



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

Agenda

Council

Date: **Wednesday 13 November 2013**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

Alec Dubberley

Service Manager, Elections and Members' Services

0115 901 3906

Council

Membership

Mayor

Councillor Bob Collis

Deputy Mayor

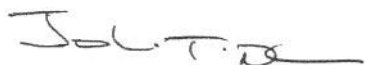
Councillor Jenny Hollingsworth

Councillor Steve Ainley
Councillor Pauline Allan
Councillor Roy Allan
Councillor Bruce Andrews
Councillor Patricia Andrews
Councillor Emily Bailey
Councillor Peter Barnes
Councillor Sandra Barnes
Councillor Chris Barnfather
Councillor Denis Beeston MBE
Councillor Alan Bexon
Councillor Krista Blair
Councillor John Boot
Councillor Nicki Brooks
Councillor Ged Clarke
Councillor John Clarke
Councillor Jim Creamer
Councillor David Ellis
Councillor Roxanne Ellis
Councillor Andrew Ellwood
Councillor Paul Feeney
Councillor Kathryn Fox
Councillor Tony Gillam
Councillor Mark Glover

Councillor Gary Gregory
Councillor Cheryl Hewlett
Councillor Sarah Hewson
Councillor Mike Hope
Councillor Paul Hughes
Councillor Meredith Lawrence
Councillor Phil McCauley
Councillor Barbara Miller
Councillor Richard Nicholson
Councillor Marje Paling
Councillor John Parr
Councillor Michael Payne
Councillor Carol Pepper
Councillor Stephen Poole
Councillor Colin Powell
Councillor Suzanne Prew-Smith
Councillor Darrell Pulk
Councillor Nick Quilty
Councillor Roland Spencer
Councillor Sarah Tomlinson
Councillor John Truscott
Councillor Gordon Tunnicliffe
Councillor Muriel Weisz
Councillor Henry Wheeler

SUMMONS

A meeting of the Borough Council will be held in the Council Chamber, Civic Centre, Arnot Hill Park on Wednesday 13 November 2013 at 6.00 pm to transact the business as set out below.



John Robinson
Chief Executive

AGENDA

Page

- 1 Opening Prayers.
- 2 Apologies for Absence.
- 3 Mayor's Announcements.
- 4 To approve, as a correct record, the minutes of the meeting held on 11 September 2013 1 - 4
- 5 Declaration of Interests.
- 6 To answer questions asked by the public under Standing Order 8.
- 7 To answer questions asked by Members of the Council under Standing Order 9.
- 8 Review of the Gedling Statement of Licensing Policy 5 - 32

Report of Corporate Director - David Wakelin.
- 9 To receive questions and comments from Members concerning any matter dealt with by the Executive or by a Committee or Sub-Committee (Standing Order 11.1).
 - a Minutes of meeting Tuesday 10 September 2013 of Environment and Licensing Committee 33 - 38
 - b Minutes of meeting Thursday 12 September 2013 of Cabinet 39 - 44

c	Minutes of meeting Tuesday 17 September 2013 of Environment and Licensing Committee	45 - 50
d	Minutes of meeting Wednesday 18 September 2013 of Planning Committee	51 - 68
e	Minutes of meeting Tuesday 24 September 2013 of Audit Committee	69 - 72
f	Minutes of meeting Monday 7 October 2013 of Overview and Scrutiny Committee	73 - 78
g	Minutes of meeting Wednesday 9 October 2013 of Planning Committee	79 - 84
h	Minutes of meeting Tuesday 15 October 2013 of Environment and Licensing Committee	85 - 90
i	Minutes of meeting Thursday 17 October 2013 of Cabinet	91 - 94
j	Minutes of meeting Wednesday 30 October 2013 of Planning Committee	95 - 116
k	Decisions made under delegated authority	117 - 118
10	To consider comments, of which due notice has been given, under Standing Order 11.03(a).	

MINUTES COUNCIL

Wednesday 11 September 2013

Councillor Bob Collis (Mayor)

Present:

Councillor Steve Ainley	Councillor Gary Gregory
Councillor Bruce Andrews	Councillor Cheryl Hewlett
Councillor Patricia Andrews	Councillor Sarah Hewson
Councillor Emily Bailey	Councillor Paul Hughes
Councillor Peter Barnes	Councillor Meredith Lawrence
Councillor Sandra Barnes	Councillor Phil McCauley
Councillor Chris Barnfather	Councillor Barbara Miller
Councillor Alan Bexon	Councillor Richard Nicholson
Councillor Krista Blair	Councillor John Parr
Councillor John Boot	Councillor Michael Payne
Councillor Nicki Brooks	Councillor Carol Pepper
Councillor Ged Clarke	Councillor Stephen Poole
Councillor John Clarke	Councillor Colin Powell
Councillor Jim Creamer	Councillor Suzanne Prew-Smith
Councillor David Ellis	Councillor Darrell Pulk
Councillor Roxanne Ellis	Councillor Nick Quilty
Councillor Andrew Ellwood	Councillor Roland Spencer
Councillor Paul Feeney	Councillor John Truscott
Councillor Kathryn Fox	Councillor Muriel Weisz
Councillor Tony Gillam	Councillor Henry Wheeler
Councillor Mark Glover	

Absent: Councillor Jenny Hollingsworth, Councillor Pauline Allan, Councillor Roy Allan, Councillor Denis Beeston MBE, Councillor Mike Hope, Councillor Marje Paling, Councillor Sarah Tomlinson and Councillor Gordon Tunnicliffe

27 OPENING PRAYERS.

The Mayor's Chaplain Rev. Ken Shill, Vicar of St Mary's Church Arnold, delivered the opening prayer.

28 APOLOGIES FOR ABSENCE.

Apologies for absence were received from the Deputy Mayor, Councillor Hollingsworth, Councillors Pauline Allan, Roy Allan, Hope, Paling, Tomlinson and Tunnicliffe.

29 MAYOR'S ANNOUNCEMENTS.

The Mayor spoke about a variety of engagements he had attended since taking office as well as the many organisations he had visited. He reminded all present of the upcoming Autumn Serenade, the Mayor's sponsored slim and a wine and cheese tasting evening.

30 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 10 JULY 2013.

RESOLVED:

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

31 DECLARATION OF INTERESTS.

None received.

32 TO ANSWER QUESTIONS ASKED BY THE PUBLIC UNDER STANDING ORDER 8.

None received.

33 TO ANSWER QUESTIONS ASKED BY MEMBERS OF THE COUNCIL UNDER STANDING ORDER 9.

None received.

34 PROPOSED AMENDMENTS TO THE CONSTITUTION: SCRUTINY ARRANGEMENTS

Consideration was given to a report of Corporate Director Stephen Bray and the Council Solicitor and Monitoring Officer that proposed changes to the constitution to reflect new scrutiny committee arrangements.

It was moved by Councillor David Ellis seconded by Councillor Weisz and:

RESOLVED

To authorise the Council Solicitor and Monitoring Officer to make amendments to the Constitution as set out in Appendix 2 to the report.

35 TIMING OF COUNCIL MEETINGS

Consideration was given to a report of Stephen Bray, Corporate Director and the Council Solicitor and Monitoring Officer which invited Council to consider changing the start time of Council meetings following a request from the Labour Group.

Councillor John Clarke seconded by Councillor Payne proposed the recommendation.

After discussion and on the requisition of two Members the motion was put to a named vote and the motion was carried.

For the motion: Councillors Ainley, Bailey, P Barnes, S Barnes, Blair, Brooks, J Clarke, Collis, Creamer, D Ellis, R Ellis, Feeney, Fox, Glover, Gregory, Hewlett, Lawrence, McCauley, Miller, Payne, Pulk, Quilty, Truscott, Weisz and Wheeler.

Against the motion: Councillor B Andrews, P Andrews, Barnfather, Bexon, Boot, G Clarke, Ellwood, Gillam, Hewson, Hughes, Nicholson, Parr, Pepper, Poole, Powell, Prew-Smith and Spencer.

RESOLVED

To authorise the Council Solicitor and Monitoring Officer to amend Standing Order 1.07 of the Constitution so that meetings of Council will begin at 6.00 pm.

36 RECOMMENDATION FROM CABINET, 8 AUGUST 2013, MINUTE 20 - QUARTERLY BUDGET MONITORING, PERFORMANCE DIGEST AND VIREMENT REPORT

The recommendations from Cabinet (listed under minute 19, resolution 4) were moved by Councillor J Clarke and seconded by Councillor Payne and

RESOLVED

To amend the capital programme as follows:

- 1) The supplementary estimate of £74,100 for Civic Centre Alterations
- 2) The removal of the Office Accommodation Joint Working Scheme (£450,000)
- 3) The removal of the Affordable Housing Scheme (£139,000) which was completed ahead of schedule in 2012/13

37 TO RECEIVE QUESTIONS AND COMMENTS FROM MEMBERS CONCERNING ANY MATTER DEALT WITH BY THE EXECUTIVE OR BY A COMMITTEE OR SUB-COMMITTEE (STANDING ORDER 11.1).

In accordance with Standing Order 11.01, a number of comments were made and responded to by the appropriate Cabinet Member or Committee Chair.

38 TO CONSIDER COMMENTS, OF WHICH DUE NOTICE HAS BEEN GIVEN, UNDER STANDING ORDER 11.03(A).

None received.

The meeting finished at 8.20 pm

Signed by Chair:
Date:



Report to Council

Subject: Review of the Gedling Statement of Licensing Policy

Date: 13 November 2013

Author: Corporate Director – David Wakelin

Purpose of the Report

To seek Council's approval to adopt the amended Gedling Statement of Licensing Policy.

Background

The Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy every three years (the legislation has been recently amended so that in the future this will be required every five years). The first Gedling Statement of Licensing Policy came into effect in January 2005 and has been reviewed every 3 years in line with the requirements of the Licensing Act 2003.

Within Nottinghamshire all eight local authorities having responsibilities under the Licensing Act have work closely together through the Nottinghamshire Authorities Licensing Group (NALG) to produce a common basis for their licensing policy statements to be developed from. NALG comprises officers with legal, environmental health and licensing backgrounds. In amending the draft policy document regard has been made to the guidance from central Government.

The production of a common document for licensing involving all of the Nottinghamshire licensing authorities has received positive comments from local and national businesses in the past as it creates a more practical, sensible, consistent and level playing field for operators. In Nottinghamshire each licensing authority has then taken the common document for customisation to reflect local issues prior to embarking on a period of consultation as required by the legislation.

The legal nature of the document reflects the future function of the policy as the basis for determining applications, which are subject to legal appeal to the Magistrates' Court.

Local authorities are required by the Act to consult with:

- The Chief of Police for the Licensing Authority's area.

- The Fire Authority for that area.
- Persons considered by the Licensing Authority to be representative of holders of premises licences and club premises certificates issued for their area.
- Persons considered by the Licensing Authority to be representative of holders of personal licences issued by that authority.
- Other persons considered to be representative of businesses and residents in the area.

At the meeting of the Licensing Act Committee on 16th July 2013 Members resolved to note the draft amended Gedling Statement of Licensing Policy for the purpose of undertaking the necessary statutory consultation in accordance with Section 5(3) of the Licensing Act 2003.

That consultation ended on 18th October 2013 and no comments or responses had been received by the Licensing Section on the draft policy document.

Proposal

Licensing authorities must have finalised their policy statement draft for consultation purposes; carried out twelve weeks of consultation as advocated by central Government best practice; have undertaken the necessary changes to the document arising from consultation and informed Members of the final licensing policy statement for endorsement by full Council prior to coming into effect in January 2014.

At Appendix 1 is a copy of the amended Gedling Statement of Licensing Policy.

The significant changes from the existing policy are within Sections 2 (2.1, 2.2, 2.3 and 2.4), 5 (5.2), 6 (6.1, 6.4, 6.5, 6.24, 6.43, 6.46, 6.52, 6.53 and 6.54) and these reflect changes to the legislation and guidance.

The production and external consultation of the draft amended Gedling Statement of Licensing Policy ensures that this Authority complies with the requirements of the Licensing Act 2003 concerning policy consultation and national licensing guidance.

At the meeting of the Licensing Act Committee held on the 29th of October 2013, Members resolved to endorse the Gedling Statement of Licensing Policy and refer it to Council for adoption.

Recommendation

That the Council adopt the amended Gedling Statement of Licensing Policy as at Appendix 1.



Draft
STATEMENT
OF
LICENSING POLICY
Effective from 7th January 2014

SECTION	CONTENT	PAGE NUMBER
1	Introduction	3
2	The Licensing Objectives and Licensable Activities	5
3	How this Statement of Policy Works	6
4	Strategic Links and Other Regulatory Regimes	7
5	Delivering Licensing Services	8
6	Applications, Notifications and their Consideration	8
7	Children	20
8	Equality and Diversity	22
9	General Enforcement Statement	22
10	Monitoring and Review of this Statement of Policy	23

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 three 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 former colliery 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 112,000 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.

Cumulative impact and related matters are dealt with in section 6 of this Policy Statement.

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

2. LICENSING OBJECTIVES AND LICENSABLE ACTIVITIES

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

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

- 2.2 Guidance on the Licensing Objectives is available on the Government's website at: <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. At the time of writing this Policy, deregulation of certain other forms of regulated entertainment is planned, 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, including the effect known as 'cumulative impact';
- support wider strategies and policies of the Council.

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

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

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

6.2 Representations

- 6.3 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.
- 6.4 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
- 6.5 Where a representation proceeds to a hearing the Hearings Regulations allow for further information to be put forward in support of that representation. However, that material must only relate to the initial representation-and must not add new grounds of objection It is therefore vitally important that as much detail and evidence as possible is included at the time the representation is made. Representations made without supporting detail and evidence may be viewed as frivolous or vexatious and disregarded.

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

6.7 Panel/Committee Hearings

6.8 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.

6.9 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.

6.10 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.

6.11 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.

6.12 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.

6.13 Policy 2

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

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

6.14 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.

6.15 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.

