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SUMMONS TO ATTEND A MEETING OF THE
NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

Time/Date 6.30 pm on TUESDAY, 16 NOVEMBER 2021
Location Council Chamber, Council Offices, Coalville
Officer to contact Democratic Services (01530 454512)



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Chief Executive

AGENDA

| Item | Pages |
|---|--------------|
| PRAYERS | |
| 1. APOLOGIES FOR ABSENCE | |
| 2. DECLARATION OF INTERESTS | |
| Members are reminded that any declaration of interest should be made having regard to the code of conduct. In particular, members must make clear the nature of the interest and whether it is 'pecuniary' or 'non pecuniary'. | |
| 3. INTRODUCTION TO THE POLICE AND CRIME COMMISSIONER | |
| To welcome the newly elected Police and Crime Commissioner and to ask questions about issues related to the district. | |
| 4. CHAIRMAN'S ANNOUNCEMENTS | |
| 5. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS | |
| Members are reminded that under paragraph 11.1 of part 4 of the Constitution, questions can be asked of the Leader and Cabinet Members without notice about any matter contained in any address. Questions shall be limited to five minutes in total for each announcement. | |

6. QUESTION AND ANSWER SESSION

To receive questions from members of the public under procedure rule no.10. The procedure rule provides that members of the public may ask members of the Cabinet any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Commercial Services.

7. QUESTIONS FROM COUNCILLORS

To receive members' questions under procedure rule no.11. The procedure rule provides that any member may ask the Chairman of a board or group any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Commercial Services.

8. MOTIONS

1) To consider the following motion received from Councillor M B Wyatt:

“Over a number of years more and more local residents, businesses and the local community have indicated they support the formation of a Town council for the Coalville special area which is unparished. Local democracy and local accountability should be fully supported and implemented when such a request is made.

We,

1. instruct officers to commence preparation/initial work on a Community Governance Review (CGR)

2. ask that a report, including the terms of reference of a proposed review, be submitted to Council in February to enable an informed decision to be made, and if agreed, to establish a CGR Cross Party Working Group to oversee the CGR;

3. request that, following the CGR, a report comes to Council to decide whether or not to establish a Town Council which will consist of the unparished area of the Broom Leys ward, Bardon ward, the unparished area of the Castle Rock ward, Coalville East ward, Coalville West ward, Greenhill ward, the unparished area of the Snibston North ward and Snibston South ward.

4. The electoral ward of Thringstone to become a separate parished area with its own Parish Council.”

2) To consider the following motion received from Councillor S Sheahan:

“This Council -

Recognises the continuing impact of the cost of living crisis on the residents of our district.

Through data gathering, case studies and liaison with partner agencies, undertakes to highlight the difficulties many of the least well-off are facing due

to increased in food and fuel prices, benefit cuts and planned tax rises. (Inflation is forecast to average 4% next year, fuel prices are expected to increase by a further 30% in April on the back of a substantial rise in October, National Insurance will go up by 1.5 percentage points in April and the 50% Universal Credit claimants who are unemployed or cannot work will not benefit from the reduction in the taper.)

Pledges to carry out a review of its own services eg fees and charges, support debt and benefits advice to mitigate the impact wherever possible.

Commits to lobby Government to do more to help those in the greatest need.”

3) To consider the following motion received from Councillor J Legrys:

“Privately Operated Car Parks in Coalville Town Centre

The Coalville Town Centre Car Parks, located off Bridge Road/High Street and the North Service yard off High Street, are now privately owned. The owner has employed a third-party operator, Parking Eye, to enforce parking charges. The operator’s payment options are collected via camera-operated technology. Residents and shoppers are being inappropriately fined and their complaints are not being given a satisfactory response.

There are concerns that there is confusion about the public rights of vehicular access through this now private land, that signage and instructions for payment options are unclear and that the operator is not conforming to the British Parking Association Code of Practice. This is leading to a downturn in footfall as many shoppers and visitors now find it more convenient to shop in towns where the signage and parking charges are more straightforward and understood. It is important for those with a stake in the town centre to work together to promote Coalville Town Centre, as a place for shopping, leisure, local heritage and the National Forest.

This Council, through the Portfolio Holder, will undertake to work with the car park owners and operator to address the concerns and keep Coalville ward members informed of progress.”

9. PETITIONS

To receive petitions in accordance with the Council’s Petition Scheme.

10. MINUTES

To confirm the minutes of the meeting of the Council held on 7 September 2021.

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11. CAPITAL PROGRAMME UPDATE

Report of the Director of Service

15 - 20

12. SPECIAL EXPENSES POLICY

Report of the Director of Service

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Item**Pages****13. GAMBLING STATEMENT OF LICENSING POLICY**

Report of the Director of Service

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MINUTES of a meeting of the COUNCIL held in the Council Chamber, Council Offices, Coalville on TUESDAY, 7 SEPTEMBER 2021

Present: Councillor V Richichi (Chairman)

Councillors R Boam, E G C Allman, R Ashman, R D Bayliss, C C Benfield, D Bigby, A S Black, R Blunt, A J Bridgen, J Bridges, R Canny, J Clarke, D Everitt, T Eynon, M French, J Geary, L A Gillard, S Gillard, T Gillard, D Harrison, B Harrison-Rushton, M D Hay, G Houlton, J Houlton, R Johnson, J Legrys, K Merrie MBE, R L Morris, N J Rushton, A C Saffell, C A Sewell, S Sheahan, J G Simmons, N Smith, J Windram, A C Woodman and M B Wyatt

Officers: Mrs B Smith, Mr J Arnold, Mr A Barton, Mr D Bates, Miss E Warhurst, Mrs M Long and Mrs C Hammond

30. APOLOGIES FOR ABSENCE

There were no apologies for absence.

31. DECLARATION OF INTERESTS

Councillors D Bigby, R Boam, J Bridges, D Everitt, S Gillard, J Houlton, R Johnson, J Legrys, R Morris and N Smith made the following statement in relation to their membership of the Planning Committee:-

“I am here tonight to contribute to the debate on the Capital Programme and a confidential item in relation to Cropston Drive/Waterworks Road.

Item 15 – Waterworks Road/Cropston Drive – to consider the recommendations from Cabinet and the proposed method of disposal.

Item 11 – the Capital Programme Update, which references the Marlborough Centre in the Regenerating Coalville section of the report - to make a decision on the budget for the project.

The recommendations are set out in the reports on the agenda. I note that both of these reports have been considered by the Cabinet and Scrutiny before this evening. I recognise that as a member of the Planning Committee, I may be asked to determine a planning application in relation to these sites through that committee at a later date. In the event that I participate in that decision-making process, I will do so with my planning hat on and having regard to all the advice and material before me at that time and having regard to the discussion and debate at that meeting. I will not let my participation tonight predetermine any decision I may make at that Planning Committee. My comments tonight will be to inform Council to make a decision on the recommendations in the reports. In the event that I participate in the decision-making process at Planning Committee, I will be making my own decision on the matter before me at that time”.

Councillors A Black, M French, J Windram and M Wyatt declared that they would leave the meeting for the consideration of item 15 - Waterworks Road/Cropston Drive as they continued to strongly oppose the development.

Councillors A Bridgen and T Eynon declared a non-pecuniary interest in Item 15 – Waterworks Road/Cropston Drive, for reasons of having been lobbied on this matter.

Councillor K Merrie declared a non-pecuniary interest in Item 15 – Waterworks Road/Cropston Drive, in his capacity as a County Councillor, for reasons of the site being located in his county division.

Councillor J Simmons declared a non- pecuniary interest in Item 15 – Waterworks Road/Cropston Drive, for reasons of her being a member of the Planning Committee, subject to the outcome of a later agenda item.

Councillor D Harrison declared a non- pecuniary interest in Item 15 – Waterworks Road/Cropston Drive, for reasons of being a substitute on the Planning Committee.

Councillor R Canny declared a non- pecuniary interest in Item 12 – Review of the Constitution, for reasons of having been lobbied on the issue relating to the planning call-in process.

32. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made an impassioned speech about the need for all councillors to work together over the rough times ahead and felt that the Council's constitution should not revolve around 'egotistical' members and officers. He added that all members of the Council should consider how they are perceived by the general public when representing the Council. He advised that there had been much speculation following words which had been said at the last meeting of the Audit and Governance Committee, one of which he felt he must dispel. He expressed very strongly that any accusations had made in no way referred to any current members of staff or councillors and he conveyed particular thanks to Councillor Wyatt for the enthusiastic way in which he conducts himself as a councillor.

The Chairman invited a minute's silence after announcing the sad death of ex councillor Pam Clayfield. He advised that Pam was a Labour councillor for just over 17 years which included representing the Holly Hayes ward and, following a district boundary review taking effect in May 2003, she represented the Thringstone ward. She was elected in May 1995 and retained her seat until December 2008 when she stepped down. She was re-elected in May 2011 and chose not to re-stand in May 2015 due to ill health.

After a minute's silence was observed, Members were invited to say a few words.

Members spoke fondly of Pam and recalled some of their favourite memories of her.

33. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

The Leader of the Council, Councillor R Blunt, announced that, due to heavy workloads, he had introduced a new Portfolio role to pick up responsibility for the planning function and had made a few changes to the portfolio area which previously had responsibility for planning, the full details of which were set out in the additional papers circulated ahead of the meeting. He welcomed Councillor K Merrie as a member of Cabinet. The Leader also spoke about the long awaited and welcome opening of Newmarket this week and encouraged members to go along and see it for themselves, adding that this was not a direct replacement of the previous market but something new and different. It is a place to meet and to socialise as well as offer opportunities to local businesses and it contributes to the Council's aim to make Coalville a vibrant and friendly town. Finally, the Leader referred to the demolition works which had been commenced on the site of the Belvoir Centre to allow a new access point and move the Centre into the 21st century.

The Chairman invited comments. Congratulations were extended to Councillor K Merrie on his new role, concern was raised about the lack of a cinema and the difficulties experienced in relation to Marlborough Square; and news about the works having commenced at the Belvoir centre was welcomed.

Councillor Woodman, Community Portfolio Holder announced that he had attended the Awards for Excellence in Recycling and Waste Management in London which sought to celebrate and recognise the achievements of those working in the recycling and waste industry. This Authority was runner up in the 'Best Local Authority Recycling Initiative'

category for the successes and progress of the council's Recycle More plan including the recycling trolley trial, food waste collection trails, introducing battery and mobile phone collections but also the increase in our recycling rate – which has climbed to 46.3%, one step closer to the goal of 50% by 2023.

