

# NORTHAMPTON BOROUGH COUNCIL



## COUNCIL

Monday, 7 March 2016

**YOU ARE SUMMONED TO ATTEND A MEETING OF NORTHAMPTON BOROUGH COUNCIL, WHICH WILL BE HELD AT THE GUILDHALL NORTHAMPTON ON MONDAY, 7 MARCH 2016 AT 6:30 PM WHEN THE FOLLOWING BUSINESS IS PROPOSED TO BE TRANSACTED**

- 1. DECLARATIONS OF INTEREST**
- 2. APOLOGIES.**
- 3. MAYOR'S ANNOUNCEMENTS.**
- 4. PUBLIC COMMENTS AND PETITIONS**
- 5. MEMBER AND PUBLIC QUESTION TIME**

(Copy herewith)

- 6. CABINET MEMBER PRESENTATIONS**

(Copy herewith)

- 7. OPPOSITION GROUP BUSINESS**

Councillor Russell to make a statement on "Our role in Community Safety."

- 8. STATEMENT OF GAMBLING POLICY**

(Copy herewith)

**9. CHANGES TO LABOUR GROUP AND APPOINTMENTS TO COMMITTEES**

(Copy herewith)

**10. PAY POLICY STATEMENT**

(Copy herewith)

**11. EXEMPTION FROM CALL-IN AND URGENT EXECUTIVE DECISIONS**

(Copy herewith)

**12. CALENDAR OF MEETINGS 2016-17**

(Copy herewith)

**13. NOTICES OF MOTION**

i) Councillor Haque to propose and Councillor Davenport to second:

“There are two major environmental issues affecting this town that we can deal with through action by the Borough council.

We therefore call on the administration to take action to:

Designate refuse sacks that are put out too early as a form of litter (before 7pm the night before). This will allow on the spot fines to be levied as a deterrent.

Work with the County Council to remove the build outs in roads. This will free space for more parking and take away the sites presently used for fly tipping”.

ii) Councillor Stone to propose and Councillor Birch to second:

“The Syrian Refugee crisis is a global crisis where we are witnessing the biggest movement and the biggest need for resettlement of people since the Second World War. This Borough must play its part in the Government’s resettlement programmes.

We resolve to work with the county to take 50 families over the next 4years.

Resettled families will receive all the support they need to find accommodation, school places, medical care and access to training and employment.

We propose to take 5 families in year 1, 10 in year 2, and 15 in year 3 and 20 in year 4”.

**14. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE MAYOR IS OF THE OPINION SHOULD BE CONSIDERED.**

## **Public Participation**

### **1. Comments and Petitions**

- 1.1 A member of the public (or an accredited representative of a business ratepayer of the Borough) may make a comment or present a petition on any matter in relation to which the Council has powers. A comment or presentation of a petition shall be for no more than three minutes. No notice of the nature of the comment to be made or of the petition is required except for the need to register to speak by 12 noon on the day of the meeting.

(Public comments and petitions will not be taken at the Annual Council Meeting or other civic or ceremonial meetings.)

#### **NOTES**

- i. Comments may be on one or more subjects but each person has no longer than three minutes to have their say.*
- ii. The same person may make a comment and present a petition on different subjects. In such instances that person will have three minutes to make their comment and a separate three minutes to present a petition.*

### **2. Member and Public Questions**

- 2.1 A member of the public (or business ratepayer of the Borough) may ask a maximum of two written questions at each meeting, each limited to a maximum of 50 words, on any matter in relation to which the Council has powers. Each question shall:

- be submitted in writing and delivered, faxed or e-mailed to Democratic Services no later than 10.00am seven calendar days before the day of the meeting; and
- include the name and address of the questioner and the name of the Cabinet member/Committee Chair to whom the question is put.

- 2.2 At the meeting, copies of all questions and the responses to them from the public and Members will be made available to the public and press. The Mayor may allow one supplementary question, without notice, that arises directly from the original question or response.

(Questions will not be taken at the Annual Council Meeting or at civic or ceremonial meetings or meetings called to deal with specific items of business.)

#### **NOTES**

*In respect of paragraph 2.1 above, questions may be rejected on certain grounds that are set out on page 4-12 of the Council's Constitution and which may be viewed at [www.northampton.gov.uk/site/scripts/download\\_info.php?fileID=1919](http://www.northampton.gov.uk/site/scripts/download_info.php?fileID=1919) or by seeking advice using the contact details below.*

### **3. Motions**

- 3.1 A member of the public may register to speak to a motion under the 'Notices of Motion' item on the agenda. Registration to speak must be made to Democratic Services by 12 noon on the day to the meeting. Speaking to a motion is restricted to three minutes per person.

(The 'Notices of Motion' item will not be taken at the Annual Council meeting or meetings called for civic or ceremonial purposes.)

#### 4. General

A member of the public may make a comment, present a petition, ask a question or speak to a motion at the same meeting subject to the restrictions set out above.

#### 5. Contacts

Democratic Services: e-mail [democraticservices@northampton.gov.uk](mailto:democraticservices@northampton.gov.uk)

Tel 01604 837722

Mail Democratic Services  
Northampton Borough Council  
The Guildhall  
St Giles Square  
Northampton NN1 1DE

## Question for Full Council Monday 7<sup>th</sup> March, 2016

### Question 1

#### Question to Cllr Bottwood from Cllr Stone

Can enterprise prove they are delivering to all the multi tenancies? Many tenants living in HMOs and flats where there is only one external bell and letter box are complaining they are not receiving green sacks.

#### *Response*

Green sack deliveries are currently in the process of being delivered and will not be complete until the 16th March. Detailed delivery records are held by Enterprise and we have full access to these records for verification and audit purposes. Customers should contact the council if they do not receive green sacks after this date. However please feel free to pass to me now the details of customers who have raised concerns with you and I will be happy to check that they are scheduled for a delivery or to deal with any other queries or concerns they might have.

Councillor Bottwood  
**Cabinet Member for Environment**

## **Question for Full Council Monday 7<sup>th</sup> March, 2016**

### **Question 2**

#### **Question to Cllr Bottwood from Cllr Stone**

Can we please have a night time project with Specials working with wardens to stop night time fly tipping?

#### ***Response***

If you would like to discuss your idea with me further I would be happy to consider your suggestion. Neighbourhood Wardens are already contracted to work until 8pm in the evening. They are currently utilised in the way I consider to be most productive but I am always open to ideas as to how we can improve further. I obviously do not have control over police resource and so cannot make any commitment to you in that regard but I am always open to new ways in which we can work effectively with partners from other agencies.

Councillor Bottwood  
**Cabinet Member for Environment**

## **Question for Full Council Monday 7<sup>th</sup> March, 2016**

### **Question 3**

#### **Question to Cllr Markham from Cllr Stone**

When the post of Neighbourhood coordinator was abolished the administration promised that Cllrs would receive training in how to pick up this work themselves. When will this training be provided and will it include training on chairing meetings, developing action plans and taking minutes?

#### ***Response***

As you are aware, we are currently in the process of developing next year's training programme. Thank you for responding to the consultation exercise that was undertaken with all councillors. We will shortly be in a position to reveal the new programme.

I agree that it should be a priority to train councillors in the most important skills and knowledge that they need to carry out responsibilities that they hold in the Council. I do not agree that the Council should train councillors in skills that the Council does not require them to be skilled in or which are not a priority in relation to the work of the Council.

Councillor Markham  
**Leader of the Council**

## **Question for Full Council Monday 7<sup>th</sup> March, 2016**

### **Question 4**

#### **Question to Cllr Bottwood from Cllr Davenport**

What is more important-the colour of the bin bags or the day they are put out?

#### ***Response***

As you know, this Administration inherited the two green sack policy from the former Lib Dem Administration and I am not able to change it until the current contract is renewed in 2018. Residents need to present their waste in accordance with this policy – that is in the correct container, in the right place and at the right time. Compliance with the policy helps both them and their neighbours and I would welcome your support in encouraging compliance

Councillor Bottwood  
**Cabinet member for Environment**



## **Question for Full Council Monday 7<sup>th</sup> March, 2016**

### **Question 5**

#### **Question to Cllr King from Cllr Russell**

There seems to be an epidemic in domestic violence in Northamptonshire. What steps are the Borough taking to create more awareness of what a healthy relationship is, to empower potential victims and to support child witnesses of abuse?

#### ***Response***

There is not an epidemic of domestic violence in Northampton and I consider such language to be unhelpful to this most serious of matters. There has been an increase in first time reports of domestic violence, which is viewed as a positive in that domestic violence can very often be a hidden crime that can go unreported for many years and that frequently escalates if not tackled. A strong indicator that our policies in terms of prevention and early intervention are being successful is the reduction that has occurred in second/subsequent reports of domestic violence. I would draw your attention to the recent O&S review of domestic violence which sets out very well what the council, the Police and other agencies are doing to ensure the town has in place a robust and extensive multi agency response to Domestic Violence that is making a real and positive difference.

Councillor King  
**Cabinet member for Community Safety**

## **Question for Full Council Monday 7<sup>th</sup> March, 2016**

### **Question 6**

#### **Question to Cllr Markham from Councillor Beardsworth**

Can the administration advise the Council what action is to be taken to address the decline in the number of registered voters following the publication of the 2016 register?

#### ***Response***

On the 24<sup>th</sup> of February 2016 the Office for National Statistics published a comparison of the numbers of registered electors on the Electoral Register as at 1<sup>st</sup> December 2015 compared with 1<sup>st</sup> December 2014.

This analysis shows that the total number of UK local government electors in 2015 had fallen 1.3% between those two dates. The number in Northampton has fallen by 1.4%.

The registers as at 1<sup>st</sup> December 2015 represent the first full registers following completion of the transition to Individual Electoral Registration (IER).

Since December, the Electoral Registration Officer (ERO) for Northampton (the Chief Executive) and his team has continued to canvass properties where it is believed that there may be electors who are not registered and will continue to promote registration through appropriate means within Electoral Commission guidance.

The register published by the ERO on the 1<sup>st</sup> March 2016 contains 151,007 electors, a rise of 1.8% since 1<sup>st</sup> December 2015, and the Register is also now in excess of that on the 1<sup>st</sup> December 2014. It is expected that this figure will continue to rise over the coming months particularly as the public focus on forthcoming polls.

Councillor Markham  
**Leader of the Council**

## Question for Full Council Monday 7<sup>th</sup> March, 2016

### Question 7

#### Question to Cllr Markham from Councillor Beardsworth

Given the ward boundaries were developed on numbers including significant numbers of university students, can the administration comment specifically on what it is doing to address the low level of registration in Polling district NN0L2 (the University on Boughton Green Road) where only 43 students are now registered?

#### **Response**

The Electoral Commission published a partial assessment of the December 2015 electoral registers in Great Britain last month. This is the first assessment since the full implementation of IER.

*The Commission states “as highlighted in previous reports, figures and anecdotal evidence from local authorities suggest that student areas have been particularly affected by the transition (to IER), partly due to lower levels of ‘matching’ (to automatically move entries to the new system) for students and partly because of specific new IER provisions, for example the removal of ERO’s ability to ‘block’ register students in halls of residence.”*

It is the latter of these factors that has particularly affected Polling District NN0L2. The ERO and his team are continuing to canvass, including in this District, and I am pleased to report that the number of electors registered in this district is now over 70. This is however still significantly below the number of electors before the completion of IER and further work is to be undertaken to encourage students to register at their place of study where they wish to do so.

It should be noted that students have the right to be registered both at their home and place of study, where relevant. Not all students will necessarily wish to be registered in both places once given the individual right to make that decision under IER.

Councillor Markham  
**Leader of the Council**

## **Question for Full Council Monday 7<sup>th</sup> March, 2016**

### **Question 8**

#### **Question to Cllr Bottwood from Cllr Meredith**

How often are the verges and wooded areas in the Eastern District supposed to be litter picked?

#### ***Response***

Our contract for these services is an outcome based contract and so work is undertaken based on need rather than at set frequencies. Our contractor is required to keep these areas clean and tidy at all times. If you are experiencing any problems please let me know immediately and I will investigate. If you would like me to visit the area with you to show me first hand any matters of concern to you, I would be happy to oblige.

Councillor Bottwood  
**Cabinet member for Environment**

## **Question for Full Council Monday 7<sup>th</sup> March, 2016**

### **Question 9**

#### **Question to Cllr Bottwood from Cllr Meredith**

What is the Council doing to ensure the contracts are managed and the litter picks are being undertaken as planned.

#### ***Response***

The council has a contract manager and an assistant who closely monitor the contract through a systematic process of audit, verification, complaint monitoring, performance management and regular site visits. Part of the role of the contract manager is to ensure that issues raised by councillors or their constituents are responded to. Please ensure matters of concern are reported immediately in order that they can be promptly addressed. If you are experiencing any problems in this regard, please let me know so that I can take necessary action.