- 6.16 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.
- 6.17 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.
- 6.18 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.
- 6.19 Applicants are expected to have carried out the relevant assessments under other legislation (e.g. fire precautions, health and safety at work, etc) prior to submitting their applications. These assessments should be used to identify particular issues which may need to be addressed in the operating schedule in order to ensure that the objectives will not be undermined. Suggested methods of addressing Policy 2 may be outlined in more detail in any guidance issued by the Responsible Authorities but could include the matters listed below where appropriate.
- 6.20 Examples of recommended management practice to minimise Crime and Disorder:
- Use of CCTV both within and outside the premises.
 - Metal detection and search facilities.
 - Procedures for risk assessing promotions and events such as “happy hours” and plans for minimising such risk.
 - Measures to prevent the use or supply of illegal drugs.

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

6.21 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.

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

- Exclusion from the premises in certain circumstances.
- Implementation of a robust proof of age scheme.

6.23 Examples of recommended management practice for preventing nuisance:

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

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

6.24 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.

Reference to council's pool of conditions to be inserted here.

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.

6.25 Cumulative Impact

6.26 In some areas concentrations of licensed premises exist where the combined

effect of all of the premises, causes problems for a wider area and undermines, or potentially undermines, the Licensing Objectives.

- 6.27 This potential impact on the promotion of the Licensing Objectives by a significant number of licensed premises concentrated in one area is called “cumulative impact”. This should not be confused with the issue of “need” which relates to the commercial demand for licensed premises and cannot be taken into account when determining licensing applications.
- 6.28 If having consulted with the relevant bodies, and taking into account the evidence presented, the Council is satisfied that there are no areas within the borough presently suffering from cumulative impact. However there is potential for this situation to change. The Authority therefore considers it both necessary and appropriate to include an approach to this issue, which can be applied in the event of evidenced need being established
- 6.29 In order to address cumulative impact in particular areas the Authority may apply the policies below (*“The Cumulative Impact Policies”*) which create a rebuttable presumption that certain types of applications for new premises licences or club certificates or material variations will normally be refused. The presumption will be rebutted where applicants can demonstrate through the operating schedule and, where appropriate, supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced or that the risk factors associated with the application are such that cumulative impact will not be an imminent threat were the application to be granted. The policies however do not relieve responsible bodies , other persons or businesses of the need to make representations before such applications are considered. If no representations are received then the application must be granted in terms consistent with the submitted operating schedule.

6.30 Policy 3

Where representations about crime and disorder and/or nuisance are received in respect of applications for premises in a particular area of the Borough a rebuttable presumption will apply that such applications

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

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

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

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

- 6.31 This policy creates a rebuttable presumption that certain types of applications will be refused. The presumption may be rebutted where applicants can demonstrate through the Operating Schedule and, where appropriate, supporting evidence such as risk assessments, that the operation of the premises will not potentially add to the cumulative impact already being experienced.
- 6.32 Whilst the policy will not be applied inflexibly the circumstances in which the presumption of refusal may be rebutted will need to be exceptional and directly related to the reasons why the policy was adopted. An application is not likely to be classed as exceptional merely on the grounds that the premises have been or will be operated within the terms of its licence or that they are or will be well managed. This is to be expected of any application. An example of the type of application which might be granted could be where premises are being re-located or act as a direct replacement for others and where the impact is likely to be similar to the original location.
- 6.33 Policy 3 however does not relieve Responsible Authorities, other persons or businesses of the need to make representations before such applications are

refused. If no representations are received then the application must be granted in terms consistent with the submitted operating schedule. The Authority will regularly review this Policy to assess its impact.

- 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. It is important therefore that if there is potential for new or altered premises to contribute to or cause cumulative impact in any given area that the issue is addressed as soon as possible in the licensing process. For this reason Provisional Statements are included in Policy IMP 3. Whilst applications for Provisional Statements cannot be refused it is considered that such statements could properly be used to indicate that even if the works were satisfactorily completed that the subsequent premises licence application could be refused on the grounds of cumulative impact.
- 6.35 Responsible Authorities, other persons or businesses may still make representations on specific applications concerning cumulative impact even though those applications are not for premises in designated saturation zones. In such circumstances the application may be refused, (though there will be no presumption that this will be the case), and the Authority may then choose to review this Statement of Policy and consult as to whether the particular area should be designated as a saturation zone to which policy IMP3 should apply.

6.36 **Policy 4**

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

- (i) Identify the boundaries of the area from which it is alleged problems are arising;**
- (ii) Identify the Licensing Objective(s) which it is alleged will be undermined;**

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

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

6.37 Adult Entertainment

- 6.38 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.
- 6.39 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.
- 6.40 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.

- 6.41 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.
- 6.42 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.
- 6.43 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

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.

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.

6.44 Reviews

- 6.45 At any stage following the grant of a premises licence or club premises certificate a Responsible Authority, any person or business, may ask for a review. Evidence will however be required to show that a specific concern exists relating to one or more of the licensing objectives.
- 6.46 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 Restriction Orders (EMROs)

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.

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.

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.

6.47 Personal Licences

6.48 Where an applicant for a personal licence has relevant convictions, a licence will still be granted unless the Chief Officer of Police lodges an objection within the prescribed period that he is satisfied that the granting of the licence would undermine the Licensing Objectives. In such circumstances the application will be considered at a Hearing of the Licensing Panel.

6.49 Policy 5

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.

6.50 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.

6.51 Temporary Event Notices (TEN)

6.52 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.

6.53 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.

6.54 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.

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

7. CHILDREN

7.1 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

7.2 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

7.3 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.

7.4 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.

7.5 **Policy 6**

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

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

REASON: To protect children from harm..

8. 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 Improvement Plan for 2009-2012 ("Towards an Even Fairer Gedling") 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 organisation's 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 Enforcement

Concordat and the Regulators Compliance Code

- 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.

MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 10 September 2013

Councillor Marje Paling (Chair)

Present: Councillor Meredith Lawrence Councillor Roxanne Ellis
 Councillor Bruce Andrews Councillor Tony Gillam
 Councillor Sandra Barnes Councillor Barbara Miller
 Councillor Nicki Brooks Councillor Stephen Poole
 Councillor Ged Clarke Councillor Henry Wheeler

Absent: Councillor Jenny Hollingsworth, Councillor Mike Hope
 and Councillor John Parr

Officers in Attendance: R Pentlow and F Whyley

44 APOLOGIES FOR ABSENCE.

Apologies for Absence were received from Councillors Hollingsworth, Hope and Parr.

45 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 6 AUGUST 2013.

RESOLVED:

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

46 DECLARATION OF INTERESTS.

None.

47 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.

48 APPEAL AGAINST REFUSAL TO GRANT A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - DCD

RESOLVED:

To note the information with thanks to the Officers involved.

49 APPEAL AGAINST REFUSAL TO GRANT A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MA

RESOLVED:

To note the information with thanks to the Officers involved.

50 APPLICATION FOR A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - KAQ

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from KAQ.

KAQ attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that no exceptional circumstances exist which would warrant departure from this policy.

RESOLVED:

To refuse KAQ's application for a Hackney Carriage/Private Hire Driver's License on the grounds that he is not a fit and proper person.

KAQ was advised of his right to appeal against the decision of the Committee.

Councillor Clarke entered the meeting.

51 APPLICATION FOR A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MU

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from MU.

MU attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the

Committee is satisfied on balance that no exceptional circumstances exist which would warrant departure from this policy.

RESOLVED:

To refuse MU's application for a Hackney Carriage/Private Hire Driver's License on the grounds that he is not a fit and proper person.

MU was advised of his right to appeal against the decision of the Committee.

**52 CHANGE OF CIRCUMSTANCE OF HACKNEY
CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - SNA**

This report was withdrawn by the Licensing officer as SNA did not attend and his licence was due to expire.

**53 CHANGE OF CIRCUMSTANCE OF HACKNEY
CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - HM**

The Committee considered a report from Corporate Director, David Wakelin, regarding a change of circumstance of a Joint Hackney Carriage/Private Hire Driver's Licence from HM.

HM attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that no exceptional circumstances exist which would warrant departure from this policy.

RESOLVED:

To revoke HM's Hackney Carriage/Private Hire Driver's License without immediate effect, on the grounds that he is no longer considered a fit and proper person and to give HM 21 days to surrender his licence.

HM was advised of his right to appeal against the decision of the Committee.

**54 APPLICATION FOR A JOINT HACKNEY CARRIAGE/PRIVATE
HIRE DRIVER'S LICENCE - AH**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from AH.

AH attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that no exceptional circumstances exist which would warrant departure from this policy.

RESOLVED:

To approve AH's application for a Hackney Carriage/Private Hire Driver's License with a warning as to the necessary consequences of any further convictions or appearances before Committee and failure to disclose any future convictions.

55 APPLICATION FOR A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE- RJ

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from RJ.

RJ attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that no exceptional circumstances exist which would warrant departure from this policy.

RESOLVED:

To approve RJ's application for a Hackney Carriage/Private Hire Driver's License.

56 APPLICATION FOR A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - AR

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from AR.

AR attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that no exceptional circumstances exist which would warrant departure from this policy.

RESOLVED:

To approve AR's application for a Hackney Carriage/Private Hire Driver's License.

57 APPLICATION FOR A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - SP

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from SP.

SP attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that exceptional circumstances exist which warrant departure from this policy.

RESOLVED:

To approve SP's application for a Hackney Carriage/Private Hire Driver's License.

58 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.45 pm

Signed by Chair:
Date:

This page is intentionally left blank

MINUTES CABINET

Thursday 12 September 2013

Councillor John Clarke (Chair)

Councillor Michael Payne
Councillor Peter Barnes

Councillor Kathryn Fox
Councillor Darrell Pulk

Observers: Councillor Chris Barnfather and Councillor Paul Hughes

Absent: Councillor Jenny Hollingsworth

Officers in Attendance: J Robinson, H Barrington, P Darlington, M Kimberley, D Wakelin and L Parnell

30 APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Hollingsworth.

31 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 8 AUGUST 2013

RESOLVED:

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

32 DECLARATION OF INTERESTS.

None.

33 REVIEW OF THE HEALTH & WELL-BEING STRATEGY

Mr John Tomlinson, Deputy Director of Public Health at Nottinghamshire County Council, gave a presentation on the Health and Wellbeing Strategy. Mr Tomlinson provided an overview of the aims of the Strategy and provided details of the timescale for consultation and implementation.

Corporate Director, David Wakelin, and the Service Manager for Public Protection, Andy Callingham, presented information around the work of the Council's Health and Wellbeing Delivery Group and the use of

“Rapid Needs Assessments” to inform the way in which the Health and Wellbeing Strategy might be delivered locally.

RESOLVED:

To endorse Nottinghamshire County Council’s “Health and Wellbeing Strategy” and to authorise the Corporate Director, in consultation with the Portfolio Holder for Health and Housing, to respond to the consultation on the Council’s behalf.

34 NOTTINGHAM CREDIT UNION

Corporate Director, Paula Darlington, outlined work that has been taking place between Officers of the Council and the Nottingham Credit Union to look to identify potential partnership opportunities.

The Corporate Director introduced Martyn Swaby of Nottingham Credit Union, who provided information about the Credit Union and its work. Mr Swaby outlined a number of areas where partnership working may benefit the residents of Gedling.

The Chair thanked officers of the Nottingham Credit Union for their work and their time in attending the meeting.

RESOLVED:

To note the information.

35 STATEMENT OF COMMUNITY INVOLVEMENT

Councillor Clarke left the meeting and Councillor Payne took the Chair.

The Service Manager, Planning and Economic Development talked to the reports at Agenda items 6, 7 and 8, which had been circulated prior to meeting, and provided information in relation to the Statement of Community Involvement, the Council’s Local Planning Document and the Community Infrastructure Levy Draft Charging Schedule. The Service Manager informed Members that all three documents would be consulted on simultaneously, should they received Cabinet’s approval.

RESOLVED:

1. To approve the draft Statement of Consultation for the purposes of public consultation.
2. To authorise the Portfolio Holder for Leisure and Development to consider the consultation responses received and to approve the final Statement of Consultation.

**36 GEDLING BOROUGH COUNCIL'S LOCAL PLANNING DOCUMENT
(ISSUES AND OPTIONS STAGE)**

RESOLVED :

1. To agree the Local Planning Document Issues and Options document and the separate Sustainability Appraisal Scoping Report for a six week period of consultation.
2. To authorise the Corporate Director in consultation with the Portfolio Holder for Leisure and Development to approve any drafting or other minor editing changes and update the documents where necessary prior to them being published for consultation.
3. To note that the cost of the examination will be funded from the Local Development Framework Reserve. Other costs will be met from existing budgets.

**37 COMMUNITY INFRASTRUCTURE LEVY - CONSULTATION ON
DRAFT CHARGING SCHEDULES**

RESOLVED:

1. That the Draft Charging Schedule and Regulation 123 List together with the supporting documentation be published for a period of six weeks to allow for public representations and sent to each of the consultation bodies.
2. That the Statement of the Representations Procedure be approved.
3. That the Portfolio Holder for Leisure and Development be authorised to consider the representations received and be approve any changes the Council would propose to make in light of those representations.
4. That the Draft Charging Schedule, Regulation 123 List, supporting documentation and representations received together with the changes the Council would propose to make in light of those representations will be submitted to the Planning Inspectorate for examination.
5. That the cost of the examination will be met from the Efficiency and Innovation Reserve.

**38 CREATION OF GEDLING COUNTRY PARK AND ASSOCIATED
EXPENDITURE**

Corporate Director, David Wakelin and Melvyn Cryer, the Service Manager for Parks and Street Care, gave a presentation to Members, outlining the details of the report, which had been circulated prior to the meeting.

RESOLVED:

That Cabinet supports the schedule of works and timetable set out in the report and approves the creation of a Country Park on the site of the former Gedling Colliery site.

39 CHANGES TO OUTSIDE BODY REPRESENTATION

RESOLVED:

To approve the following changes to Outside Body representation:

- 1) Councillor Roy Allan replaces Councillor Wheeler as the representative on the Greater Nottingham Ground Work Trust.
- 2) Jen Cole and Stella Lane to be appointed as Nominative Trustees to the Arnold Parochial Charities for a term of 4 years in place of Councillor S Barnes.