Councillor Woodman further advised that the Council had set up a Zero Litter Taskforce to help stamp out littering across the district in the best way possible. To date the Council has:

- Introduced a new litter picking procedure for communities to litter pick safely and have their hard work collected by the council in blue bags;
- Distributed over £6,000 of litter picking kit to 23 town/parish councils and individual litter pickers.
- Investigated 40 littering cases and issued 22 fines for littering.
- Issued three fines for fly tipping.
- Held educational talks with workers at Tulips, Coalville to advise them not to drop cigarette ends during breaks.

The Chairman invited comments. Concern was expressed about the use of plastic bottles which had been introduced to minimise the use of shared contact with water jugs and glasses during the Covid pandemic. Members asked that the jugs and glasses be reintroduced.

Councillor Bayliss, Housing Portfolio Holder announced that he was saddened to watch the tragic situation in Afghanistan develop over recent weeks and that it was clear that there are many Afghan people in urgent need of our support and assistance in this their greatest hour of need. He advised that as a Council we should do what we can to help in this humanitarian crisis. It was noted that, through the successful participation in the Syrian Vulnerable Persons Resettlement Scheme, nine families had been welcomed into our communities, with support offered through our partnership working with Charnwood Borough Council who have been leading this work across Leicestershire, and other agencies. Councillor Bayliss further reported that, in response to the current crisis, there are two Government schemes to assist people who will be resettling in the UK.

The first scheme is already up and running and is providing resettlement to Afghan Locally Employed Staff and their families who worked with our troops in Afghanistan providing interpreting services. Through this scheme, the Government has pledged to provide resettlement to 5000 interpreters and their families by the end of August. The Government has recently confirmed the financial aspects of this scheme, and they are more than adequate to meet the initial needs of the arriving families, thus avoiding any direct burdens on local budgets.

The scheme was established before the recent escalation in events in the country and the Council has already pledged and offered one Council property, and we are awaiting details from the Home Office of the family to whom it has been allocated. Once we have this, the preparations to support their arrival will be made in detail, to ensure we make their transition to this country as smooth and positive as it can be.

As the situation has escalated more recently the Government has announced a second wider scheme, details of which we are anxiously awaiting to ensure we can fully contribute to wider national response. This new scheme is expected to mirror the Syrian resettlement scheme and provide resettlement to 20,000 Afghans over a 5-year period. With these situations, there is always a balance to be struck between continuing to assist our own communities by providing affordable housing for those in need and helping on the wider international stage.

Councillor Bayliss advised that he was sure that members would agree with him that we must do as much as we can to help those being forced to resettle here from Afghanistan.

This may be through working with local private landlords, our Housing Association partners, or using our own Council accommodation. He advised that he would keep members informed of developments regarding this new scheme, particularly regarding the number of properties we will be pledging to make available, as details of the scheme are confirmed.

The Chairman invited comments and the statement was welcomed by members although disappointment was expressed that the Government had opted to take 5 years to take in 20,000 refugees which equated to only one or two per town in the UK.

34. QUESTION AND ANSWER SESSION

There were no questions received.

35. QUESTIONS FROM COUNCILLORS

A question was received from Councillor D Bigby addressed to Councillor T Gillard as follows:-

“Ashby Tourist Information Centre (TIC) has been closed during the Covid restrictions and staff deployed to other duties to assist with Covid recovery. I have been told by officers and the portfolio holder that:

- It will NOT be re-opened this year
- NWLDC is currently reviewing the future of Ashby TIC and a report to Cabinet is being prepared
- it will not be re-opened unless the report recommends this.

The walk-in TIC at Ashby Library has made, and can continue to make, a valuable contribution to the local economy through providing the following important local services,

- promoting Ashby as a developing tourist destination
- furnishing visitors to Ashby with up-to-date information on local facilities, events and tourist attractions across the District
- providing a warm and friendly welcome to visitors
- providing local businesses and community groups with a means of publicising events and selling tickets to the public and visitors
- promoting the National Forest.

Does the portfolio holder agree with me that the permanent closure of Ashby TIC would represent a loss of the important local services listed above, would be highly detrimental to the local economy and replacement by an improved website would not constitute an adequate substitute?”

Councillor T Gillard replied as follows:-

“The council should be proud of the way that it responded to the Covid 19 Pandemic. We have had to make difficult decisions to cease or change the way we offered our services and redeploy staff to critical areas to make sure we continued to deliver priority services to the public, such as the Community Hub, waste services and distributing government grants to businesses. The TIC was closed and, as Cllr Bigby says, staff were redeployed. They were providing vital support to businesses to help them reopen and begin to grow again.

Cabinet continues to recognise the importance of the Visitor Economy to our district and after a horrendous 2020 and a bumpy 2021 we hope our tourism businesses will bounce back in 2022. We are working closely with businesses in the sector to help them “build back better”.

What we must ensure is that our investment remains relevant, delivering both value for money and positive impacts on the performance of the district as a tourist destination. Officers have been tasked with evaluating the impact of our cultural services, including through engagement with sector stakeholders. The outcome of the Service Review exercise will be reported later this year.

In summary, I thank Cllr Bigby for his question but would suggest that he waits until the Service Review has concluded and we have an opportunity to debate the findings”

Councillor Bigby was invited to ask a supplementary question. Councillor Bigby replied

“I thank Councillor Gillard for his reply to my question. I note that he has given us no reassurances whatsoever on the future of Ashby Tourist Information Centre and has not answered my question.

In a letter of 23 July he stated to me that, and I quote;

“Of course, if the TIC were able to become self-supporting this would likely have a major influence on the recommendations made to Cabinet. If you have any ideas how this might be achieved I would be excited to hear them.”

In my reply of the same date, I said, “if you should wish to send me the detailed accounts for the Ashby TIC, I would be happy to peruse them and consider whether I can make any suggestions for increasing its income. I would be particularly interested in comparing footfall, costs and income before and after the drastic reduction in opening hours that was implemented a couple of years ago when the Library changed its hours and entry systems.”

Over six weeks have now elapsed and I have received no response to my request, so my supplementary question is;

Will the Portfolio Holder furnish Ashby members with a set of detailed accounts for the Ashby TIC covering the last 4 years, in order to allow us to assess its costs and income and provide positive suggestions for improving its viability before the Cultural Services Review is produced?”

Councillor Gillard advised that he did not have the information to hand and apologised for any delay in responding, but he reiterated that, as the matter was currently being looked at as part of a service review which would find its way to Scrutiny and Cabinet, comments and observations could be made on the recommendations as part of this process.

36. MOTIONS

Council considered and debated the following motion received from Councillor Legrys:

“This Council believes planning works best when developers and the local community work together to shape local areas and deliver necessary new homes; and therefore calls on the Government to protect the right of communities to object to individual planning applications”.

Councillor Legrys introduced his motion which received cross party support but concern was expressed by one member who felt that planning policies over recent years had failed to address the need for community involvement.

It was moved by Councillor J Legrys, seconded by Councillor R Ashman and

RESOLVED THAT:- The Government be called upon to protect the right of communities to object to individual planning applications.

37. PETITIONS

No petitions were received.

38. MINUTES

Consideration was given to the minutes of the meeting held on 22 June 2021. It was moved by Councillor V Richichi, seconded by Councillor R Boam and subsequently

RESOLVED:- That the minutes of the meeting held on 22 June 2021 be approved as a correct record.

39. COUNCIL DELIVERY PLAN

Councillor R Blunt presented the report to members.

The report was widely supported by members but there were a number of concerns around the lack of transport links and infrastructure including coach parks, the lack of a Neighbourhood Plan in non parished areas, the challenges around obesity, the low number of affordable homes, and the inability to assess the outcomes with intangible and moving targets. Clarity was sought on whether reference to 'days' referred to calendar or working days. A request was also made for a council carbon emission target to be written into the Plan, to ensure it showed where we are against the backdrop of the national figure.

It was moved by Councillor R Blunt, seconded by Councillor R Ashman and subsequently

RESOLVED:- That Council approves the Council Delivery Plan for 2021/22 and 2022/23.

40. CAPITAL PROGRAMME UPDATE

Councillor N Rushton presented the report to members.

The report was fully supported but with some reservations around rising costs and overspends, and reference was made to the fine print and the need for larger fonts in statistical tables. Assurance was sought that contingencies were in place to safeguard the taxpayers against further rising costs.

RESOLVED:- That Council approves the changes to the General Fund Capital Programme as detailed in the report.

41. REVIEW OF THE CONSTITUTION

It was moved by Councillor D Harrison and seconded by Councillor R Canny and subsequently

RESOLVED:- That officers consider that the press and public should be excluded during consideration of the following items in accordance with Section 100(a) of the Local Government Act 1972 as publicity would be likely to result in disclosure of exempt or confidential information. Members are reminded that they must have regard to the public interest test and must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available.

Councillor N Rushton presented the report to members.

The debate centred on the need for early engagement with officers and the Chairman of the Planning Committee together with attendance at the planning technical briefings. As

the newly appointed Portfolio Holder, Councillor Merrie offered his support in an operational capacity.

It was moved by Councillor N Rushton, seconded by Councillor J Bridges and subsequently

RESOLVED:- That Council

- a. notes the comments made by the Audit and Governance Committee at its meeting on 21 July 2021;
- b. adopts the proposed amendments to the Constitution, as set out in the report;
- c. adopts the proposed amendment to the planning call-in process as set out in paragraph 3.1.3 of the report.

42. APPOINTMENTS TO COMMITTEES

Councillor T Gillard presented the report to members.

Nominations for those seats which could be contested were set out in the additional papers.

A request was made that the vacant seat for the Chairman of the Scrutiny Committee be given to an opposition member.