Councillor Bottwood

**Cabinet member for Environment**

# Agenda Item 6



## Report of the Leader of the Council

### Northampton Borough Council

7<sup>th</sup> March, 2016

The period since the last Council meeting has been a very busy one, with a number of major steps forward.

#### **Budget and Corporate Plan**

The Cabinet and officers have worked hard together on ensuring that the Council's budget and plans, to be agreed at Budget Council on the 29th February, provide a balanced financial position and a strong base for the future whilst continuing our momentum towards building a better Northampton.

#### **Northampton Alive**

Investment in Northampton Alive and in developing and growing Northampton continues. On the 22nd February, work started on the public realm improvements to St Giles Street which will enhance the Great British High Street. The County Council's Angel Street Building is progressing well. The development of a new screen at the Errol Flynn Filmhouse has received a boost with £100,000 funding from the Arts Council. The new boutique hotel on Guildhall Road is well underway as are plans for the Museum and Art Gallery and for the Vulcan Works.

#### **Economic Success**

These and many other projects are driving Northampton forward. The Centre for Cities Outlook published a few weeks ago ranked Northampton as the highest performing town or city outside London for business start-ups, with the second highest employment rate, in the top ten for digital connectivity, the number of local businesses and population change. We are also in the top 25 towns and cities for (low) CO2 emissions, number of private sector jobs and jobs growth, and number of patents held locally.

Northampton is an increasing economic success story. Looking ahead at the new developments underway and projected, not least the new University campus, there are many reasons to be optimistic about the future.

#### **Private Sector Housing**

The Cabinet have adopted new policies for the regulation and enforcement of standards in the private rented sector. I was pleased that this policy had substantial cross-party support and support from the Landlords Forum. This represents a sea change in our approach to this important sector and will be further built upon through the creation of the Social Lettings Agency in the near future.

#### **County Council**

I am pleased to note that following representations from this Council and others the County Council amended its budget proposals to not cancel County Council support for the County Travellers Unit, and not to pursue a saving to NCC of £4m through combined authority arrangements. I remain committed to working closely with the

County Council and Borough and District Councils to seek ways to share costs in the future as outlined in the Corporate Plan.

### **Big Sleep Out**

Thank you to all councillors who supported me at the Big Sleep Out for the Hope Charity, and congratulations to those who took part themselves. I am pleased to say that my sponsors raised £1,389 which was more than I could possibly have hoped for.

### **St. Giles Street**

As mentioned above, work has started on the phased refurbishment of St Giles Street. Businesses are remaining open throughout the works and I am sure we all look forward to supporting them in doing so. On March 12th, a special St Giles Fair will be held at the Guildhall to promote these important businesses and celebrate this great high street, as well as other local businesses.

Councillor Mary Markham  
**Leader of the Council**



## **Cabinet Member Report for Finance**

### **Northampton Borough Council**

**Monday 7 March 2016**

#### **Finance**

The Council will consider its Budget 2016-17 and Medium Term Financial Plan (MTFP) 2016-21 at its meeting on 29th February 2016. The Council is in a good financial position at present with a balanced budget for 2016-17 and healthy reserves. However, as indicated in the MTFP there are significant financial challenges facing the council ahead, including bridging the funding gap in the General Fund which rises from around £3m in 2017-18 to over £7m in 2020-21 and the impact of a 1% rent reduction per annum within the Housing Revenue Account.

Recognising these challenges work has already commenced in managing our financial position. This includes seeking to raise our revenue streams through economic investment in the town, working with our partners and greater involvement with the community & voluntary sector. Progress will be reported to Cabinet later in the calendar year.

#### **Revenues and Benefits**

The service are currently preparing for the annual billing process in order to ensure that all of our Council Tax and Business Rates bills are issued in time for the start of the new financial year. In addition to any agreed increases in Council Tax from the Borough, County Council and Police Authority and this year the application of the additional 2% adult social care precept to the Council Tax Bill.

Aligned to the annual billing process the service are preparing to administer business rates collection from April 2016, as it transfers to the administration of LGSS. A project is well underway to manage the challenges of transferring the system to Northampton Borough Councils ownership, alongside recruiting and training staff to manage the service going forward. With the increased emphasis on the collection of business rates in the future, with 100% retention of the rates on the horizon, this is a very important stage for the Council and LGSS and as a result will be managed very carefully.

Performance remains good across the services key indicators and a service improvement plan has also been agreed, that focuses on increasing the current 82.94% to meeting the annual average target of 89.67% for responding to our customer, over the telephone. We do of course maintain a wide range of contact options for service users and demand for electronic communication continues to increase month on month.

**Councillor Mike Hallam**  
**Cabinet Member for Finance**





## **Cabinet Member Report for Environment**

**Northampton Borough Council**

**Monday 7 March 2016**

### **Environmental Health**

During February and early March more than 40 Clean for Queen events took place across Northampton. I have written to businesses on industrial estates and shops in parts of the town, encouraging them to participate in the event and reminding them of the importance of keeping their premises clean and tidy. We hope that, as well as making Northampton look clean and tidy, this initiative will help to encourage an ongoing sense of pride in the community and groups can be encouraged to make this a regular occurrence.

### **Environmental Services**

Enterprise are preparing for the mowing season and finishing off the winter maintenance. The exact dates for the start of the mowing are weather dependent.

### **Environmental Services (Direct Services)**

The corner of the Main Lake at Abington Park has been dredged to remove the dead leaves, silt and a couple of bikes.

On 29<sup>th</sup> December 2015, a man was fined £500 for criminal damage for setting a litterbin on fire in the town centre.

**Councillor Alan Bottwood**  
**Cabinet Member for Environment**



## Cabinet Member Report for Housing

### Northampton Borough Council

7<sup>th</sup> March 2016

#### **Working together to change people's behaviour**

In previous reports, I have described the way in which the Housing and Wellbeing Service has encouraged organisations to work together to deliver better, joined-up services that improve residents' life chances, protect vulnerable people and improve community wellbeing.

As well as encouraging a fresh and more innovative approach to tackling some of the borough's most complex and challenging housing problems, the Housing and Wellbeing Service is working proactively with other services and organisations to change people's behaviour.

This report includes some examples of the action that the Council is taking to change the behaviour of private landlords, managing agents and people who are sleeping rough.

#### **Developing a Multi Agency Rough Sleepers Strategy**

On 5<sup>th</sup> February, the Housing & Wellbeing Service and Community Safety Team hosted a half day Workshop to kick-start the development of Northampton's 3 year Rough Sleepers Strategy.

Attended by more than 50 participants – representing around thirty services and organisations, including charities, faith groups, health and social care professionals, housing projects, advice and support providers, the neighbourhood wardens, the anti-social behaviour unit and the Police – the Workshop considered the causes and extent of rough sleeping, the action being taken to prevent and reduce rough sleeping, and the services that are helping rough sleepers move off the streets.

Acknowledging that rough sleeping is dangerous and seriously detrimental to a person's physical and mental health – and that some of the people sleeping rough in Northampton are choosing to sleep rough as a lifestyle and have said they do not want to come off the streets – everyone agreed that the problem of rough sleeping can only be resolved if all services and organisations work more effectively with one another, deliver a consistent message and actively encourage rough sleepers to engage with housing and support providers and leave the streets.

Everyone agreed, also, that more emergency accommodation is needed in the town and that much more can be done to improve access to housing and help people to sustain their tenancies.

It is hoped that the new multi agency Rough Sleepers Strategy will be published in June 2016.

#### **Encouraging Private Landlords to Behave Responsibly**

On 10<sup>th</sup> February, the Cabinet approved a new Enforcement Policy and Fees & Charges Policy that will help the Council to improve standards in Northampton's private rented sector, bring problematic empty homes back into use and tackle criminal, rogue and irresponsible landlords.

One of the key aims of these new policies is to change the behaviour of owners, landlords and managing agents by ensuring that offenders bear the full cost of any enforcement action and that, if an HMO is not licensed on time, the licence will cost more and may not last very long.

The Council's new multi agency, intelligence-led approach to licensing and enforcement will identify and target the owners, landlords and managing agents whose selfish and irresponsible behaviour is ruining local neighbourhoods and putting tenants' health and wellbeing at risk. It is essential, of course, that those who flout the law do not benefit from their non-compliance.

I am delighted that so many of the measures proposed in the Government's Housing and Planning Bill – including the national database of rogue landlords and agents, the introduction of Banning Orders and a new power for local authorities to impose financial penalties of up to £30,000 for certain housing offences – will assist and support Northampton's fresh approach to this issue.

### **HMO Training for Councillors**

Although HMOs play a vital role in helping to meet Northampton's housing needs, it is essential that they are well managed, are maintained in a good state of repair and, where appropriate, they have the necessary licence and/or planning permission.

On 9<sup>th</sup> February, Officers from the Housing and Planning teams provided Councillors with training on the action that the Council can take to control the quality and density of HMOs in the borough, especially where HMOs are operating without planning permission in the Article 4 area.

From their feedback, it is clear that all of the Councillors who attended the training found it very useful and most of them said that it had given them a much better understanding of what the Council can and cannot attach as conditions to an HMO licence or planning consent. Everyone welcomed the action that the Council is taking to change the behaviour of landlords and agents.

### **Landlord Forum**

On 23<sup>rd</sup> February, the Council's Private Sector Housing Manager provided the Forum with a comprehensive overview of the new 'Right to Rent' legislation that requires landlords to carry out appropriate checks to ensure that their tenants have the right to be in the UK.

The Head of Housing and Wellbeing and Richard Dawson (Chair of the Northampton Student Landlords Network) described the Council's new Enforcement Policy and Fees & Charges Policy, the active role that landlords and agents played in shaping the new policies, and how the Council and the Northampton Student Landlords Network are planning to work with the University of Northampton's Students Union to improve and enforce standards in student housing.

### **CSE Training for Councillors**

On 25<sup>th</sup> February, Councillors were provided with a harrowing but informative insight into the nature and extent of Child Sexual Exploitation in Northamptonshire.

Assisted by the Manager of Northamptonshire's RISE (Reducing Incidents of Sexual Exploitation) Team and a representative of Rape Crisis, the training highlighted the impact of CSE on young people and the practical action that NBC (with its responsibility for housing, homelessness, licensing, neighbourhood wardens and community safety) can take, with other services and organisations, to tackle and prevent CSE in Northampton.

**Councillor Stephen Hibbert**  
**Cabinet Member for Housing**



## Cabinet Member Report for Regeneration, Enterprise and Planning

Northampton Borough Council

7<sup>th</sup> March, 2016

### PLANNING

#### Local Plan Cabinet Advisory Group

The establishment of a Cabinet Advisory Group (CAG) to advise and liaise with officers during the preparation of the Local Plan was approved by Cabinet on 9 September 2015. The Group has now been established two meetings have taken place. The Group is Chaired by the Cabinet Member for Regeneration and Enterprise and comprises Councillors Oldham, Nunn, Stone and McCutcheon. The Group will consider the main issues relating to the Local Plan throughout the plan preparation process, informed by officers and key evidence. The Group will inform and advise Cabinet in reaching any decisions in relation to preparing the Local Plan.

The first stage in the process will be the public consultation on the issues to be considered, and this will start in March.

#### Recent Applications

N/2016/0015 - Outline application (all matters reserved) for removal, levelling and remodelling of the earth mound and development of the site for B1 (business), B2 (general industrial) & B8 (storage & distribution) for Site 7C, Edgar Mobbs Way within the Enterprise Zone has been received. Further planning applications in relation to the details of the development will be submitted in due course.

N/2015/1239 – Change of use of highway for siting of tables and benches to serve the Royal and Deragate Theatre bar on Guildhall Road was approved at the end of January.

#### Spring Boroughs Neighbourhood Plan

The Neighbourhood Plan Referendum date has now been set and the Referendum will be held on Thursday 10 March 2016.

#### Northampton Northern Orbital Route

Northamptonshire County Council will be launching a consultation on options for the route of the Northampton Northern Orbital on 12 February 2016 and the consultation will run until 28 March 2016. The consultation will be on four possible route options. Further information about the scheme including environmental constraints plans and projected traffic flows used to inform the development of the four possible routes will be published by the County Council as part of the consultation.

#### Billing Brook

The Council is engaged in project group with partners to resolve Billing Brook water flow issues.

## **REGENERATION**

**Greyfriars** – 3 bidders have been taken into stage 2. The successful parties know they have moved into this stage with final bids being submitted by end of March 2016.

**Sixfields** – Work is continuing on surveying the land for development; predominantly surrounding the level of remediation required to bring forward development.

**St Giles St** – Work started on Phase 1, between Hazelwood Road and Castilian Street on 22nd February, and is scheduled to finish in April. The Business liaison group meets fortnightly to address any issues that come to light, and officers are in daily contact with affected businesses

**St James Mill Rd** – Agreement with NCC agreed for a potential start on site early next, year with completion the following year. This will be preceded by a planning application.

### **Business Incentive Scheme**

There has been significant interest in the block improvements on Gold St.

