conflicts of interest, predetermination, use of the planning process to further the Council's aims and Freedom to Speak Up within the Council have also not been answered satisfactorily. I wrote to 41 Councillors, individually by name, around some of my concerns – receiving only 4 responses.

Responses by the Chief Executive do not answer my questions, tending to repeat what I have said. He suggests I “may not be happy with decisions taken...” – whilst yes, I am unhappy with decisions, my communications have always been about failings in process and have largely been ignored.

I have spoken to other residents who have felt the same when communicating with the Council.

I have offered numerous times to speak in person about these matters – my offer has been entirely ignored.

Gedling Borough Council has suggested I seek independent advice or approach the Ombudsman. I have contacted them and await the allocation of a case officer. This is a long process, which will mean the Council can go ahead with any sale before the Ombudsman can have any input and while my questions remain unanswered.

Considering Gedling Borough Council's Customer Promise and, bearing in mind that a response is not necessarily an answer, how should residents communicate with Gedling Borough Council to ensure their concerns are considered, and questions answered in full, in an equitable, open and transparent manner?

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|-----------|--|---------|
| 8 | To answer questions asked by Members of the Council under procedural rule 7.9 | |
| 9 | Gedling Statement of Licensing Policy | 19 - 73 |
| | Report of the Head of Environment | |
| 10 | Co-option of Parish Representative to Standards Committee | 75 - 77 |
| | Report of the Monitoring Officer | |
| 11 | Changes to committee membership | 79 - 81 |
| | Report of the Democratic Services Manager | |

- 12 To receive questions and comments from Members concerning any matter dealt with by the Executive or a Committee (procedural rule 7.10)**
- a Minutes of meeting Monday 4 September 2023 of Overview and Scrutiny Committee 83 - 86**
 - b Minutes of meeting Thursday 7 September 2023 of Cabinet 87 - 91**
 - c Minutes of meeting Tuesday 19 September 2023 of Audit Committee 93 - 94**
 - d Minutes of meeting Thursday 21 September 2023 of Standards Committee 95 - 96**
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 - f Minutes of meeting Wednesday 4 October 2023 of Appointments and Conditions of Service Committee 101 - 103**
 - g Minutes of meeting Wednesday 4 October 2023 of Licensing Act Panel 105 - 106**
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 - i Minutes of meeting Wednesday 18 October 2023 of Planning Committee 111 - 129**
 - j Minutes of meeting Thursday 26 October 2023 of Licensing Act Panel 131 - 132**
 - k Minutes of meeting Tuesday 31 October 2023 of Environment and Licensing Committee 133 - 135**
 - l Decisions made under delegated authority 137 - 139**
- 13 To consider comments, of which due notice has been given, under procedural rule 7.11**
- 14 To consider motions under procedural rule 7.12**

Motion 1

This Council expresses its concern at the seriousness of the flooding across Gedling Borough, which took place on 20 October 2023 and subsequent days.

This Council recognises that homes and businesses have been damaged as a result of these flood waters and debris.

This Council recognises the severity of recent flooding and damage to properties in Woodborough and Lambley, as well as flooding impact in Burton Joyce, Newstead, Ravenshead and locations across Arnold and the wider Borough. This Council extends its sympathy and support to residents and businesses within our borough who have been personally affected by the recent flooding.

This Council expresses its thanks to everyone involved in the response to October's floods, including the emergency services, members of the community, businesses, council officers and public agencies.

This Council notes that in November 2014 the National Audit Office warned half of Britain's flood defence systems were being maintained at a 'minimal level' and were likely to 'deteriorate faster' as a result of government budget cuts.

This Council is disappointed that central government cuts to the Environment Agency led to a reduction in staff and capacity, with the independent Chair of the Environment Agency warning in a letter to government in April 2021, that without an 'uplift' in funding 'we would not be able to maintain all our defences in the desired condition, putting communities at risk.'

This Council urges the Government and the Environment Agency to urgently commit to providing significant capital funding and support for the communities of Woodborough, Lambley and other aforementioned flooding hot spot areas across Gedling Borough to help prevent and mitigate against future flooding.

This Council urges the Government to reform HM Treasury 'green book' rules for investment into flood mitigation, where an evaluation of cost against economic benefit is required. This means that some properties will never be protected because of this calculation, as it ignores wellbeing, stress caused and psychological impacts on flooded residents.

This Council commits to making representations to the Secretary of State for Environment, Food and Rural Affairs on these issues.

Proposer: Cllr Michael Payne

Secunder: Cllr John Clarke

Motion 2

This Council expresses bitter disappointment and anger that the Conservative government has chosen not to give Gedling a single penny from the billions of pounds it has allocated as part of the Towns Fund (July 2021), Levelling Up Fund Round 1 (October 2021), Future High Streets Fund (December 2021), Levelling Up Fund Round 2 (January 2023), Levelling Up Partnerships (March 2023), Long Term Plan for Towns Fund (October 2023).

This Council also notes with disappointment the Conservative government's decision not to award the communities of Gedling a single penny from the Levelling Up Parks Fund (September 2022).

This Council notes the unfairness and significant disparity when comparing the funds allocated to our nearest neighbouring councils and the fact Gedling's communities have not received a single penny. The allocations from the Conservative government for Nottinghamshire councils from the Towns Fund, Levelling Up Fund Round 1, Future High Streets Fund, Levelling Up Fund Round 2, Levelling Up Partnerships Funding and Long-Term Plan for Towns Fund are as follows:

Ashfield District - £91.980 million
Bassetlaw District - £55.969 million
Broxtowe Borough - £37.639 million
Gedling Borough - £0
Mansfield District - £72.300 million
Newark & Sherwood District - £65.000 million
Rushcliffe Borough - £0
Nottingham City (unitary council) - £50.524 million

This Council believes Gedling's communities of Carlton, Carlton Hill, Colwick, Netherfield, Burton Joyce, Stoke Bardolph, Newstead, Arnold, Woodthorpe, Mapperley, Gedling, Ravenshead, Calverton, Woodborough, Lambley, Papplewick, Linby, Daybrook, Porchester, Redhill, Killisick, Warren Hill & Bestwood village are being held back by the Conservative government's decision not to award Gedling a single penny from the billions of pounds it has allocated from the aforementioned funds.

This Council implores the Conservative government to provide Gedling a fair share of funding when allocating the Levelling Up Fund Round 3, in order to ensure Gedling's communities are given the same opportunities and benefits our nearest neighbouring communities in Nottinghamshire have been.

This Council also implores the Conservative government to take action in the local government finance settlement to significantly uplift Gedling Borough's revenue funding and ensure Gedling is no longer the fifth worst affected council in the country in terms of Core Spending Power

(government's official measure of local government funding) compared to 2015/16.

This Council commits to making representations to Government and the Secretary of State for Levelling Up, Housing and Communities on these issues.

Proposer: Cllr John Clarke

Seconder: Cllr Michael Payne

MINUTES COUNCIL

Wednesday 20 September 2023

Councillor Julie Najuk (Mayor)

Present:

Councillor Michael Adams	Councillor Alison Hunt
Councillor Roy Allan	Councillor Ron McCrossen
Councillor Sandra Barnes	Councillor Viv McCrossen
Councillor Stuart Bestwick	Councillor Marje Paling
Councillor David Brocklebank	Councillor Michael Payne
Councillor Lorraine Brown	Councillor Lynda Pearson
Councillor John Clarke	Councillor Sue Pickering
Councillor Jim Creamer	Councillor Catherine Pope
Councillor Andrew Dunkin	Councillor Grahame Pope
Councillor Boyd Elliott	Councillor Kyle Robinson-Payne
Councillor David Ellis	Councillor Alex Scroggie
Councillor Rachael Ellis	Councillor Martin Smith
Councillor Roxanne Ellis	Councillor Sam Smith
Councillor Andrew Ellwood	Councillor Ruth Strong
Councillor Paul Feeney	Councillor Clive Towsey-Hinton
Councillor Kathryn Fox	Councillor Jane Walker
Councillor Des Gibbons	Councillor Michelle Welsh
Councillor Helen Greensmith	Councillor Henry Wheeler
Councillor Jenny Hollingsworth	Councillor Russell Whiting
Councillor Paul Hughes	Councillor Paul Wilkinson

Absent:

34 THOUGHT FOR THE DAY

The Mayor's Chaplain, Father Philipp Ziomek, addressed council and gave a reading about the act of service and the need to support one another.

35 APOLOGIES FOR ABSENCE

None.

36 MAYOR'S ANNOUNCEMENTS

The Mayor confirmed she had recently attended the Democracy Day events, held by the Democratic Services team, and noted she found it encouraging to see young people engaging in democracy. She also highlighted that it was approaching Black History Month and gave a personal reflection on her visit to the Martin Luther King memorial which honoured the need for equality, justice and freedom.

It was also noted that she has held a sponsored walk for her charity around Gedling Country Park, which had raised over £500 for the Anthony Nolan trust.

37 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 12 JULY 2023

Councillor Martin Smith raised a point of order that the minutes didn't fully document the response to Councillor Brown's question. The Mayor responded to confirm that minutes were not verbatim.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

38 DECLARATION OF INTERESTS

None.

39 TO DEAL WITH ANY PETITIONS RECEIVED UNDER PROCEDURAL RULE 7.8

None.

40 TO ANSWER QUESTIONS ASKED BY THE PUBLIC UNDER PROCEDURAL RULE 7.7

Two questions were received, and the questioners attended the meeting to ask them. Both questions were answered by Councillor Clarke, as follows:

Question 1:

Regarding the proposed sale of land adjacent to the Hobbucks Nature reserve in Arnold. Despite the commitment from Gedling Borough Council just last year not to sell the land, why has the sale of this land been brought back to the table now and why did the consultation happen over the school summer holiday period and with just a 2 week notice for residents to respond? The consultation was made live on the 4th of August with a close date of the 18th of August.

Answer 1:

We listened to the views of some local residents last year and we did not go ahead with the sale of the land at the time. Since then, a number of things have changed which means we think it's only right that we go

back to the people and let them have their say on these new proposals. We know now that the owners of the nearby private land are in the process of selling their site and a planning application is expected imminently from a house builder, which significantly impacts on our decisions regarding our land. We therefore needed to move quickly during the summer, and act as quickly and could help to secure a more comprehensive form of development on the wider housing allocation. Otherwise, there is a significant risk that individual landowners could progress discrete housing proposals, which could be to the detriment of the area.

If it is possible to secure a more comprehensive form of development, the Hobbucks Nature Reserve will not only be preserved but could be improved and extended, which I am sure will be something that local residents who use that area will welcome. This would meet the needs of our borough for new homes and will also ensure local nature reserve is enriched. I am proud of it, was this Labour administration and I underline that, this Labour administration that proposed the land established as the Hobbucks as a designated Local Nature Reserve, initiated in our Cabinet meeting on 25th of March 2015. This Labour-led Council will always protect and invest in the Hobbucks Nature Reserve.

We ran a consultation and advertised the potential disposal of the site for two consecutive weeks in the local newspaper, as required by statute, giving residents the opportunity to respond. We have continued to receive responses since that date, and they will be taken into consideration when their decisions in relation to the land are made.

We also cannot ignore the elephant in the room which is the fact that since we made the decision in April we are still one of the worst and I think it's third at the moment, worst affected councils in the country in terms of government funding and we are being left with little choice but to look at ways to generate income and this is so we continue to provide our services. Thank you, Madam Mayor.

Question 2:

Since the recent U-turn by Gedling Borough Council on the sale of land in Killisick Fields site H8, I have had cause to study documentation in relation to the Gedling Local Plan, including the Development Brief 2019. It is this document which made it apparent to me that the land within H8 had been green belt land but was re-designated with the adoption of the Local Plan and included in the housing allocation for development. I have yet to find a resident who was aware of this at that time, many still

being totally unaware. I have highlighted concerns around the processes implemented to bring this about in writing to Gedling Borough Council, and how, in my opinion, this has been used as a means to increase the value of their land – as well as that of the other landowners in whose interest it would be to sell simultaneously with Gedling Borough Council. This has led me to dig deeper... In the Development Brief 2019, there is a field to the east of site H8 beyond Darkey's Wood which is labelled as 'potential green belt recreation area' with suggestions of a LAP/LEAP (Locally Equipped Area For Play) and an ISF (Informal Sports Facility, also described as 'e.g. kick about area'). It also talks about the need for lighting etc. They even mention it in relation to present and future housing. Lo and behold, having queried ownership, Gedling Borough Council confirm this field is owned by them. The land is green belt (still) and protected as such – it is NOT included in the Local Plan under either nearby site, H7 or H8. Any such structures would not be in keeping with the green belt and, with the proposed sale/development of site H8 will further decimate the local environment, increasing the impact on the Hobbucks Local Nature Reserve and the resident wildlife.

What does Gedling Borough Council consider to be appropriate development within its green belt policy?"

Answer 2:

To provide a background context, a site is allocated for housing in the Local Planning Document Part 2 Local Plan - the general principle of developing housing on this site is established. The Council has a statutory duty to prepare a local plan and allocate land for housing development to meet our local housing requirements, which are determined by the Government. The need to meet housing requirements was the Council's key objective for allocating this land and not to increase the value of the public asset.

The Local Planning Document which was subject to extensive public consultation was examined by an independent and I'll repeat that, independent Planning Inspector who endorsed the plan and the Killisick Lane housing allocation was adopted by Gedling Borough Council on the 18th of July 2018 and at this point the Killisick Lane site was removed from the Green Belt. The Local Planning Document was voted for unanimously by all Gedling Borough Councillors and all political parties represented on Gedling Borough Council at that time. All current Conservative members of the opposition who served on Gedling Borough in 2018 and attended the Full Council meeting on the 18th of April 2018 voted in favour of removing Killisick Lane from the Green Belt

and H8 Killisick Lane site being allocated as a site for housing in the Local Planning Document. I think I have to add to Madam Mayor to this is also the, I didn't say to the previous person who asked the question, I've read this out, you haven't seen this, so if you want a copy of it we will make sure that you get a copy of it although it is this meeting is being broadcast. The minutes of the 18th of July 2018 are here and it's quite clear the people that are on this Council still from the Conservative side are Councillor Michael Adams, Councillor Helen Greensmith, Councillor Boyd Elliot, and Councillor Jane Walker who all voted in favour of it.

41 TO ANSWER QUESTIONS ASKED BY MEMBERS OF THE COUNCIL UNDER PROCEDURAL RULE 7.9

A question was asked of the Portfolio Holder for Climate Change and Natural Habitat from Councillor Whiting:

“What steps are Gedling Borough Council taking to improve air quality?”

Response from Councillor V McCrossen:

Air pollution affects us all. It is associated with impacts on lung development in children, heart disease, stroke, cancer, exacerbation of asthma and increased mortality, among other health effects.

The Borough Council has a statutory responsibility under the following legislation, all of which help to improve air quality within the Borough.

The Environmental Permitting Regulations

The Local Authority sets permits for industrial processes under Part A2 and Part B of the regulations; setting permit conditions based on the operation. For example:

- Petrol stations
- Dry cleaners
- Crushing and screening of concrete and bricks
- Using solvents (e.g., vehicle respraying)
- Crematoria
- Animal carcase incineration

Also, regulation of medium combustion plants, those that are generally used to generate heat for large buildings (e.g., offices, hotels, hospitals) and industrial processes.

All of these can be sources of emissions of volatile organic compounds (VOCs), sulphur dioxide, nitrogen dioxide and particulate matter (PM).

Officers in Public Protection permit and regulate 3 Part A2 industrial process and 23 Part B processes.

Environmental Protection Act 1990 – Statutory Nuisance

Councils must investigate complaints about issues that could be a 'statutory nuisance'. In this case this would apply to smoke from premise inc. garden bonfires and chimneys (for residents not in smoke control areas.)

Officers deal with approx. 50-60 complaints about garden bonfires and 40-50 complaints about other smoke from properties per year.

The Clean Air Act 1993

Regulation of Smoke Control Areas where someone cannot emit smoke from a chimney unless they are burning an authorised fuel or using DEFRA 'exempt appliances', for example burners or stoves.

It also contains prohibitions on emitting dark smoke from the chimneys of any building or industrial or trade premises.

The Borough has 41 Smoke Control Order covering approximately 80% of the population. DEFRA have recently asked LAs to review their smoke control orders. A report will be going to E&L committee soon proposing a public consultation on moving to a Borough wide smoke control area.

Gedling has also recently adopted new powers to enforce financial penalties for contraventions of smoke in a smoke control area.

We are planning a piece of promotion work with Trading Standards and other LAs in the County around the area of wood and fuels sold for domestic burning; promotion of the Ready to Burn scheme.