It was moved by Councillor N Rushton, seconded by Councillor J Bridges and subsequently

RESOLVED:- That

- (1) Councillor R Morris be appointed to replace Councillor K Merrie on the Community Scrutiny Committee for the remainder of the 2021/22 civic year;
- (2) Councillor J Simmons be appointed to replace Councillor K Merrie on the Planning Committee for the remainder of the 2021/22 civic year;
- (3) Councillor J Simmons be appointed to replace Councillor K Merrie on the Local Plan Committee for the remainder of the 2021/22 civic year;
- (4) Councillor L Gillard be appointed to replace Councillor K Merrie as a substitute on the Corporate Scrutiny Committee for the remainder of the 2021/22 civic year;
- (5) Those listed in the substitution table as set out in the additional papers, be appointed as additional substitutes to the Committees as shown.
- (6) Councillor J Hoult be appointed Chairman of the Community Scrutiny Committee for the remainder of the 2021/22 civic year;
- (7) Councillor R Morris be appointed Deputy Chairman of the Community Scrutiny Committee for the remainder of the 2021/22 civic year;
- (8) Councillor R Morris be appointed Deputy Chairman of the Local Plan Committee for the remainder of the 2021/22 civic year;

43. EXCLUSION OF PRESS AND PUBLIC

Having been moved by Councillor V Richichi and seconded by Councillor R Boam it was subsequently

RESOLVED:- That officers consider that the press and public should be excluded during consideration of the following items in accordance with Section 100(a) of the Local Government Act 1972 as publicity would be likely to result in disclosure of exempt or confidential information. Members are reminded that they must have regard to the public interest test and must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available.

Councillors A Black, M French, J Windram and M Wyatt left the meeting ahead of consideration of the following item having declared a pecuniary interest.

44. DISPOSAL OF NWLDC LAND HOLDING IN CROPSTON DRIVE/WATERWORKS ROAD

Councillor R Bayliss set out his report which outlined an alternative approach to the disposal of the Council's land holding at Cropston Drive/Waterworks Road.

Having been moved by Councillor Bayliss and seconded by Councillor N Rushton, it was subsequently

RESOLVED:- That the recommendations, as set out in the report, be agreed.

A recorded vote having been requested the vote went as follows:-

| Motion to agree the recommendations as set out in the report (Motion) | |
|--|-----------------------|
| Councillor Virge Richichi | For |
| Councillor Russell Boam | For |
| Councillor Elliott Allman | For |
| Councillor Robert Ashman | For |
| Councillor Roger Bayliss | For |
| Councillor Carl Benfield | Against |
| Councillor Dave Bigby | Against |
| Councillor Angela Black | Conflict Of Interests |
| Councillor Richard Blunt | For |
| Councillor Alexander Bridgen | For |
| Councillor John Bridges | For |
| Councillor Rachel Canny | For |
| Councillor John Clarke | For |
| Councillor David Everitt | Against |
| Councillor Dr Terri Eynon | Against |
| Councillor Marie French | Conflict Of Interests |
| Councillor John Geary | No vote recorded |
| Councillor Louise Gillard | For |
| Councillor Stuart Gillard | For |
| Councillor Tony Gillard | For |
| Councillor Dan Harrison | For |
| Councillor Bertie Harrison-Rushton | For |
| Councillor Michael Hay | Against |
| Councillor Gill Hout | For |
| Councillor Jim Hout | For |
| Councillor Russell Johnson | Against |
| Councillor John Legrys | Against |
| Councillor Keith Merrie MBE | For |
| Councillor Ray Morris | For |
| Councillor Nicholas Rushton | For |
| Councillor Tony Saffell | For |

| | |
|---------------------------|-----------------------|
| Councillor Carol Sewell | Against |
| Councillor Sean Sheahan | Against |
| Councillor Jenny Simmons | For |
| Councillor Nigel Smith | For |
| Councillor Jake Windram | Conflict Of Interests |
| Councillor Andrew Woodman | For |
| Councillor Michael Wyatt | Conflict Of Interests |
| Carried | |

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.50 pm

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL – TUESDAY, 16 NOVEMBER 2021



| | | |
|--|--|---------------------------|
| Title of Report | CAPITAL PROGRAMME UPDATE | |
| Presented by | Councillor Nick Rushton Corporate Portfolio Holder | |
| Background Papers | Budget and Council Tax 2021/22 – Council – 23 February 2021 Fleet Management Strategy – Corporate Scrutiny Committee – 1 September 2021 Adoption of Fleet Management Strategy – Cabinet – 21 September 2021 | Public Report: Yes |
| Financial Implications | Financial implications for the capital programme are detailed within this report, whilst the full implications for the financial management strategy, which includes in impact on both the general fund and housing revenue account, as detailed in the Fleet Management Strategy reported to Cabinet in September 2021. | |
| | Signed off by the Section 151 Officer: Yes | |
| Legal Implications | This report ensures compliance with the Council's constitution. The detailed legal implications are included in the Management Strategy reported to Cabinet in September 2021. | |
| | Signed off by the Monitoring Officer: Yes | |
| Staffing and Corporate Implications | The detailed staffing and corporate implications are included in the Management Strategy reported to Cabinet in September 2021. | |
| | Signed off by the Head of Paid Service: Yes | |
| Purpose of Report | To allow the Council to approve changes to the 2021/22 Capital Programme budgets that were previously approved by Council in February 2021. | |
| Recommendations | COUNCIL IS RECOMMENDED TO APPROVE THE CHANGES TO THE GENERAL FUND CAPITAL PROGRAMME DETAILED IN THIS REPORT | |

1.0 BACKGROUND

1.1 In February 2021, the Council approved budgets for the 2021/22 financial year, including a £7.0 million capital programme for the Council's general fund. Included within that programme was a £1.36 million provision to replace some of the council vehicles in 2021/22, although paragraph 5.13 of that report noted that the fleet replacement programme was on hold whilst officers investigated lower carbon options. That review is now complete, and it is necessary to get Council approval to increase the budgets to replace vehicles following the review.

2.0 NEW FLEET MANAGEMENT STRATEGY

2.1 In late 2020, the council took the decision not to purchase new vehicles until a new fleet management strategy was created to demonstrate how the council's fleet could transition to zero carbon by 2030.

2.2 On 21 September, Cabinet approved the new fleet management strategy, which recommended purchasing battery electric vehicles where they were suitable and using Hydrotreated Vegetable Oil instead of diesel for the existing fleet and where there was no viable alternative to new diesel vehicles.

2.3 The fleet management strategy was reviewed by the Corporate Scrutiny Committee on 1 September 2021 and approved by Cabinet on 21 September 2021. Links to these meetings are provided in the background papers and can be used to find more detail about the fleet management review.

2.4 As a result of the review, 86 vehicles were identified as needing replacement over the next three years, at a total cost of £5.2 million. The resulting changes to the capital programme are detailed in the table below. The consultants involved in the project recommend reviewing the fleet options again in 2024 to see whether technological advances create new options for replacing the remaining diesel vehicles with alternative technology, such as hydrogen.

| | 2021/22* For approval | 2022/23 Indicative | 2023/24 Indicative | 2024/25 Indicative | 2025/26 Indicative | Total Budget |
|---|--------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------|
| Previously agreed Fleet Replacement Budgets | £2,503,320 | £526,000 | £505,000 | £561,000 | £0 | £4,095,320 |
| New Fleet Replacement Budget | £2,289,520 | £1,323,035 | £1,616,910 | £0 | £0 | £5,229,465 |
| Change in budget | £-213,800 | £833,135 | £1,113,910 | £-561,000 | £0 | £1,134,145 |

Note 1: 2021/22 Previous budget includes £1.1 million carried forward from previous years fleet replacement budgets that were not used

2.5 An additional budget of £43,100 over three years is also needed to fund the additional charging infrastructure required for the new Battery Electric Vehicles. The table below shows changes to the capital programme required.

| | 2021/22* For approval | 2022/23 Indicative | 2023/24 Indicative | 2024/25 Indicative | 2025/26 Indicative | Total Budget |
|--|--------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------|
| Previously agreed electrical vehicle charging point budget | £57,446 | £0 | £0 | £0 | £0 | £57,446 |
| New electrical vehicle charging point budget | £62,446 | £36,100 | £2,000 | £0 | £0 | £100,546 |
| Change in budget | £5,000 | £36,100 | £2,000 | £0 | £0 | £43,100 |

Note 2: 2021/22 Previous budget includes £57,446 carried forward from previous years electric vehicle charging budget.

2.6 Appendix A provides a summary of the new general fund capital programme. The fleet replacement programme will be funded through unsupported borrowing, which will result in minimum revenue provision charges.

| Policies and other considerations, as appropriate | |
|--|--|
| Council Priorities: | <ul style="list-style-type: none"> - Developing a clean and green district - Our communities are safe, healthy and connected |
| Policy Considerations: | Zero Carbon Policy and Roadmap as Fleet is a key area of work to reduce emissions. Human Resources Policies and Terms and Conditions in respect of staff training to use new technology as well as the need to charge from home. |
| Safeguarding: | N/A |
| Equalities/Diversity: | Details of the equality and diversity impact of this project is detailed in the Cabinet report. |
| Customer Impact: | Details of the customer impact of this project is detailed in the Cabinet report. |
| Economic and Social Impact: | Details of the economic and social impact of this project is detailed in the Cabinet report. |
| Environment and Climate Change: | Details of the environmental and climate change impact of this project is detailed in the Cabinet report. |
| Consultation/Community Engagement: | The consultation completed this project is detailed in the relevant Cabinet report. |
| Risks: | The risk for this project is detailed in the relevant Cabinet report. |

| | |
|-----------------|--|
| Officer Contact | Dan Bates Head of Finance and Section 151 Officer dan.bates@nwleicestershire.gov.uk |
|-----------------|--|

| | 2020/21 | 2021/22 | 2022/23 | 2023/24 | 2024/25 | 2025/26 | Funding Source |
|--|-------------------|------------------|-------------------|------------------|----------------|----------------|------------------------------------|
| | Carried forward | | Indicative | Indicative | Indicative | Indicative | |
| Driver ID Fobs and Tachograph download | 11,035 | - | - | - | - | - | Unsupported Borrowing and Reserves |
| Phase 2 Recycling Trolley's | 10,000 | - | - | - | - | - | |
| District Car Parks - LED Lighting Replacement | 25,000 | - | - | - | - | - | |
| Memorial Clock Tower | - | 30,000 | - | - | - | - | |
| Linden Way Depot - Welfare Facilities | 82,942 | - | - | - | - | - | |
| Moira Furnace - Masonry & Drainage/Upgrades to Furnace and Bridge & further remedial works | 280,000 | - | - | - | - | - | |
| Council Offices - (Stenson House) External works to roadway outside registry office | 5,000 | - | - | - | - | - | |
| Accommodation Project | - | 351,963 | 3,142,662 | 25,000 | - | - | |
| Whitwick Business Centre - Installation of Solar Power | 40,000 | - | - | - | - | - | |
| Car Park - High Street, Ibstock - Remove and Renew Gullies | 35,000 | - | - | - | - | - | |
| Cropston Drive -Renovation of Changing Rooms | - | 20,000 | - | - | - | - | |
| UPS/Generator related (reconfiguring electric distribution) | - | - | - | 60,000 | - | - | |
| Market Hall -Demolish and make good | 75,000 | - | - | - | - | - | |
| Coalville - Cemetery - provision of a inclusive toilet | 25,000 | - | - | - | - | - | |
| New Garage Roof at Coalville Park | 50,000 | - | - | - | - | - | |
| The Courtyard - renew rainwater goods/door | 25,000 | - | - | - | - | - | |
| Whitwick Business Centre - Upgrade CCTV | 10,000 | - | - | - | - | - | |
| Market Street Car Park - Resurfacing | 12,000 | - | - | - | - | - | |
| Ashby Town Hall Mews - installing bollard, resurfacing & relining | 15,000 | - | - | - | - | - | |
| Marlborough Square | 1,667,343 | - | - | - | - | - | |
| New Market Provision | 56,080 | - | - | - | - | - | |
| Salt Bay Cover - | 20,000 | - | - | - | - | - | |
| Breedon on the Hill Gate | - | 50,000 | - | - | - | - | |
| Appleby Magna Caravan Site - redevelopment | 565,000 | - | - | - | - | - | |
| Coalville Regeneration: Marlborough Centre Purchase and Renovation | - | 797,500 | 3,667,172 | - | - | - | |
| Total Other Capital Schemes | 11,890,318 | 3,813,648 | 10,484,269 | 755,310 | 670,310 | 670,310 | |
| TOTAL GENERAL FUND CAPITAL PROGRAMME | 12,049,442 | 6,165,168 | 12,207,404 | 2,468,220 | 878,310 | 762,310 | |