40 FORWARD PLAN

RESOLVED:

To note the information.

41 NATIONAL NON-DOMESTIC RATES WRITE OFF

Consideration was given to a report of the Service Manager, Revenue Services, which had been circulated prior to the meeting, requesting Cabinet's approval to write off a customer's outstanding National Non-Domestic Rates.

RESOLVED:

To write off the full balance of £26,811.27 as the amount is not deemed to be collectable.

42 PROGRESS REPORTS FROM PORTFOLIO HOLDERS.

Councillor Fox (Community Development)

- The Gedling Show was a great success with more than 12,000 visitors over the course of the day.

- Newstead village now has a Facebook page, which has received more than 90 likes.
- A Halloween Event is planned in Arnot Hill Park for the 28th of October.
- The Council's Leisure Team were recognised as APSE finalists for their partnership work with Community Organisations in the Borough.

Councillor Barnes (Environment)

- East Midlands Today will be visiting the Borough for a news story on combatting litter dropping.
- The Council's Waste Team were APSE finalists for the Best Service Team award.

Councillor Pulk (Leisure and Development)

- The Leisure Team were finalists for an APSE award for their work on creating a sports legacy for youth.
- A number of sports camps held in the Borough over the Summer holidays were very popular.
- A new Theatre Manager has started work at Bonington Theatre.
- The Sports Development Team has secured 3 years of funding from Sports England to engage young people and encourage sports participation in areas of deprivation.

Councillor Payne on behalf of Councillor Clarke (Leader of the Council)

- At a recent meeting with the Leaders of the District/Borough, City and County Councils a commitment was made to establish a joint committee to concentrate on transport, economic development and strategic planning issues.

43 MEMBER'S QUESTIONS TO PORTFOLIO HOLDERS.

None.

44 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 2.30pm

Signed by Chair:
Date:

This page is intentionally left blank

MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 17 September 2013

Councillor Marje Paling (Chair)

Present: Councillor Meredith Lawrence Councillor Tony Gillam
Councillor Bruce Andrews Councillor Jenny Hollingsworth
Councillor Sandra Barnes Councillor Barbara Miller
Councillor Nicki Brooks Councillor John Parr
Councillor Ged Clarke

Absent: Councillor Roxanne Ellis, Councillor Mike Hope,
Councillor Stephen Poole and Councillor Henry
Wheeler

Officers in Attendance: P Gibbs and F Whyley

59 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors Poole and Wheeler.

60 DECLARATION OF INTERESTS.

None.

61 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

62 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.

63 APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - SY

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from SY.

SY attended the meeting and addressed the Committee.

Councillor Clarke entered the meeting.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that exceptional circumstances exist which warrant departure from this policy.

After discussion and on the requisition of two Members the motion to refuse SY's application was put to a named vote and the motion was carried:

For the motion:	Councillor Paling Councillor Barnes Councillor Miller	Councillor Andrews Councillor Hollingsworth Councillor Parr
Against the motion:	Councillor Lawrence Councillor Gillam	Councillor Brooks
Abstentions:	Councillor Clarke	

RESOLVED:

To refuse SY's application for a Hackney Carriage/Private Hire Driver's Licence on the grounds that he is not a fit and proper person.

SY was advised of his right to appeal against the decision of the Committee.

64

APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - TAR

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from TAR.

TAR attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that no exceptional circumstances exist which would warrant departure from this policy.

RESOLVED:

To approve TAR's application for a Hackney Carriage/Private Hire Driver's Licence.

65 APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - PK

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from PK.

PK attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that no exceptional circumstances exist which would warrant departure from this policy.

RESOLVED:

To approve PK's application for a Hackney Carriage/Private Hire Driver's Licence.

66 APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - AA

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from AA.

AA attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that no exceptional circumstances exist which would warrant departure from this policy.

RESOLVED:

To approve AA's application for a Hackney Carriage/Private Hire Driver's Licence.

67 APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - MJS

The Committee considered a report from Corporate Director, David

Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from MJS.

MJS attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that no exceptional circumstances exist which would warrant departure from this policy.

RESOLVED:

To approve MJS's application for a Hackney Carriage/Private Hire Driver's Licence.

Councillor Parr left the meeting.

68

APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - OA

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from OA.

OA attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that no exceptional circumstances exist which would warrant departure from this policy.

RESOLVED:

To approve OA's application for a Hackney Carriage/Private Hire Driver's Licence.

Councillor Parr returned to the meeting.

Councillor Brookes left the meeting.

69

APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - FA

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from FA.

FA attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that no exceptional circumstances exist which would warrant departure from this policy.

RESOLVED:

To refuse FA's application for a Hackney Carriage/Private Hire Driver's Licence on the grounds that he is not a fit and proper person.

FA was advised of his right to appeal against the decision of the Committee.

70

APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - VA

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from VA.

VA attended the meeting and addressed the Committee.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that no exceptional circumstances exist which would warrant departure from this policy.

RESOLVED:

To refuse VA's application for a Hackney Carriage/Private Hire Driver's Licence on the grounds that he is not a fit and proper person.

VA was advised of his right to appeal against the decision of the Committee.

The meeting finished at 12.45 pm

Signed by Chair:
Date:

This page is intentionally left blank

MINUTES PLANNING COMMITTEE

Wednesday 18 September 2013

Councillor John Truscott (Chair)

In Attendance: Councillor Barbara Miller Councillor Andrew Ellwood
Councillor Pauline Allan Councillor Cheryl Hewlett
Councillor Roy Allan Councillor Jenny Hollingsworth
Councillor Peter Barnes Councillor Meredith Lawrence
Councillor Chris Barnfather Councillor Marje Paling
Councillor Denis Beeston MBE Councillor Colin Powell
Councillor Alan Bexon Councillor Suzanne Prew-Smith
Councillor Bob Collis

Absent: Councillor John Boot, Councillor Sarah Hewson,
Councillor Mike Hope and Councillor Gordon
Tunncliffe

Officers in Attendance: P Baguley, J Cole, L Parnell and L Sugden

46 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors Boot, Hewson, Hope and Tunncliffe.

47 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 28 AUGUST 2013.

RESOLVED:

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

48 DECLARATION OF INTERESTS

Councillor Barnes declared a none-pecuniary interest in Application No. 2013/0718 owing to his knowing the applicant.

49 APPLICATION NO. 2012/1472- SEVERN TRENT WATER PLC, STOKE BARDOLPH

Erection of a single wind turbine (rated capacity up to 2.5MW) and other ancillary development.

RESOLVED to GRANT PLANNING PERMISSION, subject to the following amended conditions:

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision. Written confirmation of the date when electricity is first exported to the grid from the wind turbine hereby permitted (First Export Date) shall be submitted to the Local Planning Authority within one month of the date of this taking place.
2. This permission shall endure for a period of 25 years from the first export date (of electricity to the grid), after which the use shall cease, and the turbine, ancillary structures, crane erection and lay down areas shall be removed from the site, and the land restored in accordance with details to be approved in writing under condition 45 below. The site shall be decommissioned in accordance with the details to be approved under condition 45.
3. The development hereby permitted shall be carried out in accordance with the following approved plans except insofar as may be otherwise required by other conditions of this planning permission: Figure 1.3 Rev P5 Detailed Proposed Site Layout Plan (During Construction); Figure 1.4 Rev P1 Detailed Proposed Site Layout Plan (Post Construction); Figure 2.1 R0 Constraints Map (100m to tip); Figure 4.1 Rev P0 Site Entrance Access; Figure 4.2 Rev P3 Road Works Within Compound; Figure 4.3 Rev P1 Road Works Within Compound Near AMP5; Figure 4.4 Rev 0 Typical Widening of Existing Tarmac Site Road; Figure 4.5 Rev 0 Typical Access Track Details New Stone Road; Figure 4.6 Rev P0 Typical Turbine Pile Foundation; Figure 4.8 Rev P0 Indicative 33kV Substation Plan & Elevations; Figure 4.9 Rev 0 Typical Cable Trench Details.
4. The wind turbine shall be of a 3-bladed configuration and not exceed an overall height of 100m measured from ground level to the tips of the turbine blades. The blades of the turbine shall not have a rotor diameter of more than 80m. The hub height of the turbine shall be no more than 60m measured from ground level to the top of the hub. The turbine shall not display any prominent name, logo, symbol, sign or advertisement on any external surface unless otherwise agreed in writing by the Local Planning Authority. The turbine shall not be illuminated and there shall be no permanent illumination on the site, unless otherwise agreed in writing by the Local Planning Authority or required to satisfy any other condition of this planning permission.

5. The 33KV substation to be provided in accordance with figure 4.3 revision P shall have the following maximum dimensions; it shall be no wider than 9m, no longer than 15m and it shall have a ridge height of no more than 6m.
6. The wind turbine and its associated hard standing areas shall be provided in the position indicated in Figure 1.3 Rev P5 subject to a micro siting allowance of 30m as shown on Figure 2.1 R0 Constraints Map (100m to tip) (showing a zoomed in area indicating the extent of the 30m micro siting area by way of a red dashed line).
7. Before the development hereby approved is commenced, and any associated materials transported to the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following: (i) A comprehensive study of the agreed delivery route as shown on Drawing No. TNEI-SB-Map 1 (as included in submitted Environmental Report Volume 4, Appendix I) to the application site including identification of the route where highway accommodation works will be required including the clearance of any vegetation and removal of street furniture; (ii) A schedule indicating the time for off peak construction deliveries; (iii) Details of measures to be taken to manage and control construction traffic on the agreed construction route and site access to include advance notification signage, abnormal load traffic warning signs and any temporary speed limits/traffic regulation orders; (iv) Details of measures to be taken to manage the proposed hedge and tree cutting including signage. (vi) details specifying how any damage caused by construction traffic to the highway along the agreed route shall be made good. The Construction Traffic Management Plan shall thereafter be implemented as approved prior to any construction works taking place on site and as required during the construction of the development.
8. Before the development hereby approved is commenced the existing vehicular access into the site from Stoke Lane shall be widened and suitably constructed in accordance with figure 4.1 revision P0 so as to allow access for abnormal load, to the satisfaction of the Local Planning Authority.
9. Before the development hereby approved is commenced, Network Rail shall be given a minimum of 6 weeks' notice of any abnormal load vehicles transporting materials to the site.
10. Before the development hereby approved is commenced, a scheme for the installation of appropriate lighting of the turbine at night to assist air traffic shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details prior to the first

export of electricity and shall be retained in accordance with the approved details for the lifetime of the development, unless otherwise prior agreed in writing by the Local Planning Authority.

11. Before the development hereby approved is commenced, and any associated materials transported to the site, the parking, turning and servicing areas for the turbine delivery vehicles and staff shall be provided in accordance with the plans to be first submitted to and approved in writing by the Local Planning Authority. The parking, turning and servicing areas as approved shall thereafter be retained for the life of the development.
12. Prior to the commencement of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with the contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: 1) A preliminary risk assessment which has identified; (a) All previous uses; (b) Potential contaminants associated with those uses; (c) A conceptual model of the site indicating sources, pathways and receptors; and (d) Potentially unacceptable risks arising from contamination at the site. 2) A site investigation scheme, based on the details provided in Appendix 6 of the submitted Environmental Report (with particular reference to letter report by Grontmij (ref 102766/I/01 dated 10th February 2010)) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components shall require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
14. The development hereby permitted shall not be commenced until such time as a scheme for the storage of oil, fuel and chemicals has been submitted to, and approved in writing by, the Local

Planning Authority. Any such scheme shall be supported, where necessary, by detailed calculations; include a maintenance programme; and establish current and future ownership of the facilities provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be agreed in writing by the Local Planning Authority.

15. Before the development hereby approved is commenced, a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Site Waste Management shall be implemented in accordance with the approved details.
16. Before the development hereby approved is commenced, drainage plans for the disposal of surface water, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and timetable.
17. Before the development hereby approved is commenced, a schedule of tree and hedgerow pruning works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall contain details of the works to be undertaken and a timescale for the works to be carried out. Pruning works shall be completed in accordance with the approved schedule.
18. No tree or hedgerow removal, other than that identified on Figure 1.3 Rev P5; Figure 1.4 Rev P1; and Figure 4.2 Rev P3 shall be undertaken, without the prior written consent of the Local Planning Authority and no other tree or hedgerow pruning works other than that agreed within the approved schedule of tree and hedgerow pruning shall be undertaken without the prior written consent of the Local Planning Authority.
19. Before the development hereby approved is commenced, a landscape and planting scheme and maintenance schedule (covering a minimum period of 5 years) shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall exclude those areas to be covered by the Habitat Management Plan required under condition 21 below. The landscaping and planting scheme shall be implemented in accordance with the approved details within eight months of the completion of the construction works. The maintenance of the site shall be carried out in accordance with the approved details. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site, which dies or is lost through any cause during a period of 5 years from the date of first planting, shall be replaced in the next

planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

20. Before the development hereby approved is commenced, a scheme setting out the protocol for wind turbine shut down during archery tournament events held at The Poplars Sports Ground shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Burton Joyce Archers). The protocol shall be adhered to for the lifetime of the development, unless otherwise prior agreed in writing by the Local Planning Authority. The wind turbine shall be operated and shut down in accordance with the details of the approved protocol, unless otherwise prior agreed in writing with the Local Planning Authority.
21. Prior to the commencement of the development hereby approved, a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. The habitat management plan shall include details of species/seed mixes, establishment methods and maintenance regimes. The habitat management plan shall cover a period of 25 years. The habitat management plan shall cover the areas of habitat to be created within the red line shown on location plan figure 1.1 revision c, and the specific areas shown on drawing 5581-06-N-N/A submitted on the 13th march 2013 (which shows the creation of a species- rich neutral grassland, creation of 150m of new hedgerow and at least 4,100 square metres of broadleaved woodland). The habitat management plan shall also cover the provision of two 0.25ha rotational mitigation plots to be located 1.5 miles to the north east of the development site within the blue line shown on location plan figure 1.1 revision c so as to promote nesting Lapwing. Precise details of the location of these rotational plots shall be submitted as part of the management plan, together with a schedule of works setting out a timescale for creating the new habitat and maintenance regimes. The habitat shall be provided and maintained in accordance with the approved Habitat Management Plan.
22. No construction or decommissioning works shall be undertaken after sunset and no high powered lights, fires shall be used during the construction or decommissioning period. Any trenches or holes created during construction works or decommissioning works shall be closed or covered overnight, where this is not possible due to size holes will be angled at a maximum of 45 degrees or large planks left in holes overnight.
23. Prior to the commencement of the development hereby approved, a scheme setting out a monitoring programme in relation to Bats, following the same methods used within the 2012 summer transect surveys and remote monitoring surveys submitted as

part of the application, shall be submitted to and approved in writing by the Local Planning Authority. The monitoring programme shall cover a period of three years from the first export date of electricity to the grid. A minimum of 3 transect surveys per year between April and October including 1 dawn survey shall be carried out. The findings and the results of the surveys, together with any proposed mitigation measures and timescales for carrying out any mitigation shall be submitted as a report to the Local Planning Authority and shall be approved in writing by the Borough Council. The reports shall be submitted within three months of each survey being undertaken. Any further mitigation required shall be carried out in accordance with the approved details in relation to each survey undertaken.