The Environment Act 1995 Section 82 - Local Air Quality Management (LAQM)

The Borough Council has a statutory duty, under the Environment Act to review and assess air quality in its area to see if the air quality objectives are being achieved. Whilst there are 5 key pollutants in reality, we are concerned with two: Nitrogen Dioxide (NO₂) and Particulate Matter.

Both are particularly prevalent in vehicle emissions, including tyre and brake wear, but also from other forms of combustion (gas boilers (NO₂) or wood burning (PM)).

For areas where specified standards and objectives are not being met, we are expected to declare an Air Quality Management Areas (AQMAs) and then prepare an action plan.

Gedling have a long history of monitoring Nitrogen Dioxide levels throughout the Borough. Particulate Matter monitoring has been historically more challenging; but we are currently trialling some new technology which may help understand the levels locally. This data is presented online to members of the public.

Gedling has one Air Quality Management Area for the A60 in Daybrook Square for Nitrogen Dioxide. We have been working together with Nottinghamshire County Council to implement the Action Plan; most measures are traffic related.

Gedling produces an annual report, submitted to DEFRA, reporting levels of pollution and updates on actions within the action plan. This is also submitted to the Director of Public Health for comments.

Levels of pollution along the Mansfield Road, following Covid-19, remain below the objective level, as such in 2024-25 it is considered that we could recommend to DEFRA that the air quality management area could be revoked if levels remain below the objective.

Whilst the Borough Council has the duty to review and assess (and where there is a problem formulate and Action Plan) other parties equally have a key role in helping to reduce pollution levels; in our case this is the Highways Authority (County Council), Environment Agency and Public Health.

In tackling air pollution then the Council must work together with other agencies to try and bring forward packages of measures that, it is hoped, reduce pollution levels.

One result of this joint working was Gedling being a key stakeholder in the publication of The Nottingham and Nottinghamshire Air Quality Strategy 2020-2030.

Other areas of work include Electric Vehicle charging:

- We have worked as a partner in the Go Ultra Low project to secure 2 rapid chargers and 8 fast chargers across 4 car parks.
- We were successful in obtaining £100k to fund 16 fast chargers across 4 car parks to facilitate overnight charging for residents with no off-street parking.
- We continue to use planning to secure EV charging points on new developments to allow residents to charge at home.

We are also working on idling vehicles which is carried out by the Neighbourhood Wardens primarily around schools at drop-off/pick up times to educate parents to turn off engines whilst waiting.

The ECO Stars Fleet Recognition Scheme ran in Gedling from 2012 until 2020 and provide help to operators of HGVs, buses, coaches, vans to run their fleets in the most efficient and green way. Membership stood at 139 members operating over 8000 vehicles at project closure in 2020, due to funding challenges.

42 HILL CREST PARK BUSINESS UNIT EXPANSION

Consideration was given to a report of the Economic Growth and Regeneration Manager, which was referred by Cabinet to seek budget approval for the development of Hill Crest Park in Calverton, a small close of eight Council owned business units aimed at Small Medium Enterprises (SME's).

RESOLVED to:

- 1) Approve the addition of this project to the capital programme for 2023/24; and
- 2) Establishment of a budget of £1,387,769 to be funded from a combination of borrowing, external funding, and earmarked reserves

43 APPOINTMENT OF INDEPENDENT REMUNERATION PANEL MEMBERS

Consideration was given to a report of the Democratic Services Manager, which sought approval of the appointment of the two vacant seats on the Independent Remuneration Panel.

RESOLVED to:

Approve the appointment of Martyn Thorpe and Kelly Richardson as members of the Independent Remuneration Panel.

44 OVERVIEW & SCRUTINY ANNUAL REPORT

Consideration was given to a report of the Democratic Services Manager, which asked members to note the annual report from the Overview & Scrutiny Committee.

RESOLVED to:

Note the Overview & Scrutiny Committee annual report.

45 TO CONSIDER COMMENTS, OF WHICH DUE NOTICE HAS BEEN GIVEN, UNDER PROCEDURAL RULE 7.11

None.

46 TO RECEIVE QUESTIONS AND COMMENTS FROM MEMBERS CONCERNING ANY MATTER DEALT WITH BY THE EXECUTIVE OR A COMMITTEE (PROCEDURAL RULE 7.10)

None.

47 TO CONSIDER MOTIONS UNDER PROCEDURAL RULE 7.12

Motion 1

As the first motion related to a change in the procedure rules, the motion was proposed and seconded at the previous meeting but stood adjourned without discussion until this meeting of the council.

An amendment was proposed by Councillor Sam Smith and seconded by Councillor Martin Smith in the following terms:

“This Council notes:

- 1) The Overview & Scrutiny Committee has a vital role in scrutinising the work of the Cabinet
- 2) That to strengthen this role, it is appropriate for the Vice-Chair of the Overview & Scrutiny Committee not to be a member of the Council's Ruling Group.

This Council therefore resolves to:

- 1) Add the following words to the existing section of the Constitution at Section 4- The Full Council: 7.22 Election of a Chair of a Committee: ‘The Vice-Chair of the Overview and Scrutiny Committee shall not be a member of the same political group as that of the Leader of the Council’.

The change to the Constitution will come into force at the 2024 Annual Meeting of the Council for the 2024/25 Council Year.

Proposer: Cllr Sam Smith
Secunder: Cllr Martin Smith”

The Mayor adjourned the meeting to allow the Monitoring Officer to review the amendment, which was deemed to be acceptable by the Mayor.

Being put to a vote, the amendment was lost.

The original motion was then debated and on put to a vote, it was also lost.

Motion 2

Councillor Sam Smith, seconded by Councillor Adams, proposed a motion in the following terms:

“Gedling Borough Council notes the significant impact surface water run-off and flooding from housing developments under construction has on surrounding residential areas and local businesses.

This Council notes that the National Planning Policy Framework (NPPF) currently states that housing developers only have to ensure that permanent drainage is in place on a building site once the last house is completed.

Gedling Borough Council also notes that the Government are in the process of updating the NPPF and that the Secretary of State for Levelling Up, Housing and Communities said recently in the House of Commons that he hopes to see more about sustainable drainage systems in the updated National Planning Policy Framework.

In the meantime, to help mitigate any surface water run-off and flooding from housing developments under construction within Gedling Borough, Gedling Borough Council resolves to:

- Continue imposing planning conditions requiring the implementation of measures to ensure that surface water run-off is mitigated during the construction phase of new housing development on elevated sites; and
- Recommends the introduction a Supplementary Planning Document (SPD) that ensures adequate drainage is installed first on any new housing development site before any other construction works are carried out.

This SPD should be presented to Cabinet for adoption early in the New Year and apply to future planning applications submitted and approved after its implementation date.

Proposer: Cllr Sam Smith
Seconder: Cllr Mike Adams”

An amendment was proposed by Councillor Payne and seconded by Councillor Hollingsworth in the following terms:

“Gedling Borough Council notes the significant impact surface water run-off and flooding from housing developments under construction has on surrounding residential areas and local businesses.

This Council notes that the National Planning Policy Framework (NPPF) currently states that housing developers only have to ensure that permanent drainage is in place on a building site once the last house is completed.

Gedling Borough Council calls on the Government to urgently update the NPPF to strengthen requirements regarding sustainable drainage systems, following the Secretary of State for Levelling Up, Housing and Communities' recent statement in the House of Commons that he hopes to see more about sustainable drainage systems in the updated National Planning Policy Framework.

Gedling Borough Council is disappointed the Government failed to include improved sustainable drainage systems in their 5 September 2023 update of the NPPF, which was issued by the Secretary of State for Levelling Up, Housing and Communities in a written ministerial statement.

In the meantime, to help mitigate any surface water run-off and flooding from housing developments under construction within Gedling Borough, Gedling Borough Council resolves to:

- Endorse the approach currently taken by the Council by continuing to impose planning conditions requiring the implementation of measures to ensure that surface water run-off is mitigated during the construction phase of new housing development on elevated sites; and
- Recommends that Cabinet receives a report to consider the introduction of a Supplementary Planning Document (SPD) that ensures adequate drainage is installed first on any new housing development site before any other construction works are carried out.

This report should outline the necessity and feasibility of such an SPD and should be presented to Cabinet for consideration early in the New Year.

Proposer: Cllr Michael Payne
Seconder: Cllr Jenny Hollingsworth”

An adjournment was proposed, seconded, and agreed to allow members time to review the amendment. Upon return, the proposer and seconder of the original motion indicated their support and acceptance of the amendment. As such, it was deemed to be the substantive motion.

Upon being put to a vote, the motion was carried unanimously.

RESOLVED that:

Gedling Borough Council notes the significant impact surface water run-off and flooding from housing developments under construction has on surrounding residential areas and local businesses.

This Council notes that the National Planning Policy Framework (NPPF) currently states that housing developers only have to ensure that

permanent drainage is in place on a building site once the last house is completed.

Gedling Borough Council calls on the Government to urgently update the NPPF to strengthen requirements regarding sustainable drainage systems, following the Secretary of State for Levelling Up, Housing and Communities' recent statement in the House of Commons that he hopes to see more about sustainable drainage systems in the updated National Planning Policy Framework.

Gedling Borough Council is disappointed the Government failed to include improved sustainable drainage systems in their 5 September 2023 update of the NPPF, which was issued by the Secretary of State for Levelling Up, Housing and Communities in a written ministerial statement.

In the meantime, to help mitigate any surface water run-off and flooding from housing developments under construction within Gedling Borough, Gedling Borough Council resolves to:

- Endorse the approach currently taken by the Council by continuing to impose planning conditions requiring the implementation of measures to ensure that surface water run-off is mitigated during the construction phase of new housing development on elevated sites; and
- Recommends that Cabinet receives a report to consider the introduction of a Supplementary Planning Document (SPD) that ensures adequate drainage is installed first on any new housing development site before any other construction works are carried out.

This report should outline the necessity and feasibility of such an SPD and should be presented to Cabinet for consideration early in the New Year.

Proposer: Cllr Sam Smith
Seconder: Cllr Michael Adams

Motion 3

Councillor Bestwick, seconded by Councillor Walker, proposed a motion in the following terms:

“This Council resolves to create a planning committee call-in procedure, whereby Councillors can require an application, within their ward, that would normally be determined under the delegated authority to be called in for determination by the Planning Committee.

A draft of this procedure should be presented at Planning Committee for consideration early in the New Year.

Proposer: Cllr Stuart Bestwick
Seconder: Cllr Jane Walker”

Upon being put to a vote, the motion was lost.

The meeting finished at 8.52 pm

Signed by Chair:

Date:

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Report to Council

Subject: Gedling Statement of Licensing Policy

Date: 15 November 2023

Author: Head of Environment

Purpose

To inform Members of the requirements of Section 5(3) of the Licensing Act 2003 in relation to the review of the Gedling Statement of Licensing Policy and to seek approval to adopt the revised Policy to come into effect on 7 January 2024.

Recommendation(s)

THAT:

- 1) Members approve the revised Gedling Statement of Licensing Policy (Appendix 1) to come into effect from 7 January 2024.**

1 Background

- 1.1 The Licensing Act 2003 ('the Act') requires a licensing authority to prepare and publish at least every five years a statement of policy that they propose to apply when exercising their functions under the Act. The first Gedling Statement of Licensing Policy came into effect in January 2005 and the existing Policy is due for review in 2023 to come into force in January 2024
- 1.2 The Licensing Act Committee met on 29 August 2023 and considered the proposed amendments to the existing Policy and resolved that the proposed amendments be subject to an 8-week consultation. It was further approved that subject to there being no major amendments required that the revised Licensing Policy (Appendix 1) be referred to full Council for final approval prior to publication in January 2024.

- 1.3 The consultation ended on 26 October and there were no responses to the consultation which required any significant amendments to the policy. The final policy is attached at Appendix 1 for approval.

2 Proposal

- 2.1 That Members approve the Gedling Statement of Licensing Policy at Appendix 1 for publication and to come into effect on 7 January 2024.

3 Alternative Options

- 3.1 For Members not to approve publication of the Policy resulting in the existing Policy expiring and the Council as the Licensing Authority under the Licensing Act 2003 being in breach of the provisions of the Act to prepare and publish a statement of policy.

4 Financial Implications

- 4.1 There are no financial implications.

5 Legal Implications

- 5.1 The Licensing Act 2003 requires the Council to have a licensing policy. The Act also requires the Council to review its licensing policy every 5 years under Section 5 of the Licensing Act 2003 and to consult on any proposed changes and consider those changes before publication.

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

- 8.1 Appendix 1 – Gedling Statement of Licensing Policy 2024-2029.

9 Background Papers

- 9.1 None

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

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STATEMENT OF LICENSING POLICY

Effective from 7th January 2024 until 6th January
2029

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1 INTRODUCTION

- 1.1 Gedling Borough Council is a Licensing Authority for the purpose of the Licensing Act 2003. Section 5 of the Act requires all licensing authorities to prepare and publish a Statement of Policy that they propose to apply in exercising their functions under the Act during the five-year period to which the policy applies. The Statement of Policy will last for a maximum of five years, but can be reviewed and revised by the authority at any time.
- 1.2 The Borough of Gedling covers 11998 hectares to the north and east of the City of Nottingham, which is the regional centre for the night-time economy. The Borough includes the commutable suburbs to the City Centre of Arnold, Mapperley, Carlton, Gedling and Netherfield, together with ten rural villages, the largest of which are Ravenshead in the north, Burton Joyce to the east, and the village of Calverton. The Borough of Gedling also shares boundaries with three other local authorities namely Rushcliffe Borough Council, Newark and Sherwood District Council and Ashfield District Council. Around 117,000 people live in the Borough in total.
- 1.3 Gedling Borough Council welcomes the diversity of leisure and entertainment opportunities available locally and recognises that the licensed leisure and entertainment industry brings cultural and financial benefits to the area and the additional businesses operating in both the daytime and nighttime economy support that industry which contributes to local retail and tourism. However, the Authority also recognises the problems that can be caused if licensed activities are not properly managed and premises well run. Gedling Borough Council believes that good management of the entertainment, alcohol and late night refreshment industries (and of the street environment within which it operates) is essential to the continued success of the Borough and to attracting the wide range of people who want to come here to work, to visit and to live. Gedling Borough Council will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music in the area. Arrangements are in place for the Licensing Act Committee to receive reports on the needs of the local tourist economy, the local employment situation, and the need for new investment and

employment where appropriate.

- 1.4 This Policy Statement seeks to establish sensible controls and appropriate guidance to encourage and further the efforts that are being made by the Council and its partners together with the licensed trade to help the Authority deal with issues that arise from licensable activities.

This will be achieved by:-

- Establishing and building upon best practice within the industry;
- Recognising and facilitating the role of partners and stakeholders;
- Encouraging self-regulation by licensees and managers;
- Providing a clear basis for the determination of licence applications; and
- Supporting related policies and strategies of the District Council.
- An inspection and enforcement regime targeted at premises that present a high risk.

- 1.5 The Authority is committed to working with its licensing partners and stakeholders in delivering the licensing function. This Policy Statement therefore seeks to provide information on the general approach that the Authority will take in carrying out its licensing functions.

- 1.6 In preparing and publishing this Policy Statement due regard has been given to the guidance issued by the Secretary of State under section 182 of the Act, and to good practice advice issued by approved government advisory bodies. In particular the Authority has consulted those persons and bodies as required by the guidance and given proper weight to their views. Partnership working between licensing authorities in Nottinghamshire has enhanced the production of this Policy Statement and will help ensure consistency in terms of both policy and enforcement where licensing boundaries meet.

- 1.7 This Policy Statement should not be regarded or interpreted as indicating that any requirement of law may be overridden; each application will be considered and treated on its own merits. No restrictive controls will be introduced or imposed

unless they are felt to be necessary and appropriate.

- 1.8 There are certain matters which the Authority is prevented from taking into account or from dealing with in a specified way. For example the Authority is not entitled to take the issue of the “need” for further licensed premises into account when determining licence applications. On the other hand the cumulative impact of licensed premises on the promotion of the Licensing Objectives is a matter that can be properly considered by the Authority if required.
- 1.9 The four statutory licensing objectives aim to reduce crime and disorder and increase public safety. Licensing policies are not currently required to address Public Health concerns; however, there is strong evidence that alcohol outlet density is associated with increased alcohol-related hospital admissions and alcohol-related mortality. Alcohol contributes to more than 60 diseases and health conditions and represents 10% of the burden of disease and death in the UK, placing it in the top three lifestyle risk factors after smoking and obesity.

Public Health

- 1.10 Whilst the exact relationship between alcohol and ill-health is often complex and affected by other factors such as the socio-economic make-up of the neighbourhood, studies have found that local authorities’ greater use of licensing powers leads to reductions in alcohol-related hospital admissions in England (Institute of Alcohol Studies, 2017). In light of this, public health indicators both at District level from the Local Alcohol Profiles for England and at sub-district level have been reviewed.