### **Empty Homes Programme**

The HCA has approved a grant of £220,000 for a scheme on Spencer Parade which will create 12 units

### **Upton Country Park**

A Masterplan refresh for phase 2 has been commissioned with Halcrow.

### **Delapre Abbey**

External works to parkland for Statutory Undertakers are currently ongoing (new electrical main & gas connections).

Steelwork progressing to new kitchen space.

Re-fitted pipework in Billiard Room now restored and placed below glass viewing panel

Work has started on the internal decorations and conservator works to the southern range rooms.

## **CAR PARKS**

Work has started on the installation of the new surface car park pay machines and it will be complete by the end of the month. The new machines will improve customer service and in certain key car parks offer credit / debit card payment option.

The lift refurbishment works in the Grosvenor car park are continuing and should be complete by April.

The free parking Saturdays & two hour free has attracted over 1 million vehicles so far this calendar year and continues to grow year on year.

Councillor Tim Hadland

**Cabinet Member for Regeneration, Enterprise and Planning**



## Cabinet Member Report for Community Engagement

Northampton Borough Council

Monday 7 March 2016

### **Councillor Community Fund**

Since 1st April 2015, a total of 139 applications have been received totalling £67,163. This totals 50% of the overall allocation for the year (2015/16). The unspent funding will be carried over, into the new financial year.

### **Partnership Support**

The 6 monthly monitoring reports are currently being collated for the grants that were issued this year (2015/16). The grant process for 2016/17 is now open and will close at the beginning of March. A showcase event was held on 25<sup>th</sup> January, giving the organisations we currently fund, the opportunity to showcase what they have achieved throughout the year.

### **Community Centres**

A Community Centre Forum has been established. This will give the opportunity for the 12 community centre organisations to come together on a monthly basis, to share best practice, services and resources. The Our Place programme continues to drive actions centred around the community centres and at neighbourhood level.

### **Events**

The council's event programme for 2016 including supporting partner events includes Bands in the Park, Music365, Carnival, Race for Life, Diwali, Fireworks, Christmas and more. There will be the usual Civic events including highlights such as Armed Forces Day and Remembrance Day and more.

### **Culture & Heritage**

Two exhibitions opened at Northampton Museum & Art Gallery - 'How Does Your Garden Grow? – the Art of the Garden' includes art from the collections and depicts wild gardens of Portugal to the formal gardens of Britain's stately homes and 'Give it Some Welly' tells the history of the Wellington Boot'. An Object in Focus talk in March by the Shoe Resources Officer explored the Wellington Boot in more detail. Picture sales from the recent Northampton Town & County Exhibition generated a net commission of £746.

Four Over 60s talks in February and March were fully booked. February half term workshops for children were held at Northampton Museum & Art Gallery.

The family of the successful artist, Roberta Booth have donated "Earthworks 2", one of Roberta's most significant and critically acclaimed pieces of work which will enhance the Northampton Museum & Art Gallery collection of British Art. The Museum has also accepted a donation of an artwork by Chris Fiddes, a renowned local artist entitled 'Winter Traffickers Off Lampadusa'.

An oil painting entitled 'Bolton Abbey' by Inchbold has gone on loan to Liverpool Museums and Galleries for a high profile pre-Raphaelite exhibition.

The museum is in discussion with the Delapre Abbey Preservation Trust to loan items from the archaeological collections for the new displays at Delapre Abbey.

During February, Abington Park Museum saw a corporate hire event by Frights Nights, a local paranormal organisation and Northampton Museum & Art Gallery hired out the meeting room to Dementia Friends.

Following interviews in December, Wates Construction have been selected as the main contractor for the museum development. Initial planning meetings are underway and the draft programme in development.

### **Customer Services**

Customer Services Partnership working continues to grow in strength offering essential services under one roof. We welcomed the co-location of Community Law Service's Information and Access Point into the One Stop Shop. Community Law Service's specialist advisors can offer free and independent advice on welfare benefits, debt, housing and immigration.

**Councillor Brandon Eldred**  
**Cabinet Member for Community Engagement**



## Cabinet Member Report for Community Safety

Northampton Borough Council

Monday 7 March 2016

### Community Safety

Overall crime has increased by 4.8% (+830 crimes) since April 2015. Serious Acquisitive Crime is showing a reduction of 1.8% (-47 crimes). The primary performance issue remains theft of motor vehicles, which has risen by 28.1% (+78 crimes). Reductions have been seen in all other acquisitive crime types with robbery reducing by 7.6% (-23 crimes), domestic burglary by 7.3% (-71 crimes) and theft from motor vehicles by 3.1% (-31 crimes). Violence against the person has increased by 23.8% (+1110 crimes). Anti-Social Behaviour continues to show a good reduction, decreasing by 13.0% (-1713 incidents) since April 2015 with personal Anti-Social Behaviour incidents reducing by 11.6% (-526 incidents), nuisance by 10.2% (-706 incidents) and environmental by 26.0% (-481 incidents).

Consultation for the Public Spaces Protection Orders concluded on 27<sup>th</sup> December. There was a low response, but the majority of those that did were in support of the proposals. Work has now commenced on the draft 'Order' and it is anticipated that following approval of Full Council, it will be in place by June 2016.

The first Restorative Justice conference for NBC has been completed. This saw excellent engagement from all parties involved and has resulted in positive outcomes. Further cases are now being identified and will be progressed.

Analytical work is nearing completion on the priority locations for 2016/17 for Community Safety Partnership 'Weeks of Action'. Final decision on locations will be made by the CSP at their March board meeting.

The CSP is working with Northants Police to support 'Inspired Youth' event taking place on the Market Square on 23<sup>rd</sup> June 2016. This will see a range of partner agencies coming together to provide activities, support and advice for young people.

### Community Forums

World Aids Day, 1<sup>st</sup> December 2015, civic ceremony held in the Courtyard to mark the day.

International Day for People with Disabilities, 3<sup>rd</sup> December 2015 held in the One Stop Shop, led by the Disabled Peoples Forum to raise awareness of the services that are available to people with disabilities. More than 16 services/organisations were involved in the day.

Holocaust Memorial Day, 27<sup>th</sup> January 2016, civic ceremony held at midday, followed by a programme of activities, including readings, performance and dance to mark the day, held in the Great Hall. Approx. 120 people attended the evening event.

international women's day plans have been finalised and 4 winners have been shortlisted for the inspirational woman award.

Cllr's attended a child sexual exploitation training session last week which had been very informative.

**Councillor Anna King**  
**Cabinet Member for Community Safety**



**Appendices:**  
**A - Responses.**  
**B- Table of Changes**  
**C- Draft Policy**



**NORTHAMPTON**  
**BOROUGH COUNCIL**

**COUNCIL**  
**7 March 2016**

**Agenda Status:** Public

**Directorate:** Customers and Communities

<b>Report Title</b>	<b>STATEMENT OF GAMBLING PRINCIPLES 2016 - 2019</b>
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**1. Purpose**

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1.1 The purpose of this report is to seek adoption of the attached Statement of Gambling Principles following the three yearly review required by the Gambling Act 2005

**2. Recommendations**

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2.1 That the Policy attached to this report be approved for publication as the Council's Statement of Gambling Principles Policy under Section 349 of the Gambling Act 2005 for the three year period commencing 7th<sup>st</sup> March 2016

**3. Issues and Choices**

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**3.1 Report Background**

3.1 The Gambling Act 2005 passed the responsibility for the licensing of premises used for gambling to local authorities

3.2 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of principles they propose to apply in exercising their functions under the Act, and in particular the following three licensing objectives:

- Keeping gambling crime free
- Making sure that gambling is fair and open
- Protecting children and vulnerable adults

- 3.3 The statutory period for review is three years. The last statement was approved by the Council on 25th February 2013 and came into effect on 1<sup>st</sup> March 2013. A new statement must be prepared and published with a view to it coming into effect on as soon as practicable after 1 March
- 3.4 A review of the Policy Statement has now taken place and a Table of Changes is attached as Appendix B
- 3.5 The Act requires the following persons to be consulted regarding the review of the Policy Statement:
- The Chief Officer of Police
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling business in the authority's area
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005
- 3.6 Consultation was undertaken between 21st September 2015 and 4<sup>th</sup> November 2015. Four responses were received and they are attached at Appendix A
- 3.5 In Northamptonshire the statement is prepared jointly by all local authorities in the county and was reviewed in accordance with guidance from the Local Government Association and members of the national licensing policy forum
- 3.6 The draft Policy Statement with consultation responses was considered by the Licensing Committee on 2<sup>nd</sup> February 2016 and recommended for approval to full Council with the request that an additional statement is included relating to Child Sexual Exploitation. This has been included at 1.3. (Attached at Appendix C is the statement as considered by the Licensing Committee.)
- 3.7 The completed Policy Statement will need to be published as soon as practicable after 1 March 2016

#### **4. Implications (including financial implications)**

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##### **4.1 Policy**

- 4.1.1 This policy replaces the existing Statement of Licensing Policy adopted in February 2013

##### **4.2 Resources and Risk**

- 4.2.1 If the Licensing Policy is not adopted as soon as practicable after 1 March 2016 the Authority will be in breach of its duty under Section 349 Gambling Act 2003

### **4.3 Legal**

The Council need to be mindful that the three Licensing Objectives are upheld and promoted within the Statement of Gambling Principles. There are no new Enforcement Issues to take into account. The principles within the Statement of Gambling Principles must be approved by Council as soon as practicable after 1 March 2016

Section 349 Gambling Act 2005 expressly states that a licensing authority shall before each successive period of three years:

(a) prepare a statement of the principles that they propose to apply in exercising their functions under Gambling Act during that period, and

(b) publish the statement

The purpose of this report and accompanying policy is commensurate with the obligations under statute

### **4.3 Equality**

4.3.1 As this does not affect policy there is no duty to undertake an Equality Impact Assessment. However, by definition the purpose of the statement is to assist the licensing authority to exercise its function so as to meet the licensing objectives. A key objective is to protect children and vulnerable adults

### **5. Other Implications**

None.

### **6. Background Papers**

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6.1. Gambling Commission Guidance 2015

6.2. The Gambling Act 2005 (Gaming Machines In Adult Gaming Centres And Bingo Premises) Order 2011 - Guidance for Operators and Licensing Authorities – Letter from DCMS

**Report Author**     **Bill Edwards**  
**Senior Licensing Officer**  
**8986**

## Appendix A Summary of responses received

Respondent Details	Comments made	Response
<p>Coral Racing Limited One Stratford Place Montfichet Road London E20 1EJ</p>	<p>Consultation on Central Licensing Admin Unit Statement of Principles – Gambling Act 2005 – on behalf of:-</p> <ul style="list-style-type: none"> <li>• Corby Borough Council</li> <li>• Kettering Borough Council</li> <li>• Daventry District Council</li> <li>• Northampton Borough Council</li> <li>• East Northamptonshire Council</li> <li>• Borough Council of Wellingborough</li> </ul> <p>Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.</p> <p>Coral Racing Limited are supportive of the document. It again notes that the Board when considering applications are still required to ‘aim to permit gambling’ where this is ‘reasonably consistent with the licensing objectives’, additionally noting that it should not take into account of any moral objections to gambling.</p> <p>Coral Racing Limited recognise the requirement to supply risk assessments with future applications &amp; variations following the consultation completion</p>	<p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>(requirement is from 6th April 2016) and whilst this detail is not currently included within the Statement, we would be pleased to contribute to a consultation when it is.</p> <p>Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. A number of Council's have created long lists of locations which by inclusion are required to be risk assessed &amp; strict templates to be completed. Coral are of the opinion that as there is no evidence that the proximity of such locations causes harm to the licensing objectives, it is best left to the operators to provide their own risk assessments. Naturally, if these do not meet the level desired by the Council, we would adjust to suit.</p> <p>If we can provide any further information, we would be pleased to do so.</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comment noted.</p>
<p>Gosschalks Solicitors Queens Gardens Hull HU1 3 DZ (Note: Two slightly differently worded responses were received from the above (28 October 2015 and 05 November 2015) - the 28 October 2015 submission is quoted)</p>	<p>We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.</p> <p>The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.</p> <p>This response will explain the ABB approach to partnership working with local authorities, it will detail its</p>	<p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.</p> <p>The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.</p> <p>The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.</p> <p>It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.</p> <p>Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.</p> <p>As far as problem gambling is concerned, successive</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>



Respondent Details	Comments made	Response
	<p>In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.</p> <p>In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.</p> <p>The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.</p> <p>Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.</p> <p>Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth &amp; Regulation, said:  "The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."</p> <p>Describing the project, Glasgow's City Treasurer and</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>