24. No fencing shall be erected around any watercourses or water bodies within the red line shown on location plan figure 1.1 revision c, at any time during the construction, operation or decommissioning phase of the proposed development, unless otherwise prior agreed in writing by the Local Planning Authority.
25. Prior to the commencement of the development hereby approved a verification statement shall be submitted confirming that the Clerk of Works appointed to oversee the construction works has been inducted by an appropriately qualified ecologist prior to the start of works to ensure that they are aware of their responsibilities in relation to the protection of wildlife.
26. Prior to the commencement of development precise details of at least four new hibernacula to be provided within the red line on location plan figure 1.1 revision c including their location shall be submitted to and approved in writing by the Local Planning Authority. The hibernacula shall be provided in accordance with the approved details, prior to the first export date of electricity.
27. No construction works or decommissioning works shall be undertaken during the bird breeding season (March to June inclusive) and no clearance works shall take place during bird breeding season, unless a checking survey by an appropriately qualified ornithologist has shown active nests to be absent immediately to the start of either construction or decommissioning works.
28. Prior to the commencement of the development hereby approved, a scheme setting out a monitoring programme in relation to ornithology, shall be submitted to and approved in writing by the Local Planning Authority. The monitoring programme shall have first been agreed in writing by Natural England/ and or the RSPB, and confirmation of this shall be submitted with the scheme to be submitted to the Council. The monitoring programme shall indicate the methods to be used to carry out surveys, the timings

of the surveys and length of time that monitoring shall be undertaken and shall provide for the production of reports following each survey detailing the findings of the survey and any mitigation measures proposed to address any issues raised. Monitoring shall be undertaken in accordance with the agreed monitoring programme. The findings and the results of the surveys, together with any proposed mitigation measures and timescales for carrying out any mitigation shall be submitted as a report to the Local Planning Authority and shall be approved in writing by the Borough Council. The reports shall be submitted within three months of each survey being undertaken. Any further mitigation required shall be carried out in accordance with the approved details in relation to each survey undertaken.

29. Should construction or decommissioning works take place during December-February inclusive, then prior to works commencing a watching brief will be implemented to ascertain if the site is being utilised by Lapwing, should Lapwing be present then a report setting out appropriate mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. Any mitigation measures approved shall be carried out in accordance with the approved details.
30. Prior to the erection of the wind turbine, details of the size, design and colour finish of the turbine tower; nacelle and blades shall be submitted to and approved in writing by the Local Planning Authority. The size and appearance of the turbine shall be in accordance with the parameters set out in condition 4 above. Development shall thereafter be carried out in accordance with the approved details.
31. Prior to the erection of the substation, details of the colour and type of materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The size of the substation shall be in accordance with the parameters set out in condition 5 above. Development shall thereafter be carried out in accordance with the approved details.
32. All cables within the development site from the turbine to the substation shall be set underground.
33. Prior to the first export date, a protocol for the investigation and alleviation of any electro-magnetic interference to terrestrial television caused by the operation of the wind turbine shall be submitted to and approved in writing by the Local Planning Authority. The protocol shall also include full contact details of who to contact in relation to the development should the Local Authority receive a complaint from a local resident within 12 months of the first export date. The protocol shall provide for the investigation by a qualified independent television engineer of any

complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Class C3 and C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the developer by the Local Planning Authority within 12 months of the first export date. Where impairment is determined by the qualified television engineer to be attributable to the development, mitigation works shall be carried out in accordance with the protocol which has been approved in writing by the Local Planning Authority.

34. Prior to first export date (of electricity to the grid), final details of the exact position of the wind turbine and associated hard standing areas in the form of revised layout plans shall be submitted to and approved in writing by the Local Planning Authority. The wind turbine and associated areas of hard standing shall be sited in accordance with the approved details.
35. Before the first export date (of electricity to the grid), the widened part of the access track, turning head, component lay down area and crane erection area will be buried in situ and the site compound will be removed in accordance with the details indicated on Figure 1.4 Rev P1 and Figure 4.5 Rev 0.
36. The Applicant must notify East Midlands Airport in writing that the wind turbine is in operation. This shall be done within 1 month, of the turbine commencing operation and the Local Authority shall be sent a copy of the notification made to East Midlands Airport.
37. The rating level of noise immissions from the wind turbine (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in Tables 1 and 2 attached to these conditions (37 to 44) at any dwelling which is lawfully existing or has planning permission at the date of this permission and the wind turbine operator shall adhere to this condition and condition 38 to 44 below.
38. The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1 (d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1 (e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
39. No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with condition 37 above

and the protocol required to be approved under condition 41 below. Amendments to the list of approved consultants shall be made only with prior written approval of the Local Planning Authority.

40. Within 21 days from the receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority under condition 39 above to assess the level of noise immissions from the wind farm at the complainant's property in accordance with procedures described in the attached guidance notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.
41. The assessment of the rating level of noise immissions, following a complaint received by the Local Planning Authority and it making a written request to the wind farm operator shall be undertaken in accordance with the approved assessment protocol. The protocol shall have been submitted to and approved in writing by the Local Planning Authority prior to the first export date of electricity. The protocol to be submitted for approval shall include proposed measurement locations identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Prior to investigation of any complaint received consideration shall be given to whether the noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operating conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment rating level of noise immissions. The proposed range of conditions to be utilised in the assessment of the rating level of noise immissions to be carried out by an approved independent noise consultant, (from the list required to comply with condition 39 above) following a complaint received by the Local Planning Authority and it making a written request to the wind farm operator, shall be those that prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority required to have been made under condition 40, and such others as the independent consultant considers likely to result in a breach of the noise limits.
42. Where a dwelling to which a complaint is related is not listed in the tables attached to conditions 37 to 41 and 43 to 44 of this

permission, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's dwelling for compliance checking. The proposed noise limits shall be those limits selected from the tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainants dwelling. The rating level of noise immissions resulting from the wind turbine when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

43. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within two months of the date of the written request of the Local Planning Authority for compliance measurements to be made under condition 40 above, unless the time limit has been extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1 (e) of the Guidance Notes. The instrument used to undertaken the measurements shall be calibrated in accordance with Guidance Note 1 (a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.
44. Where a further assessment of the rating level of noise immissions from the wind turbine is required pursuant to Guidance Note 4 (c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to condition 41 above unless the time limit has been extended in writing by the Local Planning Authority.
45. The independent consultant shall submit a report of their findings in writing to the Local Planning Authority for its prior approval. The report shall include mitigation measures and a timescale for carrying out any required works if the noise limits agreed under condition 41 and to be agreed in relation to condition 42 are found to have been exceeded. The proposed mitigation measures shall be carried out in accordance with the approved details.
46. If the wind turbine hereby approved ceases to operate for a continuous period of 6 months unless otherwise approved in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the wind turbine and any other

ancillary equipment, including a timetable for its removal, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the end of the 6 month cessation period. The approved scheme shall thereafter be implemented in accordance with the approved details.

47. Prior to the decommissioning of the site a scheme setting out a programme of works required to undertake decommissioning works, together with details of any access widening required, alteration to junctions, details of the abnormal load routes together with details of how any required off-site traffic management measures along the proposed route of decommissioning traffic, details of how the site shall be restored and landscaped once structures have been removed and a schedule of works required and timescales for undertaking the restoration shall be submitted to and approved in writing by the Local Planning Authority. The site shall be decommissioned in accordance with the approved details.
48. No development shall take place within the application site until details of a scheme for archaeological mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in full accordance with the approved details.
49. No development shall commence until the developer has submitted to the Local Planning Authority for approval final details of the make and model of the wind turbine to be used. This shall include an updated noise assessment and manufacturer's data to demonstrate that the proposed turbines meet the limits specified in *Condition 37*. The approved model shall be installed.
50. Prior to operation, the developer shall submit to the Local Planning Authority for approval a schedule of planned maintenance of the wind turbine. The turbine shall be operated in accordance with the approved maintenance schedule.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. This is a temporary permission and condition 2 is attached for the avoidance of doubt.
3. For the avoidance of doubt
4. For the avoidance of doubt

5. For the avoidance of doubt
6. To define the nature of the planning consent and for the avoidance of doubt, should site circumstances require alteration to the exact position of the turbine.
7. In the interests of highway safety
8. In the interests of highway safety
9. In the interests of highway safety
10. To safeguard air traffic in the local area.
11. In the interests of highway safety
12. To ensure that the site is adequately remediated and does not pose a risk for adjoining land.
13. To ensure that piling or other foundation designs do adversely disturb land in manner that would affect the quality of ground water.
14. To ensure that the storage of oil, fuel or chemicals does not adversely affect the local water environment
15. To ensure that waste from the site is managed in an appropriate manner
16. To ensure the correct disposal of surface water so as to not adversely affect the local water environment
17. To safeguard the appearance of the site
18. For the avoidance of doubt and to safeguard the appearance of the site
19. To ensure that the site is adequately landscaped
20. To ensure that the operation of the wind turbine does not prejudice the use of the Poplars Sports Ground for Archery
21. To ensure that new habitat is created and established in order to promote biodiversity
22. To ensure that there is no adverse effect on local fauna within the site and the surrounding area.
23. To ensure that there are no adverse impacts on the local bat population as a result of the operation of the wind turbine

24. To ensure that no fences are erected around water courses or water bodies which could affect the movement of fauna within the local area and have an adverse impact on their welfare
25. In the interests of safeguarding the biodiversity of the site
26. To ensure that new habitat is created and established in order to promote biodiversity
27. To ensure that there would be no adverse impacts on birds during the breeding season
28. To ensure that there would be no adverse impacts on birds as a result of the operation of the turbine
29. To ensure that there would be no adverse impacts on wintering birds using the site should construction or decommissioning works take place
30. To ensure that the precise details of the turbine are defined in order for the Local Planning Authority to control the nature of the development
31. To ensure that the precise details of the substation are defined in order for the Local Planning Authority to control the nature of the development
32. To safeguard the appearance of the site
33. To ensure that any adverse impacts on terrestrial television reception in the area is appropriately mitigated
34. To ensure that the precise details of the development are defined in order for the Local Planning Authority to control the nature of the development
35. To safeguard the appearance of the site
36. To ensure that East Midlands Airport are advised that the turbine has commenced operation
37. In the interests of safeguarding aural amenity
38. In the interests of safeguarding aural amenity
39. In the interests of safeguarding aural amenity
40. In the interests of safeguarding aural amenity

41. In the interests of safeguarding aural amenity
42. In the interests of safeguarding aural amenity
43. In the interests of safeguarding aural amenity
44. In the interests of safeguarding aural amenity
45. To ensure that any mitigation measures required as a result of the independent noise consultant's investigations and report are carried out to ensure that the operation of the turbine is acceptable in terms of aural amenity.
46. To ensure that the site is decommissioned appropriately should the turbine cease to operate for a continuous period of 6 months.
47. To ensure that when the site ceases operation at the time stated within condition 2 above that decommissioning works take place in an appropriate manner and that the site is restored to a suitable condition.
48. To ensure that any archaeological remains located within the site will be recorded and conserved in an appropriate manner.
49. To enable the Local Authority to make an informed decision with regards to noise levels from the development in order to protect the amenity of local residents.
50. To reduce the potential for noise related to mechanical faults in order to protect the amenity of local residents.

Reasons for Decision

Paragraph 98 of the NPPF advises that when determining planning applications for renewable energy schemes, local planning authorities should approve the application if its impacts are, or can be made acceptable. In the opinion of the Borough Council it has been demonstrated that the impacts of the proposal are acceptable and that the recreational impacts of the development can be made acceptable through the use of a shutdown condition.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The applicants are asked to note the additional information contained within the attached responses received from Network Rail, the MOD, the Environment Agency and the Local Highway Authority which require the

applicant to carry out necessary action to satisfy the requirements of other legislative regimes or advice to be taken into account during the construction, operational and decommissioning phases of the proposed development

Two tables are attached to conditions 37 to 44 which set out the noise level limits to be used between 07:00 and 23:00 and between 23:00 and 07:00 at the property grid references stated should complaints be received. Attached to this decision are Guidance Notes that have been produced by the Institute of Acoustics that should be read in conjunction with conditions 37 to 44.

50 APPLICATION NO. 2013/0718- 13 MAIN STREET, CALVERTON

Construction of two storey side extension.

RESOLVED to GRANT PLANNING PERMISSION subject to the following amended conditions:

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission relates to the approved plans received on 10th July 2013 drawing no's: 001, 002, 003, and 004.
3. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details and a sample of the materials to be used in the external elevations of the proposed extension. Once approved the development shall be constructed in accordance with these approved details.
4. No gates shall be erected at the access to the car port from the public highway.
5. No garage door shall be erected to the car port.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

4. In the interests of highway safety due to there being insufficient hard standing available.
5. In the interests of highway safety due to there being insufficient hard standing available.

Reason for Decision

In the opinion of the Borough Council the proposed development results in no significant impact on neighbouring properties or the Calverton Conservation Area. The proposed development therefore accords with policies ENV15 and ENV30 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards.