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL – TUESDAY, 16 NOVEMBER 2021



| | | |
|--|--|---------------------------|
| Title of Report | SPECIAL EXPENSES POLICY | |
| Presented by | Councillor Nicholas Rushton Corporate Portfolio Holder | |
| Background Papers | Coalville Special Expenses Working Party Draft Minutes - 15 June 2021 Corporate Scrutiny Draft Minutes – 1 September 2021 | Public Report: Yes |
| Financial Implications | Special Expenses do not bring any additional income to the Council as they are a means of redistributing who pays for an element of the council's costs. However, instead of being paid by all Council Taxpayers, the service is paid for only by those Council Tax payers in the are receiving specified. | |
| | Signed off by the Section 151 Officer: Yes | |
| Legal Implications | Only certain functions are capable of being treated as special expenses and those functions need to be approved by Council. It is therefore important that it is clear which functions the Council has approved as being capable of being treated as special expenses. A policy assists in providing this clarity. | |
| | Signed off by the Monitoring Officer: Yes | |
| Staffing and Corporate Implications | None | |
| | Signed off by the Head of Paid Service: Yes | |
| Purpose of Report | For Council to approve the Special Expenses Policy. | |
| Recommendations | THAT COUNCIL APPROVES THE SPECIAL EXPENSES POLICY AS DETAILED IN APPENDIX B. | |

1.0 BACKGROUND

- 1.1 Special Expenses were introduced at the Council to solve the problem of concurrent functions and avoid double taxation. The subject of concurrent functions and double taxation can be quite complex and is explained further in paragraph 2 of this report.
- 1.2 Special Expenses have been in place for several years at the council, however there is no policy in place. This has led to some confusion as to what can and cannot be treated as a special expense. It is also a requirement that Council approves each category of special expense, which the Council has previously done through the approval of the budget. A policy has been drafted to formalise the Council's current

position on Special Expenses as this will help ensure that everybody is aware of what can be treated as Special Expenses and provides a clear mechanism for Council to approve the functions in conjunction with the annual budget report.

2.0 CONCURRENT FUNCTIONS

2.1 Concurrent functions are services provided in some parts of the district by the district or county council and in other areas by a parish council, where this occurs parish taxpayers may be charged twice. This occurs because parish councils will charge within their precept for the functions they carry out and where the function is being carried out by the District Council in non-parished areas, it will charge for those functions within its precept too. The parished areas will therefore pay both the parish council and the District Council, when only the parish council is carrying out the function in their area. Treating those as special expenses instead means that only those in unparished areas who get the benefit of the function pay the District Council for it, whilst parishes continue to pay their parish council, meaning nobody ends up paying twice.

2.2 The existence of concurrent services does not in itself mean that double taxation is occurring; this has to be determined through assessing the funding and financial arrangements. Concurrent functions can arise in wholly parished districts as well as partially parished ones. This is often historic, for example, due to functions or local facilities being transferred following the 1974 local government reorganisation.

2.3 Government guidance issued in May 2002 provided a list of examples of facilities/functions across the country that were being exercised concurrently, and hence may be the cause of double taxation. These are detailed in Appendix A. This should not be relied on a definitive list, the deciding factor is that the function must be carried out by the Billing Authority in only part of its district, and the same function must be carried out in another part of the district by one or more Parish/Town councils.

3.0 SPECIAL EXPENSES

3.1 This makes use of provisions under the Local Government Finance Act 1992 which provide for different amounts of council tax to be calculated for different parts of the district e.g. parished and unparished areas, depending on what, if any, special items relate to those parts. A special item is an item which relates to only part of the district council's area. Where functions are provided in part of a billing authority's area by a parish council, sections 34 and 35(1)(a) of that Act ensure that only council taxpayers in that parish pay towards the cost of the precept issued by that parish council. A local precept is one 'special item'.

3.2 'Special Expenses' are another 'special item'. The five different types of special expense are listed in section 35(2). Section 35(2)(d) provides that "any expenses incurred by a billing authority in performing in a part of its area a function performed elsewhere in its area by the sub-treasurer of the Inner Temple, the under-treasurer of the Middle Temple, a parish or community council or the chairman of a parish meeting are the authority's special expenses unless a resolution of the authority to the contrary effect is in force."

3.3 In order for expenses incurred in performing any function of a district council to be special expenses under section 35(2)(d), the function must be carried out by the district in only part of its area, and the same function must be carried out in another part of the district by one or more parish councils. The detailed identification of concurrent functions is therefore essential for using this special expense provision.

The district council first calculates an average council tax across the whole of its area under section 33 of that Act. Included in that will be the amounts the district council has to pay to parish councils under their precepts, plus the amounts the district will spend on performing functions which are performed in parts of its area by parish councils.

3.4 Special Expenses are currently in place for the following areas:

- Appleby Magna
- Coalville
- Coleorton
- Hugglescote and Donington-le-Heath
- Lockington cum Hemington
- Measham
- Oakthorpe, Donisthorpe & Acresford
- Ravenstone
- Stretton-en-le-Field
- Whitwick

4.0 SPECIAL EXPENSES POLICY

4.1 Special Expenses have been in place for several years at the council, however there is no formal policy in place. The benefit of having a policy is that the Council has a clear central list of those expenses that have been approved as being capable of being treated as a special expense. It will provide clarity to both officers and members on what functions can be carried out by the Council for the benefit of unparished areas and will fall under the special expense category. A policy has been developed and is attached at Appendix B for approval.

4.2 The policy has been considered by the Coalville Special Expenses Working Party on the 15 June 2021, Corporate Scrutiny on the 1 September 2021 and Cabinet 21 September. A link to the minutes is included within the background papers above.

4.3 Since the Cabinet meeting, an additional service has been included within the policy at paragraph 3.1 – ‘Public seats adjoining highways’. This has been added following a request from the Chair of Coalville Special Expenses Working Party to allow for a bench to be purchased from Special Expenses.

| Policies and other considerations, as appropriate | |
|--|---|
| Council Priorities: | Not applicable |
| Policy Considerations: | Not applicable |
| Safeguarding: | Not applicable |
| Equalities/Diversity: | Not applicable |
| Customer Impact: | Not applicable |
| Economic and Social Impact: | Not applicable |
| Environment and Climate Change: | Not applicable |
| Consultation/Community Engagement: | Coalville Special Expenses Working Party – 15 June 2021 Corporate Scrutiny – 1 September 2021 Cabinet – 21 September 2021 |
| Risks: | Not applicable |
| Officer Contact | Anna Wright Finance Team Manager and Deputy S151 Officer anna.wright@nwleicestershire.gov.uk |

List of Concurrent Functions

Allotments
Boating pools
Bus shelters
Car parking (off street)
CCTV(installation and maintenance)
Cemeteries and burial grounds
Christmas lights and trees
Closed cemeteries and burial grounds
Commons and common pastures
Community centres
Crematoria
Entertainment and the arts
Footway lighting
Grants to bus operators
Grass cutting
Information services (transport, tourism)
Highways maintenance
Leisure facilities
Litter and dog waste bins
Museums
Open spaces
Parks
Playgrounds
Playschemes
Playing fields
Public clocks
Public conveniences
Public seats adjoining highways
Recreation grounds
Sports pitches
Street cleansing
Subsidies for uneconomic post or telecommunications services
Taxi fare concessions
Tourism promotion
Traffic calming
Village greens
Village halls
War memorials

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North West Leicestershire District Council

Special Expenses Policy

Issue 1.2

26.10.21

1. Overview

- 1.1 Special expenses are applied when North West Leicestershire District Council (NWLDC) provides a service in a parish (or unparished area) which is provided in other parishes by a town or parish council.
- 1.2 The cost of this service has to be met by the council taxpayers of the town or parish where (NWLDC) is providing the service so a special expense is charged to the council tax payers of that parish.
- 1.3 It should be noted that special expenses are not additional spending over and above the budget set by the Council but a classification within the overall budget. The Authority's budget includes Special Expenses, and some Council Tax calculations are based on the total including Special Expenses.
- 1.4 The district consists of 31 parished areas, and one unparished area. Parish councils exercise certain functions in their respective areas, which the District Council must exercise directly in the unparished area. These are known as concurrent functions.

2. Legislation

- 2.1 Section 35 of the Local Government Finance Act 1992 (the Act) specifies the items which are to be treated as special items for the purposes of calculating the Council Tax. Essentially, there are three areas within the provisions of Section 35 of the Act that it is considered apply to the Council:
 - i. A precept relating to part only of the Council's area e.g. parish precepts;
 - ii. The whole of the expenses (or only some) of those incurred by the Council in performing in a part of its area a function performed elsewhere in its area by a Parish Council are its special expenses.
 - iii. Any net expenses which arise out of the Council's possession of property held in trust for a part of its area are Special Expenses.
- 2.2 The first two items above can only be treated as a special expense if the Council has made resolutions to that effect.
- 2.3 In practical terms this is done by the Council at the time of setting the Council Tax in February each year as the report presented to the Council is in the form of a resolution which sets out the calculations required under Chapter III of the Act.