Public Health in Gedling

- 1.12 Across Gedling, public health analysts have mapped a number of alcohol related measures that are considered to have a negative impact on health and well-being to show how alcohol-related harms vary across Nottinghamshire County Districts and Boroughs.
- 1.13 Measures used were selected for their relevance to licensing and public health

and their availability at sub-district level and include:

- alcohol-related hospital admissions
- anti-social behaviour
- crimes against the person including domestic violence
- rate of persons in treatment for substance use
- an estimate of the percentage of the population drinking at least once a day
- deprivation.

1.14 These measures have been used to create a matrix which ranks small area within Gedling in relation to overall levels of harm associated with alcohol. The matrix can be used to support responsible Authorities to make representations where required based on the rank, and therefore the levels of overall harm, for the area in which a licensing application has been made.

1.15 This data analysis has identified some areas with relatively higher levels of harm and for Gedling these are:

- Parts of Calverton
- Daybrook
- Parts of Redhill, Ernehale, Coppice
- Parts of Carlton Hill, Cavendish
- Colwick/Netherfield

1.16 Applications within these areas or surrounding areas should be aware of, and consider, their contribution to the burden of alcohol-related harms to the health and wellbeing within the community. All applicants are encouraged to provide details of any mitigating measures they plan to put in place to reduce alcohol-related harms within their application. Further information can be found at: www.nottinghamshireinsight.org.uk/d/205455

1.17 The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies. Public health is not a licensing objective, but Public Health is a responsible authority under the Licensing Act, and the licensing authority believes that Public Health has much to add to licensing in relation to the local populations' alcohol related health needs.

Health bodies such as Public Health have unique access to data which has been used to create a matrix to highlight areas within districts and boroughs with relatively higher levels of alcohol-related harm. This matrix can be used by other responsible authorities to inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

2. LICENSING OBJECTIVES AND LICENSABLE ACTIVITIES

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

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

2.2 Guidance on the Licensing Objectives is available on the Government's website at: <http://www.homeoffice.gov.uk/drugs/alcohol/>

2.3 Licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual club, or business holding the licence, certificate or permission concerned. Licensing is about the management of licensed premises and activities within the terms of the Act

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

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

The definition of what constitutes "regulated entertainment" is complex and has been (and remains) the subject of Government deregulation. Whilst "regulated entertainment" potentially covers live or recorded music, dancing, plays, films, and certain types of sporting activity the Act itself provides various exemptions and restrictions on the types of activities which are subject to Licensing. Other legislation such as the Live Music Act 2012 has removed the ability of the Licensing Authority to regulate live music at certain times and in certain circumstances., Deregulation of certain other forms of regulated entertainment

has also taken place, primarily between 8am and 11pm and where that entertainment takes place before an audience of a prescribed size. It cannot be assumed therefore that a licence is required for all forms of entertainment or, even if a licence is required, that the Licensing Authority will necessarily have the power to impose restrictions or conditions on such entertainment.

- 2.4 Where an activity is licensable the promotion of the Licensing Objectives is the paramount consideration for the Authority. In the absence of valid representations from responsible authorities, other persons or businesses, all applications must be granted subject only to any prescribed mandatory conditions and such other conditions which are consistent with the operating schedule provided by the applicant. Where valid representations are received and maintained the application will normally be determined at a hearing before the Licensing Committee or one of its Panels. The Committee or Panel will then assess whether the application would result in the licensing objectives being undermined to such an extent that the application should be refused or, whether it would be possible to grant the licence subject to such conditions as are felt appropriate by the Authority. Conditions will be tailored to the size, style, characteristics and activities taking place at the premises concerned. Conditions will be focused on matters that are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises or places, is ultimately a matter of fact to be decided by the courts in cases of dispute. In addressing such matters consideration will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The imposition of standardised conditions is prohibited as being disproportionate and burdensome. It should be noted, however, that the Authority is permitted to establish pools of conditions from which appropriate and proportionate conditions may be drawn. Further details regarding such conditions can be obtained from the Licensing Team.

3. HOW THIS STATEMENT OF POLICY WORKS

3.1 The purpose of the Statement of Policy is to:

- provide a clear basis for determining licence applications;
- provide a clear framework for licensing strategies,
- support wider strategies and policies of the Council.

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

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

3.4 In this Statement of Policy any reference made to the imposition of conditions refers to conditions imposed in accordance with the requirements of the Act outlined in paragraph 2.5 above.

4. STRATEGIC LINKS AND OTHER REGULATORY REGIMES

- 4.1 There is a range of strategic influences and statutory controls which affect the licensing system in terms of policy formulation, administration and enforcement activities. Examples of these strategies can be found in the Section 182 guidance. The Authority will seek to have an active involvement in the development and review of these by ensuring an appropriate exchange of dialogue between the Licensing Authority and other relevant regimes. Such involvement may result in the imposition of conditions and formulation of policies supporting the relevant strategies where appropriate.
- 4.2 The granting of a licence, certificate or provisional statement will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes. However there will be overlapping issues of interest e.g. disturbance, which will remain material considerations for planning purposes as well as being relevant in terms of the licensing objectives. Applicants should also ensure that they have due regard to any planning restrictions on the use of premises when applying for licence/certification to avoid any possible enforcement action.

5. DELIVERING LICENSING SERVICES

- 5.1 The Authority will make available guidance and such resources as required by law to enable engagement with the licensing process. Such guidance and resources may be accessed through the Gedling Borough Council web site, (www.gedling.gov.uk), or by contacting the Authority direct.
- 5.2 The Licensing Authority will maintain an impartial role in service delivery and cannot act in favour of one party over another. The Licensing Authority may, in certain circumstances, act as a Responsible Authority. However this will only be done in exceptional circumstances and the Licensing Authority will not normally take over the role of other Responsible Authorities or parties.
- 5.3 Details of Responsible Authorities can be found on the Council's website www.gedling.gov.uk

6. APPLICATIONS, NOTIFICATIONS AND THEIR CONSIDERATION

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

The process of applying for new premises licences and full variations of current premises licences are dealt with in same way and involve serving the application on all responsible authorities and advertising the application in the prescribed way. Applications that are made electronically will be distributed the Responsible Authorities by the Licensing Authority. In order to be a complete electronic application all relevant documents must be uploaded and the correct fee paid at the time the application is submitted. If objections are received the matter will be heard by the Licensing Committee of the Council. The fee for such applications depends on the size of the premises. The process of a minor variation to current premises licences are dealt with differently. Minor variations can be applied for to vary times of activities but not to increase the hours when alcohol can be sold. The process can also be used when making minor structural alterations to the premises and to add or remove conditions from the licence. These minor variations should not have a material effect on the way in which the premises are operated and there is one set fee. The granting of a minor variation is determined at officer level after consultation with those responsible authorities affected. If the application is refused the applicant can resort to the full variation process.

Representations

- 6.2 Guidance on making a representation is available from the Home Office and a preferred form is available on the Council's Liquor Licensing Policy web page for individuals or groups to make their representations.
- 6.3 For a representation to be relevant it should be positively tied or linked by a causal

connection to particular premises. Representations received outside the statutory period for making such representations will be invalid and will not be taken into consideration when the application is determined. The Licensing Authority also has the power to reject a representation made by someone other than a Responsible Authority if it finds it to be vexatious or frivolous. An example could be where a representation was made solely on the basis that the application would provide competition to an existing trader or where no link was made to any of the licensing objectives.

6.4 Where a representation proceeds to a hearing the Hearings Regulations allow for further information to be put forward in support of that representation. However, that material must only relate to the initial representation-and must not add new grounds of objection It is therefore vitally important that as much detail and evidence as possible is included at the time the representation is made. Representations made without supporting detail and evidence may be viewed as frivolous or vexatious and disregarded.

6.5 Where representations are received the characteristics of an area and the impact that the premises may have upon that area will be a fundamental consideration in determining whether a licence should be granted and if so what conditions should be attached to it. Conditions will be focused on matters that are within the control of individual licensees and others in possession of relevant authorisations. These matters will centre on the premises being used for licensable activities and the vicinity of those premises. What amounts to the “vicinity” will be a question of fact to be determined in the light of the individual circumstances of the case. Consideration will primarily be given to the direct impact of the licensed activity on those who live, work or are engaged in business or other activities in the area concerned.

Panel/Committee Hearings

6.6 The Act creates a presumption that applications will be granted unless a valid representation is raised. An application will then be determined by the Licensing Committee/Panel unless the issue that led to the representation can be negotiated

to an agreed conclusion between the parties.

- 6.7 The Authority considers the effective and responsible management of the premises, the instruction, training and supervision of staff and the adoption of best practice in the leisure industry to be amongst the most important control measures for the achievement of all of the Licensing Objectives.

Entitlement to work in the UK

- 6.8 All individual applicants applying for a “Premises Licence”, or a “Personal Licence” with this Licensing Authority must submit further documentation to demonstrate their entitlement to live and work in the United Kingdom (UK).

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK
- is subject to a condition preventing them from doing work relating to the carrying on of a licensable activity

Any licence issued in respect of an application made on or after 6th April 2017, will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

- 6.9 They do this in one of two ways:

1. by providing, with this application, copies or scanned copies of the documents* which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance
2. by providing their nine (9) digit 'share code' to enable the Licensing Authority to carry out a check using the Home Office online right to work checking service (see below)

*Applicants are required to submit one (1) of the documents listed at Annex A of the Home Office's Employer right to work checks supporting guidance published on: Right to work checks: an employer's guide (GOV.UK) to show they have permission to be in the UK and are permitted to undertake work in a licensable activity.

Home Office online right to work checking service

6.10 To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in their application a nine (9) digit share code (provided to them upon accessing the service at Prove your right to work to an employer: get a share code (GOV.UK)) which, along with the applicant's date of birth, will allow the Licensing Authority to carry out the check.

6.11 Policy 1

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

REASON: To ensure the promotion of the licensing objectives.

6.12 Licensing law is not the primary mechanism for the general control of the anti-social behaviour of patrons once they have left the vicinity of the licensed premises rather it is part of a holistic approach to the management of the District.

6.13 Where appropriate the Authority will seek to identify mechanisms that are available for addressing the potential impact of anti-social behaviour arising both in respect of the management and operation of licensed premises themselves and that arising once patrons leave the licensed premises. Regard will be had to the Section 182 Guidance in this respect. The following may be employed to address

such behaviour and the potential for cumulative impact:

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

6.14 **Policy 2**

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

- (i) The nature of the area within which the premises are situated.**

- (ii) The precise nature, type and frequency of the proposed activities.
- (iii) Any measures proposed by the applicant in the Operating Schedule.
- (iv) The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.
- (v) Means of access to and exit from the premises.
- (vi) Other means and resources available to mitigate any impact.
- (vii) Such other matters as may be relevant to the application.

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

- 6.15 Levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower. The main impact of customers arriving, queuing and leaving should be confined to principal pedestrian routes as far as possible. The impact of noise arising from patrons that are temporarily outside the premises (e.g. smoking), must be recognised and mitigated against.
- 6.16 Applicants should carefully consider the hours that they will wish to operate for each licensable activity and when to close their premises for the entry of customers and to require them to leave. They should consider each licensable activity separately and carefully, and reflect this in their operating schedule. Shops, stores and supermarkets will normally be permitted to sell alcohol and or late night refreshment anytime when they are open for shopping unless there are good reasons related to the promotion of the licensing objectives for restricting these hours.
- 6.17 Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise sensitive areas operators should consider ceasing the playing of dance music and switching to quieter, slower tempo music with a less pronounced beat for a period prior to the closure of the premises.
- 6.18 Applicants should also consider making arrangements with local transport

operators to provide information to customers to ensure they can access public transport and leave the vicinity of the premises quickly by the most appropriate route.

- 6.19 The Authority is mindful of the responsibilities that licence holders have for preventing anti-social behaviour on and within the vicinity of their premises. The Authority must, however, also bear in mind its statutory duty under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the District. Where appropriate conditions will be imposed which reflect local Crime Prevention strategies.
- 6.20 Applicants are expected to have carried out the relevant risk assessments under any other relevant legislation (e.g. fire safety, health and safety at work, etc) prior to submitting their applications. These assessments should be used to identify those particular issues which may need to be addressed in the operating schedule in order to ensure that the objectives will not be undermined and supporting compliance with those relevant pieces of legislation. Suggested methods of addressing Policy 2 may be outlined in more detail in any guidance issued by the Responsible Authorities but could include the matters listed below where appropriate.

Spiking

- 6.21 Licensees should also consider what action will be taken to prevent the spiking of drinks at the premises, ie. where drugs or alcohol are added to someone's drink without them knowing. Alcohol is the common substance used to spike drinks. Safety measures could include encouraging customers to ensure their drinks are not left unattended, and the use of publicity material to ensure customers remain vigilant.
- The use of toilet attendants or regular documented toilet checks and searches of the premises
 - Training of staff in drug awareness to identify and prevent the supply and use of illegal drugs and new psychoactive substances

- Physical measures to deter drug use on the premises.
- Make customers aware of the risk of drink-spiking.
- Train staff in drug awareness issues and ensure sufficient staffing and managerial support to make identification and handling of incidents practicable.
- Ask for Angela' - this initiative advises customers through posters in venue toilets that, if they 'ask for Angela' at the bar, staff will be alerted to the fact that the person feels unsafe or threatened. Staff will know that the individual needs support to leave their situation, and can call them a taxi, escort them to their car or call the police, for example.

Protection of women and girls

6.22 Employers have a duty of care for employees and should adopt a risk based assessment approach to ensuring the safety of all staff working late or unsocial hours to facilitate a safe and affordable journey home

Public Safety is of paramount importance for the licensing authority and a safe night is a priority. The authority supports a number of initiatives to improve safety in the night time economy.

Vulnerability training for staff working in the night time economy

Ask for Angela <https://askforangela.co.uk/>

Street Pastors <https://www.streetpastors.org/>

Best Bar None <https://bestbarnone.com/>

Pubwatch <https://www.nationalpubwatch.org.uk/>

Nights of action

Violence against women and girls' covers a range of unacceptable and deeply distressing crimes, including rape and other sexual offences, stalking, domestic abuse, 'honour'-based abuse (including female genital mutilation, forced marriage and 'honour' killings), 'revenge porn' and 'upskirting', as well as many others. These crimes disproportionately affect women and girls.

The licensing authority supports the Nottinghamshire Police and Crime Commissioners Violence Against Women and Girls Strategy <https://www.nottinghamshire.pcc.police.uk/Public-Information/Publications-and-Leaflets.aspx> and positively promotes and supports initiatives driven by this

agenda.

6.23 Examples of recommended management practice for the Prevention of Crime and Disorder:

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

6.24 Examples of recommended management practice to ensure Public Safety:

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

6.25 Examples of recommended management practice for the Protection of

Children from harm and the protection of vulnerable adults:

- Exclusion from the premises in certain circumstances.
- Implementation of a robust proof of age scheme.
- the display of prominent warning notices about the supply of alcohol to minors;
- knowledge of the offences which adults can commit by buying alcohol for minors;
- requirements for production of satisfactory proof of age;
- commitment to the promotion of age verification schemes (i.e. Challenge 21 / Challenge 25);
- Whether any high strength beers, lagers, ciders etc will be made available for sale;
- Training staff in their responsibility not to serve to a person when drunk;
- Encouraging staff to attend vulnerability training;
- Providing facilities to support vulnerable adults when assistance is required (access to phone and/or charge, cold water, safe room away from others).

6.26 Examples of recommended management practice for the Prevention of Public Nuisance:

- Keeping doors and windows of licensed premises closed to minimise noise break out.
- Sound limiting devices, or insulation to contain sound and vibration so as to address noise break out not only from music but also, for example, from air handling equipment, generators or patrons.
- With popular premises that attract queues ensuring that the direction of any queue is away from residential accommodation.
- Proper and adequate door supervision.
- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors and repeating such requests verbally.

- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
- Arrangements with licensed taxis or private hire vehicles to take patrons from the premises.
- In appropriate cases door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it.
- Banning people who regularly leave in a noisy fashion and liaising with other premises on such bans.
- Where the premises have a membership scheme, including provisions in the conditions of membership concerning conduct and noise when leaving the premises.
- Adequate provisions for dealing with litter/refuse arising from the operation of premises.
- Appropriate times for and methods of dealing with bottle delivery, disposal and collection.
- The licensee providing a help line or contact number for concerned residents.