If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

51 APPEAL DECISION- POET'S CORNER, NEWSTEAD ABBEY PARK

RESOLVED:

To note the information.

52 PROBITY IN PLANNING FOR COUNCILLORS AND OFFICERS

RESOLVED:

To establish a cross party working group to review current guidance and consider whether any new guidance should be introduced.

53 PLANNING DELEGATION ACTION SHEETS

RESOLVED:

To note the information.

54 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

55 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

The Chair provided the Committee with updates on current court proceedings.

The meeting finished at 7.00 pm

Signed by Chair:
Date:

MINUTES AUDIT COMMITTEE

Tuesday 24 September 2013

Councillor Meredith Lawrence (Chair)

Present: Councillor Chris Barnfather Councillor Richard Nicholson
Councillor Paul Feeney

Absent: Councillor Phil McCauley, Councillor Tony Gillam and
Councillor Mark Glover

Officers in Attendance: M Kimberley, L Sugden and V Rimmington

10 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors McCauley, Gillam and Glover.

11 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 18 JUNE 2013.

RESOLVED:

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

12 DECLARATION OF INTERESTS.

None.

13 KPMG ANNUAL GOVERNANCE REPORT

Consideration was given to a report of the External Auditors, KPMG, which had been circulated prior to the meeting, summarising the key issues identified during their audit of the Council's financial statements for the 2012/13 financial year and their assessment of the Authority's arrangements to secure value for money in its use of resources.

RESOLVED:

To note the report.

14 STATEMENT OF ACCOUNTS 2012/13

Consideration was given to a Report of the Service Manager, Audit and Risk Management, which had been circulated prior to the meeting, seeking approval for the Council's Statement of Accounts for the 2012/13 financial year.

RESOLVED:

1. To approve the Statement of Accounts for 2012-13.
2. To note the letter of representation.

15 CORPORATE RISK SCORECARD

Consideration was given to a report of the Service Manager, Audit and Risk Management, which had been circulated prior to the meeting, updating members on the current level of assurance that can be provided against each corporate risk.

RESOLVED:

To note the report.

16 FOLLOW UP AUDIT RECOMMENDATIONS

Consideration was given to a report of the Service Manager, Audit and Risk Management, which had been circulated prior to the meeting, updating Members on departmental progress in the implementation of Internal Audit recommendations and highlighting any areas where additional action should be considered.

RESOLVED:

To note the report.

17 SUMMARY OF AUDIT ACTIVITY

Consideration was given to a report of the Service Manager, Audit and Risk Management, which had been circulated prior to the meeting, summarising the outcome of Internal Audit activity for the period July to September 2013.

RESOLVED:

To note the report.

18 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.35 pm

Signed by Chair:
Date:

This page is intentionally left blank

MINUTES OVERVIEW AND SCRUTINY COMMITTEE

Monday 7 October 2013

Councillor Mike Hope (Chair)

Councillor Gary Gregory
Councillor Emily Bailey
Councillor Sandra Barnes
Councillor Paul Hughes

Councillor Stephen Poole
Councillor Suzanne Prew-Smith
Councillor Henry Wheeler

Apologies for absence: Councillor Steve Ainley, Councillor Patricia Andrews, Councillor Krista Blair, Councillor Colin Powell and Councillor John Truscott

Officers in Attendance: S Bray and J Ansell

15 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors Blair, Truscott, Ainley, Andrews and Powell.

16 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 5 AUGUST 2013.

RESOLVED:

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

17 DECLARATION OF INTERESTS.

None.

18 SCRUTINY WORK PROGRAMME 2013/14

The Chair welcomed Mark Kimberley, Corporate Director, who, in the absence of Councillor J Clarke, responded to questions from Members on the following elements of the Leader's Portfolio:

- The Council's procurement strategy
- Co - location arrangements with partners

Questions from Members and responses received:

1. How successfully are we contracting with local suppliers?

Members were informed that whilst the Council is not empowered through its Standing Orders to target local suppliers, it does have a duty to achieve best value. The benefit to local suppliers is assured through on-going performance monitoring, which gives specific weighting to the payment of local suppliers within 10 days of receipt of invoice.

Details of performance monitoring data circulated to Members demonstrated that around 42% of the Council's suppliers are local and a 10 day payment rate of 96.21% is achieved. A survey recently undertaken using the creditors system indicated a 99.1% satisfaction rate.

The Corporate Director explained that larger contracts are likely to be with national/multi-national organisations.

2. Are we still sharing a procurement officer post with Rushcliffe, and does the role bring savings to the Council?

The Corporate Director confirmed that the shared service arrangement is still in place and that the role is predominantly concerned with ensuring our compliance with Standing Orders and EU regulations and completion of returns to National Government. Additionally the officer has an advisory role on cost saving framework agreements, such as the national mobile phone agreement.

The Corporate director further explained that any targeting of local suppliers would depend on the thresholds reached by the contract as set out in the Council's Standing Orders – for contracts under 10k, it had been custom and practice to obtain 3 local quotes, whereas for contracts over 50k the Council is required to advertise nationally. For contracts of over 130k full compliance with EU regulations would be required.

3. Would we target a local supplier in cases where an area of work is likely to attract a local supplier?

Members were informed that EU regulations differentiate between works contracts of 3/4m in value and service contracts of 130k in value. The Council's Contract Standing Orders do not specify, which in practice means that building contract works are taken through quite a complex route. Members were informed that whilst there are no current plans to re-examine this situation, there is potential scope to do so in future.

4. How are co - location arrangements progressing?

5. What are the future plans for co-location?

6. What benefits are being demonstrated, and what future benefits do we hope to achieve?

The Corporate Director gave an overview of current and imminent co-location plans, which included arrangements with:

- Nottinghamshire County Council
- Gedling Homes
- Citizens Advice Bureau
- Department of Work and Pensions
- The 'Ridewise' Charity
- Central College
- Individual staff from other organisations

Members were informed that we have recently entered into more integrated plans with the Nottingham North East Clinical Commissioning Group and are moving towards combined frontline service arrangements with the Department for Work and Pensions.

The Corporate Director circulated a floor plan of the foyer area and explained the rationale behind alterations to Customer Services, which represented a radical development to the way in which the Council would provide frontline services in future. The plan included 15 new work stations for DWP staff to enable them to provide a slightly more expanded service to that currently provided in Arnold.

Plans had been approved by the Portfolio Holder and it was expected that a lease would be signed by early November 2013, with full occupation in place by June 2014 and services commencing in Sept 2014. Shared services would include reception/greetings facilities and 'queue busting' activity. Members were informed that it would be a fully managed and expanded service which may double the number of people using the Customer Services facility.

The Corporate Director then outlined proposals for shared services with the Police Service and Nottinghamshire Police Commissioner.

Members were informed that the original plans to upgrade an area at the Depot to enable co location of Police and GBC public protection had changed, as the County Council public protection functions are now also coming on board. Proposals involve co location between all three authorities at the Home Brewery site. Interrelated to this proposal is the likely relocation of the office of the Nottinghamshire Police Commissioner to the upper floor of Arnot Hill House. A pre - Christmas signing of leases is anticipated.

The Corporate Director addressed a number of questions from Members about the financial arrangements, consistency of service and added value for customers. It was explained that the co-location proposals represent a wider strategy to establish GBC as a 'Virtual Unitary Authority' of integrated services, and that the approach is being viewed as a frontrunner which is likely to be replicated by neighbouring authorities.

The Chair thanked Corporate Director Mark Kimberley for the presentation.

Quarterly Performance Monitoring: Quarter 1 2013/14

Stephen Bray, Corporate Director, provided an overview of Quarter 1 performance.

In Depth Scrutiny

The Chair asked Members to note the following arrangements for scoping meetings of the two in – depth Scrutiny reviews appointed at the last committee.

1. Homelessness and hardship in the Borough

Working Group members: Councillors Lawrence, Weisz, Blair, Paling, Hope, P. Allan, Bexon, Hewson, Hughes.

Tuesday 22nd October, 5 – 6pm in the Committee Room

2. Reducing unemployment in the Borough

Working Group Members: Councillors Wheeler, R. Ellis, R. Allan, Bailey, Gregory P. Andrews, Hewson, Hughes.

Tuesday 29th October, 5 – 6pm in the Reception Room

RESOLVED:

1. To note the information provided by Corporate directors about both specific areas of the Leader's Portfolio and wider Council Quarter 1 performance
2. To note the meetings set for in depth reviews 'Homelessness and Hardship in the Borough' and 'Reducing Unemployment in the Borough.'

19

SCRUTINY WORK PROGRAMME 2012/13

Responses of Portfolio Holders to Scrutiny recommendations

The Chair informed Members of the receipt of the following 5 responses from Portfolio Holders to Scrutiny recommendations:

1. Hackney Carriages
2. Inclusion and Equality
3. The Council's Engagement with the Voluntary Sector
4. Covert Surveillance (follow up)
5. Response of the Portfolio Holder for Leisure and Development to

the recommendations made by Policy Scrutiny Committee on 6th December 2012 as part of the formal consultation on the Aligned Core Strategy.

Where appropriate, working group chairs commented on the responses received.

Outstanding report and recommendations: Localism, Planning and Housing Review

Members were informed that the working group for the above review has now completed its programme.

The Chair proposed that the draft final report be circulated to all Scrutiny committee members as well as members of the original Policy Scrutiny Committee working group for comments, and that the final report and recommendations be tabled at Cabinet on 14th November.

RESOLVED:

1. To note the responses of Portfolio Holders to the recommendations of the following Scrutiny reviews:
 1. Hackney Carriages
 2. Inclusion and Equality
 3. The Council's Engagement with the Voluntary Sector
 4. Covert Surveillance (follow up)
 5. Response of the Portfolio Holder for Leisure and Development to the recommendations made by Policy Scrutiny Committee on 6th December 2012 as part of the formal consultation on the Aligned Core Strategy
2. That the final report of the Localism, Planning and Housing Scrutiny working group be circulated to Scrutiny Committee and Working Group Members and submitted to Cabinet on 14th November.

20

REPORTS AND NOTICES RECEIVED BY THE CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE AS REQUIRED UNDER THE CONSTITUTION OR LAW

Members considered a list of items referred to the Chair of Overview and Scrutiny Committee as required under the Constitution or Law.

These included:

1. Items referred to the Chair of Overview and Scrutiny Committee under Contract Standing orders and Standing orders for dealing with Land

Notifications received where it has not been possible to obtain 3 quotations for a contract estimated to be between £10,000 and £50,000.

- Contract for the provision of seasonal lighting 2013
- Procurement of specialist provision for young families
- Extension of contract for professional fees in relation to obtaining planning permission, design and supervision of construction of Gedling Country Park

2. Items referred to Scrutiny under the Budget and Policy Framework

- Gedling Borough Council's Local Planning Document and the associated Sustainability Appraisal Scoping Report. The consultation period on this item will commence on 21st October and ends on 16th December. Scrutiny Members to be included as part of the formal consultation.

RESOLVED:

To note the items referred to the Chair of Overview and Scrutiny Committee under the constitution or Law.

21 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.00pm

Signed by Chair:

Date:

MINUTES PLANNING COMMITTEE

Wednesday 9 October 2013

In Attendance: Councillor Barbara Miller Councillor Andrew Ellwood
 Councillor Pauline Allan Councillor Cheryl Hewlett
 Councillor Roy Allan Councillor Sarah Hewson
 Councillor Peter Barnes Councillor Jenny Hollingsworth
 Councillor Denis Beeston MBE Councillor Mike Hope
 Councillor Alan Bexon Councillor Meredith Lawrence
 Councillor John Boot Councillor Marje Paling
 Councillor Bob Collis Councillor Suzanne Prew-Smith

Absent: Councillor John Truscott, Councillor Chris Barnfather,
 Councillor Colin Powell and Councillor Gordon
 Tunncliffe

Officers in Attendance: P Baguley, J Ansell, B Pearson and F Whyley

56 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors Barnfather, Powell, Truscott and Tunncliffe.

57 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 18 SEPTEMBER 2013.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record, subject to the following amendment:

Minute no. 49, reason 45 to read:

“To ensure that any mitigation measures required as a result of the independent noise consultant’s investigations and report are carried out to ensure that the operation of the turbine is acceptable in terms of aural amenity.”

58 DECLARATION OF INTERESTS

None.

59 APPLICATION NO. 2013/0745- DISCOUNT TILE CENTRE, 93

MANSFIELD ROAD, DAYBROOK, NOTTINGHAMSHIRE

Change of use of the premises from Discount Tile Warehouse to Class A1 Retail unit with associated external alteration and new car park layout.

The Service Manager, Planning and Economic Development, informed Members that the applicant was Majestic Wines.

RESOLVED to GRANT PLANNING PERMISSION subject to the following amended conditions:-

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the approved plan (drawing no 102.).
3. This permission relates to the planning statements deposited on the 17th July and 21st August 2013 and correspondence in relation to trees within the site deposited on the 2nd August and 23rd September 2013.
4. The use hereby permitted shall only operate between the hours of 09.00 hours to 21.00 hours Monday to Saturday and 10.00 hours to 18.00 hours Sundays and Bank Holidays.
5. No machinery shall be operated, processes carried out and no deliveries taken to or despatched from the site outside of the following times 09.00 hours to 21.00 hours Monday to Saturday and 10.00 hours to 18.00 hours Sundays or Bank Holidays.
6. No diesel forklift truck shall be used outside of the building and no audible reversing alarms shall be used by any electric forklift truck operating outside of the building at any time.
7. Before development is commenced the existing trees on the site shall be protected in accordance with BS5837 (Trees in Relation to Construction). The means of protection shall be retained until the layout of the car park and landscaping as shown on the drg. 102 is completed.
8. There shall be no storage of materials, vehicles, fuel, plant, soil or other ancillary items beneath the canopies of the protected trees on the site.