3. Special Expense Items

- 3.1 The Council levies Special Expenses in respect of the following services:
 - i. All Cemetery provision
 - ii. Parks, Open Spaces and Recreation Grounds
 - Closed churchyards
 - Open spaces, parks and play areas that are maintained by NWLDC in parished areas;
 - Open spaces, play areas, parks, pavilions and sportsgrounds in Coalville;
 - iii. Coalville Town Centre Support:
 - Coalville in Bloom
 - Support given to 'Local' events

- Christmas Lights and Trees
 - Community Art
- iv. Highways Maintenance
- v. Public Seats adjoining highways

3.2 The whole of the net expense (inclusive of any income) is to be included in the definition of the special expense.

3.3 Those debt charges will be included for all projects which fall within a special expense only to the extent that it would be for prudential borrowing, capital receipts or revenue finding, and debt charges on historic capital expenses would not be included.

4. Calculation of Special Expenses

4.1 NWLDC will calculate an average council tax across the whole of its area under section 31B of the Local Government Finance Act 1992. Included in that will be the amounts payable to parish councils under their precepts, plus the amounts NWLDC will spend on performing functions which are performed in parts of its area by parish councils.

4.2 Under section 34 of the Local Government Finance Act 1992, NWLDC must then deduct the total of any special items. For each part of its area, NWLDC must then add back amounts for any relevant special items for that part of its area. The amount added back is calculated by dividing the special item (i.e. the authority's estimated cost of performing the function in that part of its area) by the tax base for the part of the area in which the authority performs the function.

4.3 Treating expenses as special expenses does not affect the overall amount that NWLDC needs to raise through council tax, and does not, therefore, affect the average amount of council tax across the whole of the district. It simply means that, compared with what would happen if the expenses were not treated by NWLDC as special expenses, the council tax is:

- relatively lower for areas where the parish council performs the concurrent function, as it includes the parish's costs but not NWLDC's costs of performing the function elsewhere; and
- relatively higher for areas where NWLDC performs the concurrent function, as all NWLDC's costs of performing the concurrent function must be met by taxpayers in the area where NWLDC performs it.

4.4 Special Expenses are estimated for the year approaching (in line with all other budget estimates). Special Expenses budgets in future years include previous under or overspends.

4.5 If work is undertaken through the Authority's capital programme, any effect from depreciation and funding does not have any effect in the revenue budget until the following year where an estimate is included where the capital expenditure is known, otherwise there is a time lag, and it falls into the year after. If the item falls within the special expenses policy, then the special expenses budget for future years is amended to include the relevant costs.

5. Review

5.1 The list of concurrent functions included within the Special Expenses Items will be reviewed from time to time and the policy updated as necessary.

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
 COUNCIL – TUESDAY, 16 NOVEMBER 2021



| | | |
|--|--|---------------------------|
| Title of Report | GAMBLING STATEMENT OF LICENSING POLICY | |
| Presented by | Councillor Andrew Woodman Portfolio for Community Services | |
| Background Papers | Gambling Commission – Guidance to Licensing Authorities 5th Edition. NWLDC – Gambling Act 2005 Statement of Licensing Policy Issue 5 Licensing committee agenda and draft minutes | Public Report: Yes |
| Financial Implications | The risk of incurring costs arising from any challenge against the policy. | |
| | Signed off by the Section 151 Officer: Yes | |
| Legal Implications | There is a risk that the Council's Gambling Act Statement of Licensing Policy is challenged. Legal advice has been secured in its preparation to mitigate the risk of challenge. | |
| | Signed off by the Monitoring Officer: Yes | |
| Staffing and Corporate Implications | The workload associated with the review of the policy shall be undertaken within existing resources. | |
| | Signed off by the Head of Paid Service: Yes | |
| Purpose of Report | For members to consider the review of the Gambling Act 2005 Statement of Licensing Policy following the consultation period. | |
| Recommendations | THAT COUNCIL 1. CONSIDER AND APPROVE THE PROPOSED STATEMENT OF LICENSING POLICY ATTACHED AT APPENDIX 1. 2. APPROVE THE CONTINUATION OF THE DELEGATION TO THE HEAD OF COMMUNITY SERVICES IN CONSULTATION WITH PORTFOLIO HOLDER FOR THE UPDATING OF THE LOCAL AREA PROFILE. | |

1.0 BACKGROUND

- 1.1 Under section 349 of the Gambling Act 2005 (the 'Act'), licensing authorities are required to prepare and publish a statement of principles which they intend to apply

when exercising their functions under the Act. This statement of principles is referred to as the Statement of Licensing Policy (the 'Policy').

- 1.2 Following consultation with a wide range of bodies and agencies, the last review of this council's policy was approved by Full Council on 13 November 2018 and came into effect on 31 January 2019.
- 1.3 The council's policy is a policy statement that guides decision making with regards to all applications received under the Act.
- 1.4 Section 349 also requires licensing authorities to review their policy every three years. The revised policy must be in place on or before 31 January 2022.

2.0 REVIEW OF STATEMENT OF LICENSING POLICY

- 2.1 The current policy has been reviewed in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and national statutory guidance issued to licensing authorities by the Gambling Commission. A draft statement of licensing policy is attached as **Appendix 1**.
- 2.2 The council's policy remains broadly unchanged by the draft policy. The main areas of change within the draft policy relate to the updating of the local area profiles and the insertion of links to interactive maps showing the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

3.0 CONSULTATION

- 3.1 The Gambling Act 2005 requires all local authorities to widely consult when reviewing their policy.
- 3.2 The consultation has been carried out in two phases. Phase one, which commenced on 1 June 2021, was a targeted consultation seeking data and information from agencies to inform the local area profile. Phase two of the consultation was a broader consultation with relevant businesses, agencies, organisations, and authorities seeking comments on the whole draft policy and commenced on 1 July 2021 and closed on 26 August 2021.
- 3.3 Consultation responses were received from GambleAware and South Derbyshire District Council. A further anonymous response was also received.
- 3.4 GambleAware work in partnership with the Gambling Commission and the Responsible Gambling Strategy Board. Due to resource constraints on a small charity, they were not able to offer specific feedback on our draft policy. However, they provided GambleAware's recently published [interactive maps](#) which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area, as well as usage of, and reported demand for treatment and support for gambling harms. Our draft policy has been updated with this information.

The following two local government association publications have been commended by GambleAware for information only and have also been noted by Licensing Officers and will be used to influence the team's future work plan.

- <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>

- <https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

3.5 South Derbyshire District Council responded to advise they have no comments to make on the draft policy.

3.6 An anonymous response to the consultation was also received. The consultee commented that the draft policy is lengthy and heavy reading and suggested we may wish to consider the addition of an executive summary, and to provide information or data, which provides an understanding of harms from gambling within North West Leicestershire. In response, an executive summary and a link to the interactive maps has been added to the draft policy in addition to a summary of officers' understanding of the harms from gambling activity in North West Leicestershire. It is important to note that the impact of gambling on residents of North West Leicestershire may change during the life of the policy and the reader should use the interactive maps to obtain knowledge of the current situation.

4.0 Licensing Committee

4.1 The draft statement of licensing policy was presented to the Licensing Committee at its meeting on 15 September 2021.

4.2 One member raised that the parish boundary map within the policy document was outdated. The map within the policy has now been updated with the most recent version.

4.3 One member raised a question concerning betting premises in Ibstock stating it had ceased operating. Officers have investigated this and can confirm that the premises have closed. The betting premises licence has been surrendered and the policy updated accordingly.

4.4 Following the comments from some members on the accessibility of the interactive maps linked within the policy document, the Environmental Health Team Manager offered the Committee Members assistance outside of the meeting whenever required. Later in the meeting the Licensing Team Leader demonstrated how to use the interactive maps for the benefit of those members that were unable to access them.

4.5 A question was raised in relation to the data available for the ages of people affected by gambling harm and it was confirmed that a request had been made to Gamcare for this data, but it had not yet been received. No data has been received at the time of writing this report.

4.6 Members were informed that if a member of the public were to contact the council seeking support with a gambling problem, they would be signposted to the relevant organisations for support and directed to the information available on the council's website.

4.7 In response to a request from a Member, the Licensing Team Leader agreed to notify Committee Members when visits to gambling premises were arranged so that they could attend if they wished to.

4.8 Members of the Licensing Committee recommended at their meeting that;

- 1) The Gambling Act Statement of Licensing Policy be approved by Council at its meeting on 16 November 2021.
- 2) The continuation of the delegation to the Head of Service in Consultation with the Portfolio Holder to update the Local Area Profile be approved by Council at its meeting on 16 November 2021.

5.0 DELEGATION

- 5.1 The profile of North West Leicestershire will continue to change throughout the life of this policy. In order to ensure that any such changes are reflected within the policy without unnecessary reference to Licensing Committee or Council, it is recommended that any such changes be delegated to the Head of Service in consultation with the Portfolio Holder. A delegation was put in place in 2018 and a continuation of this delegation is sought.

6. APPROVAL PROCESS

- 6.1 Once the reviewed policy has been approved by Council, it must be published 4 weeks prior to it coming in effect on 31 January 2022.

| Policies and other considerations, as appropriate | |
|--|---|
| Council Priorities: | Business and Jobs, Homes and Communities |
| Policy Considerations: | North West Leicestershire District Council Statement of Licensing Policy - Gambling Act 2005 2019-2022 |
| Safeguarding: | Licensed premises are required to risk assess gambling activity associated with their premises |
| Equalities/Diversity: | Initial EHRIA completed October 2021, no negative impacts identified. |
| Customer Impact: | Businesses may be impacted by any decision made |
| Economic and Social Impact: | The policy may reduce the risk of harm from gambling activity by influencing the content of the risk assessments carried out by licensed premises |
| Environment and Climate Change: | Not applicable |
| Consultation/Community Engagement: | Consultation with Leicestershire Police, Gambling Commission, Association of British Bookmakers, British Amusement Catering Trade Association, British Casino Association, Bingo Association, British Horse Racing Board, Working Men's Club and Institute Union, British Beer & Pub Association, Gamcare, Salvation Army, Leicestershire Partnership Trust CAMHS, Leicestershire and Rutland Safeguarding Children Board, Vital Health Group, Andy Peters Racing, Betfred, Gala Leisure, |

| | |
|-----------------|--|
| | Flutter Leisure Ltd, Ladbrokes, Moto Donington, Quicksilver, GambleAware, Leicestershire Fire Service, 2 Fat Ladies Leisure Limited, Members, Responsible Authorities, Town and Parish Councils, South Derbyshire District Council, Charnwood Borough Council, local secondary schools / colleges, licensing agents / solicitors |
| Risks: | There is a risk that the Council's Gambling Act 2005 Statement of Licensing Policy is challenged. Legal advice sought in its preparation to mitigate the risk of challenge. |
| Officer Contact | Paul Sanders Head of Community Services paul.sanders@nwleicestershire.gov.uk |

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North West Leicestershire District Council

Statement of Licensing Policy – Gambling Act 2005

~~2019 – 2022~~ 2022-2025

EXECUTIVE SUMMARY

Under the Gambling Act 2005 [\(the “Act”\)](#), a Licensing Authority is required to prepare and publish a Statement of Licensing Policy. This document is the [5th-6th Statement of Licensing Policy](#) issued by North West Leicestershire District Council. Since the introduction of the Act, the [Statement of Licensing Policy](#) has assisted in promoting the three licensing objectives detailed under the Act:

- [Preventing](#) gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- [Ensuring](#) that gambling is conducted in a fair and open way, and
- [Protecting](#) children and other vulnerable persons from being harmed or exploited by gambling.