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

Any condition attached to a licence or certificate should be:

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

As a general rule, the Licensing Authority will seek to avoid attaching conditions that duplicate existing legal requirements and obligations imposed by other

regimes unless such obligations and requirements fail to adequately address the specific circumstances of the case.

Counter terrorism

6.28 The licensing authority expects that:

- The venue has robust procedures and relevant training in place and staff are knowledgeable of those procedures to be taken and the necessity of following them in the event of a terrorist incident, such as firearms or weapons attack, including:
 - Evacuation/Invacuation/Lockdown
 - RUN/HIDE/TELL principles
 - How customers will be safeguarded.
- Steps are taken to ensure all people employed at the premises whose job includes being alert to the terrorist threat are aware of:
 - the current terrorist threat level
 - what that level means in relation to the possibility of an attack.
 - Have undertaken the Action Counters Terrorism (ACT) e.learning course within the last 12 months. See note below.
- Risk assessments for public entertainment venues include consideration of the risk of a terrorist attack and the different types of attack.
- Staff must be clear about what to do if the public report suspicious activity or unusual behaviour to them.
- All suspicious behaviour by customers or members of the public close to the venue must be noted and be reported promptly to the police so that investigations can be made, and action taken, if appropriate.

- Measures to alert staff and visitors of any immediate threat or incident.

Action Counters Terrorism (ACT) training

Further details, updates and to register for the ACT e-learning training course please visit: <https://www.protectuk.police.uk/>

Cumulative Impact Assessment

- 6.29 Gedling Borough Council does not have a Cumulative Impact Assessment as due to the nature and demographic of the area it is not required.

Closure Notices

- 6.30 Section 19 of the Criminal Justice and Police Act 2001 (the Act) gives licensing authorities, police and local authorities the power to serve a closure notice where any premises are being used (or have been used within the last 24 hours), for the sale of alcohol for consumption on or in the vicinity of the premises; and the activity was not authorised (premises licence, club premises certificate or temporary event notice) or not in accordance with the conditions of authorisation.
- 6.31 The notice informs the person with control of, or responsibility for, the activities carried on at the premises (normally the licence holder or the designated premises supervisor) that if unauthorised alcohol sales continue, an application may be made to a court under section 20 for an order to close the premises under section 21 of the Act. Such an application cannot be made less than seven days or more than six months after the service of the closure notice under section 19.
- 6.32 Further power to close premises are contained in Anti-Social Behaviour Crime and Policing Act 2014. Closure Notices can be issued if the use of the premises has, or is likely to result in, nuisance and disorder. Under a Closure Notice a premises can be closed for up to 48 hours. A subsequent application can then be made to Magistrates Court for a Closure Order if there is evidence that there is serious nuisance to members of the public or there is disorderly, offensive or criminal

behavior on, or likely to be on, the premises. A Closure Order can be made for up to 3 months and a subsequent application can extend for up to a further 3 months.

Provisional Statements

- 6.33 Where it is proposed to build or alter premises which may require a premises licence then the Licensing Act permits an application for a Provisional Statement. This application is dealt with in the same way as an ordinary application but does not result in the issue of a premises licence. That is applied for when the premises are complete.
- 6.34 Where a provisional statement has been issued by the Authority and the relevant works are completed satisfactorily then any subsequent application for a premises licence must be granted and any objection which could have been raised at the Provisional Statement stage must be disregarded.

Adult Entertainment

- 6.35 The potential for the provision of adult entertainment to impact on the licensing objectives is recognised in the prescribed application form and all applicants are required by the prescribed application form to indicate in their operating schedules whether they intend to provide any such entertainment which may give rise to concerns in respect of children.
- 6.36 The Policing and Crime Act 2009 potentially provides an additional licensing requirement for operators who provide “sexual entertainment venues” to licence them as sex establishments under the Local Government (Miscellaneous Provisions) Act 1982. These are essentially premises which provide live entertainment or performances to a live audience which either involve nudity (such as lap or pole dancing establishments) or which are for the purpose of sexually stimulating a member of the audience. The new licensing provisions are adoptive and do not necessarily apply in every Licensing Authority’s district. Gedling Borough Council has however adopted those provisions.
- 6.37 Where a business wishes to operate as a sexual entertainment venue it may still need to be licensed under the Licensing Act for the sale of alcohol and the

provision of regulated entertainment. The provision of sexual entertainment will however be regulated solely under the terms of any sex establishment licence which may be granted under the 1982 Act. The Licensing Act licence will then continue to regulate the other licensable activities.

- 6.38 Certain forms of adult entertainment are excluded from requiring sex establishment licences under the Local Government (Miscellaneous Provisions) Act 1982, and these will still be regulated under the terms of the Licensing Act 2003.
- 6.39 The provision of adult entertainment on premises may mean that access by children will not be permitted during periods when such entertainment is taking place. Where such entertainment is to be provided under the terms of the premises licence or club premises certificate the Authority expects applicants to include arrangements for restricting children from viewing any adult entertainment in their Operating Schedule. The Authority expects licensees to ensure that any age restrictions for shows or entertainment of an adult or sexual nature are properly complied with. In addition it may be appropriate to impose age restrictions for persons working in the premises, and applicants are advised to also consider the wider crime and disorder issues which can be associated with such forms of entertainment such as issues relating to drugs and prostitution.
- 6.40 Responsible authorities are likely to continue to consider all applications involving adult entertainment very carefully with regard to the promotion of the licensing objectives within the vicinity in which the premises are located.

Licence Suspensions

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

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

Reviews & Expedited Reviews

6.43 At any stage following the grant of a premises licence or club premises certificate a Responsible Authority or any person may ask for a review.

Evidence will however be required to show that a specific concern exists relating to one or more of the licensing objectives.

6.44 Where a review Hearing is held the Licensing Authority has a variety of options that it may take ranging from taking no action at all, to varying conditions or suspending or revoking the licence. The Guidance reminds the Authority that the powers of review are to be used in the interests of the wider community and not that of the individual licence/certificate holder. Whilst the financial circumstances of the licence/certificate holder will be a consideration for the Licensing Authority the promotion of the licensing objectives will be the Authority's primary concern. In some circumstances e.g. the use of premises for the purchase and consumption of alcohol by minors, revocation may be considered an appropriate course of action even in the first instance.

Early Morning Alcohol Restriction Orders (EMROs)

6.45 The legislation gives licensing authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of the licensing authority area and if relevant on specific days and at specific times. The licensing authority must be satisfied that such an order would be appropriate to promote the licensing objectives.

- 6.46 The only exemptions relating to EMROs are New Years Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.
- 6.47 The decision to implement an EMRO should be evidence based and may include consideration of the potential burden imposed as well as the potential benefits.

Alcohol Delivery Services

- 6.48 An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures that they intend to operate to ensure that:
- That the person they are selling alcohol to is over the age of 18
 - That alcohol is only delivered to a person over the age of 18
 - There is a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer.
 - A refusals log will be maintained for deliveries and available for inspection on request
 - The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol
 - Alcohol shall only be delivered to a residential or business address and may not be delivered to a public place
 - Any delivery driver or third party courier will be required to have appropriate age verification training, and in particular they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated
 - Operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk and, in such instances, alcohol should be refused and that refusal recorded.

Pavement Licences

- 6.49 A pavement licence is a licence granted by the local authority which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes. It is important to note the grant of a pavement licence only permits the placing of furniture on the highway.
- 6.50 A pavement licence does not negate the need to obtain approvals under other regulatory frameworks, such as the need for a licence to sell alcohol, and the need to comply with registration requirements for food businesses.

It is important that any pavement licence granted promotes the four licensing objectives.

For further information on pavement licences please use the link below:

<https://www.gedling.gov.uk/business/licences/pavementcafelicenseduringcovid-19/>

Personal Licences

- 6.51 In most cases the Authority is under a duty to grant a Personal Licence so long as the applicant meets the criteria prescribed in section 120 of the Act. Where an applicant for a Personal Licence has certain types of conviction (for relevant or foreign offences as defined by the Act) or, has been required to pay an immigration penalty the Authority is required to notify the police, and, in the case of immigration offences and penalties, the Secretary of State. In these cases a licence will still be granted unless an objection is received within the prescribed period. Where an applicant is convicted of a relevant, foreign offence or is required to pay an immigration penalty during the application period and this only comes to light after the licence has been granted then the Authority must notify the Chief Officer of Police/Secretary of State (as appropriate). Where objection notices are received they will be considered at a hearing of the Licensing Panel.

6.52 Policy 3

In determining initial and renewal applications for personal licences where the Chief Officer of Police has lodged an objection notice the Authority will take the following matters into consideration:

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

The Authority will reject the application unless the applicant can show that it is unnecessary to do so in order to promote the Crime Prevention Objective.

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

- 6.54 Where a Personal Licence holder is convicted of a relevant offence the Court may order that the licence be forfeit. If an applicant is convicted of a relevant offence during the application period and this only comes to light after the licence has been granted or renewed then the Authority must notify the Chief Officer of Police and if an objection notice is lodged within the relevant period a Hearing will be held to determine whether the licence should be revoked.

Temporary Event Notices (TEN)

- 6.55 There are two types of types of Temporary Event Notice,

- A Standard TEN, and
- A Late TEN

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

- 6.56 Whilst the Council recognises that a Temporary Event Notice may be served at least ten clear working days prior to the commencement of a Permitted Temporary Activity (the event), the current Guidance issued under the Act encourages a locally established preferred period of notice. There is a case for not serving such Notices too early as this could make it difficult for a sensible assessment to be made of the implications of such an event on the Crime and Disorder and Prevention of Public Nuisance objective's. The Council considers that a reasonable period of notice for the service of a Temporary Event Notice is 28 days.
- 6.57 Persons serving Temporary Event Notices must also serve a copy notice on the Police and the responsible authority for Environmental Health functions i.e. the Councils Public Protection Service except where served electronically.
- 6.58 Further information regarding Temporary Event Notice's is contained on the Councils web pages.

7. Safeguarding Children & Vulnerable Persons

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

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

7.7 Examples which may give rise to concerns in respect of children include those:

- Where there have been convictions for serving alcohol to minors
- Where there is a reputation for underage drinking
- Where there is a known association for drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where entertainment of an adult or sexual nature is provided

7.8 Where premises are used for film exhibitions, the Authority will impose the mandatory condition restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Authority itself.

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

7.10 It is recommended that all alcohol licensed premises follow the Portman Group Code of Practice, in particular that relating to particular appeal to under-18s.
www.portmangroup.org.uk

7.11 **Policy 4**

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

- (i) **Limitations on the hours when children may be present.**
- (ii) **Age limitations for persons under 18.**

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

REASON: To protect children from harm.

8. EQUALITY AND DIVERSITY

- 8.1 Gedling Borough Council recognises that the people it serves have different needs and priorities. The Council is committed to treating all of its customers and staff fairly without discrimination and prejudice and providing equal access to our services, citizen participation and employment and training opportunities. Gedling Borough Council has an Equality & Diversity Policy 2021-2024 aimed at providing direction to elected members and staff within the Council. The Authority will continue to work to embody the requirements of the Equality Act 2010 in its Licensing role. Equality Impact Need Assessment (EIAs) are used to ensure that policies, services and procedures do not have an adverse impact on a particular group of people due to their gender, sexuality, religion or belief, race, age, gender identity or because they are disabled people or have caring responsibilities. The EIA for this Licensing Policy is periodically reviewed and the actions arising from it are fed back into future into this organisations service plan and also help to shape the consultation over future licensing policies.
- 8.2 Gedling Borough Council is committed to implementing and upholding equality and diversity in everything it does. The Council strives to be an effective service provider, community leader and corporate body, and in doing so, recognises the importance of meeting the needs of the diverse mix of communities represented amongst its residents, service users and workforce. In meeting those needs the Council will develop and harness a safe and sustainable community inclusive to all.
- 8.3 Advice and guidance will be made available in English which is the most common language of customers and stakeholders. On request the Council will signpost customers to providers of guidance and information relating to translation services.

9. GENERAL ENFORCEMENT STATEMENT

- 9.1 All decisions, determinations, inspections and enforcement action taken by the Authority will have regard to the relevant provisions of the Licensing Act 2003, national guidance, relevant codes of practice and the enforcement policy of the Council which is produced to the principles of the Regulators Code April 2014
- 9.2 The Authority has established and maintains enforcement protocols with the local police and other relevant enforcement agencies.

10. MONITORING AND REVIEW OF THIS STATEMENT OF POLICY

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

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Page	Section/Paragraph	Proposed amendment
4-8	1. Introduction 1.9-1.17	<p>Amend the Public Health paragraphs as follows:</p> <p>The four statutory licensing objectives aim to reduce crime and disorder and increase public safety. Licensing policies are not currently required to address Public Health concerns; however, there is strong evidence that alcohol outlet density is associated with increased alcohol-related hospital admissions and alcohol-related mortality. Alcohol contributes to more than 60 diseases and health conditions and represents 10% of the burden of disease and death in the UK, placing it in the top three lifestyle risk factors after smoking and obesity.</p> <p>Whilst the exact relationship between alcohol and ill-health is often complex and affected by other factors such as the socio-economic make-up of the neighbourhood, studies have found that local authorities' greater use of licensing powers leads to reductions in alcohol-related hospital admissions in England (Institute of Alcohol Studies, 2017). In light of this, public health indicators both at District level from the Local Alcohol Profiles for England and at sub-district level have been reviewed.</p> <p>Public Health in Gedling</p> <p>Across Gedling, public health analysts have mapped a number of alcohol related measures that are considered to have a negative impact on health and well-being to show how alcohol-related harms vary across Nottinghamshire County Districts and Boroughs.</p> <p>Measures used were selected for their relevance to licensing and public health and their availability at sub-district level and include:</p> <ul style="list-style-type: none"> • alcohol-related hospital admissions • anti-social behaviour

		<ul style="list-style-type: none">• crimes against the person including domestic violence• rate of persons in treatment for substance use• an estimate of the percentage of the population drinking at least once a day and• deprivation. <p>These measures have been used to create a matrix which ranks small area within Gedling in relation to overall levels of harm associated with alcohol. The matrix can be used to support responsible Authorities to make representations where required based on the rank, and therefore the levels of overall harm, for the area in which a licensing application has been made.</p> <p>This data analysis has identified some areas with relatively higher levels of harm and for Gedling these are:</p> <ul style="list-style-type: none">• Parts of Calverton• Daybrook• Parts of Redhill, Ernehale, Coppice• Parts of Carlton Hill, Cavendish• Colwick. Netherfield <p>Applications within these areas or surrounding areas should be aware of, and consider, their contribution to the burden of alcohol-related harms to the health and wellbeing within the community. All applicants are encouraged to provide details of any mitigating measures they plan to put in place to reduce alcohol-related harms within their application. Further information can be found at: www.nottinghamshireinsight.org.uk/d/205455</p> <p>The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies. Public health is not a licensing objective, but Public Health is a responsible authority under the Licensing Act, and the licensing authority believes that Public Health has much to add to licensing in relation to the local populations' alcohol related health</p>
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		<p>needs. Health bodies such as Public Health have unique access to data which has been used to create a matrix to highlight areas within districts and boroughs with relatively higher levels of alcohol-related harm. This matrix can be used by other responsible authorities to inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.</p>
14-33	<p>6. Applications, Notifications and their Considerations 6.8 – 6.9</p>	<p>To add the following paragraphs:</p> <p>Entitlement to work in the UK</p> <p>All individual applicants applying for a “Premises Licence”, or a “Personal Licence” with this Licensing Authority must submit further documentation to demonstrate their entitlement to live and work in the United Kingdom (UK).</p> <p>A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:</p> <ul style="list-style-type: none"> • does not have the right to live and work in the UK • is subject to a condition preventing them from doing work relating to the carrying on of a licensable activity <p>Any licence issued in respect of an application made on or after 6th April 2017, will become invalid if the holder ceases to be entitled to work in the UK.</p> <p>Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.</p>

	6.10	<p>They do this in one of two ways:</p> <ol style="list-style-type: none"> 1. by providing, with this application, copies or scanned copies of the documents* which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance 2. by providing their nine (9) digit 'share code' to enable the Licensing Authority to carry out a check using the Home Office online right to work checking service (see below) <p>*Applicants are required to submit one (1) of the documents listed at Annex A of the Home Office's Employer right to work checks supporting guidance published on: Right to work checks: an employer's guide (GOV.UK) to show they have permission to be in the UK and are permitted to undertake work in a licensable activity.</p> <p>Home Office online right to work checking service</p> <p>To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in their application a nine (9) digit share code (provided to them upon accessing the service at Prove your right to work to an employer: get a share code (GOV.UK)) which, along with the applicant's date of birth, will allow the Licensing Authority to carry out the check.</p>
14-33 cont'd	6.14 Policy 2 6.21	<p>Include the following paragraphs:</p> <p>Spiking</p> <p>Licensees should also consider what action will be taken to prevent the spiking of drinks at the premises, ie. where drugs or alcohol are added to someone's</p>