Respondent Details	Comments made	Response
	<p>Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:            “This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.”</p> <p><b>Primary Authority Partnerships in place between the ABB and local authorities</b></p> <p>All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.</p> <p>These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.</p> <p>For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.</p> <p>By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.</p> <p><b>Local area risk assessments</b></p> <p>With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>risks posed to the licensing objectives and how these would be mitigated.</p> <p>Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.</p> <p>The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.</p> <p>Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.</p> <p>The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.</p> <p><b>Local Area Profiles – Need for an evidence based approach</b></p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.</p> <p>This would distort the “aim to permit” principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.</p> <p>A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.</p> <p>We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.</p> <p><b>Concerns around increases in the regulatory burden on operators</b></p> <p>Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>planning use class changes which require all new betting shops in England to apply for planning permission.</p> <p>Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.</p> <p>Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.</p> <p><b>Employing additional licence conditions</b></p> <p>The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.</p> <p>This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.</p> <p><b>Specific Policy Comments</b></p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>In Part B Under the 'General Principles' heading at paragraph 1.1, there is a statement that 'licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate'. The statement of policy should be clear throughout that conditions in addition to the mandatory and default conditions will only be imposed where there is evidence of a risk to the licencing objectives in the circumstances of a particular case.</p> <p>Paragraph 1.3 of the draft statement of principles indicates that moral objections and unmet demand are not criteria for a licencing authority when considering an application for a premises licence. It is respectfully submitted that this paragraph be expanded to state that issues of nuisance and the likelihood of the grant of planning permission or building regulation approval are not issues that can be taken into account when considering an application for a premises licence.</p> <p>Paragraph 1.4 refers to the concept of primary gambling activity and indicates, in the final sentence, "Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licences." The statement of principles introduces in Paragraph 1.5 indicators of primary gambling activity as outlined by the Gambling</p>	<p>The Gambling Commission Guidance to Licensing Authorities (5<sup>th</sup> edition - September 2015) guides licensing authorities on the use of conditions. Paragraph 1.2 of Part B of the draft Policy Statement makes it explicit that relevant decisions will be taken in accordance with, <i>inter alia</i>, that guidance document. As such, no alterations are considered necessary.</p> <p>The wording of Paragraph 1.3 of Part B of the draft Policy Statement reflects Paragraph 5.34 of the Gambling Commission Guidance to Licensing Authorities (5<sup>th</sup> edition - September 2015). As such, no alterations are considered necessary.</p>

Respondent Details	Comments made	Response
	<p>Commission in its October 2013 Advice Note but ignores, however, subsequent case law. The case of <i>Luxury Leisure v The Gambling Commission</i> – May 2014 held that condition 16 (primary gambling activity) does not require a contest between over the counter betting and the use of machines. There must be sufficient facilities for betting (as described in paragraph 1.5) if gaming machines are to be utilised. The requirement, however, is simply that these facilities are available. The actual use of those facilities is not an issue. For that reason, the final sentence of paragraph 1.4 should be removed from the statement of principles as this appears to require evidence of actual use.</p> <p>Paragraph 1.16 deals with location. The final two sentences of this paragraph cause the ABB significant concern. Any policy that a specific area is an area where gambling premises should not be located may be unlawful. This paragraph appears to implement a cumulative impact type policy as exists within the licencing regime under Licencing Act 2003. Such a policy is contrary to the overriding principles of ‘aim to permit’ contained within s153 of the Gambling Act 2005. Similarly, the reversal of the burden of proof in the final sentence that requires the applicant to demonstrate why an application should be granted is contrary to that principle. These two sentences should be removed and replaced with a simple statement that each case will be determined on its own merits.</p>	<p>Having taken advice from the Gambling Commission, they have since confirmed that they intend to consult on this issue shortly and that it is currently covered in their <i>Guidance to Licensing Authorities</i> (5<sup>th</sup> edition - September 2015). As such, it is proposed that Paragraphs 1.4 and 1.5 of Part B of the draft Policy Statement are removed and Officers will duly monitor the aforementioned consultation.</p> <p>Having taken advice from the Gambling Commission, they suggested that the two sentences in question could be removed and replaced with a sentence stating that the</p>

Respondent Details	Comments made	Response
	<p>Paragraph 1.21 explains the first licencing objective – preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. This paragraph indicates that the licensing authority is aware of the distinction between nuisance and disorder but we suggest that it should be expanded to make it clear that issues of nuisance are not relevant considerations and that the Gambling Commission has defined disorder as intending to mean activity that is more serious and disruptive than mere nuisance.</p> <p>Paragraphs 1.25 to 1.32 outline the policy relating to conditions. The statement of principles would be assisted by an indication that the starting point for consideration of any application is that it will be granted subject only to the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licencing objectives. The draft statement of principles should make it clear that additional conditions will only be imposed where there is clear evidence of a risk to the licencing objectives that requires that the mandatory and default conditions be supplemented and not simply where there is ‘perceived need’ or where there are ‘concerns’.</p> <p>Paragraph 6 of Part B would benefit from a clear</p>	<p>Licensing Authority has the option of adding conditions to a premises licence to address any such concerns. If is proposed that this is actioned as suggested by the Gambling Commission.</p> <p>The Gambling Commission Guidance to Licensing Authorities (5<sup>th</sup> edition - September 2015) includes guidance on this issue. As such, no alterations are considered necessary.</p> <p>No alterations are considered necessary due to the existing clarity of the wording of paragraphs 1.25 to 1.32 of Part B of the draft Policy Statement and the guidance included in the Gambling Commission Guidance to Licensing Authorities (5<sup>th</sup> edition - September 2015).</p>

Respondent Details	Comments made	Response
	<p>distinction between betting machines and gaming machines in order that applicants, potential representors and the licensing committee may be aware that whilst the number of betting machines may be limited by condition, there is no power to impose conditions relating to the number of gaming machines. A betting premises licence authorises the holder to make use of up to 4 machines of categories B,C, or D as long as sufficient facilities for over the counter betting are provided.</p> <p><b>Conclusion</b></p> <p>The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.</p> <p>ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.</p> <p>Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across</p>	<p>No alterations are considered necessary due to the existing clarity of the wording of paragraph 6 of Part B of the draft Policy Statement and the guidance included in the Gambling Commission Guidance to Licensing Authorities (5<sup>th</sup> edition - September 2015).</p> <p>Comments noted.</p> <p>Comments noted.</p>



Respondent Details	Comments made	Response
	<p>the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.</p>	<p>Comments noted.</p>
<p>The Farming Community Network Manor Farm West Haddon Northants NN6 7AQ</p>	<p>Thank you for providing the opportunity to contribute to the process of consultation. The Farming Community Network is registered under the Small Society Lotteries of the Act.</p> <p>As you appreciate, we use lotteries for the sole purpose of raising funds to enable us to continue with our charitable aims and not for any commercial purpose. Like many small charities, we rely on the efforts of volunteers and a small number of part-time employees and, as a consequence, we hope to spend as little time as possible on the necessary administration tasks which are required. The initial process of registration ran quickly and smoothly and the demands placed on us by the Act are fair and not unduly onerous. Ideally, we would like this to continue.</p> <p>It will be of considerable benefit to charities and to other associations if the procedural requirements and the demands of regulations are kept to a minimum; ideally, no more than at present.</p> <p>I hope these comments may be of use within the scope of the consultation.</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>This consultation is highly unlikely to lead to the change of any existing small society lottery administrative procedures. Of course, the Licensing Authority does not have the gift to alter Regulations.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
Oundle Town Council	Further to your letter dated 22.09.2015 (copy attached), I can confirm that Oundle Town Council has reviewed the document and has no comment to submit.	Comments noted.

## Appendix B

### Gambling Act 2005 Statement of Licensing Policy

#### Table of Proposed Changes to the existing 2013 Policy

##### *Pre consultation*

Page/Section	Proposed Amendment
Cover Page	Remove County logos as the Policy must be specific to the relevant Licensing Authority
Page 2	Insert revision table
Part A: Section 2.1	Delete as the Policy must be specific to the relevant Licensing Authority
Part A: Sections 4.2, 5.3, 7.3, 7.4  Part B: Sections 1.7, 1.10 (x2), 1.11, 1.16, 1.19, 1.20, 1.28, 1.36, 5.1, 5.2, 5.3, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10  Part C: Sections 1.2, 4.3, 4.5, 4.6, 5.4	Delete specific reference to paragraph numbers and quotes in the Gambling Commission's Guidance to Licensing Authorities (The Guidance) NB. the Guidance is currently subject to review
Part A: Section 7.5	Include ' <i>...the Primary Authority, if applicable...</i> ' and delete ' <i>Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.</i> ' i.e. the latter statement may conflict with Primary Authority Assured Advice
Part A: Section 7.7	Replace ' <i>Better Regulation Executive</i> ' with ' <i>Department for Business Innovation &amp; Skills</i> '
Part B: Section 1.3	Wording amended to reflect the Guidance that is currently subject to review
Part B: Section 4.1	Blank to insert casino resolution
Part D: Annex 1	Delete as the Policy must be specific to the relevant Licensing Authority
Part D: Annex 4	Delete as incorporated into Part B: Section 4.1

##### *Post consultation*

Page/Section	Proposed Amendment
Part B: Paragraphs 1.4 and 1.5  <i>Namely:</i>  1.4 This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premises	Delete both paragraphs.  The consultation process threw doubt on these paragraphs being lawful. Having taken advice from the Gambling Commission, they confirmed that they intend to consult on this issue (i.e. Primary Gambling Activity) shortly and that it is currently covered in their recently revised Guidance to Licensing Authorities (5 <sup>th</sup> edition - September 2015) which will facilitate robust decision making by the Council. As such, it is proposed that Paragraphs 1.4 and 1.5 of Part B of the draft Policy Statement are removed and Officers will duly monitor the aforementioned consultation.

<p>when seeking variations to licenses.</p> <p>1.5 In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity:</p> <ul style="list-style-type: none"> <li>• the offer of established core products (including live event pictures and bet range)</li> <li>• the provision of information on products and events</li> <li>• the promotion of gambling opportunities and products</li> <li>• the actual use made of betting facilities</li> <li>• the size of premises</li> <li>• the delivery of betting facilities</li> </ul>	
<p><b>Part B: Paragraph 1.16</b></p> <p><i>Namely:</i></p> <p>(iv) Location</p> <p>1.16 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.</p>	<p>Delete the last two sentences of Paragraph 1.16 of Part B of the draft Policy Statement</p> <p>The consultation process threw doubt on the last two sentences of this paragraph being lawful. Having taken advice from the Gambling Commission, they suggested that the two sentences in question could be removed and replaced with a sentence stating that the Licensing Authority has the option of adding conditions to a premises licence to address any such concerns. It is proposed that this is actioned as suggested by the Gambling Commission.</p> <p><i>NB. This can be seen as Paragraph 14 in the revised draft Policy Statement due to re-numbering of the paragraphs following the above paragraph deletions.</i></p>

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**Northampton Borough  
Council  
Gambling Act 2005  
Policy Statement 2016-2019**

This Statement of Principles was adopted by Northampton Borough Council at its Council meeting on [Insert date]

**Revisions**

<b>Version</b>	<b>Date</b>	<b>Author</b>
Dv01	13 July 2015	EC Draft
Dv02	20 August 2015	EC/RH Draft
Dv03	3 September 2015	EC
Dv04	16 November 2015	EC

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## PART A

### 1. The Licensing Objectives

- 1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The 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
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices 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 the authority’s statement of licensing policy

### 2. Introduction

- 2.1 Licensing authorities are required by the Gambling Act 2005 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 be then re-published.
- 2.2 The Council consulted widely upon this statement before finalising and publishing it. A list of Northamptonshire local authorities and their partners is provided in Annex 1. A list of the persons/organisations that we consulted is provided in Annex 2.
- 2.3 The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area; and
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.
- 2.4 Our consultation took place between 21<sup>st</sup> September to 4<sup>th</sup> November 2015 and we followed the HM Government Code of Practice on Consultation (published July 2008), which is available at [www.bis.gov.uk/files/file47158.pdf](http://www.bis.gov.uk/files/file47158.pdf)
- The full list of comments made and consideration given is available by request from the relevant contacts detailed in Annex 1.
- 2.5 The policy was approved at a meeting of the Full Council on 25<sup>th</sup> February 2016 and was subsequently published on our website.
- 2.6 Should you have any comments about this policy statement, please send them by email to the relevant



contacts specified in Annex 1.

- 2.7 It should be noted that this statement of licensing principles 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 Gambling Act 2005.

### **3. Declaration**

- 3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

### **4. Responsible Authorities**

- 4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the 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.
- 4.2 This authority designates the Northamptonshire Safeguarding Children Board for this purpose.
- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website, please see Annex 1.

### **5. Interested Parties**

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 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 applications 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)"

- 5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are as follows.
- 5.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 5.4 Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the

councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) '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.

- 5.5 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the relevant licensing team as specified in Annex 1.

## 6. Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

## 7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
  - **Consistent:** rules and standards must be joined up and implemented fairly;
  - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
  - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 7.3 This licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on:
- the licensing objectives
  - relevant codes of practice
  - guidance issued by the Gambling Commission
  - the principles set out in this statement of principles.