9. The use hereby approved shall not be commenced until the parking bays have been clearly delineated in accordance with drg. no. 102.
10. The parking, turning and servicing areas shall be retained for the life of the development and shall not be used for any other purpose other than parking, turning and loading and unloading of vehicles.
11. This permission relates to use of the premises by Majestic Wine Warehouse for the purposes specified in this application. Should Majestic Wine cease be operation, the use of the building shall revert back to a B8 (Storage and Distribution) Use Class and for no other purpose under the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in equivalent provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
12. Should Majestic Wine Warehouse cease operation the acoustic fence to the Byron Street boundary which was approved in February 2009 (application ref. 2008/1066) and which is confirmed to be removed in an email dated 10th October 2013 shall be reinstated as existing prior to the building reverting back to B8 (Storage Warehouse) Use . The reinstated acoustic fence shall then be retained as such at all times.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. For the avoidance of doubt.
4. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
5. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
6. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
7. To safeguard protected trees on the site.
8. To safeguard protected trees within the site.

9. 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.
10. 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.
11. For the avoidance of doubt.
12. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

Reasons for Decision

In the opinion of the Borough Council there are material economic considerations which outweigh the criteria under Policy E3 b.(i) of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008. The proposed use will result in no undue impact on the vitality and viability of Arnold Town Centre or on the amenities of neighbouring properties, the character or appearance of the area or highway safety. The proposal therefore accords with the National Planning Policy Framework (2012) and policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2008.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

60 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

61 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

62

ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.15 pm

Signed by Chair:
Date:

This page is intentionally left blank

MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 15 October 2013

Councillor Marje Paling (Chair)

Present: Councillor Meredith Lawrence Councillor Jenny Hollingsworth
 Councillor Sandra Barnes Councillor Mike Hope
 Councillor Nicki Brooks Councillor Barbara Miller
 Councillor Roxanne Ellis Councillor Stephen Poole
 Councillor Tony Gillam Councillor Henry Wheeler

Absent: Councillor Bruce Andrews, Councillor Ged Clarke and
 Councillor John Parr

Officers in Attendance: P Gibbs, R Pentlow, L Sugden, P Baguley and
 K Nealon

71 APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Andrews, Clarke and Parr.

72 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 17 SEPTEMBER 2013.

RESOLVED:

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

73 DECLARATION OF INTERESTS.

None.

74 REVOCATION OF HAZARDOUS SUBSTANCES CONSENT

The Service Manager, Planning and Economic Development presented the report, which had been circulated prior to the meeting, detailing the revocation of a Hazardous Substances Consent.

RESOLVED:

To note the contents of the report.

**75 AMENDMENT OF THE STATEMENT OF POLICY AND GUIDELINES
FOR THE CONSIDERATION OF APPLICATIONS FOR HACKNEY
CARRIAGE/PRIVATE HIRE DRIVERS AND PRIVATE HIRE
OPERATORS**

Consideration was given to a report of the Corporate Director, David Wakelin, outlining a number of changes to the Statement of Policy and Guidelines for the consideration of applications for Hackney Carriage/Private Hire Drivers and Private Hire Operators proposed following a review of the policy by the Licensing Section and Legal Services.

RESOLVED:

To approve, subject to agreed amendments, the revised Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators with immediate effect.

76 NOTICES SERVED

RESOLVED:

To note the contents of the report.

77 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

78 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.

**79 APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE
DRIVERS LICENCE - BEA**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from BEA.

BEA attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

RESOLVED:

To refuse BEA's application for a Hackney Carriage/Private Hire Driver's Licence on the grounds that he is not a fit and proper person.

BEA was advised of his right to appeal against the decision of the Committee.

80

APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - AH

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from AH.

AH attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

RESOLVED:

To refuse AH's application for a Hackney Carriage/Private Hire Driver's Licence on the grounds that he is not a fit and proper person.

AH was advised of his right to appeal against the decision of the Committee.

81

APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - SA

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from SA.

SA attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was

satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

RESOLVED:

To refuse SA's application for a Hackney Carriage/Private Hire Driver's Licence on the grounds that he is not a fit and proper person.

SA was advised of his right to appeal against the decision of the Committee.

82 APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - HS

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from HS.

HS attended the meeting, with his friend who acted as interpreter as and when necessary, and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy..

RESOLVED:

To approve HS's application for a Hackney Carriage/Private Hire Driver's Licence.

83 APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - MH

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from MH.

MH attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

RESOLVED:

To approve MH's application for a Hackney Carriage/Private Hire

Driver's Licence.

84 APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - JSN

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from JSN.

JSN attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

After discussion and on the requisition of two Members the motion to refuse JSN's application was put to a named vote and the motion was carried:

For the motion:	Councillor Barnes	Councillor Brookes
	Councillor Ellis	Councillor Hollingsworth
	Councillor Poole	Councillor Wheeler
Against the motion:	Councillor Paling	Councillor Lawrence
	Councillor Gillam	Councillor Hope
	Councillor Miller	

RESOLVED:

To refuse JSN's application for a Hackney Carriage/Private Hire Driver's Licence on the grounds that he is not a fit and proper person.

JSN was advised of his right to appeal against the decision of the Committee.

85 APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - MOG

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from MOG.

MOG attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was

satisfied on balance that exceptional circumstances existed which warranted departure from this policy.

RESOLVED:

To approve MOG's application for a Hackney Carriage/Private Hire Driver's Licence.

86

APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - RN

This report was withdrawn by the Licensing Officer.

The meeting finished at 7.45 pm

Signed by Chair:
Date:

MINUTES CABINET

Thursday 17 October 2013

Councillor John Clarke (Chair)

Councillor Michael Payne
Councillor Peter Barnes

Councillor Kathryn Fox
Councillor Jenny Hollingsworth

Observers: Councillor Paul Hughes

Absent: Councillor Darrell Pulk and Councillor Chris
Barnfather

Officers in Attendance: J Robinson, H Barrington, M Kimberley, D Wakelin,
S Bray, P Baguley, A Bennett and L Parnell

45 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors Pulk and Barnfather.

46 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 12 SEPTEMBER 2013.

RESOLVED:

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

47 DECLARATION OF INTERESTS.

None.

48 LOCALITY WORKING

Councillor Fox and the Service Manager, Housing and Localities presented a report, which had been circulated prior to the meeting, detailing the locality plans created for the Netherfield and Newstead areas an extension to locality working to include Killisick ward.

RESOLVED:

- (a) To endorse the two Locality Plans for Netherfield and Newstead;
- (b) To approve an extension of locality working to include Killisick; and

- (c) To endorse the proposal that the locality co-ordinator for Newstead becomes the locality co-ordinator for Newstead and Killisick.

49 UPDATE OF FIVE YEAR HOUSING LAND SUPPLY ASSESMENT (AGAINST THE EMERGING ALIGNED CORE STRATEGY TO INFORM THE EXAMINATION) AS AT 31 MARCH 2013

The Service Manager, Planning and Economic Development presented a report, which had been circulated prior to the meeting, informing Members of the update of the Five Year Housing Land Supply Assessment against the emerging Aligned Core Strategy to inform the hearing sessions as part of the examination of the Aligned Core Strategy.

The Service Manager, Planning and Economic Development, also provided Members with an update as to the process of the current Aligned Core Strategy examination.

RESOLVED:

To note the content of the Update of Five Year Housing Land Supply Assessment (against the emerging Aligned Core Strategy to inform the examination) as at 31 March 2013.

50 FORWARD PLAN

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

RESOLVED:

To note the report.

51 PROGRESS REPORTS FROM PORTFOLIO HOLDERS.

Councillor Michael Payne (Public Protection and Communication)

- Crime continues to reduce in the Gedling Borough Council area, however concerns were expressed regarding the increase in certain serious crimes and a number of recent high profile major crimes that had taken place in the Nottinghamshire/Derbyshire area.

Councillor Payne left the meeting at 12.55pm.

Councillor Jenny Hollingsworth (Health and Housing)

- New software for choice based lettings is due to go live in November. Information for applicants and Councillors will be reissued.
- Work is progressing on reviewing the suitability of temporary accommodation.
- Congratulations to staff member, Cathy Evans, who recently received an award from Nottinghamshire Police.
- The 3rd Landlord's Forum will be held on the 7th of November and Nottingham Credit Union will be attending.
- The "Sharing is Caring" initiative, part of the campaign to end loneliness, has been very successful, helping around 1450 people.
- The Council is working hard on "Alzheimer/dementia friendly" processes, with the hope of becoming a "Dementia Friendly Council" by 2015.
- A Health and Wellbeing Delivery consultation meeting will be held on the 4th of November.

Councillor Kathryn Fox (Community Development)

- On the 26th of October a Halloween event, big draw and guided walk will take place at Arnot Hill Park.
- The Council have been successful in bidding for £20,000 funding from the Community Covenant, to support World War 1 commemoration.
- Locality Plans for Newstead and Netherfield have been produced and endorsed.
- Netherfield Community Safety Week has taken place with partners from the Police, Neighbourhood Wardens, Fire Service, Citizen's Advice Bureau, Nottingham Credit Union and energy providers.
- Netherfield "Keep Tidy" week has taken place, and Netherfield Primary School children who took part in the activities will be rewarded for their involvement.

Councillor Peter Barnes (Environment)

- Gedling Recycling Centre is the busiest in the County.
- An update was provided on the progress with the Druid's Car Park.
- A cross party Members' Focus Group is being created over the coming weeks and will be extended to include local groups and members of the public.

Councillor John Clarke (Finance and Performance)

- Attended a number of Gedling Conversation events with Officers and Members of the Council.
- Consideration is being given to the Council's budget for next financial year. A report will be brought to Cabinet in February for referral to Council.
- Happy to see that local churches are getting involved in investing in Nottingham Credit Union.
- Will be meeting soon to look at how we can work with partners to make local food banks sustainable.
- Bonington Theatre is now open and the new frontage will soon be installed.

Councillor Clarke invited the Policy Advisors for Young People and Older People to provide an update on their work.

Councillor Roxanne Ellis (Policy Advisor for Older People)

- Thanks to Councillors Weisz and Hollingsworth for their support and the work that they have done previously in the area.
- Took part in the Gedling Conversation with older people and noted that the wider Gedling Conversation events were attended by large numbers of older people.
- Looking at concerns over the digitalisation of services and how this might exclude older people.
- Spent time over the course of the year talking to current older person's service providers and intention to contact remaining groups.
- Intention to revamp the Council's "Fit over 50's" leaflet.
- Intention to set up a resources network for older people in the Borough.

Councillor Henry Wheeler (Policy Advisor for Young People)

- Spent time over the past few months visiting schools across the Borough, promoting involvement in the Youth Council and elections will be held in February 2014.
- Brought some young people to the Gedling Conversation event at the Bonington Theatre, who were very positive and engaged. Will aim to hold three "Gedling Conversation" style events just for youth in the near future.
- Unfortunately a recent "Saturday Skateboarding Jam" was cancelled due to bad weather.
- Warren Hill now has a youth services provision on Friday's but attendance is low so far. Gedling Village is still lacking provision.
- Looking at ways to democratise the Scrutiny Advisory Board to allow young people to question Councillors and get involved in budget setting.

52 MEMBER'S QUESTIONS TO PORTFOLIO HOLDERS.

None.

53 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 1.35 pm

Signed by Chair:
Date:

MINUTES PLANNING COMMITTEE

Wednesday 30 October 2013

Councillor John Truscott (Chair)

Present:	Councillor Barbara Miller	Councillor Andrew Ellwood
	Councillor Pauline Allan	Councillor Cheryl Hewlett
	Councillor Roy Allan	Councillor Jenny Hollingsworth
	Councillor Peter Barnes	Councillor Mike Hope
	Councillor Chris Barnfather	Councillor Meredith Lawrence
	Councillor Denis Beeston MBE	Councillor Marje Paling
	Councillor Alan Bexon	Councillor Colin Powell
	Councillor John Boot	Councillor Suzanne Prew-Smith
	Councillor Bob Collis	

Absent: Councillor Sarah Hewson and Councillor Gordon Tunnicliffe

Officers in Attendance: P Baguley, L Parnell, L Sugden and N Morley

63 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillor Hewson.

64 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 9 OCTOBER 2013

RESOLVED:

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

65 DECLARATION OF INTERESTS

None.

66 APPLICATION NO. 2013/0500- LAND SOUTH OF COLWICK LOOP ROAD, COLWICK, NOTTINGHAMSHIRE

The Service Manager, Planning and Economic Development, presented the report, which has been circulated prior to the meeting, and made Members aware of a letter of objection received by the department following publication of the report.

The Service Manager, Planning and Economic Development, also informed Members of a number of amendments to conditions for the consideration of the Committee.

RESOLVED to GRANT PLANNING PERMISSION subject to the applicant entering into a Section 106 Agreement for the provision of contributions towards air quality monitoring with Gedling Borough Council and towards travel plan monitoring with the County Council as Highway Authority and subject to the following conditions:

Conditions

- 1 Application for approval of reserved matters relating to the employment element (namely layout, appearance, scale and landscaping) shall be made not later than three years beginning with the date of this permission and the development shall be begun not later than two years from the final approval of the reserved matters or, in the case of approval of the reserved matters on different dates, the final approval of the last such matter to be approved.
- 2 The development hereby approved for full planning permission relating to the construction of the retail element, an A1 retail unit with ancillary restaurant and concession units, service yard, car parking, landscaping and highway works must be begun not later than three years beginning with the date of this permission.
- 3 This development hereby granted full planning permission shall be completed in accordance with drawing nos.A-PL-01 Rev B, A-PL-03 Rev A, A-PL-11 Rev D, A-PL-12 Rev A, A-PL-13 Rev A, A-PL-14 Rev A, A-PL-15 Rev A, A-PL-16 Rev A, A-PL-17 Rev A, A-PL-20 Rev A, A-PL-21 Rev A, and the landscaping details and notes detailed on drawing nos.GC.81800.001 Rev A, GC.81800.301 Rev A, GC.81800.302 Rev A, except where further details are required for approval by other conditions of this planning permission.
- 4 Prior to the commencement of development of the retail elements(excluding any site clearance and remediation works as required by condition 8) a sample panel of materials to be used in the external elevations of the food store building, kiosk and carwash, shall be submitted to and approved in writing by the Borough Council. Once approved the development shall be completed in accordance with the approved materials.
- 5 The retail and employment elements shall be carried out in accordance with the measures set out under the Air Quality Mitigation Strategy dated 22nd July 2013. A verification report to demonstrate compliance with the Air Quality Mitigation Strategy

shall be submitted to and approved in writing by the Borough Council before the respective elements are first brought into use.