	6.22	<p>drink without them knowing. Alcohol is the common substance used to spike drinks. Safety measures could include encouraging customers to ensure their drinks are not left unattended, and the use of publicity material to ensure customers remain vigilant.</p> <ul style="list-style-type: none"> • The use of toilet attendants or regular documented toilet checks and searches of the premises • Training of staff in drug awareness to identify and prevent the supply and use of illegal drugs and new psychoactive substances • Physical measures to deter drug use on the premises. • Make customers aware of the risk of drink-spiking. • Train staff in drug awareness issues and ensure sufficient staffing and managerial support to make identification and handling of incidents practicable. • Ask for Angela' - this initiative advises customers through posters in venue toilets that, if they 'ask for Angela' at the bar, staff will be alerted to the fact that the person feels unsafe or threatened. Staff will know that the individual needs support to leave their situation, and can call them a taxi, escort them to their car or call the police, for example. <p>Protection of women and girls</p> <p>Employers have a duty of care for employees and should adopt a risk based assessment approach to ensuring the safety of all staff working late or unsocial hours to facilitate a safe and affordable journey home</p> <p>Public Safety is of paramount importance for the licensing authority and a safe night is a priority. The authority supports a number of initiatives to improve safety in the night time economy.</p> <p>Vulnerability training for staff working in the night time economy Ask for Angela https://askforangela.co.uk/ Street Pastors https://www.streetpastors.org/</p>
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	6.28	<p>Best Bar None https://bestbarnone.com/ Pubwatch https://www.nationalpubwatch.org.uk/ Nights of action</p> <p>Violence against women and girls' covers a range of unacceptable and deeply distressing crimes, including rape and other sexual offences, stalking, domestic abuse, 'honour'-based abuse (including female genital mutilation, forced marriage and 'honour' killings), 'revenge porn' and 'upskirting', as well as many others. These crimes disproportionately affect women and girls.</p> <p>The licensing authority supports the Nottinghamshire Police and Crime Commissioners Violence Against Women and Girls Strategy https://www.nottinghamshire.pcc.police.uk/Public-Information/Publications-and-Leaflets.aspx and positively promotes and supports initiatives driven by this agenda.</p> <p>Counter terrorism</p> <p>The licensing authority expects that:</p> <ul style="list-style-type: none"> • The venue has robust procedures and relevant training in place and staff are knowledgeable of those procedures to be taken and the necessity of following them in the event of a terrorist incident, such as firearms or weapons attack, including: <ul style="list-style-type: none"> • Evacuation/Invacuation/Lockdown • RUN/HIDE/TELL principles • How customers will be safeguarded. • Steps are taken to ensure all people employed at the premises whose job includes being alert to the terrorist threat are aware of:
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	6.30-6.32	<ul style="list-style-type: none"> • the current terrorist threat level • what that level means in relation to the possibility of an attack. • Have undertaken the Action Counters Terrorism (ACT) e.learning course within the last 12 months. See note below. <ul style="list-style-type: none"> • Risk assessments for public entertainment venues include consideration of the risk of a terrorist attack and the different types of attack. • Staff must be clear about what to do if the public report suspicious activity or unusual behaviour to them. • All suspicious behaviour by customers or members of the public close to the venue must be noted and be reported promptly to the police so that investigations can be made, and action taken, if appropriate. • Measures to alert staff and visitors of any immediate threat or incident. <p>Action Counters Terrorism (ACT) training:</p> <p>Further details, updates and to register for the ACT e-learning training course please visit: https://www.protectuk.police.uk/</p> <p>Closure Notices</p> <p>Section 19 of the Criminal Justice and Police Act 2001 (the Act) gives licensing authorities, police and local authorities the power to serve a closure notice where any premises are being used (or have been used within the last 24 hours), for the sale of alcohol for consumption on or in the vicinity of the premises; and the activity was not authorised (premises licence, club premises certificate or temporary event notice) or not in accordance with the conditions of authorisation.</p> <p>The notice informs the person with control of, or responsibility for, the activities</p>
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		<p>carried on at the premises (normally the licence holder or the designated premises supervisor) that if unauthorised alcohol sales continue, an application may be made to a court under section 20 for an order to close the premises under section 21 of the Act. Such an application cannot be made less than seven days or more than six months after the service of the closure notice under section 19.</p> <p>Further power to close premises are contained in Anti-Social Behaviour Crime and Policing Act 2014. Closure Notices can be issued if the use of the premises has, or is likely to result in, nuisance and disorder. Under a Closure Notice a premises can be closed for up to 48 hours. A subsequent application can then be made to Magistrates Court for a Closure Order if there is evidence that there is serious nuisance to members of the public or there is disorderly, offensive or criminal behaviour on, or likely to be on, the premises. A Closure Order can be made for up to 3 months and a subsequent application can extend for up to a further 3 months.</p>
14-33 cont'd	<p>6.14 Policy 2 /cont'd</p> <p>6.43 – 6.44</p>	<p>To amend the section 'Reviews' to state:</p> <p>Reviews & Expedited Reviews</p> <p>At any stage following the grant of a premises licence or club premises certificate a Responsible Authority or any person may ask for a review.</p> <p>Evidence will however be required to show that a specific concern exists relating to one or more of the licensing objectives.</p> <p>Where a review Hearing is held the Licensing Authority has a variety of options that it may take ranging from taking no action at all, to varying conditions or suspending or revoking the licence. The Guidance reminds the Authority that the powers of review are to be used in the interests of the wider community and</p>

	6.48	<p>not that of the individual licence/certificate holder. Whilst the financial circumstances of the licence/certificate holder will be a consideration for the Licensing Authority the promotion of the licensing objectives will be the Authority's primary concern. In some circumstances e.g. the use of premises for the purchase and consumption of alcohol by minors, revocation may be considered an appropriate course of action even in the first instance.</p> <p>Alcohol Delivery Services</p> <p>An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures that they intend to operate to ensure that:</p> <ul style="list-style-type: none">• That the person they are selling alcohol to is over the age of 18• That alcohol is only delivered to a person over the age of 18• There is a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer.• A refusals log will be maintained for deliveries and available for inspection on request• The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol• Alcohol shall only be delivered to a residential or business address and may not be delivered to a public place• Any delivery driver or third party courier will be required to have appropriate age verification training, and in particular they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated• Operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk and, in such instances, alcohol should be refused and that refusal recorded.
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	<p>6.49-6.50</p>	<p>Pavement Licences</p> <p>A pavement licence is a licence granted by the local authority which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes. It is important to note the grant of a pavement licence only permits the placing of furniture on the highway.</p> <p>A pavement licence does not negate the need to obtain approvals under other regulatory frameworks, such as the need for a licence to sell alcohol, and the need to comply with registration requirements for food businesses.</p> <p>It is important that any pavement licence granted promotes the four licensing objectives.</p> <p>For further information on pavement licences please use the link below: https://www.gedling.gov.uk/business/licences/pavementcafelicenceduringcovid-19/</p>
<p>34-36</p>	<p>7. Safeguarding Children & Vulnerable Persons</p> <p>7.10</p>	<p>To Include the following under the section:</p> <p>It is recommended that all alcohol licensed premises follow the Portman Group Code of Practice, in particular that relating to particular appeal to under-18s. www.portmangroup.org.uk</p>
<p>37</p>	<p>8. Equality and Diversity</p>	<p>To amend 8.1 to state:</p> <p>Gedling Borough Council recognises that the people it serves have different needs and priorities. The Council is committed to treating all of its customers and staff fairly without discrimination and prejudice and providing equal access to our services, citizen participation and employment and training opportunities. Gedling Borough Council has an Equality & Diversity Policy 2021-2024 aimed at providing direction to elected members and staff within the Council. The Authority will continue to work to embody the requirements of the Equality Act</p>

		<p>2010 in its Licensing role. Equality Impact Need Assessment (EIAs) are used to ensure that policies, services and procedures do not have an adverse impact on a particular group of people due to their gender, sexuality, religion or belief, race, age, gender identity or because they are disabled people or have caring responsibilities. The EIA for this Licensing Policy is periodically reviewed and the actions arising from it are fed back into future into this organisations service plan and also help to shape the consultation over future licensing policies.</p>
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Report to Council

Subject: Co-option of Parish Representative to Standards Committee

Date: 15 November 2023

Author: Monitoring Officer

Purpose

To recommend to Council that Louise Kopyrko, Councillor for Calverton Parish Council should be co-opted on to the Standards Committee to fill the vacant post of co-opted parish representative.

Recommendation

Members agree that:

- 1) Louise Kopyrko, Councillor for Calverton Parish Council be co-opted on to the Standards Committee to fill the vacant post of co-opted parish representative until the next annual meeting.

1 Background

- 1.1 At the Standards Committee meeting in June 2023, it was agreed that a recruitment exercise would be undertaken and a cross party interview panel would be set up to interview candidates for the vacant post of co-opted parish representative on the Standards Committee.
- 1.2 The vacancy was advertised and the applicants were interviewed by the panel on 10th August 2023. The panel recommended to Standards Committee on 21st September 2023 that Louise Kopyrko, Councillor for Calverton Parish Council be co-opted to the Standards Committee to fill the vacant post of co-opted parish representative. In view of the fact that this is a new appointment, the panel also recommended that she is co-opted until the next annual meeting and that the panel should review whether the co-option should continue.
- 1.3 At its meeting on 21st September 2023, Standards Committee agreed to recommend to Council the co-option of Louise Kopyrko onto the Standards

Committee until the next annual meeting.

2 Proposal

- 2.1 It is proposed that the Louise Kopyrko, Councillor for Calverton Parish Council should be co-opted on to the Standards Committee to fill the vacant post of co-opted parish representative until the next annual meeting.
- 2.2 The Standards Committee delegated authority to the interview panel to review the appointment prior to the next annual council. The panel can then recommend to Council whether the co-option should continue.

3 Alternative Options

- 3.1 The Council could determine not to co-opt this candidate, however there was a fair and open recruitment process and the panel determined that Louise Kopyrko was a suitable candidate for appointment after reviewing her application and undertaking an interview. The Standards Committee recommend this co-option to Council.

4 Financial Implications

- 4.1 On appointment, the co-opted member will be entitled to receive the co-opted members' allowance agreed as part of the Members' Allowances Scheme, which is currently set at £500 per annum. This will be met from existing budgets.

5 Legal Implications

- 5.1 Standards Committee have authority to deal with the recruitment of co-opted members and to make recommendations to Council on appointment. Only Council can agree to the co-option.

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/environmental sustainability implications arising from this report.

8 Appendices

- 8.1 None

9 Background papers

9.1 None identified.

Statutory Officer approval

Approved by the Chief Financial Officer

Date:

Drafted by the Monitoring Officer

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Report to Council

Subject: Changes to committee membership

Date: 15 November 2023

Author: Democratic Services Manager

Purpose

Following formal notification of two resignations of membership from the Labour party, the allocation of seats to committees must be updated and this report proposes to make the necessary changes.

Recommendation(s)

To approve the following changes to representation on committees:

- 1) Remove Councillor Whiting from Joint Consultative and Safety Committee; and
- 2) Add Councillor Ron McCrossen as a member of the Joint Consultative and Safety Committee; and
- 3) Remove Councillor Ron McCrossen as a member of the Overview & Scrutiny Committee; and
- 4) Add Councillor Robinson-Payne as a member of the Overview & Scrutiny Committee; and
- 5) Add Councillors Gibbons and Whiting to Standards Committee; and
- 6) Remove Councillor Gibbons from Planning Committee; and
- 7) Add Councillor Whiting as a member of the Planning Committee; and
- 8) Councillor Gibbons to remain on the Environment and Licensing Committee and Licensing Act Panel as an Independent; and
- 9) Councillor Whiting to remain on the Overview & Scrutiny Committee as an Independent; and
- 10) Vice-Chair of Overview & Scrutiny Committee to be confirmed at the meeting.

1 Background

In determining the membership of committees, account must be taken of the requirements of the Local Government (Committees and Political Groups) Regulations 1990 and 1991 made under sections 15 and 16 of the Local Government and Housing Act 1989. These regulations require that seats on committees and sub-committees are allocated to the political groups in a way which reflects the overall political balance of the Council. A political group is defined as a group consisting of two or more members.

There has been a change to the political make-up of the Council, which is as follows:

Labour Group	26 (-2)
Conservative Group	9 (-)
Liberal Democrat Group	4 (-)
Independent	2 (+2)

2 Proposal

It is proposed to make the following changes to committee memberships:

- Remove Councillor Whiting from Joint Consultative and Safety Committee; and
- Add Councillor Ron McCrossen as a member of the Joint Consultative and Safety Committee; and
- Remove Councillor Ron McCrossen as a member of the Overview & Scrutiny Committee; and
- Add Councillor Robinson-Payne as a member of the Overview & Scrutiny Committee; and
- Add Councillors Gibbons and Whiting to Standards Committee; and
- Remove Councillor Gibbons from Planning Committee; and
- Add Councillor Whiting as a member of the Planning Committee; and
- Councillor Gibbons to remain on the Environment and Licensing Committee and Licensing Act Panel as an Independent; and
- Councillor Whiting to remain on the Overview & Scrutiny Committee as an Independent; and
- Vice-Chair of Overview & Scrutiny Committee to be confirmed at the meeting.

3 Alternative Options

Council may decide not to approve the recommendations as proposed. However, these proposals have been put forward to ensure that membership of Committees reflects requirements in the constitution in terms of Committee make up and membership.

4 Financial Implications

There are no financial implications arising from this report.

5 Legal Implications

The legal implications are as detailed in this report.

6 Equalities Implications

There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

There are no environmental sustainability implications arising from this report.

8 Appendices

None.

9 Background Papers

None.

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MINUTES OVERVIEW AND SCRUTINY COMMITTEE

Monday 4 September 2023

Councillor Catherine Pope (Chair)

Councillor Russell Whiting	Councillor Roxanne Ellis
Councillor Roy Allan	Councillor Ron McCrossen
Councillor David Brocklebank	Councillor Grahame Pope
Councillor Lorraine Brown	Councillor Martin Smith
Councillor Andrew Dunkin	Councillor Sam Smith
Councillor Rachael Ellis	Councillor Michelle Welsh

Officers in Attendance: M Hill, B Hopewell and E McGinlay

8 APOLOGIES FOR ABSENCE

None.

9 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 10 JULY 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

10 DECLARATION OF INTERESTS

None.

11 PROGRAMME OF PORTFOLIO HOLDER ATTENDANCE

Members welcomed Councillor Jenny Hollingsworth, Portfolio Holder for Sustainable Growth and Economy to the meeting to examine her portfolio. Councillor Hollingsworth gave an update to members on some key happenings within her portfolio.

No questions were received from Members in advance of the meeting, so Councillor Hollingsworth delivered an update on these and the various areas of responsibility within her portfolio. She gave the following updates:

- 1) Preparations have begun for the Greater Nottingham Strategic Plan, which is a collaborative document between Broxtowe Borough, Gedling Borough, Nottingham City and Rushcliffe Borough Councils. The plan covers the period 2022 to 2038 and

will set out policies to secure sustainable growth. The emerging plan will place great emphasis on green and blue infrastructure and 20-minute neighbourhoods. From November 2023 developers will be required to provide a mandatory 10% net gain in biodiversity for major sites of 10 homes or more. Requirements for smaller sites of 1 to 9 dwellings will commence in 2024 with householder extensions being exempt.

- 2) Gedling Borough Council was selected by the Department for Levelling Up, Housing and Communities to participate in a design code pathfinder programme and has been awarded funding to create a borough wide design code. In accordance with national planning policies and guidance, including the National Model Design Code, Gedling's Design Code will set rules and design principles specific to the borough that developers and householders will need to follow when designing new residential development within the borough.
- 3) All ground floor units at the AMP have been occupied which is eight months ahead of projections and discussions have been taking place with Framework contractors regarding the first floor. It was noted that this work was expected to commence this financial year and be completed in 2024/25.
- 4) A successful jobs fair was held on 15th August with 370 people attending - this exceeds the 136 who attended the last event. An evaluation report was prepared by the Economic Growth Officer and the next Jobs Fair has been planned for 14th November in the Civic Centre. The Economic Growth Officer has supported several careers events with local schools, including speed networking and mock interviews. An appointment has been arranged with the careers lead at Derrymount Special School to discuss careers support for the next academic year.
- 5) Over a 6-month period, 4 section 215 notices have been served under the Town and Country Planning Act 1990. These have been properties that were falling into a state of disrepair. It was noted that since April 2023, 74 empty properties have been brought back into use and the empty homes Officer has been working on 334 live cases, with many of them being work in progress.