- 7.5 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission, the Primary Authority (if applicable) and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.
- 7.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- 7.7 This licensing authority also keeps itself informed of developments as regards the work of the Department for Business Innovation & Skills in its consideration of the regulatory functions of local authorities.
- 7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing team (see Annex 1 for relevant contact details).

## 8. Licensing authority functions

- 8.1 Licensing authorities are required under the Act to:
- 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 via 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 regarding details of licences issued (see section above on 'information exchange')
  - maintain registers of the permits and licences that are issued under these functions
- 8.2 It should be noted that licensing authorities are not be involved in licensing remote gambling as this is regulated by the Gambling Commission via operating licences.

## **PART B: PREMISES LICENCES: CONSIDERATION OF APPLICATIONS**

### **1. General Principles**

1.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

#### (i) Decision-making

1.2 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:

- 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 the authority's statement of licensing policy.

1.3 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" (with the exception of the casino resolution powers).

#### (ii) Definition of "premises"

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

1.5 This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity names on the premises licence.

1.6 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include whether:

- the premises have a separate registration for business rates;
- the premises' neighbouring premises are owned by the same person or someone else?
- the premises can be accessed from the street or a public passageway?
- the premises can only be accessed from any other gambling premises?

1.7 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

#### **Casinos**

- The principal access entrance to the premises must be from a street;
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

#### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

#### **Betting Shops**

- Access must be from a street or from another premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

#### **Tracks**

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre

#### **Bingo Premises**

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

#### **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

1.8 The Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises "ready for gambling"

1.9 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

1.10 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

1.11 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:

- first, whether the premises ought to be permitted to be used for gambling;
- second, whether 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.

1.12 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

1.13 More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

(iv) Location

1.14 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. This authority has the option of adding conditions to a premises licence to address any such concerns.

(v) Planning:

1.15 This authority will not take into account irrelevant matters as per the Gambling Commission guidance.

(vi) Duplication with other regulatory regimes

1.16 This licensing authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

1.17 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

1.18 Licensing Objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

1.19 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

1.20 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities 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. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section of this document.

1.21 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

1.22 This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

1.23 Conditions

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.

1.24 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to a way in which the licensing objectives can be met effectively.

1.25 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

1.26 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

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

These considerations will apply to premises including buildings where multiple premises licences are applicable.

1.27 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.28 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

1.29 Door Supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

1.30 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

## **2. Adult Gaming Centres**

2.1 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 authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

2.2 This licensing authority may consider measures to meet the licensing objectives such as:



- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **3. (Licensed) Family Entertainment Centres**

3.1 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 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.

3.2 This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-exclusion 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 example measures.

3.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

### **4. Casinos**

4.1 Four Casino Premises Licences have been issued by Northampton Borough Council for casinos in Northampton; Two for separate areas at Gala Casino, Regent Street, and one each at Aspers Casino, Commercial Street and Beacon Casino, Weedon Road

4.1.2 The options available to local authorities in relation to Casino's are:

#### **4.2 No Casino Resolution**

4.2.1 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to

pass such a resolution, it will update this policy statement with details of that resolution.

#### 4.3 **Casinos and competitive bidding**

4.3.1 This Licensing Authority is aware that where a Licensing Authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with any regulations issued under the Gambling Act 2005 by the Secretary of State..

#### 5. **Bingo premises**

5.1 This licensing authority will satisfy itself that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

5.2 This authority also notes the Guidance regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted.

#### 6. **Betting premises**

6.1 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, 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 the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

#### 7. **Tracks**

7.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

7.2 This authority will therefore 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 will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

7.3 This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes

- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 7.4 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 7.5 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

### **Applications and plans**

- 7.6 The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.
- 7.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 7.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 7.9 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 7.10 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan.

### **8. Travelling fairs**

- 8.1 This licensing authority is responsible for deciding whether, 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 is met.
- 8.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it 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 work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the

statutory limits are not exceeded.

## 9. Provisional statements

- 9.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 9.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
  - expects to be altered; or
  - expects to acquire a right to occupy.
- 9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 9.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
  - they reflect a change in the applicant's circumstances.
- 9.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
  - which in the authority's opinion reflect a change in the operator's circumstances; or
  - where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## 10. Reviews

- 10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- 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 the authority's statement of principles.

- 10.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 10.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 10.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 10.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 10.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are to:
- (a) add, remove or amend a licence condition imposed by the licensing authority;
  - (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
  - (c) suspend the premises licence for a period not exceeding three months; and
  - (d) revoke the premises licence.
- 10.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 10.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 10.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
  - the applicant for review (if any)
  - the Commission
  - any person who made representations
  - the chief officer of police or chief constable; and
  - Her Majesty's Commissioners for Revenue and Customs

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## PART C: PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

### 1. Unlicensed family entertainment centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles This licensing authority will expect the applicant to show that there are 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 efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, 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. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

### 2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

#### Automatic entitlement: 2 machines

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed fee.
- 2.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:
  - provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
  - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
  - the premises are mainly used for gaming; or
  - an offence under the Gambling Act has been committed on the premises.

#### Permit: 3 or more machines

- 2.3 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

- 2.4 This licensing authority considers that “such matters” will be decided 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 authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 2.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **3. Prize gaming permits**

- 3.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 3.2 This Licensing Authority has not prepared a statement of principles. Should it decide to do so it will include details in a revised version of the policy statement.
- 3.3 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
  - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
  - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
  - participation in the gaming must not entitle the player to take part in any other gambling.

### **4. Club gaming and Club Machines Permits**

- 4.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. The permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

- 4.2 Members clubs and miners' welfare institutes – and also commercial clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB commercial clubs may not site category B3A gaming machines offering lottery games in their club.
- 4.3 The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.
- 4.4 Licensing authorities may only refuse an application on the grounds that:
- (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 persons;
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) a permit held by the applicant has been cancelled in the previous ten years; or
  - (e) an objection has been lodged by the Commission or the police.
- 4.5 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.
- 4.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## 5. Temporary use notices

- 5.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 5.2 The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 5.4 There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 5.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.



## 6. Occasional use notices (OUNs)

- 6.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though, consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

## 7. Small society lotteries

- 7.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:
- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
  - submission of incomplete or incorrect returns;
  - breaches of the limits for small society lotteries.
- 7.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:
- by, or on behalf of, a charity or for charitable purposes
  - to enable participation in, or support of, sporting, athletic or cultural activities.
- 7.3 Charities and community groups should contact the relevant licensing authority using the contact details in Annex 1.

## PART D: ANNEXES

### Annex 1

#### Northampton Borough

Northampton is a distinctive market town strategically situated at the centre of England, spread over an area of 80.51 sq. km.

Northampton has a population of 219,500 , making it one of the largest towns and the largest district in the country. By 2025 the population of Northampton is projected to increase to 243,300 and by 2035, to 260,300

Deprivation is lower than the national average with 1 in 5 residents living in the twenty percent most deprived areas nationally (ranking 127 out of 326 local authorities) and although historically the area suffered as shoe manufacturing closed, now it has become a warehousing/distribution hub because of its excellent road and rail links.

Northampton has a larger proportion of the working age population compared to Great Britain. Around 80% of residents in age groups 16 to 74 are classified as being economically active with around 3% are claiming JSA.

In Northampton, the proportion of the population aged 65+ reached nearly 14.5%. In contrast, the population of under 16s is just over 20%. It is projected that by 2025 there will be an additional 16,000 people aged 65 and over, including an extra 1,700 aged over 90. By 2035 it is projected that those aged 65 and over will account for 23% of the total population.

Northampton is the most ethnically diverse district in the county. Ethnic minorities make up 15.5 per cent of the population. Nearly 5,000 people living in Northampton said that their main language was not English and they could not speak English well or at all. Polish is the most common language after English. All major faiths co-exist in Northampton.

A successful vibrant town centre economy is an essential part of prompting growth and prosperity. The council's focus is on regenerating the town and raising its national profile. Northampton is one of the UK's most enterprising places and operating costs are low in relation to other parts of the country. The town is also making the UK's fastest economic recovery.

The Council recognises it cannot achieve this alone. It is actively working with others to keep the town clean, safe, attract new investment, visitors and jobs, whilst enhancing the town's heritage and cultural opportunities.

Having access to a wide variety of cultural, leisure and sport activities and events is also a key part of having a vibrant and successful town. We will also work with partners to improve access to cultural opportunities such as our museums, cultural events programme and through our support to the local theatres.

The challenge for the Council is to ensure that growth takes place in the right place and at the right time to bring vibrancy to the town centre, whilst protecting and enhancing the aspects that mean a lot to our citizens like our jobs, the choices we have in terms of shopping and leisure and our history and heritage.

**Annex 2: List of Local Authorities and other Partners**

**Corby Borough Council**

Deene House  
New Post Office Square  
Corby  
NN17 1GD  
TEL: 01536 464242

[www.corby.gov.uk](http://www.corby.gov.uk)

**Daventry District Council**

Council Offices  
Lodge Road  
Daventry  
NN11 4FP  
TEL: 01327 871100

Email: [licensing@daventrydc.gov.uk](mailto:licensing@daventrydc.gov.uk)  
[www.daventrydc.gov.uk](http://www.daventrydc.gov.uk)

**East Northamptonshire Council**

East Northamptonshire House  
Cedar Drive  
Thrapston  
NN14 4LZ  
TEL: 01832 742050

[www.east-northamptonshire.gov.uk](http://www.east-northamptonshire.gov.uk)

**Kettering Borough Council**

Council Offices  
Bowling Green Road  
Kettering  
NN15 7QX  
TEL: 01536 410333  
FAX: 01536 410759

[www.kettering.gov.uk](http://www.kettering.gov.uk)

**Northampton Borough Council**

The Guildhall  
St Giles Square  
Northampton  
NN1 1DE  
TEL: 01604 838000  
FAX: 01604 838723

[www.northampton.gov.uk](http://www.northampton.gov.uk)

**South Northamptonshire Council**

The Forum  
Moat Lane  
Towcester  
NN12 6AD  
TEL: 01327 322278

[www.southnorthants.gov.uk](http://www.southnorthants.gov.uk)

**Borough Council of Wellingborough**

Swanspool House  
Doddington Road  
Wellingborough  
NN8 1BP  
TEL: 01933 231966

Email: [licensing@wellingborough.gov.uk](mailto:licensing@wellingborough.gov.uk)  
[www.wellingborough.gov.uk](http://www.wellingborough.gov.uk)

**Northamptonshire Safeguarding**

John Dryden House  
8-10 The Lakes  
Northampton NN4 7YD  
TEL: 01604 364036

[www.northamptonshirescb.org.uk](http://www.northamptonshirescb.org.uk)

**H M Revenue & Customs**

St James House  
Mansfield Road  
Derby  
DE1 3TU

[www.hmrc.gov.uk](http://www.hmrc.gov.uk)

**Northamptonshire Fire & Rescue Service**

The Inspection Team Manager  
Bolton House  
Wootton Hall Park  
Northampton NN4 9BN  
TEL: 01604 797000

**Northamptonshire Police Northamptonshire West Area**

Western Area Commander  
Campbell Square  
The Mounts  
Northampton NN1 3EL  
TEL: 08453 700 700

**Northamptonshire Police Northamptonshire North Area**

Northern Area Commander  
Corby Police Station  
Elizabeth Street  
Corby NN7 1SH  
TEL: 08453 700 700

**Annex 3: List of Consultees on the Statement of Principles**

Chief Constable of Northamptonshire Police Wootton Hall Northampton NN4 0JQ	British Beer and Pub Association Market Towers 1 Nine Elms Lane London SW8 5NQ	Daventry and South Northants PCT Nene House Drayton Way Drayton Fields Industrial Estate Daventry NN11 8EA
The Chief Fire Officer Fire Service Headquarters Moulton Way Northampton NN3 6XJ	Bingo Association Lexham House 75 High Street North Dunstable Bedfordshire LU6 1JF	Northampton PCT Highfield Cliftonville Road Northampton NN1 5DN
Trading Standards Service Wootton Hall Park Northampton NN4 0GB	Casino Operators Association P O Box 55 Thorncombe Chard Somerset TA20 4YT	Northamptonshire Heartlands PCT Bevan House Kettering Parkway Kettering Venture Park Kettering NN15 6XR
Her Majesty's Revenue & Customs Boundary House Cheadle Point Cheadle Cheshire SK8 2JZ	Internet Gambling Gaming and Betting Association Regency House 1-4 Warwick Street London W1B 5LT	East Northants Faith Group Rushden Full Gospel Church & Christian Centre 60 High Street South Rushden NN10 0QY
Responsibility in Gambling Trust First Floor Downstream Building 1 London Bridge London SE1 9BG	GamCare 2& 3 Baden Place Crosby Row London SE1 1YW	Northampton Youth Ministry Office Ker Anna Centre Aylesbury Road Princes Risborough Buckinghamshire HP27 0JN
British Casino Association 38 Grosvenor Gardens London SW1W 0EB	The Gordon House Association 114 Wellington Road Dudley West Midlands DY1 1UB	Archdeaconry of Northampton Westbrook 11 The Drive Northampton NN1 4RZ
BACTA King's Cross House 211 King's Cross Road London WC1X 9DN	Gamblers Anonymous P O Box 88 London SW10 0EU	Methodist Church Nene Valley Circuit Office Park Road Methodist Church Rushden NN10 0RW
Association of British Bookmakers Regency House 1-4 Warwick Street London W1B 5LT	Mencap 123 Golden Lane London EC1Y 0RT	Multi Faith Group Victoria Centre Palk Road Wellingborough
The Northamptonshire Millenium Volunteer Project University College Northampton Nene Centre for Children and Youth Room MY93 Avenue Campus St. George's Avenue Northampton NN2 6JG	Northampton Citizens Advice Centre 72a St Giles Street Northampton NN1 1JW	Turner Coulston 29 Billing Road Northampton NN1 5DQ