- 6 The development hereby granted full planning permission shall be completed in accordance with the tree constraints and protection plans and notes drawing nos.GC.81800.201 and GC.81800.202.
- 7 There shall be no vegetation clearance and demolition works during the main bird nesting period (March - August), unless otherwise prior agreed in writing with the Local Planning Authority.
- 8 Prior to the commencement of development of the retail or employment element (excluding site clearance), an investigation and contamination risk assessment report relating to the respective element detailing those areas and / or contaminants not covered within the Ground Conditions Chapter of the submitted Environmental Statement shall be provided to the Local Planning Authority. If the information submitted with the application or within this additional report indicates that remediation is necessary, details of a remediation scheme for the respective element shall be submitted to and approved in writing by the local planning authority. The remediation scheme shall include all works to be undertaken, remediation objectives and remediation criteria, a timetable of works and site management procedures and shall be carried out in accordance with the approved details and timetable of works. Written notification of the commencement of the remediation scheme for the respective element shall be given to the Local Planning Authority at least 2 weeks before the start of the remediation works and a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the respective element. If during the course of development contamination not previously identified is found to be present at the site, no further development other than that agreed in writing with the local planning authority shall be carried out until an amendment to the remediation scheme giving details on how to deal with this contamination has been submitted to and approved in writing by the Local Planning Authority. The remediation measures shall thereafter be carried out in accordance with the approved amended details.
- 9 Prior to the occupation of the retail or employment elements details of bat and bird boxes to be incorporated within the approved relevant element shall be submitted to and approved in writing by the Borough Council. Once approved the bat and bird boxes shall be installed in accordance with the approved details prior to the relevant element being brought into use.

- 10 Prior to the commencement of development of the retail or employment elements(excluding any site clearance and remediation works as required by condition 8) drainage plans for the disposal of surface water and foul sewage relating to the respective element shall be submitted to and approved in writing by the Borough Council. The drainage scheme shall be implemented in accordance with the approved details before the respective element is first brought into use.
- 11 The retail elements hereby approved shall not be brought into use until full details of the Local Employment Partnership, as outlined in Appendix 11 of the Planning and Retail Report submitted as part of this application, has been submitted to and approved in writing by the Local Planning Authority and evidence has been provided to demonstrate that the partnership has been established. In addition the details to be submitted shall also set out how the partnership shall be sustained throughout the life time of the development. The development shall thereafter operate in accordance with the approved Local Labour Agreement.
- 12 Prior to the occupation of the retail element details of the retail unit car park barrier, including a management plan for the car park barrier, shall be submitted to and approved in writing by the Borough Council. The management plan shall include details of the times and respective days that the gates will be opened and closed as well as details of who will be responsible for ensuring the gates are opened and closed at these times. Once approved the proposed car park barrier shall be installed prior to the retail unit first being brought into use and operated in accordance with these details at all times unless otherwise agreed in writing by the Borough Council.
- 13 Prior to the commencement of development of the retail and employment elements (excluding any site clearance and remediation works as required by condition 8), a Construction Management Plan for the respective element shall been submitted to and approved in writing by the Borough Council. The Construction Management Plan shall demonstrate that the works can be carried out without affecting or causing any obstruction to Carlton Footpaths 22 and 23. The respective element shall be completed in accordance with the approved relevant Construction Management Plan.
- 14 The development shall not be occupied until the following works have been provided in accordance with details that have been first agreed with the Local Highway Authority: a) A new signalised junction has been provided on to the Colwick Loop Road. b) Highway improvements have been provided at Colwick Loop Road / Road No1 junction. c) Highway improvements have been

provided at A612 / Burton Road / Shearing Hill junctions to the satisfaction of the Local Planning Authority.

- 15 The retail and employment elements shall not be brought into use until the access roads parking, turning and servicing areas relating to the respective element are surfaced in a hard bound material and delineated on site, to the satisfaction of the Local Planning Authority. The surfaced areas and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
- 16 The retail and employment elements shall not be brought into use until a scheme relating to the respective elements to regulate the discharge of surface water from the access roads, parking, turning and servicing areas to the public highway is submitted and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the respective element being brought into use.
- 17 The food store element hereby permitted shall not be brought into use until the cycle parking layout as indicated on drawing A-PL-04 / C has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.
- 18 The retail elements shall not be occupied until the off-site traffic management works comprising of a weight restriction on Mile End Road have been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- 19 Prior to the commencement of development (excluding any site clearance and remediation works as required by condition 8) details of measures to prevent the deposit of debris upon the adjacent public highway as a result of the construction of any part of the retail or employment elements shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the agreed measures, and retained in situ until construction of the respective elements is available for use.
- 20 The retail or employment elements shall not be occupied until a Full Travel Plan for the respective element has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority

- 21 The retail and employment elements shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures: a) As a minimum, proposed floor levels will be set with a freeboard of 600mm above existing ground levels. b) Other than in those areas where levelled or graded access is required to or from a building or to provide vehicular access into and between the respective elements, external finished ground levels will be no less than 300mm below the proposed floor level of the nearest building. c) Where local flooding occurs surface water runoff is to be routed away from the buildings along the footways and roadways to the drainage system. The mitigation measures for each respective element shall be fully implemented prior to occupation of the respective element.
- 22 Prior to the commencement of development of the retail or employment elements (excluding any site clearance and remediation works as required by condition 8), a scheme to provide an evacuation plan for the respective element shall be submitted to, and approved in writing by, the local planning authority, in consultation with their emergency planner. The approved scheme for the respective element shall be fully implemented and subsequently maintained.
- 23 Prior to the commencement of development of the retail and employment elements (excluding any site clearance and remediation works as required by condition 8) a scheme to provide flood resilience design for the respective element shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Council's emergency planner. The scheme for each element shall be fully implemented and subsequently maintained.
- 24 Prior to the commencement of development of the retail or employment elements (excluding any site clearance and remediation works as required by condition 8), a surface water drainage scheme for the respective element, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The respective scheme should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The respective scheme shall subsequently be implemented in accordance with the approved details before the respective element is brought into use. The scheme shall include: a) The utilisation of sustainable drainage techniques, including rainwater harvesting for the supermarket and permeable paving within the

retail element; b) Limitation of the runoff rate to a 20% betterment from the existing drainage conditions for the retail element (limiting discharge to 4.7l/s/ha (QBAR)); and a 10% betterment for the employment element (limiting discharge to 5.3l/s/ha (QBAR)); as detailed in a letter dated 16th September 2013 from Morgan Tucker. c) Water quality management incorporated within the design, with two forms of treatment prior to discharge from the site; d) Demonstration through hydraulic calculations that appropriate attenuation is to be provided to limit the rate of runoff from the site; e) Confirmation of responsibility and management of the drainage features on construction of the scheme.

- 25 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
- 26 Prior to the commencement of development of the petrol filling station (excluding any site clearance and remediation works as required by condition 8) a scheme to install petrol storage tanks shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring/ leak detection system, along with: a) Proposed method of petrol storage; b) Justification for this method of storage; c) Groundwater levels for this specific part of the site; d) Site specific risk assessment outlining the volume, type of pollutants being stored and the hydrogeological situation. Where potential risks have been identified, the Local Planning Authority will require mitigation measures to be implemented to ensure that there is no release of hazardous substances into the Secondary Aquifer.
- 27 The schemes approved under conditions 21, 22, 23, 24 and 25 shall be fully implemented and subsequently maintained in that form.
- 28 Notwithstanding condition 3 above, prior to the commencement of development of each of the elements below (excluding any site clearance and remediation works as required by condition 8), details of each matter, together with timescales, shall be submitted to and approved in writing by the Local Planning Authority.
 - a) Electric charging points for customer vehicles.
 - b) Sprinkler tanks, including their colour and appearance.
 - c) The design, height and colour of the service yard enclosure and its gates.

- d) The appearance of the car wash (including materials and lighting).
 - e) The appearance of the covered walkway across the walkway (including materials and lighting).
 - f) The materials and design of trolley storage areas, both within the car park and adjacent to the food store.
 - g) The details of the height, materials and design of the bollards/barriers around the food store building.
 - h) Plans for providing shelter to motorcycle parking.
 - g) The size, location and appearance of the proposed new bus stops on the site.
 - h) Boundary treatment of the perimeter of the site, and around the recycling area.
 - i) The appearance of the plant to be sited on the roof, and if required any screening or acoustic enclosure.
- 29 Prior to the commencement of development of the employment elements (excluding any site clearance and remediation works as required by condition 8) a viability assessment for additional renewable energy installations shall be submitted to the Local Planning Authority. If these prove viable, including those producing power only for the site's use, full details of the proposed installations shall be submitted for the approval of the Local Planning Authority and installed until technologically obsolete.
- 30 Prior to occupation of the food store, petrol station or car wash, a scheme detailing all external lighting, including details of the height of any lighting columns, the design of lamp assembly, the spread of light beyond the site boundaries and the hours of illumination, shall be submitted for the approval of the Local Planning Authority, and the approved details to be implemented and maintained in that form.
- 31 The floor area of the employment development shall not exceed 9895 sq. m. gross internal floor area, unless otherwise agreed by the Local Planning Authority.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 For the avoidance of doubt.
- 4 To ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

- 5 In order to assist in the protection of air quality.
- 6 In the interests of good arboricultural practice.
- 7 In order to protect and enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework (2012).
- 8 In order to assist in the protection of air quality.
- 9 In order to enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework (2012).
- 10 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 11 To ensure that the development meets some of the requirements for sustainable development.
- 12 In the interests of crime prevention.
- 13 In order to ensure Carlton Footpaths 22 and 23 are kept available for use both during and after the construction period and the users of the footpaths are not impeded or endangered in any way.
- 14 To ensure that the traffic accessing the development does not give rise to highway danger, traffic problems and loss of residential amenity.
- 15 To ensure that an adequate level of off street parking is provided for the needs of the development.
- 16 To regulate the discharge of surface water from the site onto to the public highway to prevent traffic and highway problems
- 17 To ensure the provision of cycle parking in order to support use by non car borne customers and staff.
- 18 To prevent heavy goods vehicles travelling along residential roads to access the site, in the interests of residential amenity.
- 19 To prevent the deposit of debris on the highways around the site, in the interest of highway safety.
- 20 To enable, encourage and facilitate visitors to the site to use non-car means of transport

- 21 To reduce the risk of flooding to the proposed development.
- 22 To enable a safe means of egress from the site during an extreme flood event.
- 23 To reduce the impact of flooding on the development.
- 24 To prevent the increased risk of flooding, both on and off site and to manage surface water in a sustainable manner.
- 25 To ensure that there is no mobilisation/ migration of contamination into the underlying aquifer.
- 26 To ensure that there is no mobilisation/ migration of contamination into the underlying aquifer.
- 27 To ensure the development is implemented in a manner which does not increase the risk of flooding, both on and off site, to manage surface water in a sustainable manner and prevent contamination.
- 28 These detailed matters were not included on the submitted plans and require the approval of the Local Planning Authority in the interests of visual amenity.
- 29 To assist in satisfying energy demand from renewable energy sources.
- 30 To ensure that external illumination does not affect highway safety or residential amenity.
- 31 To define the consent

Reasons for Decision

The proposed development accords with the relevant policies of the Local Plan and the National Planning Policy Framework.

Notes to Applicant

Your attention is drawn to the attached comments of the Rights of Way Officer.

You are advised that further consents may be required for advertisements and signage, and you should contact the Borough Council prior to carrying out any such works.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the

Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact the County Highway Authority for details.

The proposed off-site highway works referred to in condition 5 requires a Traffic Regulation Order before the development commences to provide off-site mitigating works. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact the County Highway Authority for details.

Washdown from the car wash should be discharged to foul sewer. This washdown should not be discharged via an oil separator as detergents in the washdown will render the separator ineffective. Car wash liquid waste is classed as trade effluent. Before discharging to a sewer you must always get a trade effluent consent or enter into a trade effluent agreement with your water and sewerage company or authority. If you are not able to discharge effluent to the foul sewer it will be classed as waste and you must then comply with your duty of care responsibilities. More information regarding the discharge of trade effluent can be found at www.netregs.gov.uk <http://publications.environment-agency.gov.uk/pdf/PMHO0307BMDX-e-e.pdf>

The hazardous substances consents for Esso Petroleum Company Ltd and Chevron Ltd are in the process of being revoked, however condition 32 has been attached to this permission on the advice of HSE.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

67

APPLICATION NO. 2013/0497- LAND SOUTH OF COLWICK LOOP ROAD, COLWICK, NOTTINGHAMSHIRE

The Service Manager, Planning and Economic Development, presented the report, which has been circulated prior to the meeting, and made Members aware of a letter of objection received by the department following publication of the report.

The Service Manager, Planning and Economic Development, also informed Members that, following comment from Nottinghamshire County Council after the publication of the report, there would no longer be a requirement for the applicant to enter into a Section 106 agreement towards travel plan monitoring.