North West Leicestershire District Council declares that it has had regard to the licensing objectives of the Act, the guidance issued by the Gambling Commission, and any responses from those consulted on the [Statement of Licensing Policy](#).

The [Statement of Licensing Policy](#) forms the mandate for managing gambling provision within North West Leicestershire and sets out how North West Leicestershire District Council views the local risk environment and therefore its expectations in relation to operators with premises within the district.

The North West Leicestershire local profile is detailed within Part A of the policy [and a map of the geographical area is at page 25](#). The local area profile contains a [link to interactive maps showing the prevalence of problem gambling severity in each local authority area and ward area as well as usage of, and reported demand for, treatment and support for gambling harms](#). Operators must have regard to the content of the local area profile when producing their risk assessments.

The number of licensed premises has largely remained stable over the last 15 years however there has been a small reduction in the number of licensed premises since 2019.

[A list of the persons North West Leicestershire District Council consulted with in preparing this Statement of Licensing Policy is at page 26.](#)

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INTRODUCTION

Policy Development

Licensing Authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must then be republished.

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

The policy was adopted by full Council following consultation with key stakeholders. The policy commenced on 31st January 2022 and unless reviewed in the intervening period, the Statement of Licensing Policy will remain in force until 30th January 2025.

Declaration

In producing the final statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Act, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

District of North West Leicestershire

North West Leicestershire District Council is the Licensing Authority under the Gambling Act 2005 (the Act). North West Leicestershire is a mixed urban and rural district covering approximately 279 square kilometres. The main towns are Coalville, a former mining town and Ashby de la Zouch, a traditional market town. Other settlements include Castle Donington, Ibstock, Kegworth and Measham. The area also encompasses East Midlands Airport and the site of Donington Park a motor circuit and site for music festivals. These areas are shown in the map below at Appendix A.

~~The population is 98,436 (ONS 2016). The proportion of young people (0-14 years) is 17.8 per cent and is close to regional and national averages. The District has 19.7 per cent of the population above pension age. The black and minority ethnic population is 2.4 per cent; this compares with 10.7 percent for East Midlands and 14.6 per cent for England.~~

~~The population is 103,600 (source ONS 2020). The proportion of young people (0-14 years) is 17.1 per cent and is close to regional and national averages. The District has 20.1% per cent of the population is aged over 65, slightly over the regional and national averages (ONS 2020). The black and minority ethnic population is 2.4% per cent; this compares with 10.7% percent for East Midlands and 14.6% per cent for England (sSource 2011 Census).~~

Consultation

This Licensing Authority consulted widely upon this statement before finalising and publishing it. The Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority's area;
- One or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority's functions under the Act.

A full list of those persons consulted is provided below at Appendix B.

PART A

1. The Licensing Objectives

In exercising most of its functions under the Act, Licensing Authorities must have regard to the licensing objectives as set out in the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

2. Responsible Authorities

The Licensing Authority is required to state the principles it will apply in exercising its powers to designate a body which is competent to advise the Licensing Authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

This Licensing Authority designates the Leicestershire and Rutland Safeguarding Children Board for this purpose.

3. Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

The Licensing Authority is required to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The overriding principle is that each case will be decided upon its merits. The factors that this Licensing Authority may take into account when determining what ‘sufficiently close to the premises’ means (in each case) might include:

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises; and
- The circumstances of the complainant.

In determining whether a person with business interests might be affected by the premises, the factors likely to be relevant include:

- The size of the premises;
- The catchment area of the premises; and
- Whether the person making the representation has business interests in that catchment area that might be affected.

This Licensing Authority views trade associations, trade unions, residents' and tenants' associations as interested parties.

Interested parties can be persons who are democratically elected such as Councillors and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or Members of Parliament represents the ward likely to be affected. Other than these however, this Licensing Authority will generally require written evidence that a person or body 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

4. Exchange of Information

This Licensing Authority adopts the principle of better regulation and will conduct itself in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act and other relevant legislation will not be contravened. The Licensing Authority will also have regard to the Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

Should any protocols be established pursuant to section 350 of the Act concerning information exchange with other bodies as listed in schedule 6(1) of the Act then these will be made available.

5. Enforcement

The main enforcement and compliance role for this Licensing Authority in terms of the Act will be to ensure compliance with licences and permits issued by this Licensing Authority and any conditions attached to them, including compliance with relevant codes of practice, dealing with temporary permissions and registration of small lotteries.

This Licensing Authority will act in accordance with the following principles for regulators:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

This Licensing Authority will endeavour to avoid duplication with other statutory or regulatory regimes so far as possible.

This Licensing Authority will have regard to the Regulators' Code and will adopt a risk-based, proportionate and targeted approach to regulatory inspection and enforcement. This will include

targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises, so that resources are more effectively concentrated on problem premises. The local area profile will inform the approach to identifying high risk premises.

This Licensing Authority shall comply with the codes of practices developed by the Crown Prosecution Service in the management of criminal cases.

This Licensing Authority will have regard to the North West Leicestershire District Council General Enforcement Policy.

6. Licensing Authority Functions

This Licensing Authority will:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by means of issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission;
- Maintain registers of licences and permits that are issued and small society lottery registrations.

It should be noted that this Licensing Authority will not be involved in licensing remote gambling. This is the responsibility of the Gambling Commission by means of operating licences.

7. Local Risk Assessments

The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) (issued in February 2015) requires operators to consider local risks in their applications.

As part of the application process licensees are required to submit a local risk assessment when applying for a new premises licence. An updated risk assessment must also be submitted:

- when applying for a variation of a premises licence
- to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.

A local risk assessment should (a) assess specific risks to the licensing objectives in the local area, and (b) assess whether control measures going beyond standard control measures are needed.

This Licensing Authority may require a licensee to share their risk assessment with the authority. The risk assessment will set out the measures the licensee has in place to address specific issues where concerns exist over new or existing risks. By adopting this proactive approach Licensing Authorities and licensees should be able to reduce the occasions on which a premises review is required.

8. Local Area Profile – North West Leicestershire

Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request. Such risk assessments can make reference to the council's area profile which may be compiled with respect to reported gambling-related problems in an area.

[The link below takes you to interactive maps showing the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.](#)

[interactive maps](#)

[–The published data and maps relate to the finding of the annual GB Ttreatments and Ssupport Ssurvey 2020 which can be found at the following link Annual GB Treatment and Support Survey 2020 published | BeGambleAware](#)

~~[interactive maps](#)~~

[The published maps show that gambling prevalence of problem gamblers in North West Leicestershire was in the 3rd quintile \(mid-point\).](#)

[The reported demand for and usage of treatment and support amongst problem gamblers was within the fifth and highest quintile with Ashby de la Zouch, Hugglescote, Donington Le-Heath, Ravenstone, Normanton Le-Heath and Packington included.](#)

[The relative usage and reported demand for -treatment or support across North West Leicestershire was 'medium' -level of report usage.](#)

~~[there has been no evidence presented to North West Leicestershire District Council to support the assertion that any part of the area is experiencing problems from gambling activities. This position will be kept under review and, in the event that it changes the area profile will be revised.](#)~~

The following area profile has been included to facilitate operators being able to better understand the environment within North West Leicestershire and therefore proactively mitigate risks to the licensing objectives. The information detailed below was correct at the time of printing ~~(October 2018)~~(June 2021). Applicants are advised to contact the licensing team to seek the current local area profile.

[Population](#)

North West Leicestershire has a population of 103,600 (source ONS Population Estimates 2020), 11.8% higher than 10 years previously. The population growth was higher than the East Midlands region (8.1%) and Great Britain (7.3%). The proportion of young people (0-14 years) is 17.1% per cent and is slightly below the regional and national averages. The District has 20.1% of the population above pension age, slightly higher than for the East Midlands or England. The percentage proportion of black and minority ethnic within the population (source 2011 Census) is 2.4% per cent; this compares with 10.7% per cent for the East Midlands and 14.6% per cent for England respectively.

Economy and skills

Between January and December 2020, 76.3% of North West Leicestershire's 16-64 year olds were economically active compared to 79.1% in Great Britain as a whole (source ONS Annual Population Survey). Although the District's economy is dynamic, with one of the highest jobs densities in the East Midlands of 1.09 and many people commute into the District to work for North West Leicestershire businesses.

Claimants of financial support as a proportion of residents aged 16-64 years in North West Leicestershire was 3.9% in April 2021). The highest claimant rates in North West Leicestershire was Greenhill (Coalville) with rates of 6.1%. (Source Nomis June 2021).

0.3% (206) of the resident population aged 16-64 in North West Leicestershire claim jobseekers allowance (source Nomis April 2021).

In 2019, 77% of North West Leicestershire employees worked in services, 13.1% worked in manufacturing and 5.7% worked in construction (source ONS Business Register & Employment Survey).

Educational attainment

In 2018/19, the percentage of pupils achieving 5+ GCSEs in English and Maths was 44% in Leicestershire compared to an England average of 43% (source Department for Education 2020).