Northampton Borough Council

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Whizz-Kidz Elliott House 10-12 Allington Street London SW1E 5EH	Oundle Citizens Advice Centre Fletton House Glaphorn Road Oundle PE8 4JA	Vincent Sykes & Higham Montague House Chamcery Lane Thrapston
NSPCC Weston House 42 Curtain Road London EC2A 3NH	Rushden Citizens Advice Centre Bakehouse Office 46 Duck Street Rushden NN10 9SD	Wilson Browne Commercial Law Kettering Parkway Kettering Venture Park Kettering NN15 6WN
NCH Eastern 1 Carisbrooke Court Buckingway Business Park Swavesey Cambridge CB4 5UG	Wellingborough Citizens Advice Centre 2b High Street Wellingborough NN8 4HR	Park Woodfine Solicitors 16 High Street Rushden NN10 0PR
Brackley Citizens Advice Centre 2 Bridge Street Brackley NN13	Borneo Hughes Martell 9 Notre Dame Mews Northampton NN1 2BG	Poppleston Allen (Nottingham) 37 Stoney Street The Lace Market Nottingham NG1 1LS
Corby Citizens Advice Centre Civic Centre Annex George Street Corby NN17 1QG	EMW Law Eleanor House Queens Office Park Northampton NN4 7JJ	R J Osborne & Co 59 Midland Road Wellingborough NN8 1HF
Daventry Citizens Advice Centre The Abbey Centre Abbey Street Daventry NN11 4BH	Frank Jones & Harley 87 St.Giles Street Northampton NN1 1UD	Alan Thompson 41 Winston Cliose Nether Heyford Northampton NN7 3JX
Kettering Citizens Advice Centre The Oasis Centre 10 Market Street Kettering NN16 0AH	Hardman & Co Solicitors 3 Albion Place Northampton NN1 1UD	John Birch 47 Staverton Road Daventry NN11 4EY
Market Harborough Citizens Advice Centre 11 St. Mary's Road Markey Harborough LE16 7DS	MJK Law Plum Park Estate Paulerspury Towcester NN12 6LQ	licenza 2 <sup>nd</sup> Floor 119b Midland Road Bedford MK40 1DE
National Casino Industry Forum (NCiF) Carlyle House 235 – 237 Vauxhall Bridge Road London, SW1V 1EJ		
All Parish Councils in Northamptonshire	All Town Councils in Northamptonshire	All gambling premises in Northamptonshire



<p><b>Appendices:</b> 0</p>
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**COUNCIL**  
**7<sup>th</sup> March 2016**

**Agenda Status: Public**

**Directorate: Borough Secretary**

<b>Report Title</b>	<b>Changes to Committee Places</b>
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**1. Purpose**

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1.1 Council is asked to note changes to the Deputy Leader of the Labour Group and agree to a change in Committee Places.

**2. Recommendations**

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2.1 That Council notes the announcement that Councillor Birch is to be the Deputy Leader of the Labour Group.

2.2 That Councillor Birch replaces Councillor G Eales on the Appointments and Appeals Committee

**3. Issues and Choices**

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**3.1 Report Background**

3.1.1 At the Annual Council meeting on the 21<sup>st</sup> May 2015 it was announced that Councillor G Eales was the Deputy Leader of the Labour Group.

3.1.2 The Labour Group wish to makes changes to this appointment and would like Council to note the announcement that Councillor Birch is to be the Deputy Leader of the Labour Group.

3.1.3 The Labour Group also requests the agreement to change membership of the Appointment and Appeals Committee as per recommendation 2.2.

3.1.4 Appointments to all other Committees remain unchanged.

3.1.5 Because it is a like for like swap, proportionality will not be affected.

#### **4. Implications (including financial implications)**

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##### **4.1 Policy**

4.1.1 None

##### **4.2 Resources and Risk**

4.2.1 None

##### **4.3 Legal**

4.3.1 There are no direct legal implications

##### **4.4 Equality**

4.4.1 There are no direct equality implications

##### **4.5 Other Implications**

4.5.1 None

#### **5. Background Papers**

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5.1 None

**Francis Fernandes**  
**Borough Secretary and Monitoring Officer**  
**03000 330 700**



Appendices: 1



# COUNCIL

7<sup>th</sup> March 2016

Agenda Status: Public

Directorate: Borough Secretary and Monitoring Officer

<b>Report Title</b>	<b>Northampton Borough Council's Pay Policy Statement 2016/17</b>
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## 1. Purpose

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1.1 The Localism Act 2011 requires every local authority to publish a Pay Policy Statement annually. This report details the information which must be included in this statement and provides a Pay Policy Statement for approval for the year 2016/17.

## 2. Recommendations

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2.1 It is recommended that Council approve the Pay Policy Statement for the financial year 2016/17 attached at Appendix 1.

## 3. Issues and Choices

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### 3.1 Report Background

3.1 The Localism Act 2011 introduced a requirement for every local authority, to prepare and publish an annual Pay Policy Statement; which clearly sets out the authority's own policies on how much it pays its staff, particularly its senior staff (or 'Chief Officers') and its lowest-paid employees.

3.2 This requirement was introduced to:

- a) increase the accountability, transparency and fairness of setting local pay;
- b) give local people access to information to allow them to determine whether pay is appropriate; and

- c) ensure that the pay of senior staff is fair in the context of the pay of the rest of the workforce.
- 3.3 Specifically, the Localism Act 2011 requires the Pay Policy Statement to include the Council's policies for the financial year in relation to:
- a) The remuneration of Chief Officers (including salary, bonuses, charges, fees, allowances, benefits in kind)
  - b) The remuneration of the Council's lowest-paid employees
  - c) The relationship between the remuneration of Chief Officers and other employees who are not Chief Officers
  - d) Remuneration for newly appointed Chief Officers
  - e) Increases and additions to remuneration for each Chief Officer
  - f) The use of performance related pay for Chief Officers
  - g) The use of bonuses (if applicable) for Chief Officers
  - h) The approach to the payment of Chief Officers on their ceasing to hold office under or be employed by the authority
  - i) The publication of and access to information relating to the remuneration of Chief Officers.
- 3.4 The Council is required to have regard to any guidance issued or approved by the Secretary of State when preparing and approving its Pay Policy Statement. The Department for Communities and Local Government (DCLG) issued a guidance document under the Localism Act 2011 in February 2012 entitled "*Openness and accountability in local pay*". DCLG also issued supplementary Guidance in February 2013.
- 3.5 Pay Policy Statements must be prepared for each financial year. A Pay Policy Statement for the financial year 2016 - 2017 must be approved before the 31<sup>st</sup> March 2016 by Full Council. It should be noted that pay data referred to in the Pay Policy Statement will be updated in the course of the financial year 2016 – 17 as it becomes available and in accordance with the requirements of the Local Government Transparency Code 2015.
- 3.6 Once approved, the Pay Policy Statement must be published in such a manner as the Council thinks fit, which must include publication on the Council's website.

#### **4. Implications (including financial implications)**

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##### **4.1 Policy**

There have been no changes to existing pay policies. Members are asked to note that the pay structure will be updated when the outcomes of current local pay negotiations are known and Committee approval has been given..

##### **4.2 Resources and Risk**

The Pay Policy Statement must be prepared for the financial year 2016/17 and each subsequent financial year. Once in place it will provide the public with a clear rationale to explain the Council's approach to pay.

### **4.3 Legal**

The main legal implications are set out in the body of the report. The requirements of the Localism Act 2011 to produce and publish the Pay Policy Statement supplement all the existing duties and responsibilities of the Council as an employer, particularly its responsibilities under the Equality Act 2010 to avoid discrimination and provide equal pay. Since the Pay Policy Statement contains policies concerned with remuneration rather than information relating to particular individuals, the provisions of the Data Protection Act are not engaged and there are therefore not any grounds upon which to exclude the public when Members are considering the Pay Policy Statement.

### **4.4 Other Implications**

The Pay Policy Statement will assist the Council to monitor remuneration across the service and provide a fair system of remuneration, which avoids discrimination.

### **4.5 Equality**

No direct impact on the equality context as this a statement of existing policy.

## **5. Background Papers**

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**Francis Fernandes**  
**Borough Secretary and Monitoring Officer**

**Northampton Borough Council**

**Pay Policy Statement 2016/17**

**1.0 Introduction**

- 1.1 Northampton Borough Council recognises that, in the context of managing scarce public resources, remuneration at all levels needs to be adequate to secure and retain high quality employees dedicated to service of the public, but at the same time needs to avoid being unnecessarily generous or excessive.
- 1.2 It is important that local authorities are able to determine their own pay structures in order to address local priorities, compete in the local market and deliver value for money for local taxpayers.
- 1.3 In particular, it is recognised that senior management roles in local government are complex and diverse functions in a highly politicised environment where often national and local pressures conflict. The Council's ability to continue to attract and retain high calibre managers capable of delivering this complex agenda, particularly during times of financial challenge, is crucial if the Council is to retain its current high performance levels.
- 1.4 The Council is committed to ensuring that it is open and transparent about its pay policies and how pay decisions are made. This Pay Policy Statement fulfils the Council's statutory requirements under the Localism Act 2011 and was agreed by full Council on ( ).
- 1.5 The Council publishes information on all senior employees earning £50,000 or above. This information can be viewed in the open data pages of the Council's website.

**2.0 Scope**

- 2.1 This Pay Policy Statement applies to all employees covered by NBC local pay bargaining arrangements, which were introduced on 1 April 2015.

It sets out the Council's policies on:

- the remuneration of its Chief Officers;
- the remuneration of its lowest paid employees;
- the relationship between remuneration of Chief Officers and other officers; and other specific aspects of Chief Officer remuneration.

2.2 Remuneration in this context is defined widely and includes not just salary, but other elements of remuneration including expenses, bonuses, performance related pay and other contractual arrangements that include possible future severance payments.

2.3 For the purposes of the Pay Policy Statement, the term Chief Officer refers to the Chief Executive (Head of Paid Service), the Council's Monitoring Officer, Directors and Heads of Service.

### **3.0 Basic Pay Determination**

3.1 The pay grade and terms and conditions that are applied to each post are determined through the process of job evaluation. Both Hay and National Joint Council (NJC) schemes are used. The key principles underlying the application of job evaluation in the Borough Council are:

- Consistency of application to ensure fairness;
- Application by appropriately trained and experienced employees;
- Openness and transparency to ensure accessibility for employees and their representatives;
- Incorporation of the principle of equal pay for work of equal value.

3.2 The pay grade of posts on Hay terms and conditions, (notably the Monitoring Officer Directors and Heads of Service posts) will be in accordance with Senior Manager/Corporate Director pay grades on the locally agreed pay structures, which were established on 1 April 2015.

3.3 The pay grade of the rest of the workforce (all staff other than Chief Officers) will be in accordance with pay grades 1-11 on locally agreed pay structures, also established on 1 April 2015.

3.4 Starting salary for all appointments (new recruits, employees who transfer within the organisation and employees promoted) is the first point of the new grade. In exceptional circumstances (which must be demonstrated by a business case), starting salary above the minimum will be approved. This occurs in cases where it is necessary to meet an existing salary and the candidate can demonstrate a level of skill and experience that is comparable to existing employees who have progressed through the grade.

### **4.0 Chief Officer Pay (Senior Management Team)**

#### **4.1 Pay Scale**

Any increase to the senior pay group pay scale is locally negotiated on an annual basis. This covers posts in the top three tiers of the Council; that is, the Chief Executive, Monitoring Officer, Directors and Heads of Service.

#### **4.2 Additional elements of remuneration**

There are no other additional elements of remuneration in respect of overtime, flexi-leave, bank holiday working, standby payments for Chief Officers. Any duties



undertaken by Chief Officers outside of their contractual hours are without additional payment.