The Chair asked Members if they had any questions.

Members queried whether the Council would have enforcement options to ensure that developments adhere to their plans to include a 10% biodiversity net gain.

The Head of Development and Place informed members that the biodiversity net gain is a mandatory requirement as part of the planning

application and as such, enforcement is available should developers fall short of the expected requirements within their planning application.

Members asked what mechanisms the Council have in place for identifying empty homes.

Councillor Hollingsworth informed Members that the Empty Homes Officer (EHO) responds to community intelligence and reports received. The Council also implements data sharing agreements with the council tax department, periodically providing a list of all long term (vacant and unfurnished) empty properties in the Borough. The EHO then works through the list making contact with people responsible.

RESOLVED:

The Chair thanked Cllr Hollingsworth for attending the meeting and the information provided.

12 SEWERAGE REVIEW WORKING GROUP RECOMMENDATIONS RESPONSE

The Democratic Services Manager introduced a report, which had been circulated in advance of the meeting, informing members of the response to recommendations of the Sewerage review working group.

RESOLVED:

To note the report.

13 ANNUAL REPORT

The Democratic Services Manager introduced a report, which had been circulated in advance of the meeting, asking members whether they had any comments or recommendations to the annual report.

RESOLVED to:

Note the report and approve its submission to Council.

14 WARM SPACES SUCCESS AND FUTURE OPERATION

The Democratic Services Manager introduced a report, which had been circulated in advance of the meeting, advising members of the success of the warm spaces programme that was put into place for winter 2022 and to give information about its future operation.

RESOLVED:

To note the report.

15 FUNDING BID REVIEW

The Democratic Services Manager introduced a report, which had been circulated in advance of the meeting, advising members of the different bids that the council have previously applied for and those that are planned to apply for in future.

The report also sought to suggest the committee forms a working group to consider the previous bid submissions and how the council can best formulate them going forward to succeed in received funding.

An amendment was passed, proposing changes to the recommendations by Councillor Welsh which was seconded by Councillor Whiting.

RESOLVED to:

- 1) Note the details of the previous and upcoming bids; and
- 2) Form a working group to complete a more thorough review of funding opportunities and subsequent bids, including consideration of the National Audit officers' current study which is reviewing the following major government funds (Towns fund – 3.2 billion, Levelling Up fund – 4.8 billion, UK Shared Prosperity fund – 2.6 billion) and examining whether the three funds have clear aims and objectives as a part of a joined-up approach, whether the three funds are being distributed in line with their objectives and if they are being spent as planned.

16 SCRUTINY WORK PROGRAMME

The Democratic Services Manager introduced a report, which had been circulated in advance of the meeting, providing an update on the scrutiny work programme.

RESOLVED:

To note the report.

17 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 6.45 pm

Signed by Chair:

Date:

MINUTES CABINET

Thursday 7 September 2023

Councillor John Clarke (Chair)

Councillor David Ellis	Councillor Marje Paling
Councillor Kathryn Fox	Councillor Lynda Pearson
Councillor Jenny Hollingsworth	Councillor Henry Wheeler
Councillor Viv McCrossen	

Absent: Councillor Michael Payne

Officers in Attendance: M Hill, C McCleary and F Whyley

18 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Payne.

19 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 6 JULY 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

20 DECLARATION OF INTERESTS

Councillor Hollingsworth declared a non-pecuniary interest in item 9 as it is in relation to her ward.

21 FORWARD PLAN

Consideration was given to a report of the Democratic Services Manager, which had been circulated prior to the meeting, detailing the Executive's draft Forward Plan for the next six month period.

RESOLVED:

To note the report.

22 HILL CREST PARK BUSINESS UNIT EXPANSION

The Economic Growth and Regeneration Manager introduced a report, which had been circulated in advance of the meeting, seeking approval to develop Hill Crest Park in Calverton (the Site), and to recommend to Council that budget approval is given for this development.

RESOLVED to:

- 1) Approve the Hill Crest Park Extension project business case subject to funding and budget approval;
- 2) Approve Officers to continue with the funding approval process with D2N2 LEP
- 3) Delegate authority to the Chief Executive in consultation with the Legal Services Manager to sign off the business case submission and enter into a legal agreement with the D2N2 LEP to deliver the scheme, should the business case be successful; and
- 4) Recommend that Council approves the addition of this project to the capital programme for 2023/24, and establishes a budget of £1,387,769 to be funded from a combination of borrowing, external funding and earmarked reserves.

23 PRUDENTIAL CODE INDICATOR MONITORING 2023/24 AND QUARTERLY TREASURY ACTIVITY REPORT FOR Q1

Consideration was given to a report of the Financial Services Manager, which had been circulated prior to the meeting, detailing the performance monitoring of the 2023/24 prudential code indicators, and advising Members of the quarterly treasury activity.

RESOLVED:

To note the report, together with the Treasury Activity Report 2023/24 for Quarter 1 at appendix 1, and the Prudential and Treasury Indicator Monitoring 2023/24 for Quarter 1, at appendix 2.

24 BUDGET MONITORING (Q1) AND VIREMENT REPORT

Consideration was given to a report of the Senior Leadership Team, which had been circulated prior to the meeting, to update Cabinet on the forecast outturn for Revenue and Capital Budgets for 2023/24 and to request approval for the changes to the budget as set out in the report.

RESOLVED to:

- 1) Approve the General Fund Budget virements set out in Appendix 1;
- 2) Note the use of reserves and funds during quarter one as detailed in Appendix 2; and
- 3) Approve the changes to the capital programme included in paragraph 2.4.

25 GEDLING PLAN - QUARTER 1 2023/24 REPORT

Consideration was given to a report of the Senior Leadership Team, which had been circulated prior to the meeting, detailing the summary of the position against improvement actions and performance indicators in the 2023-27 Gedling Plan at the end of quarter 1 of 2023/24.

RESOLVED:

To note the progress against the improvement actions and performance indicators in the 2023-27 Gedling Plan for the end of quarter 1 of 2023/24.

26 COMMUNITY INFRASTRUCTURE LEVY (CIL) NON- PARISH FUNDING – CONSULTATION RESPONSE AND FUNDING DECISION

The CIL and Section 106 Monitoring Officer introduced a report, which had been circulated in advance of the meeting, seeking member approval to retain LIS0001 – Cinder Path Extension (Netherfield) and LIS0002 – Gedling Youth & Community Hub Regeneration Project at Former Railway Station (Gedling) on the Local Infrastructure Schedule for reconsideration as part of next year’s CIL Non-Parish Neighbourhood Funding awards.

RESOLVED to:

- 1) Approve the retention of LIS0001 – Cinder Path Extension (Netherfield) on Local Infrastructure Schedule for reconsideration as part of next year’s CIL Non Parish Neighbourhood Funding awards; and
- 2) Approve the retention of LIS0002 – Gedling Youth & Community Hub Regeneration Project at Former Railway Station (Gedling) on the Local Infrastructure Schedule for reconsideration as part of next year’s CIL Non-Parish Neighbourhood Funding awards.

27 GREATER NOTTINGHAM STRATEGIC PLAN - STRATEGIC DISTRIBUTION CONSULTATION

The Planning Policy Manager introduced a report, which had been circulated in advance of the meeting, seeking approval to issue the Greater Nottingham Strategic Plan Preferred Approach: Strategic Distribution and Logistics Sites document for a period of consultation.

RESOLVED to:

- 1) Approve the Greater Nottingham Strategic Plan Preferred Approach: Strategic Distribution and Logistics Sites document and Sustainability Appraisal, to allow a period of public representations; and
- 2) Delegate authority to the Planning Policy Manager to make any minor editing changes such as typographical, formatting or changes to imagery necessary to the Preferred Approach: Strategic Distribution and Logistics Sites document and any supporting evidence documents prior to consultation.

28

APPROVAL TO EXTEND WITH THE PUBLIC SPACE PROTECTION ORDER FOR DOG FOULING OFFENCES BOROUGH WIDE

Consideration was given to a report of the Head of Environment, seeking approval for authorisation to extend, for a further 3 years, the existing Public Spaces Protection Order for dog fouling (Gedling Borough Council) which is due to expire on 20 October 2023.

RESOLVED to:

- 1) Approve a further 3 year extension of the current Public Spaces Protection Order (PSPO) for dog fouling at Appendix 1 in accordance with Section 72 of the Antisocial Behaviour, Crime and Policing Act 2014; and
- 2) Approve that the fixed penalty level for breaches of the PSPO remains set at £100, payable within 14 days.

29

ANNUAL STATISTICAL COMPLAINTS AND OMBUDSMAN REPORT

The Interim Corporate Director introduced a report, which had been circulated in advance of the meeting, informing members of the receipt of the annual review letter from the office of the Local Government and Social Care Ombudsman and the complaints dealt with by the Council through the internal complaints procedure during the year 2022/23.

RESOLVED:

To note the details of the annual review letter from the Local Government and Social Care Ombudsman and the information in relation to the number of complaints dealt with by the Council through the internal complaints procedure in 2022/23.

30 SENIOR INFORMATION RISK OWNER REPORT

The Interim Corporate Director introduced a report on behalf of the Senior Information Risk Owner, which had been circulated in advance of the meeting, providing an annual review of activities in respect of information management and data security and seeking approval of updates to the Council's Information Security Policy.

RESOLVED to:

- 1) Note the Annual Report on behalf of the Senior Information Risk Owner 2022/23; and
- 2) Approve the amendments to the Council's Information Security Policy at Appendix 2.

31 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 3.10 pm

Signed by Chair:
Date:

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MINUTES AUDIT COMMITTEE

Tuesday 19 September 2023

Councillor Kyle Robinson-Payne (Chair)

Councillor Sandra Barnes	Councillor Paul Hughes
Councillor Jim Creamer	Councillor Alison Hunt
Councillor Helen Greensmith	Councillor Ruth Strong

Officers in Attendance: M Hill, D Archer, B Hopewell, A Solley and F Whyley

Guests in Attendance: M Armstrong (BDO), G Dulay (BDO)

16 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

None.

17 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 25 JULY 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

18 DECLARATION OF INTERESTS.

None.

19 INTERNAL AUDIT DRAFT ANNUAL REPORT 2022/23

The Internal Auditor introduced a report, which had been circulated in advance of the meeting outlining the Head of Audit Opinion based on the outcome of the internal audit activity completed by the BDO Internal Audit Team in accordance with the approved 2022/23 Internal Audit Plan.

RESOLVED:

To note the report and Head of Internal Audit Opinion for 2022/23.

20 INTERNAL AUDIT PROGRESS REPORT

The Internal Auditor introduced a report, which had been circulated in advance of the meeting, summarising the outcome of the internal audit

activity completed by the BDO Internal Audit Team for the period July to September 2023.

RESOLVED to:

- 1) Note the Internal Audit Progress Report detailing the delivery of the 2022/23 Internal Audit plan and the commencement of work for the 2023/24 Internal Audit Plan; and
- 2) Note the Workforce Strategy Internal Audit Report.

21 CORPORATE RISK MANAGEMENT SCORECARD QUARTER 1 2022/23

The Chief executive introduced a report, which had been circulated in advance of the meeting, updating members of the current level of assurance that can be provided against each corporate risk.

RESOLVED:

To note the progress of actions identified within the Corporate Risk Register.

22 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.10 pm

Signed by Chair:
Date:

MINUTES STANDARDS COMMITTEE

Thursday 21 September 2023

Councillor Paul Feeney (Chair)

Councillor David Brocklebank	Councillor Clive Towsey-
Councillor Stuart Bestwick	Hinton
Councillor Andrew Ellwood	Rosalie Hawks

Absent:

Officers in Attendance: F Whyley and E McGinlay

9 APOLOGIES FOR ABSENCE

Apologies for absence were received from John Baggaley.

10 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 22 JUNE 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

11 DECLARATION OF INTERESTS

None.

12 RECRUITMENT OF CO-OPTED PARISH REPRESENTATIVE

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, seeking approval to recommend to Council that Louise Kopyrko fill the vacant post of co-opted parish representative.

RESOLVED to:

- 1) Recommend to Council that Louise Kopyrko, Councillor for Calverton Parish Council, should be co-opted on to the Standards Committee to fill the vacant post of co-opted parish representative until the next annual meeting; and
- 2) Delegate authority to the interview panel to review the appointment prior to the next annual meeting and recommend to Council whether the co-option should continue.

13 UPDATE OF REVIEW OF CODE OF CONDUCT

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, to update members on the progress of the review of the Members Code of Conduct and to seek approval to allow further period of consultation.

RESOLVED to:

- 1) Note the work undertaken by the working group on the review of the Council's Member Code of Conduct; and
- 2) Agree a further period of consultation on the new draft Gedling Borough Council Councillor Code of Conduct at Appendix 1.

14 CODE OF CONDUCT COMPLAINTS UPDATE

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, informing members of complaints received between 22 June and 21 September 2023.

RESOLVED:

That the report be noted.

15 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.09 pm

Signed by Chair:

Date:

MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 3 October 2023

Councillor Alison Hunt (Chair)

Present: Councillor Marje Paling Councillor Sue Pickering
Councillor Rachael Ellis Councillor Alex Scroggie
Councillor Des Gibbons Councillor Paul Wilkinson
Councillor Julie Najuk

Absent: Councillor Boyd Elliott, Councillor Martin Smith and Councillor Clive
Towsey-Hinton

Officers in Attendance: J Brough, L Chaplin, B Cox, B Hopewell, Hutchinson and K Nealon

29 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Smith and Towsey-Hinton. Councillor Bestwick attended as substitute.

30 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 5 SEPTEMBER.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

31 DECLARATION OF INTERESTS.

None.

32 CONSULTATION ON A BOROUGH WIDE SMOKE CONTROL AREA DECLARATION

Consideration was given to a report of the Head of Environment, which had been circulated in advance of the meeting, seeking approval to carry out a public consultation on a proposal to declare the Borough as a smoke Control Area and to publish a notice and draft order for comment.

RESOLVED to:

- 1) Approve a public consultation on the draft order at Appendix B for a period of 6 weeks; and
- 2) Approve the publishin of a notice and draft order in the London Gazette and a local newspaper for two consecutive weeks.

33 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

34 EXCLUSION OF THE PRESS AND PUBLIC.

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

35 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IK

Consideration was given to a report of the Head of Environment, which had been circulated in advance of the meeting, regarding a change of circumstances following information received about the holder of a Joint Hackney Carriage/ Private Hire Driver's Licence.

IK attended the meeting and addressed the committee.

IK informed Members that his solicitor was unable to attend the meeting and requested that consideration be deferred until the next available committee.

RESOLVED:

To defer consideration of the application to the next available Committee to give IK's solicitor the opportunity to appear before the Committee.

36 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENSE MH

Consideration was given to a report of the Head of Environment, which had been circulated in advance of the meeting, regarding a change of circumstances following information received about the holder of a Joint Hackney Carriage/ Private Hire Driver's Licence.

MH attended the meeting and addressed the Committee.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

RESOLVED:

To suspend MH's Joint Hackney Carriage/Private Hire Driver's Licence for 7 days and to issue a warning to MH that such conduct fell short of the expected standard and advised that he refresh his knowledge of the terms and conditions of his licence and ensure compliance with them.

MH was given 21 days to surrender his licence and was advised of his right to appeal against the decision of the Committee.

The meeting finished at 5.10 pm

Signed by Chair:
Date:

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MINUTES APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

Wednesday 4 October 2023

Councillor Michael Payne (Chair)

Councillor John Clarke

Councillor Paul Hughes

Councillor Jenny Hollingsworth

Councillor Marje Paling

Councillor Viv McCrossen

Absent: Councillor Michael Adams

Officers in Attendance: M Hill, D Archer, A Snodin and C McCleary

13 APPOINTMENT OF CHAIR

Councillor Michael Payne was elected as Chair for the meeting.

14 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Michael Adams.

15 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 2 AUGUST 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

16 DECLARATION OF INTERESTS

None.

17 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(a)(4) of the Local Government Act 1972 the public and press be excluded from the meeting during consideration of the ensuing reports on the grounds that the reports involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12a of the Local Government Act 1972.

18 REVIEW OF GIFTS AND HOSPITALITY CODE OF PRACTICE FOR MEMBERS AND OFFICERS

The Head of HR, Performance and Service Planning presented a report, which had been circulated in advance of the meeting, detailing the consultation response received from trade unions and from the Joint Consultative and Safety Committee (JCSC) and seeking approval to implement the proposal for policy change in the Gifts and Hospitality Code of Practice for members and officers.