In 2018/19, the percentage of pupils entering for the English Baccalaureate (EBacc) in Leicestershire was 38%, compared to an England average of 40%.

| | <u>Ashby School</u> | <u>King Edward VII (Coalville)</u> | <u>Stephenson Studio (Coalville)</u> | <u>England average</u> |
|---|---------------------|------------------------------------|--|------------------------|
| <u>GCSE Grade 5 or above in English and Maths</u> | 46% | 23% | 6% | 43% |
| <u>Entering the English Baccalaureate (pupils entered for qualifications in English, Maths, Sciences, a language & either history or geography)</u> | 50% | 31% | 0% (A studio school provides a specialist technical & professional education and comparisons are not comparable) | 40% |

In 2020, the percentage of residents aged over 16 with at least NVQ Level 1 or equivalent qualifications in North West Leicestershire was 88.2% in line with the England average of 88.2% (source ONS Annual Population Survey Jan – Dec 2020). 41.7% of the District's population had an NVQ4 or above – higher than the East Midland's 37.2% but below Great Britain's 43.1%.

Housing

The average household size in North West Leicestershire is 2.4 people, the England average is 2.7 people (source Census, 2011).

Between 2001 and 2011, the number of households in North West Leicestershire increased by 10.5%, compared to an England and Wales average of 7.9% (source Census 2011).

In Oct/Dec 2020 the rate of homelessness in North West Leicestershire was 0.83 per 1,000, compared to an England average of 1.44 per 1,000 (source MHCLG April 2021).

Schools – for academic years 2018/19

Ashby School, Nottingham Road, Ashby de la Zouch LE65 1DT – Age range 14-18 – 1,729 pupils

King Edward VII Science & Sports College, Warren Hills Road, Coalville LE67 4UW – Age range 14-18 – 736 pupils

Stephenson Studio School, Thornborough Road Coalville, LE67 3TN – Age range 14-19 – 86 pupils

Forest Way School, Warren Hills Road Coalville LE67 4UU – Age range 3-19 - no pupil numbers given but approx. 270

Castle Donington College, Mount Pleasant, Castle Donington DE74 2LN – Age range 11-16 – 539 pupils

Population

~~North West Leicestershire has a population of 98,436. This has risen by nearly 5,000 or 5.3 per cent since the 2011 Census. The proportion of young people (0-14 years) is 17.8 per cent and is close to regional and national averages. The District has 19.7% of the population above pension age, slightly higher than for the East Midlands or England. The proportion of black and minority ethnic population (2011 Census) is 2.4 per cent; this compares with 10.7 per cent for the East Midlands and 14.6 per cent for England respectively.~~

Economy and skills

~~As at December 2017 86.7% of North West Leicestershire's 16-64 year olds were economically active compared to 78.4% in Great Britain as a whole (ONS Annual population survey.)~~

~~Claimants as a proportion of residents aged 16-64 years in North West Leicestershire – 1.2% The highest claimant rates in North West Leicestershire are Coalville West and Snibstone South with rates of 2.6% and 2% respectively. (Nomis August 2018)~~

~~0.3% (179) of the resident population aged 16-64 in North West Leicestershire claim jobseekers allowance (Nomis August 2018)~~

~~In 2016, 76.2% of North West Leicestershire employees worked in services, 12.5% worked in manufacturing and 6.2% worked in construction (ONS Business Register & Employment Survey).~~

Educational attainment

~~In 2017, the proportion of pupils achieving 5+ GCSEs in English and Maths was 44.4% in Leicestershire compared to an England average of 39.1% (Department for Education 2017)~~

In 2017, the proportion of pupils achieving all components of the EBacc at level 5+ in Leicestershire was 17.4%, compared to an England average of 19.5%

| | Ashby School | King Edward VII (Coalville) | Stephenson Studio (Coalville) | England average |
|--|--------------|-----------------------------|-------------------------------|-----------------|
| GCSE Grade 5 or above in English and Maths | 52% | 34% | 13% | 39.1% |
| English Baccalaureate Grade 5 or above | 26% | 10% | Data not available | 19.5% |

In 2017, the percentage of residents aged over 16 with at least NVQ Level 1 or equivalent qualifications in North West Leicestershire was 91.5% compared to an England average of 85.4% (ONS Annual Population Survey)

Housing

The average household size in North West Leicestershire is 2.4 people, the England average is 2.7 people (Census, 2011)

Between 2001 and 2011, the number of households in North West Leicestershire increased by 10.5%, compared to an England and Wales average of 7.9% (Census 2011)

In 2017/18 the rate of homelessness in North West Leicestershire was 0.78 per 1,000, compared to an England average of 2.41 per 1,000 (MHCLG) Schools

Ashby School, Nottingham Road, Ashby de la Zouch LE65 1DT — Age range 14-18 — 528 pupils

Manor House School, South Street Ashby de la Zouch LE65 1BR — Age range 3-16 — 61 pupils

King Edward VII Science & Sports College, Warren Hills Road, Coalville LE67 4UW — Age range 14-18 — 720 pupils

Stephenson Studio School, Thornborough Road Coalville, LE67 3TN — Age range 14-19 — 60 pupils

Forest Way School, Warren Hills Road Coalville LE67 4UU — Age range 3-19 — 207 pupils

Castle Donington College, Mount Pleasant, Castle Donington DE74 2LN — Age range 11-16 — 441 pupils

Breakdown of gambling premises by type and location is given below

| | |
|-----------------------------|----------------------------------|
| Premises Type | |
| Betting | 7 |
| Adult Gaming Centres (AGCs) | 5 |
| <u>Bingo</u> | 1 |
| Location | |
| Coalville town centre | 4 (2 betting, 1 bingo and 1 AGC) |

| | |
|-------------------------------|----------------------|
| Coalville suburbs (Greenhill) | 1 betting |
| Ashby de la Zouch | 2 betting |
| Castle Donington | 1 betting |
| East Midlands Airport | 2 AGCs |
| Motorway service | 2 AGCs |
| Ibstock | 1 betting |
| Measham | 1 betting |
| Whitwick | 1 betting |

In addition to the 2 main town centres, betting premises can also be found in some of the smaller communities of Whitwick, Ibstock, and Measham, and Castle Donington.

The 2 Adult Gaming Centres at East Midlands Airport are both situated airside (beyond passport control). Due to the complexities of gaining access to this restricted area of the airport their customer base is taken from transient travellers leaving the country on holiday or business. These premises are considered to be low risk and consequently receive light touch intervention from the licensing authority.

The motorway service area at Donington Park generally serves individuals using the M1 and A42 routes. The premises are situated away from the motorway and can be accessed by anyone using the nearby minor roads. The service area is open 24 hours. Underage gambling is low risk as there are no housing estates within walking distance. Underage persons would more than likely be under the supervision of a parent or guardian whilst visiting the motorway service area.

The only bingo premises in the district are situated in Coalville, housed in a previously used 1930's design cinema.

North West Leicestershire is earmarked for a large house building programme over the next 15 years. However there is no intelligence to suggest that the extra population will alter the demographic of those people that live and spend time in the district.

Enquiries with local betting premises in relation to use of B2 or fixed odds betting terminals (FOBT) indicates that there is no excessive use of the machines and that proper control and monitoring of these machines by the licence holders is in place. Inspections by licensing enforcement officers have highlighted a high level of compliance by the industry and this is backed up by the historically low number of complaints received about individual premises. This Authority will continue to monitor to ensure high compliance levels are maintained.

9. Registers

The Licensing Authority keeps registers of the premises licences it has issued. They can be viewed online on the Council's web site [at](#)

https://www.nwleics.gov.uk/pages/view_comment_on_licensing_applications or at the Council's offices during normal office hours. Copies of the register can be requested but a charge will be made.

10. Fees

The Council shall aim to ensure that the income it receives in fees matches the costs of providing the service to which the fees relate. The Council sets its own fees within a framework set by central government.

PART B **Premises Licences**

1. General Principles

Premises licences will be subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. This Licensing Authority may exclude default conditions and also attach others, where it is believed to be appropriate.

This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Licensing Authority's Statement of Licensing Policy.

In determining applications, this Licensing Authority will only take into consideration all relevant matters and not take into consideration any irrelevant matters. Planning permission, building control approval and public nuisance are not considered to be relevant.

This Licensing Authority accepts the principle that moral objections to gambling are not a valid reason to reject applications for premises licences and also that unmet demand is not a criterion for a Licensing Authority.

This Licensing Authority will give particular consideration to applications:

- for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes; and
- applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

In respect of premises which still have to be constructed or altered, an operator can apply for a premises licence rather than a provisional statement. In these circumstances, this Licensing Authority will first decide whether, as a matter of substance after applying the principles in section 153 of the Act, the premises ought to be permitted to be used for gambling and secondly, in deciding whether or not to grant the application, this Licensing Authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis.

Gaming machines are defined in the Act which essentially covers all machines on which people can gamble. Section 172 of the Act prescribes the number and category of gaming machines that are permitted in each type of gambling premises licensed by the Licensing Authority. Regulations define 4 categories of gaming machines: categories A, B, C and D with category B divided into further sub-

categories. The categories and subcategories have been defined according to the maximum amount that can be paid for playing the machines and the maximum prize it can deliver. A breakdown of gaming machine categories and entitlements is available on the Gambling Commission website www.gamblingcommission.gov.uk

2. Licensing Objectives

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

Where an area has known high levels of organised crime this Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be appropriate such as the provision of door supervisors.

Appropriate matters for consideration may include:

- disorder;
- the sale and distribution of controlled drugs;
- the laundering of the proceeds of drugs to support gambling.

Ensuring that gambling is conducted in a fair and open way

This Licensing Authority does not expect to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences which will be dealt with by the Gambling Commission.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

This Licensing Authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include:

- supervision of entrances / machines;
- location of machines including cash terminals;
- segregation of areas;
- signage / leaflets.

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case by case basis.

3. Adult Gaming Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

Factors which this Licensing Authority may consider include:

- Proof of age schemes

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entrance
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of factors that may be taken into consideration.

4. (Licensed) Family Entertainment Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

Factors which this Licensing Authority may consider include:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entrance
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of factors that may be taken into consideration.

5. Casinos

This Licensing Authority has not passed a 'no casino' resolution under the Act, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

6. Bingo Premises

Gaming machines may be made available for use in licensed bingo premises only on those days when sufficient facilities for playing bingo are also available for use.

Where category C or above machines are available in premises to which children are admitted this Licensing Authority will wish to ensure that:

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

- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

7. Betting Premises

It is not permissible to offer gaming machines on a premises which is licensed for betting but not to offer sufficient facilities for betting.

In deciding whether to restrict the number of betting machines, this Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of betting machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

8. Tracks

Tracks are defined in the Act as ‘a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.’ Examples of a track are football, cricket and rugby grounds, a motor racing event and venues hosting darts, bowls, or snooker tournaments. This list is by no means exhaustive as betting could take place at any venue where a sporting or competitive event is occurring.