4.3 Bonuses are not paid to Chief Officers.

## 5.0 Decisions on Remuneration

### 5.1 Appointments and Appeals Committee

The Appointments and Appeals Committee comprises six members of the Council (of whom at least two are Cabinet members). In relation to appointments, the Appointment and Appeals Committee has the delegated authority to:

- (i) Recommend to the Council the appointment of the Chief Executive.
- (ii) To make appointments of other Chief Officers.
- (iii) To undertake all associated activities including agreeing job descriptions, person specifications, the interview process generally.

### 5.2 Decisions on remuneration are made as follows:

- a) Chief Executive Officer local pay level approved by Full Council;
- b) Director, Monitoring Officer and Head of Service local pay level approved by Appointments and Appeals Committee;
- c) Pay structure for all other posts approved by General Purposes Committee;
- d) Performance Progression Scheme in accordance with the locally agreed scheme, as approved by officers under existing delegated powers;
- e) Notwithstanding “a” to ‘d’ above, any salary packages of £100,000 or more requires Full Council approval. (A salary package includes salary, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind to which the officer would be entitled as a result of their employment); and
- f) Notwithstanding “a” to “d” above or any other aspect of this Statement, any severance packages of £100,000 or more require Full Council approval. The components of a severance package may include salary paid in lieu, redundancy compensation, pension entitlements (excluding the capital value of any pension entitlement), holiday pay and any bonuses, fees or allowances paid).

### 5.3 Pay Award

Since 1 April 2015, cost of living increases in relation to all employees are determined locally, as the Council chose to withdraw from National Pay negotiation arrangements. The General Purposes Committee ratifies the level of increase, if any, to be applied to the published pay rates, by reference to the Council's performance against measurable targets and overall affordability. The pay rates will be updated as soon as negotiations are complete and Committee approval has been given each year.

### 5.4 Individual Salary Level – progression through the development points (Directors, Monitoring Officer, Heads of Service and all other staff below Head of Service level).



There is no automatic progression through the development points. Personal development in role may be recognised by the award of discretionary consolidated pay movements each year, in accordance with the locally agreed step values, through the grades. Awards may be considered only on completion of Personal Development Plan milestones and where contribution and competence have been suitably evidenced and assessed via the performance management scheme (appraisal).

#### 5.5 Additional Fees

Returning Officer duties – The role of Returning Officer is a statutory role which incurs personal responsibility and accountability which is separate from the Returning Officer's normal employment contract. The Returning Officer is paid a separate allowance for each election for which he/she is responsible. A scale of fees was agreed by the Council's Resources Committee for Borough and Parish Council elections in 1997, which increases in line with the Consumer Price Index (CPI). Separate Payments are made for Parliamentary, European, Police and Crime Commissioners Elections and national referenda are funded by central Government.

#### 5.6 Market Premium Payments

It is not the Council's normal policy to pay market supplements to Chief Officers. A Market Supplement Policy exists which relates to the rest of the workforce.

### 6.0 **Pay Equity and the Pay Multiple**

- 6.1 A pay multiple is the ratio of the pay of an organisation's top earner to that of the mean/median earner.
- 6.2 The Council's current ratio in this respect is 1:5.5 i.e. the Chief Executive (top earner) earns 5 times more than the Council's **median** earner (£25,141). When measured against the **mean** salary (£26,954), the ratio is 1:5.13. These are the current figures which will be recalculated as soon as possible after 1 April and published within the stipulated timeframe on the Council's data pages.
- 6.3 The Council does not currently have a policy of maintaining or reaching a specific pay multiple target. The Council commits to calculating the pay ratio on an annual basis to monitor trends and to ensure that this pay multiple does not widen.
- 6.4 The Council monitors the relationship between the remuneration of its Chief Officers and the remuneration of its lowest paid employees. The Council defines its 'lowest' paid employees as employees paid on the first spinal column point (scp 6) of the pay spine. This is the lowest rate of pay applied to Council employees, currently £16,375 per annum. This figure may change once the local pay negotiations are complete. The Council has applied the Living Wage Foundation Living Wage, which means that the lowest paid employee is on the equivalent of £16,375 a year for the full time role. The Council has separate rates for Apprentices that are linked to the Living Wage.

### 7.0 **Termination of Employment and Severance Packages**

- 7.1 On ceasing to be employed by the Council, employees will be paid contractual payments due under their contract of employment.
- 7.2 The Council's Redundancy Framework details the conditions under which redundancy payments can be made. The Council calculates redundancy payments based on an individual's actual pay, length of continuous service and age.
- 7.3 Severance payments are made in accordance with the Council's Redundancy Framework and relevant employment legislation.
- 7.4 Employees with more than two years service will be entitled to redundancy pay in line with local government guidelines and statutory provisions. Redundant employees will receive two elements of their final pay:
- Normal pay (including pay in lieu of any outstanding leave) up to the agreed leaving date;
  - A redundancy payment (where entitled) calculated in accordance with the statutory provisions.

In exceptional circumstances, the Council reserves the right to make a payment in lieu of notice. This will only be considered if it is in the best interests of the Council, or on compassionate grounds, and will require authorisation by the Chief Executive or in his absence, the section 151 Officer.

Under the Council's redundancy scheme a week's pay will be calculated on the basis of actual contractual pay.

- 7.5 Employees in the pension scheme and who are over age 55 are entitled to immediate onset of pension benefits based on actual reckonable service if they:
- are over 55 at the termination date;
  - have three or more months membership in the Local Government Pension Scheme (LGPS) or with transferred service.
- 7.6 An employee will lose their entitlement to redundancy pay if they take up a post with another body covered by the Redundancy Payments (Local Government) (Modification) (Amendment) Orders within four weeks of the date of the redundancy and the offer of the new job has been made before the end of the original contract.
- 7.7 Re-Engagement of former employees

Any former NBC Council employee, who is in receipt of an early retirement pension on the grounds of voluntary or compulsory redundancy, should not normally be immediately re-employed by the Council either on the basis of a contract of employment or a contract for services with the Council. If there is any doubt about the continuing need for an employee's services then early retirement should not be agreed.





However, it is recognised that there are some, very limited, circumstances when re-employment would be in the interests of the Council. In these cases a report should be submitted to the Chief Executive or his or her nominated senior management representative seeking approval to re-employ for a specified limited period.

Where an employee has been made redundant and receives a severance payment (and therefore without a pension) there should be no re-employment until the expiry of the period for which the number of weeks' severance payment has been given, e.g. if the employee has received a severance payment equal to 16 weeks pay, the earliest re-employment could be considered would be 16 weeks after the date of termination. Approval to re-employ must be agreed by the Chief Executive.

### **8.0 Discretionary Payments**

The policy for the award of any discretionary payments is the same for all staff regardless of their pay level. The following arrangements apply:

Redundancy payments are calculated using actual pay instead of the statutory maximum when calculating redundancy payments.

Any discretionary payments arising through the termination of the employment contract will be made using delegated powers and will be based on a full written, legal risk assessment and legal advice.

### **9.0 Review**

This Pay Policy Statement will be reviewed annually and recommended to Full Council for approval. The statement for 2017/18 will be submitted to Full Council for approval by 31 March 2017.

The Council may by resolution of the Full Council, amend this Pay Policy Statement during the course of the year to which it relates.

Appendices: 0



**COUNCIL**  
**7<sup>th</sup> March 2016**

**Agenda Status: Public**

**Directorate: Borough Secretary**

<b>Report Title</b>	<b>Exemption from call-in and urgent executive decisions.</b>
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**1. Purpose**

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- 1.1 To report to Council on the use of the special urgency procedure and the power contained in the Constitution to exempt an executive decision from call-in where the decision being taken is urgent.

**2. Recommendations**

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- 2.1 Council is recommended to note the content of this report.

**3. Issues and Choices**

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**3.1 Report Background**

- 3.1.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require that a Key Decision is publicised for 28 clear days in advance of it being made.
- 3.1.2 Where the publication of the intention to make a Key Decision in this way is impracticable, that decision may only be made where the proper officer has informed the Chair of the Overview and Scrutiny Committee of the matter about which the decision is to be made. The Key Decision may then only be made after 5 clear days have elapsed following the publication of the notice given to the Chair of Overview and Scrutiny. This is called the general exception process.
- 3.1.3 Where the date by which a Key Decision must be made, makes compliance with the general exception process impracticable, the decision may only be made where the decision maker has obtained agreement from the Chair of the Overview and Scrutiny Committee that the making of the decision is urgent and cannot reasonably be deferred. Where the Chair of Overview

and Scrutiny is unable to act, agreement may be obtained from the Mayor. This is called the special urgency procedure. Use of the special urgency procedure is required to be reported to Full Council.

- 3.1.4 When a decision is made by the Cabinet, that decision is subject to call-in for scrutiny. A decision may be implemented after the call-in period has expired, unless the Overview and Scrutiny Committee exercises the right to call-in within that period.
- 3.1.5 Paragraph 15.10 of the Overview and Scrutiny Procedure Rules in the Constitution sets out that the call-in procedure shall **not** apply where the decision being taken is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. It is necessary for the Mayor to agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
- 3.1.6 The Overview and Scrutiny Procedure Rules require that decisions taken as a matter of urgency must be reported to the next available meeting of the Council.
- 3.1.7 Council is therefore asked to note that Cabinet made an executive decision on 24<sup>th</sup> November 2015 pursuant to the special urgency provisions, which was exempted from call-in due to its urgency. Details of the decision are set out below.

## **3.2 Decision details**

- 3.2.1 Cabinet made a Key Decision on 24<sup>th</sup> November 2015 pursuant to the special urgency procedure. In the circumstances, the Mayor's consent was obtained (as the Chair of the Overview and Scrutiny Committee was unable to act). The decision was treated as a matter of urgency and was not therefore subject to call-in as the Mayor agreed that the decision was reasonable in all the circumstances and to it being treated as a matter of urgency.
- 3.2.2 A summary of the decision of Cabinet is set out below:
  - a) receipt of an update on progress towards resolving the position with loans made to Northampton Town Football Club (NTFC) by the Council; and
  - b) agreement of a proposed way forward to ensure a sustainable football club in Northampton including the delegation of power to officers to take appropriate actions.
- 3.2.3 The reason for the urgency was that:

The administration petition hearing relating to NTFC was scheduled to take place on the 27<sup>th</sup> November 2015, the winding up petition relating to NTFC had been adjourned to take place on the 30<sup>th</sup> November 2015 and the negotiations between the Borough Council and various parties in relation to the £10.25 million of loan monies owed by NTFC to the

Borough Council had only just reached a point at which a formal decision from Cabinet was required. As the two petition hearings were scheduled to take place imminently, the need for the decision to be made about the way forward, and implemented, was urgent. The decision was therefore taken at a special meeting of Cabinet and was not subject to call-in.

3.2.4 Part of the Cabinet meeting on 24<sup>th</sup> November 2015 was held in private due to the likelihood of disclosure to the public of exempt information as defined in section 100I of the Local Government Act 1972. Part of the Cabinet decision was exempt from publication by virtue of paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

#### **4. Implications (including financial implications)**

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##### **4.1 Policy**

4.1.1 None.

##### **4.2 Resources and Risk**

4.2.1 None.

##### **4.3 Legal**

4.3.1 Contained within the body of the report.

##### **4.4 Equality**

4.4.1 There are no direct equality and diversity implications arising from this report.

##### **4.5 Other Implications**

4.5.1 None.

#### **5. Background Papers**

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5.1 None

**Francis Fernandes**  
**Borough Secretary & Monitoring Officer**  
**0300 330 7000**

<p><b>Appendices:</b> 1</p>
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**NORTHAMPTON**  
BOROUGH COUNCIL

**COUNCIL**  
**7<sup>th</sup> March 2016**

**Agenda Status:** Public

**Directorate:** Chief Executive

<b>Report Title</b>	<b>Meeting Cycle 2016/17</b>
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**1. Purpose**

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1.1 To seek the approval of Council to the Meeting Cycle for 2016/17.

**2. Recommendations**

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2.1 That the Meeting Cycle for 2016/17 be approved.

**3. Issues and Choices**

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It is necessary for the Council to agree a Calendar of meeting to enable the business of the Council to be programmed appropriately.

The draft Calendar of meetings is attached at appendix 1 and follows an established practice and reflects comments made in consultation with Councillors, Directors and Heads of Service so that:

- There are no main Committee meetings on the Tuesday evening following Council; and
- The commencement time of meetings remain as for the existing cycle.

**4. Implications (including financial implications)**

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**4.1 Policy**

4.1.1 The report continues existing policy.

## **4.2 Resources and Risk**

There are no particular implications arising from the Meetings Cycle.