RESOLVED to:

- 1) Receive the consultation comments from trade unions and comments and recommendations from the JCSC; and
- 2) Implement the proposals made to amend the current Gifts and Hospitality Code of Practice for members and officers.

19 SELECTION TO THE POST OF HEAD OF FINANCE AND ICT

Councillor Clarke left the meeting at 9.45am.

Consideration was given to a report of the Chief Executive and Head of HR, Performance and Service Planning regarding the appointment to the post of Head of Finance and ICT.

After the interview process it was

RESOLVED that:

- 1) Tina Adams be selected as the preferred candidate for the post of Head of Finance and ICT;
- 2) There was no second candidate for consideration;
- 3) A starting salary of £72,275 per annum (subject to the application of a plussage determined by the Chief Executive to reflect the role of Deputy Section 151 Officer whilst it is undertaken by this post holder) be applied;
- 4) Subject to there being no substantial objections received from the Executive, to authorise the Head of HR to make an unconditional offer of employment to the preferred candidate; and
- 5) In the case that the statutory role of Chief Financial Officer (Section 151 Officer) is vacated by the current Corporate Director then the post of Head of Finance and ICT will be designated as the Council's Chief Financial Officer (Section 151 Officer) on a

temporary basis until such time that the role is attributed to this or another post deemed appropriate by this committee. An appropriate plussage will be paid to the Head of Finance and ICT whilst the post is designated as Section 151 Officer. The rate for this plussage will be determined by the Chief Executive in consultation with the Leader as Chair of this committee.

20 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 12.00 pm

Signed by Chair:
Date:

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MINUTES LICENSING ACT PANEL

Wednesday 4 October 2023

Councillor Alison Hunt (Chair)

Councillor Rachael Ellis

Councillor Marje Paling

Officers in Attendance: C Allcock, B Hopewell, W Langston and R Pentlow

1 ELECTION OF CHAIR

Councillor Hunt was elected as Chair for the meeting.

2 APOLOGIES FOR ABSENCE

None.

3 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 23 FEBRUARY 2023.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

4 DECLARATIONS OF INTEREST

None.

5 CONSIDERATION OF AN APPLICATION TO VARY A PREMISES LICENSE - 46 FRONT STREET, SASHAS.

The Panel considered an application to vary a premises licence for 46 Front Street Arnold.

In addition to the written representations in the bundle the panel heard live evidence from:

1. Alexander Smith (The Applicant).
2. William Langston (Environmental Health Officer).

In making its decision, the Panel has had regard to the Gedling Borough Council Licensing Policy, the guidance issued under section 182 of the Licensing Act 2003 and the Human Rights Act 1998 and carefully considered all the evidence presented to it, including the agreed

conditions with the police and the proposed condition discussed between the Applicant and Environmental Health Officer.

The Panel has made this decision to promote the 4 licensing Objectives:

1. Prevention of crime and disorder.
2. Public Safety.
3. Prevention of Public Nuisance.
4. Protection of Children from harm.

RESOLVED to:

1. Grant the application for the variation of the Premises Licence in relation to the inclusion of sales of alcohol off the premises. The Licence is subject to the current conditions specified in Annex 1 and 2 of Premise Licence Number 19/01839/PREM and is also subject to the additional condition agreed with the police as set out below:
 - a) When the premises are offering licensable activities on a Friday and Saturday there shall be a minimum of 2 SIA licensed door supervisors on duty at the premises from 20:30hrs, when there is an event using the upstairs bar there will be a third door staff on duty from 22:00 until close. This condition may be disapplied or re applied by written agreement with the Police at least 1 to 2 working days prior to the date and time of the disapplication and such written agreement retained at the premises.
2. Refuse the application for the variation of the Premises Licence in relation to:
 - a) Extend the opening hours on Friday and Saturday to 02:30hrs.
 - b) Extend the sale of alcohol on Friday and Saturday to 02:00hrs.
 - c) Extend regulated entertainment (live and recorded music) to 02:00hrs.
 - d) Extend provision of late night refreshment to 02:00hrs.

The meeting finished at 3.20 pm

Signed by Chair:
Date:

MINUTES CABINET

Thursday 5 October 2023

Councillor John Clarke (Chair)

Councillor David Ellis	Councillor Marje Paling
Councillor Kathryn Fox	Councillor Lynda Pearson
Councillor Jenny Hollingsworth	Councillor Henry Wheeler
Councillor Viv McCrossen	

Absent: Councillor Michael Payne

Officers in Attendance: M Hill, C McCleary and F Whyley

32 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Payne due to a conflict of interest on agenda item 6.

33 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 7 SEPTEMBER 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

34 DECLARATION OF INTERESTS

Councillor Paling declared a non-pecuniary interest in item 6 due to her membership of Arnold Parochial Charities and Friends of Hobbucks. Councillor Wheeler also declared a non-pecuniary interest in item 6 due to his close association with Friends of Hobbucks.

35 FORWARD PLAN

Consideration was given to a report of the Democratic Services Manager, which had been circulated prior to the meeting, detailing the Executive's draft Forward Plan for the next six month period.

RESOLVED:

To note the report.

36

ANNUAL EQUALITIES UPDATE REPORT

The Interim Corporate Director introduced a report, which had been circulated in advance of the meeting, updating members on the progress made across the Council on the Equality and Diversity Framework and action plan as well as other work undertaken in relation to improving equality and diversity in the provision of Council services since the adoption of the Equality and Diversity policy in 2021.

RESOLVED:

To note the work undertaken on the Equality and Diversity Framework and Action Plan and the wider work undertaken by officers and members to strengthen the Council's approach to equality and diversity in the performance of its functions.

37

PROPOSED SALE OF LAND AT KILLISICK LANE

The Property Services Manager introduced a report, which had been circulated in advance of the meeting, seeking approval for the disposal of land at Killisick Lane via the open market and delegating authority to the Chief Executive in consultation with the Leader of the Council to agree the final sale price in line with market value and the Council's Rules for dealing with land and buildings. The report also sought approval in principle, to sell the Council's land jointly with a neighbouring landowner in order to secure best value and a comprehensive development on site, delegating authority to the Chief Executive in consultation with Legal Services to prepare a collaboration agreement to facilitate the joint sale.

RESOLVED to:

- 1) Approve the disposal of Land at Killisick Lane (as shown outlined in red on Appendix 1 to the report) through private treaty on the open market as detailed in the report;
- 2) Delegate authority to the Chief Executive in consultation with the Leader of the Council to accept the best offer for the land;
- 3) Approve in principle, the joint sale of the Council's land with the Arnold Parochial Charities adjoining land, subject to a collaboration agreement being agreed by both parties;
- 4) Delegate authority to the Chief Executive in consultation with the Leader of the Council and the Legal Services Manager to prepare and complete a collaboration agreement with Arnold Parochial Charities to facilitate the joint sale of land; and

- 5) Delegate authority to the Chief Executive in consultation with the Legal Services Manager to agree Heads of Terms and Conditions of sale for the disposal.

38 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 2.30 pm

Signed by Chair:
Date:

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MINUTES PLANNING COMMITTEE

Wednesday 18 October 2023

Councillor Roy Allan (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Lynda Pearson
 Councillor Stuart Bestwick Councillor Catherine Pope
 Councillor David Ellis Councillor Grahame Pope
 Councillor Rachael Ellis Councillor Sam Smith
 Councillor Andrew Ellwood Councillor Ruth Strong
 Councillor Des Gibbons Councillor Jane Walker
 Councillor Helen Greensmith Councillor Henry Wheeler
 Councillor Ron McCrossen

Absent: Councillor Sandra Barnes

Officers in Attendance: M Avery, N Bryan, C Goodall, C Miles, N Osei and L Sturgess

34 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Barnes. Councillor Rachael Ellis attended as substitute.

35 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 6 SEPTEMBER 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

36 DECLARATION OF INTERESTS

The Chair declared a collective non-pecuniary interest on behalf of all committee members in item 5 on the agenda as Gedling Borough Council owned part of the application site and in item 6 on the agenda as Gedling Borough Council were the applicant.

37 APPLICATION NO. 2022/0501 - LAND OFF HAYDEN LANE, LINBY

Full planning permission for 131 dwellings with access from Delia Avenue and Dorothy Avenue.

Sian Burrows, a local resident, spoke against the application.

Robbie Locke, Head of Planning & Strategic Land at Cora, the applicant, spoke in support of the application.

The Principal Planning Officer informed members that since the publication of the agenda a letter had been received which raised no new issues to those contained within the report. He then went on to introduce the report.

RESOLVED:

To GRANT PLANNING PERMISSION: Subject to the owner entering into a planning obligation secured through a s106 legal agreement with the Borough Council as the Local Planning Authority and the County Council to secure affordable housing, and developer contributions as outlined above; and subject to the conditions listed for the reasons set out in the report.

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.

- 2 The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:
Site Location Plan, Scale 1:2500, Plan Ref: 3710-01
Location Plan, Submitted 14th April 2022
Planning Layout, Scale 1:500, Plan Ref: HUCK-SK-001-O
Planning Layout, Submitted 5th October 2023
Design and Access Statement, Submitted 14th April 2022
House Type B1 Plans and Elevations, Scale 1:100, Plan Ref: 3710 45 House Type B1, Submitted 30th November 2022
House Type P Plans and Elevations, Scale 1:100, Plan Ref: 3710 46 House Type P, Submitted 30th November 2022
House Type Q Plans and Elevations, Scale 1:100, Plan Ref: 3710 47 House Type Q, Submitted 30th November 2022
House Type R Plans and Elevations, Scale 1:100, Plan Ref: 3710 48 House Type R, Submitted 30th November 2022
House Type A Plans and Elevations Scale 1:100, Plan Ref: 3710 30 House Type A, Submitted 14th April 2022
House Type B Plans and Elevations Scale 1:100, Plan Ref: 3710 31 House Type B, Submitted 14th April 2022
House Type C Plans and Elevations, Scale 1:100, Plan Ref: 3710 32 House Type C, Submitted 14th April 2022
House Type D Plans and Elevations, Scale 1:100, Plan Ref: 3710 33 House Type D, Submitted 14th April 2022
House Type E Plans and Elevations, Scale 1:100, Plan Ref: 3710 34 House Type E, Submitted 14th April 2022
House Type F Plans and Elevations, Scale 1:100, Plan Ref: 3710 35 House Type F, Submitted 14th April 2022

House Type H Plans and Elevations, Scale 1:100, Plan Ref: 3710 37 House Type H, Submitted 14th April 2022

House Type I Plans and Elevations, Scale 1:100, Plan Ref: 3710 38 House Type I, Submitted 14th April 2022

House Type J Plans and Elevations, Scale 1:100, Plan Ref: 3710 39 House Type J, Submitted 14th April 2022

House Type L Plans and Elevations, Scale 1:100, Plan Ref: 3710 41 House Type L, Submitted 14th April 2022

House Type M Plans and Elevations, Scale 1:100, Plan Ref: 3710 42 House Type M, Submitted 14th April 2022

House Type O Plans and Elevations, Scale 1:100, Plan Ref: 3710 44 House Type O, Submitted 14th April 2022,

House Type Chawton, Submitted 6th October 2023 Plan Ref: 1142,

House Type Kingston 1192 Submitted 6th October 2023,

Double Garage Plans and Elevations, Scale 1:100, Plan Ref: 3710-50

Double Garage, Submitted 4th May 2022 Single Garage Plans and Elevations, Scale 1:100, Plan Ref: 3710-51

Single Garage Submitted 4th May 2022 Open Space Plan, Scale 1:500,

Plan Ref: HUCK-PL-002 D Open Space Plan, Submitted 6th September 2023

Site Access Plan, Scale 1:500, Plan Ref: 19000-HUCK-5-100-B

Site Access Plan, Submitted 30th September 2023

Refuse Vehicle Tracking, Scale 1:500, Plan Ref: 19000-HUCK-5-615-F Refuse Vehicle Tracking, Submitted 30th August 2023

Delivery Vehicle Tracking, Scale 1:500, Plan Ref: 19000-HUCK-5-616 Delivery Vehicle Tracking, Submitted 5th May 2023

Levels and Drainage Strategy, Scale 1:500, Plan Ref: 19000-HUCK-5-SK001-D Levels and Drainage Strategy, Submitted 16th June 2023

Surface Water Flood Routing Plan, Scale 1:500, Plan Ref: 19000-HUCK-5-SK005-B Surface Water Routing Plan, Submitted 16th June 2023

Car Parking Plan, Scale 1:500, Plan Ref: HUCK-PL-004-D Car Parking, Submitted 9th May 2023

Arboricultural Impact Assessment, Doc Ref: BG21.281.1. Land off Hayden Lane, Hucknall, Rev 5, Submitted 17th February 2023

Ecological Impact Assessment, Doc Ref: BG21.281 Hayden Lane, Hucknall, Rev 2, Submitted April 2022

Biodiversity Impact Assessment, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Rev 3, Submitted April 2022

Landscape Masterplan, Doc Ref: BG21.281 Hayden Lane, Hucknall, Landscaping Masterplan Rev 2, Submitted November 2022

Landscape and Visual Impact Assessment, Doc Ref: BG21.281.3 Hayden Lane, Hucknall, Submitted April 2022

Archaeology Desk Based Assessment and Heritage Report, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Submitted April 2022

Transport Assessment, Doc Ref: 19000 Hucknall, Submitted 8th June 2022

Green Travel Plan Doc Ref: 19000 Hucknall, Submitted April 2022

- 3 No building shall be erected until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4 No development shall take place until details of all materials to be used for hard surfaced areas within the site including roads, footpaths, recreation areas, and car parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.
- 5 Occupation of any proposed dwellings shall not take place until such time as the site access arrangement as shown on drawing number 19000-HUCK-5-100 Revision B has been provided.
- 6 Occupation of the proposed dwellings shall not take place until their respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.
- 7 Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The CMP shall provide details of, but not limited to, the following: a) Details of noise, dust and vibration suppression b) Details of any compound and welfare areas to include their location and appearance, heights of any cabins to be sited, and details of any associated external lighting. c) Details of on-site materials storage areas d) Details of on-site construction parking and manoeuvring area, including loading and unloading of plant and materials e) Details of any crusher to be used on site f) Details of any piling which is required g) Details of reasonable avoidance measures (RAMs) in respect of protected species h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate i) Details of wheel washing facilities during construction j) A scheme for recycling/disposing of waste resulting from demolition and construction works. k) Details of the routing of deliveries and construction vehicles to site and

any temporary access points. l) Details of any hoarding to be erected. The development shall be carried out in accordance with the approved details for its entire construction phase.

- 8 Development shall not commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. Thereafter, the development shall only commence in accordance with the Written Scheme of Investigation as approved.

- 9 No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy Land at Hayden Lane, Hucknall, Nottingham: Revision A, November 2022, Woods Hardwick., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
 - Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
 - Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
 - Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.
 - Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
 - No surcharge shown in a 1 in 1 year;
 - No flooding shown in a 1 in 30 year.;
 - For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
 - Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
 - Details of STW approval

for connections to existing network and any adoption of site drainage infrastructure. Evidence of approval for drainage infrastructure crossing third party land where applicable. Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site. Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

- 10 All construction and/or demolition works on the site and all deliveries of construction materials to the site must only take place between the following hours: 0700 and 1900 on Mondays to Fridays (inclusive), and; 0800 and 1700 on Saturdays. There shall be no construction, demolition or associated deliveries whatsoever on the site on Sundays or on Bank or Public Holidays.
- 11 The development hereby permitted must not be occupied or first brought into use until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Ecological Impact Assessment, Doc Ref: BG21.281 Hayden Lane, Hucknall, Rev 2, Submitted April 2022 and Biodiversity Impact Assessment, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Rev 3, Submitted April 2022 have been submitted to and approved by the Local Planning Authority. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development.
- 12 Notwithstanding the details contained within the landscape proposals contain on plan reference: Landscape Masterplan, Doc Ref: BG21.281, the development hereby permitted must not be occupied or first brought into use until a further details of the Landscaping Scheme, have been submitted to and approved in writing by the Local Planning Authority. They shall include: a. details of all hard and soft landscaping features to be used and include the following: b. Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow. c. A schedule of the new trees and shrubs (using their botanical/latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees); d. Plans showing the proposed finished land levels/contours of landscaped areas; e. Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features; f. Details of the protection measures to be used of any existing landscape features to be retained. The approved Landscaping Scheme must be carried out and completed in accordance with the approved details no later than

during the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscaping Scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal. Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

- 13 No development shall take place above damp proof course level until detailed drawings including materials, design, and heights of all boundaries treatments have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until such time as all boundary treatments are in place, which shall remain for the lifetime of the development.
- 14 From the date of first occupation every dwelling built on the site shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.
- 15 The development hereby permitted must not be commenced until the tree protection measures as set out in the submitted Arboricultural Impact Assessment, Doc Ref: BG21.281.1 have been implemented in accordance with those approved details. Thereafter, all works to existing trees hereby given consent must be carried out in accordance with British Standard BS 3998:2010 Tree work - Recommendations. The approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected area(s) without the written agreement of Local Planning Authority.
- 16 In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification

reporting, must be submitted to and approved in writing by the Local Planning Authority.