This Licensing Authority will expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons are allowed to attend premises such as greyhound tracks or racecourses on event days, and children are permitted into areas where betting facilities are provided, such as the betting ring, where betting takes place. However, they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

Factors which this Licensing Authority may consider include:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entrance
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of factors that may be taken into consideration.

Applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, unless they are Category D machines, these machines are located in areas from which children are excluded.

This Licensing Authority will require detailed plans of the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). In the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or

track operator, as well as any other proposed gambling facilities must be clearly indicated on the plans. The plans should also make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

9. Travelling Fairs

Where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair must be met.

This Licensing Authority will consider whether the applicant falls within the statutory definition of a travelling fair.

A site may not be used for fairs on more than 27 days per calendar year. The 27-day maximum applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will monitor the use of land and maintain a record of the dates on which land is used.

10. Provisional Statements

Applicants for premises licences must fulfil certain criteria. They must hold or have applied for an operating licence from the Gambling Commission (except in the case of a track), and they must have a right to occupy the premises in respect of which their premises licence application is made. These restrictions do not apply in relation to an application for a provisional statement.

The application for a provisional statement must be accompanied by plans and the fee. Responsible authorities and interested parties may make representations.

Once the premises are constructed, altered, or acquired the holder of a provisional statement can return to this Licensing Authority and submit an application for the necessary premises licence.

11. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities however, it is for this Licensing Authority to decide whether the review is to be allowed. An application for review may be rejected if the grounds of the review:

- are not relevant to the principles that must be applied by this Licensing Authority in accordance with the Act;
- are frivolous;
- are vexatious;
- 'will certainly not' cause this Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions to the premises licence;
- are substantially the same as grounds stated in a previous application relating to the same premises;
- are substantially the same as representations made at the time the application for a premises licence was considered.

The Act provides that Licensing Authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises.

In relation to a class of premises, this Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions.

In relation to particular premises, this Licensing Authority may review any matter connected with the use made of the premises if it has reason to suspect that premises licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate. A formal review will normally be at the end of a process ensuring compliance by the operator. If the operator does not meet requirements then after a formal review this Licensing Authority may impose additional conditions or revoke the premises licence.

PART C
Permits, Temporary Use Notice & Occasional Use Notice

1. Unlicensed Family Entertainment Centre Gaming Machine Permits

The application will be in the form and manner specified by this Licensing Authority. The application form must be accompanied by a plan of the premises indicating the location of the gaming machines and the fee.

This Licensing Authority considers that the applicant should have policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The policies and procedures may include:

- appropriate measures / training for staff as regards suspected truant school children on the premises;
- a proof of age policy;
- measures / training covering how staff would deal with unsupervised very young children being on the premises; or
- children causing perceived problems on / around the premises.

2. (Alcohol) Licensed Premises Gaming Machine Permits

The application will be in the form and manner specified by this Licensing Authority. Applications will be required to state the premises to which it relates and the number and category of gaming machines sought. The application form must be accompanied by a plan of the premises and the fee.

This Licensing Authority will consider each application on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. The permit holder must be capable of demonstrating compliance with the conditions detailed in the Code of Practice issued by the Gambling Commission and this Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice.

3. Prize Gaming Permits

The application will be in the form and manner specified by this Licensing Authority. The application form must specify the premises and be accompanied by a plan of the premises and the fee.

This Licensing Authority will require the applicant to set out the types of gaming that he/she is intending to offer and the applicant should be able to demonstrate:

- that they understand the limits on stakes and prizes that are set out in regulations; and
- that the gaming offered is within the law.

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3

machines of categories B3A (no more than one), B4, C or D), equal chance gaming and games of chance.

Members Clubs, Miners' welfare institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Machine permit will only enable the premises to provide gaming machines (3 machines of categories B3A (no more than one), B4, C or D). Commercial clubs are not allowed to provide category B3A gaming machines.

This Licensing Authority may only refuse an application for either type of permit if:

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

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police and the grounds on which an application may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The permit holder must demonstrate compliance with the conditions detailed in the Code of Practice issued by the Gambling Commission and this Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice.

5. Temporary Use Notices

Temporary Use Notices (TUN) can only be used to permit the provision of facilities for equal chance gaming where the gaming is intended to produce a single overall winner.

The holder of a relevant operating licence must give notice to this Licensing Authority on the prescribed form with the relevant fee.

This Licensing Authority will have regard to the licensing objectives when considering whether to object to any notice received.

6. Occasional Use Notices

A notice must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The notice must be served on this Licensing Authority and copied to the Chief Officer of Police for the area in which the track is located. The notice must specify the day on which it has effect. Notices may be given in relation to consecutive days, so long as the overall limit of eight days is not exceeded in the calendar year.

PART D **Lotteries**

This Licensing Authority is responsible for the registration of small society lotteries. These are non-commercial societies as defined in the Act as being established and conducted:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

This Licensing Authority will exercise its functions under this Act in relation to lotteries in accordance with the principles contained in the guidance issued by the Gambling Commission. Any small society lottery promoter wishing to sell tickets on the highway shall do so in a way that is compliant with the Gambling Commission guidance.

FURTHER INFORMATION

Anybody wishing to contact the Licensing Authority with regard to this Statement of Licensing Policy, the Gambling Act 2005 or the application process can do so as follows:

In writing to

Licensing Team
Community Services
North West Leicestershire District Council
Council Offices
Whitwick Road
Coalville
Leicestershire
LE67 3FJ

By email to

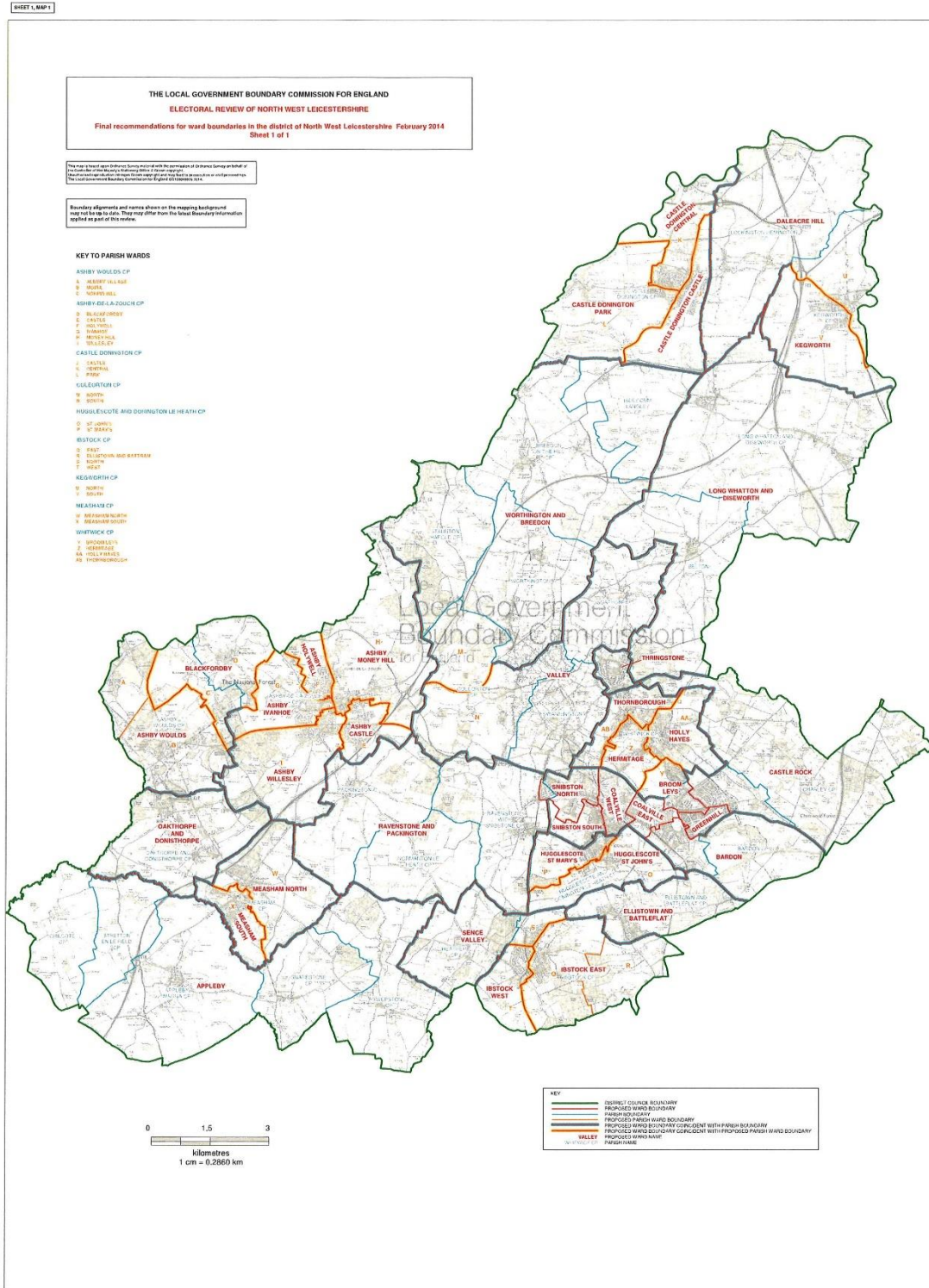
licensing@nwleicestershire.gov.uk

~~By fax to 01530 454574~~

By telephone on

01530 454545

Appendix A



Appendix A

Map of North West Leicestershire District



Appendix B

List of bodies consulted

Leicestershire Police
Leicestershire Fire Service
Gambling Commission
Association of British Bookmakers
British Amusement Catering Trades Association
British Casino Association
Bingo Association
British Horse Racing Board
Working Men's Club and Institute Union
British Beer & Pub Association
Gamcare
Salvation Army
Leicestershire Partnership Trust CAMHS
Leicestershire and Rutland Safeguarding Children Board
Andy Peters Racing
Betfred
Gala Leisure
Ladbrokes
Moto Donington
Quicksilver
GambleAware
2 Fat Ladies Leisure Limited
[Betbre, Ashby De La Zouch](#)
Town and Parish Councils
South Derbyshire District Council
Charnwood Borough Council
Local secondary schools / colleges
Other teams within North West Leicestershire District Council (Community Safety, Community Focus, Strategic Housing)
[Vital Health Group](#)
Licensing agents and solicitors