RESOLVED to GRANT PLANNING PERMISSION subject to the following conditions:

Conditions

- 1 The public house hereby permitted shall be begun within five years from the date of the approval of the last reserved matters to be approved in relation to the restaurant element.
- 2 Application for the approval of any of the reserved matters (namely appearance, layout, landscaping and scale) required for the restaurant element shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The restaurant element hereby permitted shall be begun within five years from the date of the approval of the last reserved matters to be approved.
- 4 The public house or restaurant element shall not be brought into use until either: a) The hazardous substances consents for both the Total Lindsey Oil Refinery Ltd and Chevron Ltd have been are revoked, or b) A report relating to the respective element has been submitted to the LPA outlining the level of risk posed by the presence of the Total Lindsey Oil Refinery Ltd together with details of any proposed mitigation measures and the LPA have agreed in writing that they are satisfied with the conclusions of the Report so to allow the respective element to be occupied. Any mitigation measures proposed in the report to be approved in writing by the Borough Council shall be implemented in accordance with the approved report.
- 5 The restaurant element shall not exceed 452 square metres (Gross External Floor Area).
- 6 The public house and restaurant shall be developed in accordance with drawings, A-PL-02 Rev. A (Location Plan) A-PL-30 B (Marstons Public House and Restaurant Plan), 0055/12/ 02 02 C Site Plan,0055/12/ 02 04 C Elevations, 0055/12/ 02 05 B Fence Locations + Details and Pergola Details, 0055/12/ 02 03 A Floor and Roof Plan and Marstons Public House and Restaurant Detailed Planting Plan GC.818000.303 A.
- 7 Prior to the public house being first brought into use precise details of the play equipment to be installed within the play area, together with a timescale for its installation shall be submitted to and approved in writing by the local planning authority. The play equipment shall be installed in accordance with the approved details and timescale, and shall be retained thereafter in accordance with the approved details.
- 8 The approved planting scheme, fencing, pergola and surfacing materials to be used within the soft and hard landscaping scheme

submitted in relation to the public house shall be provided prior to the to the public house being first brought into use, or to a timescale to be prior agreed in writing by the local planning authority. The fencing, pergola and surfacing materials shall be retained thereafter in accordance with the approved details.

- 9 Prior to the public house being first brought into use precise details of any minor artefacts and structures such as external benches, refuse or storage units and lighting together with a timescale for their installation shall be submitted to and approved in writing by the local planning authority. Any proposed lighting scheme shall also include details of the spread of light beyond the site boundaries and the hours of illumination. Any minor artefacts or structures shall be installed in accordance with the approved details and retained thereafter.
- 10 The Public House shall not be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plan 0055/12/0202 Rev C. The parking/turning/servicing areas shall not be used for any purpose other than purpose thereafter.
- 11 The Public House shall not be brought into use until the cycle parking layout as indicated on drawing 0055/12/0202 Rev C has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.
- 12 The Public House or Restaurant element shall not be occupied until a Full Travel Plan for that respective element has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.
- 13 Details of measures to prevent the deposit of debris upon the adjacent public highway during the construction of both the proposed Public House and Restaurant element shall be submitted to and approved in writing by the LPA prior to the commencement of development of the respective elements(excluding any site clearance and remediation works as required by condition 20). The approved measures shall be implemented in accordance with the approved details prior to any construction works commencing on the respective phase and retained in situ until the respective element has been constructed.

- 14 The proposed development shall not be brought into use until the following works have been provided in accordance with details that have been first agreed with the Local Highway Authority and shall be carried out to the satisfaction of the Local Planning Authority.; (a) A new signalised junction has been provided on to the Colwick Loop Road. (b) Highway Improvements have been provided at Colwick Loop Road / Road No1 junction. (c) Highway improvements have been provided at A612 / Burton Road / Shearing Hill junctions.
- 15 The Public House and Restaurant elements shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures: (a) As a minimum, proposed floor levels will be set with a freeboard of 600mm above existing ground levels. (b) Other than in those areas where levelled or graded access is required to or from a building or to provide vehicular access into and between the respective elements, external finished ground levels will be no less than 300mm below the proposed floor level of the nearest building. (c) Where local flooding occurs surface water runoff is to be routed away from the buildings along the footways and roadways to the drainage system. The mitigation measures for each respective element shall be fully implemented prior to occupation of the respective element.
- 16 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance and remediation works as required by condition 20) a scheme providing an evacuation plan for the respective element shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Council's emergency planner. The approved scheme for the respective element shall be fully implemented and subsequently maintained.
- 17 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance and remediation works as required by condition 20) a scheme to provide flood resilience design for the respective element shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Council's emergency planner. The approved scheme for the respective element shall be fully implemented and subsequently maintained.
- 18 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance and remediation works as required by condition 20) a surface water drainage scheme for the respective element, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning

authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The respective scheme for each element shall subsequently be implemented in accordance with the approved details before the respective element is occupied. The scheme shall also include: (a) The utilisation of sustainable drainage techniques, including rainwater harvesting and permeable paving; (b) Limitation of the runoff rate to a 10% betterment from the existing drainage conditions as detailed in a letter dated 16th September 2013 from Morgan Tucker, limiting discharge to 5.3l/s/ha (QBAR); (c) Water quality management to be incorporated within the design, with two forms of treatment prior to discharge from the site; (d) Demonstration through hydraulic calculations that appropriate attenuation is to be provided to limit the rate of runoff from the site. (e) Confirmation of responsibility and management of the drainage features on construction of the scheme.

- 19 Prior to the commencement of development of the Public House (excluding any site clearance and remediation works as required by condition 20) a scheme for the safe refuge of any residents during an extreme event has been submitted to, and approved in writing by, the local planning authority, in consultation with the Council's emergency planner. The scheme shall be fully implemented and subsequently maintained.
- 20 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance) an investigation and contamination risk assessment report relating to the respective element detailing those areas and / or contaminants not covered within the Ground Conditions Chapter of the submitted Environmental Statement shall be provided to the Local Planning Authority. If the information submitted with the application or within this additional report indicates that remediation is necessary, details of a remediation scheme for the respective element shall be submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall include all works to be undertaken, remediation objectives and remediation criteria, a timetable of works and site management procedures and shall be carried out in accordance with the approved details and timetable of works. Written notification of the commencement of the remediation scheme shall be given to the local planning authority at least 2 weeks before the start of the remediation works and a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the respective element. If during the course of development contamination not previously identified is found to be present at the site, no further development other than that

agreed in writing with the Local Planning Authority shall be carried out until an amendment to the remediation scheme giving details on how to deal with this contamination has been submitted to and approved in writing by the Local Planning Authority. The remediation measures shall thereafter be carried out in accordance with the approved amended details.

- 21 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 22 The Public House and Restaurant element hereby approved shall not be brought into use until full details of a Local Employment Partnership has been submitted to and approved in writing by the Local Planning Authority, this shall include details of how the partnership shall be sustained for the life time of the development. The partnership shall be implemented in accordance with the approved details prior to either element being brought into use. Evidence shall be submitted to the Local Planning Authority that the partnership has been established.
- 23 Prior to occupation of either the public house element or the restaurant element a viability assessment for additional renewable energy installations shall be submitted to the Local Planning Authority. If these prove viable, including those producing power only for the site's use, full details of the proposed installations shall be submitted for the approval of the Local Planning Authority and installed until technologically obsolete.

Reasons

- 1 To accord with Section 51 of the Planning and Compulsory Purchase Act 2004 and to allow sufficient time to enable either the revocation of the relevant Hazardous Substance Consents for Total Lindsey Oil Refinery Ltd and Chevron Ltd or for the Borough Council as Local Planning Authority to have confirmed in writing that the risk posed by the Total Lindsey Oil Refinery to be acceptable.
- 2 To accord with Section 51 of the Planning and Compulsory Purchase Act 2004
- 3 To accord with Section 51 of the Planning and Compulsory Purchase Act 2004

- 4 The Borough Council as Local Planning Authority is not satisfied that the risk posed by the adjacent Total Lindsey Oil Refinery is acceptable to allow the occupation of the proposed public house/restaurant and the proposed drive through restaurant. This condition will enable the public house/restaurant and the proposed restaurant/takeaway to be occupied only if the relevant hazardous substances consents for both the Total Lindsey Oil Refinery Ltd and Chevron Ltd have been revoked or if the Borough Council as Local Planning Authority has confirmed in writing that it is satisfied that the so as to allow the development to be occupied whilst the adjacent Total Lindsey Oil Refinery is still in operation and the relevant hazardous substance consent for Chevron Ltd has been revoked.
- 5 For the avoidance of doubt and to ensure that the gross external floor area of the unit is set at outline stage so that the impact of the proposed development is within the parameters indicated within the assessments that have accompanied the application.
- 6 To ensure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 7 To ensure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 8 To ensure a satisfactory development that accords with Policy ENV2 of the Gedling Borough Replacement Local Plan.
- 9 To ensure a satisfactory development that accords with Policy ENV2 of the Gedling Borough Replacement Local Plan.
- 10 In the interests of highway safety.
- 11 To encourage sustainable forms of transport
- 12 To encourage sustainable forms of transport .
- 13 In the interests of highway safety.
- 14 To ensure improve the capacity of the local highway network, in the interests of highway safety.
- 15 To reduce the risk of flooding to the proposed development.
- 16 To enable a safe means of egress from the site during an extreme flood event.
- 17 To reduce the impact of flooding on the development.

- 18 To prevent the increased risk of flooding, both on and off site and to manage surface water in a sustainable manner.
- 19 As living accommodation, ancillary to the use, is proposed then a safe refuge must be provided.
- 20 To ensure the site is suitable for use.
- 21 To ensure that there is no mobilisation/ migration of contamination into the underlying aquifer.
- 22 To ensure that the uses once operational employ local people.
- 23 To assist in satisfying energy demand from renewable energy sources, in line with paragraph 17 of the National Planning Policy Framework.

Reasons for Decision

The proposed development accords with the relevant policies of the Local Plan and the National Planning Policy Framework.

Notes to Applicant

For the purpose of the above conditions the following words and expressions shall be used, and unless otherwise stated elsewhere in the conditions shall have the following meaning: The proposed public house with dining facilities, managerial residential accommodation at first floor, car parking, landscaping and pedestrian access running east west between the retail element and the new access road comprise the "Public House". The proposed restaurant element to the south of the public house area is defined as the "Restaurant element".

For the purposes of this application the reference to details required prior to the commencement of development (except in relation to condition 20) shall exclude remediation works required under the remediation scheme approved under condition 20.

Your attention is drawn to the written comments of the Environment Agency, The Highway Authority, the Gedling Borough Council Scientific Officer, Network Rail and the Health and Safety Executive.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

Demolish two storey and single storey rear additions and construct new two storey rear extension and conservatory.

RESOLVED to GRANT PLANNING PERMISSION subject to the following conditions:

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development shall be carried out in accordance with the plans received on the 18th September 2013.
3. Prior to the commencement of development precise details of the materials to be used within the construction of the development hereby granted shall be submitted and approved in writing by the Borough Council. The development shall be completed in accordance with the approved details.
4. The landing window on the north elevation of the proposed extension shall be obscure glazed with top opening lights only and shall remain so at all times.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To secure a satisfactory development that accords with Policy ENV15, ENV1 and H10 of the Gedling Borough Replacement Local Plan.
4. To safeguard the residential amenity of the neighbouring property (35 Main Street).

Reasons for Decision

The proposed development would have no adverse impact on the Conservation Area or on the amenity of neighbouring properties. The development would accord with the relevant policies of the Local Plan.

Notes to Applicant

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are

advised to obtain permission from the owner of the land for such access before beginning your development.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

69 DISCHARGE OF SECTION 106- BIG WOOD COMPREHENSIVE SCHOOL, BEWCASTLE ROAD, ARNOLD, NOTTINGHAMSHIRE

The Service Manager, Planning and Economic Development presented the report, which had been circulated prior to the meeting, and outlined the reasons for authorisation being sought to discharge the Section 106 agreement.

RESOLVED:

To authorise the Council's Solicitor and Monitoring Officer to discharge the S106 Agreement dated 30th May 2008 in relation to planning application ref. 2006/0726 in order that the extant S106 agreement be discharged by agreement and a formal discharge entered into by the parties.

70 UPDATE OF FIVE YEAR HOUSING LAND SUPPLY ASSESSMENT (AGAINST THE EMERGING ALIGNED CORE STRATEGY TO INFORM THE EXAMINATION) AS AT 31 MARCH 2013

RESOLVED:

To note the report.

71 PLANNING POLICY UPDATE

RESOLVED:

To note the report.

72 APPEAL DECISION- 375 CAVENDISH ROAD, CARLTON, NOTTINGHAMSHIRE

RESOLVED:

To note the report.

**73 APPEAL RECEIVED- LAND SOUTH OF RICKET LANE,
BLIDWORTH, NOTTINGHAMSHIRE**

RESOLVED:

To note the report.

74 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

75 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

76 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.05 pm

Signed by Chair:
Date:

This page is intentionally left blank



DECISIONS MADE UNDER DELEGATED AUTHORITY

<u>Resolved Narrative</u>	<u>Reference</u>	<u>Date</u>	<u>Portfolio</u>
Lease with the Secretary of State for Work and Pensions for occupation of part of the Civic Centre ref: 50	D50	13/09/2013	Environment
Purchase of a small strip of land adjacent to the site of the former Druid's Tavern, High Street, Arnold. ref: 49	D49	13/09/2013	Environment
Erewash Core Strategy Main Modifications ref: 47	D47	13/09/2013	Leisure and Development
Nottinghamshire and Nottingham Waste Core Strategy Main Modifications ref: 46	D46	13/09/2013	Environment
Rushcliffe Borough Local Plan Consultation ref: 45	D45	13/09/2013	Leisure and Development
Proposed Street Name – Erection 4 dwellings off Deep Furrow Avenue, Carlton ref: 42	D42	13/09/2013	Leisure and Development
Ashfield Local Plan - Publication Draft 2013 ref: 39	D39	02/10/2013	Leisure and Development
Christmas and New Year Operating Hours of Leisure Centres for 2013 ref: 66	D66	02/10/2013	Leisure and Development
Christmas and New Year Operating Hours of Community Centres for 2013 ref: 67	D67	03/10/2013	Community Development
Scrap Metal Dealers Act 2013 ref: 62	D62	04/10/2013	Environment
Extension Of Contract, Gedling Country Park ref: 69	D69	04/10/2013	Environment
Creation Of Select Tender List - For Works to the New Gedling Country Park. ref: 68	D68	04/10/2013	Environment

Modification of restrictive covenant to enable industrial land sold by the Council to be used for retail purposes ref: 36	D36	04/10/2013	Environment
Grant of lease at Arnot Hill House and taking of lease at the Home Brewery building on Sir John Robinson Way, Arnold ref: 78	D78	21/10/2013	Environment
Procurement of Construction Services for internal alterations and refurbishment to the Civic Centre- partnership working with Department of Work and Pensions. ref: 77	D77	28/10/2013	Finance and Performance