Reasons

- 1 To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
- 2 To define the permission and for the avoidance of doubt.
- 3 To ensure the appearance of the development is satisfactory having regard to policies ASC10 and LPD26.
- 4 To ensure the appearance of the development is satisfactory having regard to policies ASC10 and LPD26.
- 5 In the interest of highway safety.
- 6 In the interest of highway safety.
- 7 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 8 To protect and record any potential heritage remains having regard to Policy LPD 30 - Archaeology of the adopted Local Plan.
- 9 A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
- 10 To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable noise pollution from the development hereby permitted, and to comply with policies ASC10 and LPD26.
- 11 To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 18 - Protecting and Enhancing Biodiversity of the adopted Local Plan and Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021).
- 12 To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects

on the landscape character of the area having regard to Policy LDP19 - Landscape Character and Visual Impact.

- 13 To define the permission, to protect neighbouring amenity and to comply with policies ASC10 and LPD26.
- 14 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 15 To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to having regard to Policy LDP19 - Landscape Character and Visual Impact of the adopted Local Plan and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (July 2021).
- 16 To ensure the development is safe and suitable for use.

Reasons for Decision

The principle of the development accords with the objectives of national and local planning policies, in particular as the site is a housing allocation in the adopted Local Planning Document. It is considered that the proposed 164 dwellings could be accommodated on the site in a manner that would not cause undue harm to visual and residential amenity, highway safety and ecological interests or would cause flood risk concerns. It is therefore considered that the granting of planning permission would fully accord with the objectives of the relevant planning policies set out in the National Planning Policy Framework, Aligned Core Strategy, Local Planning Document and Supplementary Planning Documents.

Notes to Applicant

1. Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.
2. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is

to be adopted by the Highways Authority, then the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: hdc.south@nottscc.gov.uk It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

3. Please note that should protected species be found on site during the development there would be a requirement to seek the advice of a suitably qualified ecologist and comply with the Wildlife and Countryside Act.
4. The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).
5. The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been

assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

6. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
7. The applicant is reminded that this permission is also subject to another planning application in respect of the access arrangement within the administrative area of Ashfield District Council (Ref: V/2022/00350). The applicant should also note that there are planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

38 APPLICATION NO. 2023/0508 - 53 FRONT STREET, ARNOLD

Variation of conditions 2 (approved plans) and 3 (materials) of planning permission 2021/0936 (Proposed refurbishment and conversion of existing storage unit associated with retail premises to provide residential accommodation).

The Principal Planning Officer introduced the report.

RESOLVED:

To GRANT FULL PLANNING PERMISSION subject to the conditions listed and for the reasons set out in the report.

Conditions

1. The development hereby permitted shall commence before the 15th March 2026.

2. This permission shall be carried out in accordance with the details on the submitted application form and the following list of approved drawings:-
 - Side Elevations - 0326 - 21-11 - PL2;
 - Front and Rear Elevations - 0326 - 21-10 - PL2;
 - Ground and First Floor GA Plan - 0326 - 08-00 - PL1;
 - Second Floor and Roof GA Plan - 0326 - 08-01 - PL1;
 - Site Plan - 0326 - 08-00 - PL1; and
 - Location Plan - 0326 - 01-00 - PL1.
3. The development hereby approved shall only be carried out using the external materials set out in this application.
4. The external materials used in the infilling of any openings of the building shall match those of the existing building as closely as possible.
5. Apartment A and Apartment B of the development hereby approved shall not be occupied until the ground floor windows on the north elevation have been installed with privacy glazing and the ground floor window on the south elevation has been installed to a minimum of Pilkington Level 4 and secured as non-opening. These shall be retained as such thereafter.
6. Apartment C of the development hereby approved shall not be occupied until the windows to the east elevation and the first floor windows to the south elevation have been fitted with obscured glazing to a minimum of Pilkington Level 4 and are secured as non-opening. These shall be retained as such thereafter.
7. Apartment D of the development hereby approved shall not be occupied until the first floor windows to the east elevation and second floor windows on the south elevation have been fitted with obscured glazing to a minimum of Pilkington Level 4 are secured as non-opening. These shall be retained as such thereafter.
8. No part of the development hereby approved shall be occupied until a sound insulation scheme has been submitted to and approved in writing by the Local Planning Authority. The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve internal noise levels not exceeding 30dB LAeq(1 hour)

and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00.

9. Prior to the first occupation of the building hereby permitted precise details of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be implemented and made available for use in accordance with the approved details prior to first occupation of the building and shall be retained and maintained for the lifetime of the development.
10. No part of the development shall be occupied until the cycle racks shown on drg. no. Proposed Site Plan drg. no. Site Plan - 0326 - 08-00 - PL1, have been installed. These shall be retained and maintained for the lifetime of the development.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to define the terms of the permission.
3. To ensure a satisfactory form of development and the interest of visual amenity in accordance with Policy LPD 32.
4. To ensure a satisfactory form of development in the interest of visual amenity.
5. To ensure a satisfactory development and to safeguard neighbouring amenity.
6. To ensure a satisfactory development and to safeguard neighbouring amenity.
7. To ensure a satisfactory development and to safeguard neighbouring amenity.
8. To ensure a satisfactory development and to safeguard amenity.
9. To ensure a satisfactory form of development and the interest of visual amenity.
10. To ensure a satisfactory form of development.

Construction of four new industrial units.

The Principal Planning Officer introduced the report.

RESOLVED:

To Grant Full Planning Permission: Subject to the following conditions:

Conditions

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
- 2 This permission shall be read in accordance with the application form and following list of approved drawings:

4376 A100 P5 - Proposed site plan 4376 A101 P2 - site block plan

4376 A200 P3 - Proposed GA plan - All units

4376 A201 P3 - Proposed GA plan - units 9 and 10

4376 A202 P3 - Proposed GA plan - units 11 and 12

4376 A205 P4 - Proposed roof plan - All units

4376 A300 P3 - Elevations - all units

4376 A301 P3 - Elevations - proposed units 9 & 10

4376 A302 P3 - Elevations - proposed units 11 & 12

3468-E-6000 - proposed external lighting layout

The development shall thereafter be undertaken in accordance with these plans/details.

- 3 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved CEMP.
- 4 Prior to the commencement of development an assessment of the nature and extent of any potential contamination shall be submitted to and approved in writing by the Local Planning Authority (site characterisation). This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to

and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

- 5 In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 7 The additional units hereby approved shall not be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 4376 A100 P5. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
- 8 Prior to occupation of any part of the development hereby approved the 2 electric charging points and bike rack, as identified on drawing 4376 A100 P5, shall be installed and be fully operational and thereafter be maintained as such for the lifetime of the development.
- 9 Prior to above ground works commencing, a scheme of landscaping showing the location, species and size of specimens to be planted shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of the development. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary

continue to be replaced) in the first available planting season with others of similar size and species.

- 10 The units shall be used for Class E (G) (i)(ii) and (iii) purposes only and no other uses within the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reasons

- 1 To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
- 2 For the avoidance of doubt.
3. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
4. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 121 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
5. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 121 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
6. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 121 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
7. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area and to comply with policy LPD57.
8. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
9. To ensure that the character of the area is respected and the loss of existing trees is mitigated and to comply with policy LPD19.
10. To ensure that possible impacts with regard to highway and parking matters are appropriately assessed and to comply with policies LPD57 and LPD61.

Reasons for Decision

The principle of development is supported in that it falls within the built form of Calverton on a site allocated for employment uses. The development would extend the employment uses on the site, enhancing the local economy. Furthermore, the scale, layout and design of the built form would respect the character of the area and not have a detrimental impact on the amenity of adjacent land uses. Furthermore, highway safety would not be compromised with adequate parking spaces provided too. The application is, therefore, deemed to comply with policies A, 4 and 10 the Aligned Core Strategy; policies LPD11, LPD19, LPD32, LPD44, LPD46, LPD57 and LPD61 of the Local Planning Document; policies G4 BE2 and BE4 of the Calverton Neighbourhood Plan; Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022); and Low Carbon Planning Guidance for Gedling Borough (May 2021) and guidance within the NPPF.

Informatives

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website.

Where the Council's view is that CIL is payable, full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

40

REVIEW OF THE PLANNING CODE OF PRACTICE FOR COUNCILLORS IN DEALING WITH PLANNING APPLICATIONS AND THE PLANNING COMMITTEE PROTOCOL

The Head of Development and Place introduced a report seeking approval to establish a working group to support the review of the Council's Planning Code of Practice for Councillors in Dealing with Planning Applications and the Planning Committee Protocol.

RESOLVED:

1. To establish a cross-party working group of up to 6 Members, drawn from the Planning Committee, to facilitate a review of the Council's Planning Code of Practice for Councillors in Dealing with Planning Applications and the Planning Committee Protocol; and
2. That the Chairman of the Planning Committee will determine the membership and provide the details to the Head of Development and Place.

41 APPEAL DECISION REF:APP/N3020/W/23/3315686 - 34 MAIN STREET, CALVERTON

Proposed demolition of existing dwelling and erection of 3 retail units at ground floor with 8 apartments over.

RESOLVED:

To note the information.

42 APPEAL DECISION REF: APP/N3020/W/23/3317847 - 135 MAIN STREET, CALVERTON

Full planning application for the erection of two single storey dwellings with private access driveway and the conversion of the former smithy to a separate, stand-alone studio workshop falling within planning use class E (commercial, service and business use).

RESOLVED:

To note the information.

43 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

44 DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

45 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.50 pm

Signed by Chair:
Date:

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MINUTES LICENSING ACT PANEL

Thursday 26 October 2023

Councillor Alison Hunt (Chair)

Councillor Martin Smith

Councillor
Hinton

Clive

Towsey-

Officers in Attendance: C Allcock and B Hopewell

6 ELECTION OF CHAIR

Councillor Hunt was elected as Chair for the meeting.

7 APOLOGIES FOR ABSENCE

None.

8 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 4 OCTOBER 2023.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

9 DECLARATIONS OF INTEREST

None.

10 APPLICATION FOR A REVIEW OF THE PREMISES LICENSE AT B2B EVENTS LTD, LIME LANE WOODS, ARNOLD - LICENSING ACT 2003.

The Panel considered an application to review Premise Licence 21/00583/PREM held by B2B Events Ltd, Lime Lane Woods, Arnold.

In addition to the written representations in the bundle, the panel considered additional information provided by both parties prior to the hearing and heard live evidence from:

1. Sunil Vidhani (the Applicant)
2. Aaron Cowley and Carolyn Cowley of B2B Events Ltd (Licence Holders)
3. Jenny Higgins (Witness for the Licence Holder)
4. Lorraine Brown (Witness for the Licence Holder)

In making its decision, the Panel had regard to the Gedling Borough Council Licensing Policy, the guidance issued under section 182 of the Licensing Act 2003 and the Human Rights Act 1998 and carefully considered all the evidence presented to it, including the additional information provided by both parties prior to the meeting.

The Panel made the decision to promote the 4 Licensing Objectives:

1. Prevention of crime and disorder
2. Public Safety
3. Prevention of Public Nuisance
4. Protection of Children from harm

RESOLVED:

To take no action against the Premise Licence.

The meeting finished at 3.55 pm

Signed by Chair:

Date:

MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 31 October 2023

Councillor Alison Hunt (Chair)

Present: Councillor Marje Paling Councillor Alex Scroggie
Councillor Rachael Ellis Councillor Martin Smith
Councillor Julie Najuk Councillor Clive Towsey-Hinton
Councillor Sue Pickering Councillor Paul Wilkinson

Absent: Councillor Boyd Elliott and Councillor Des Gibbons

Officers in Attendance: C Allcock, J Brough and B Hopewell

37 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

None.

38 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 3 OCTOBER 2023.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

39 DECLARATION OF INTERESTS.

None.

40 APPLICATION FOR STREET TRADING CONSENT AT EAGLE SQUARE ARNOLD

Consideration was given to a report of the Head of Environment, which had been circulated in advance of the meeting, concerning an application made by Gedling Borough Council for a Street Trading Consent for the Arnold Market to trade in a consent street in Arnold. The report also sought approval for the consent to be for a period until the end of December 2024 which is a departure from the Council's Street Trading Policy.

RESOLVED to:

- 1) Approve the application made by Gedling Borough Council for a Street Trading Consent for the Arnold Market to trade in a consent street in Arnold as shown attached to the report; and

- 2) Approve a departure from the Council's Street Trading Policy and that the consent be until the end of December 2024.

41 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

42 EXCLUSION OF THE PRESS AND PUBLIC.

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the reports involved the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

43 APPLICATION FOR A ONE YEAR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - FM

Consideration was given to a report of the Head of Environment, which had been circulated prior to the meeting, regarding an application for a one year joint Hackney Carriage/Private Hire Driver's Licence for FM.

FM attended the meeting and addressed the Committee.

In making its decision, the Committee found that there were exceptional mitigating circumstances surrounding the offences which allowed for departure from the Council's approved Policy and Guidelines.

RESOLVED to:

Approve FM's application for a one year Joint Hackney Carriage/Private Hire Driver's Licence.

44 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - IK

Consideration was given to a report of Head of Environment, which had been circulated in advance of the meeting, regarding a change of circumstances following information received about the holder of a Joint Hackney Carriage/ Private Hire Driver's Licence.

IK attended the meeting along with his solicitor and they both addressed the Committee.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

RESOLVED:

To suspend IK's Joint Hackney Carriage/Private Hire Driver's Licence for 14 days and to issue a warning to IK that such conduct fell short of the expected standard and advised that he consider his actions more carefully should such instances occur in future.

IK was given 21 days to surrender his licence and was advised of his right to appeal against the decision of the Committee.

The meeting finished at 6.25 pm

Signed by Chair:
Date:

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Decisions made under delegated authority

Business (click to view decision)	Summary	Ref	Date	Portfolio	Was decision made under urgency provisions?
Flood Recovery Schemes Storm Babet	Approval to implement flood recovery schemes within the borough.	D1461	03/11/2023	Leader of the Council	No
Ambition Arnold	Approval to establish a £200,000 budget funded by a contribution from the NNDR Pool Reserve to undertake a masterplan for Arnold town centre and associated feasibility works.	D1460	31/10/2023	Leader of the Council	No
Approval of Gedling 'Strength In Community' Grant Scheme 2023/24 and 2024/25	Approval to launch and administer the Gedling UK Shared Prosperity Fund (UKSPF) 'Strength In Community' Grant Fund	D1457	18/10/2023	Portfolio Holder for Communities and Place	No
Response to Government consultaion - Levellin up and Regeneration Bill: implementation of plan making reforms	Endorsement of GBC's proposed response to the Government consultation on proposed plan making reforms.	D1459	16/10/2023	Portfolio Holder for Sustainable Growth and Economy	No
Nottinghamshire and Nottingham Waste Local Plan Pre-Submission Draft August 2023	Approval for the representations set out in the Appendix of this report to be sent to Nottinghamshire County Council by their deadline of 11th October 2023.	D1453	09/10/2023	Portfolio Holder for Sustainable Growth and Economy	No
Combined Authority East Midlands Domestic Retrofit Project 2023/24	<ul style="list-style-type: none"> To seek approval in accordance with the Councils Financial 	D1458	02/10/2023	Leader of the Council	Yes

	<p>Regulations for an addition to the capital programme for the Combined Authority East Midlands Domestic Retrofit Project of £583,500, which is fully grant funded from Government.</p> <ul style="list-style-type: none">• To approve the Council's intended approach to delivering the grant, 'the Combined Authority East Midlands Domestic Retrofit Project', as detailed at Appendix A.• To delegate authority to the Head of Environment to submit a scheme development plan to the Nottingham City Council setting out how the Council will deliver the grant as set out in this report.• To delegate authority to the Head of Environment, in consultation with the Portfolio Holder for Public Protection, to make changes to the scheme development plan for 'the Combined Authority East Midlands Domestic Retrofit Project' based on				
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	<p>Nottingham City Council feedback.</p> <ul style="list-style-type: none">• To seek approval for the council to apply rule 35 (iv) of the Council's Contracts and Procurement Rules to award a contract to EON Energy Services Ltd to provide a managed service to deliver the installations associated with the Combined Authority East Midlands Domestic Retrofit Project requirements				
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