## **4.3 Legal**

4.3.1 None

## **4.4 Equality**

None

## **4.5 Other Implications**

4.5.1 None

## **5. Background Papers**

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5.1 None

Emma Powley  
Democratic Services  
0300 330 7000

## Northampton Borough Council- Committee Timetable: June 2016 – Dec 2016

TITLE OF MEETING	TIME	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
<b>Cabinet</b>	6pm Jeffery Room	8 <sup>th</sup>	13 <sup>th</sup>		7 <sup>th</sup>	19 <sup>th</sup>	16 <sup>th</sup>	7 <sup>th</sup> & 14 <sup>th</sup>
<b>Council</b>	6.30pm Council Chamber	6 <sup>th</sup>	18 <sup>th</sup>		19 <sup>th</sup>		7 <sup>th</sup>	12 <sup>th</sup>
<b>Standards Committee</b>	5pm Jeffery Room	20 <sup>th</sup>			12 <sup>th</sup>			19 <sup>th</sup>
<b>Audit Committee</b>	6pm Jeffery Room	27 <sup>th</sup>	25 <sup>th</sup>		5 <sup>th</sup>		14 <sup>th</sup>	
<b>Overview &amp; Scrutiny Committee</b>	6pm Jeffery Room	13 <sup>th</sup>			26 <sup>th</sup>		28 <sup>th</sup>	
<b>Planning Committee</b>	6pm Jeffery Room	14 <sup>th</sup>	5 <sup>th</sup> & 26 <sup>th</sup>		6 <sup>th</sup> & 27 <sup>th</sup>	25 <sup>th</sup>	22 <sup>nd</sup>	20 <sup>th</sup>
<b>Licensing Committee</b>	6pm Jeffery Room	21 <sup>st</sup>	12 <sup>th</sup>		13 <sup>th</sup>	18 <sup>th</sup>		6 <sup>th</sup>
<b>General Purposes Committee</b>	6pm Jeffery Room	28 <sup>th</sup>	5 <sup>th</sup>		29 <sup>th</sup>		15 <sup>th</sup>	
<b>Scrutiny Panel 1</b>	6pm Jeffery Room		7 <sup>th</sup>		8 <sup>th</sup>		10 <sup>th</sup>	
<b>Scrutiny Panel 2</b>	6pm Jeffery Room		14 <sup>th</sup>		15 <sup>th</sup>		17 <sup>th</sup>	
<b>Scrutiny Panel 3</b>	6pm Jeffery Room		21 <sup>st</sup>		22 <sup>nd</sup>		24 <sup>th</sup>	
<b>Northampton Disabled Peoples Forum</b>	10.30am Holding Room		15 <sup>th</sup>		16 <sup>th</sup>		25 <sup>th</sup>	
<b>Northampton LGBT &amp; Q Forum</b>	6.30pm Holding Room		19 <sup>th</sup>		20 <sup>th</sup>		8 <sup>th</sup>	
<b>Northampton Pensioners Forum</b>	2pm Jeffery Room	9 <sup>th</sup>	21 <sup>st</sup>		22 <sup>nd</sup>		10 <sup>th</sup>	
<b>Northampton Diverse Communities Equalities Forum</b>	6.30pm Holding Room		14 <sup>th</sup>		15 <sup>th</sup>		17 <sup>th</sup>	

- **O and S Reporting and Monitoring working group – 5.15pm 10<sup>th</sup> October 2016**

Please note that this is for guidance purposes only. The website needs to be checked regularly as meetings may be changed.

Meeting locations are not guaranteed and may need to be moved.

## Northampton Borough Council- Committee Timetable: Jan 2017 – July 2017

TITLE OF MEETING	TIME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	
<b>Cabinet</b>	6pm Jeffery Room	11 <sup>th</sup>	8 <sup>th</sup> & 15 <sup>th</sup>	15 <sup>th</sup>	12 <sup>th</sup>	10 <sup>th</sup>	7 <sup>th</sup>	12 <sup>th</sup>	
<b>Council</b>	6.30pm Council Chamber	23 <sup>rd</sup>	27 <sup>th</sup>	13 <sup>th</sup>	24 <sup>th</sup>	18 <sup>th</sup>	5 <sup>th</sup>	10 <sup>th</sup>	
<b>Standards Committee</b>	5pm Jeffery Room			20 <sup>th</sup>			19 <sup>th</sup>		
<b>Audit Committee</b>	6pm Jeffery Room	16 <sup>th</sup>		6 <sup>th</sup>		15 <sup>th</sup>		24 <sup>th</sup>	
<b>Overview &amp; Scrutiny Committee</b>	6pm Jeffery Room	30 <sup>th</sup>				8 <sup>th</sup>	26 <sup>th</sup>		
<b>Planning Committee</b>	6pm Jeffery Room	17 <sup>th</sup>	14 <sup>th</sup>	14 <sup>th</sup>	11 <sup>th</sup>	9 <sup>th</sup>	8 <sup>th</sup>	4 <sup>th</sup> & 25 <sup>th</sup>	
<b>Licensing Committee</b>	6pm Jeffery Room		7 <sup>th</sup>		25 <sup>th</sup>		20 <sup>th</sup>	11 <sup>th</sup>	
<b>General Purposes Committee</b>	6pm Jeffery Room	9 <sup>th</sup>		28 <sup>th</sup>		16 <sup>th</sup>		18 <sup>th</sup>	
<b>Scrutiny Panel 1</b>	6pm Jeffery Room	5 <sup>th</sup>		16 <sup>th</sup>					
<b>Scrutiny Panel 2</b>	6pm Jeffery Room	19 <sup>th</sup>		23 <sup>rd</sup>					
<b>Scrutiny Panel 3</b>	6pm Jeffery Room	26 <sup>th</sup>		30 <sup>th</sup>					
<b>Northampton Disabled Peoples Forum</b>	10.30am Holding Room	20 <sup>th</sup>		17 <sup>th</sup>		12 <sup>th</sup>		14 <sup>th</sup>	
<b>Northampton LGBT &amp; Q Forum</b>	6.30pm Holding Room	24 <sup>th</sup>		14 <sup>th</sup>		9 <sup>th</sup>		18 <sup>th</sup>	
<b>Northampton Pensioners Forum</b>	2pm Jeffery Room	26 <sup>th</sup>		23 <sup>rd</sup>			8 <sup>th</sup>		
<b>Northampton Diverse Communities Equalities Forum</b>	6.30pm Holding Room	19 <sup>th</sup>		30 <sup>th</sup>		1 <sup>st</sup>			

- O and S Work Programming event = 8<sup>th</sup> April 2017 (6pm-8pm)
- O and S Reporting and Monitoring working group – 5.15pm 12<sup>th</sup> January 2017

Please note that this is for guidance purposes only. The website needs to be checked regularly as meetings may be changed.

Meeting locations are not guaranteed and may need to be moved.



<p><b>Appendices</b></p> <p><b>NONE</b></p>
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**NORTHAMPTON**  
**BOROUGH COUNCIL**

**COUNCIL**  
**7<sup>th</sup> March 2016**

**Agenda Status: Public**

**Directorate: Chief Executive**

<b>Report Title</b>	<b>LOCAL GOVERNMENT SIMPLIFICATION</b>
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**1. Purpose**

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1.1 The purpose of this report is to seek Council support to the simplification of local government structures in Northamptonshire including a unitary council for Northampton.

**2. Recommendations**

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It is recommended that the Council resolves as follows:

- 2.1 To work with the other Councils in Northamptonshire to seek to propose a simplification of local government within Northamptonshire to include the creation of a smaller number of unitary councils carrying out the duties of existing Borough and District and County Councils, including a unitary council for Northampton.
- 2.2 To work with the other Councils in Northamptonshire, to identify and plan for areas in which services will be best delivered through sharing capacity between or across unitary councils or through a combined arrangement.
- 2.3 To work with all Councils in membership of SEMLEP, and those of neighbouring LEP areas, to establish combined authority arrangements on matters requiring wide-area co-ordination and on which devolution proposals can be agreed with Government.
- 2.4 To commit resources as necessary from the Council's Improvement Reserve to support the development of a robust business case for these proposals and to gain the necessary agreement of Government to the proposals arising.

2.5 To authorise the Leader of the Council and the Chief Executive to take such steps as are necessary to promote local government simplification in Northamptonshire including a unitary council for Northampton.

### **3. Issues and Choices**

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#### **3.1 Report Background**

- 3.1.1 The Cities and Local Government Devolution Act 2016 achieved Royal Assent on the 28<sup>th</sup> January 2016.
- 3.1.2 This Act makes provision for devolution of powers from central government to local authorities or to combinations of local authorities. The legislative framework is permissive and aims to achieve arrangements for local authorities to work together to deliver better public services and growth. Devolution needs to be agreed with Government and Government in turn requires strong local governance at the right scale and sufficiently robust to deliver.
- 3.1.3 Across Northamptonshire, SEMLEP, and neighbouring areas there have been many discussions about potential ways to respond to this legislation and gain the benefits of devolution if this can be agreed with Government.
- 3.1.4 On the 25<sup>th</sup> February 2016, proposals were agreed between the Districts in Oxfordshire, Cotswold District Council, and South Northamptonshire Council to pursue a model of local government simplification as part of a devolution deal with Government.
- 3.1.5 These proposals are innovative and provide for the Councils to investigate a new model of local government based on a new structure based on District Unitary Councils, and a combined authority. The Combined Authority would have a strategic and commissioning role.
- 3.1.6 The Oxfordshire proposal has been regarded favourably by Government and is now proceeding from the initial concept to a plan with the intention to have a plan for consultation with the public later this year prior to submitting the final proposals to Government and seeking approval.
- 3.1.7 The proposal introduces joint working with the NHS to pool budgets and to commission health and adult social care in an integrated manner.
- 3.1.8 It is stated by the Leaders of the Oxfordshire Districts that the devolution deal associated with these changes would bring in significant investment in roads, schools and public transport in addition to providing savings through making more efficient use of resources through combining into unitary and combined authorities. The proposals would replace 8 Councils with four, and the preferred option involves a unitary Oxford City Council.
- 3.1.9 Following the publication of this proposal there has been significant communication between Council Leaders and Chief Executives and public statements from Northamptonshire County Council, MPs and others. The Mayor has therefore consented to this matter being placed on the agenda of the meeting as an urgent matter.

## 3.2 Issues

- 3.2.1 Northampton Borough Council has a proud record of joint working with other local authorities including the County Council, South Northants Council, Daventry District Council, and many of the Districts in SEMLEP. The Council has achieved a lot in delivering major improvement and growth in the last decade and has a stable financial position.
- 3.2.2 Looking ahead, this Council is not alone in facing a significant downturn in resources and in needing to continue to deliver higher than average levels of growth.
- 3.2.3 In order to meet the challenges ahead, as outlined in the Council's Corporate Plan, this Council needs to promote economic growth and work more closely in partnership including looking to options to combine further with other organisations.
- 3.2.4 The proposals put forward in Oxfordshire are considered to provide the opportunity for Oxfordshire to get the powers to drive growth more strongly through devolved powers and the opportunity to make significant savings to the public purse through the creation of unitary councils, combined commissioning, and more effective health and social care integration.
- 3.2.5 The Oxfordshire proposal is at this point a concept which needs to be planned out in depth and consulted upon but is a powerful proposal for change which could greatly simplify local government in that county and deliver a strong future for it.
- 3.2.6 If such a proposal were to be developed in Northamptonshire, similar benefits could be achieved to those in Oxfordshire. It is therefore considered that the Councils in Northamptonshire should now together develop this concept within the Northamptonshire context and a meeting has been arranged this week to discuss the possibility of doing so.
- 3.2.7 It is proposed that this Council should seek to work with other Councils to propose a simplification of local government within Northamptonshire to include the creation of a smaller number of unitary councils carrying out the duties of existing Borough and District and County Councils, including a unitary council for Northampton.
- 3.2.8 It is recognised that, like Oxford in Oxfordshire, Northampton is substantially different in character to the rest of the County. It is therefore an essential part of looking at this concept that there should be a unitary council for Northampton.
- 3.2.9 It is also proposed to work with the other Councils in Northamptonshire to identify and plan for areas in which services will be best delivered through sharing capacity between or across unitary councils or through a combined arrangement.
- 3.2.10 In relation to the prospects for a devolution deal with Government, it is believed that Government will be most willing to devolve strategic investment powers, for example in relation to major infrastructure and transport, to larger geographic areas with strong Local Enterprise Partnerships (LEP). It is

therefore proposed to work with all Councils in membership of SEMLEP, and seek to work with those of neighbouring LEP areas, to establish combined authority arrangements on matters requiring wide-area co-ordination and on which devolution proposals can be agreed with Government.

3.2.11 It is also proposed to provide necessary resources and delegation to enable the Council's engagement in this process.

### **3.3 Options**

3.3.1 It is increasingly clear that following the passing of the Act the 'two-tier' arrangement of principal local authorities will not be fit for purpose to meet the economic and governmental challenges ahead. It is therefore not considered that there is a viable 'no change' option.

3.3.2 The Council could express its willingness to investigate unitary arrangements which do not include a unitary council for Northampton. However Northampton is so significantly different in its needs and character as an area within the county that it is advised that this option would not be in the best interests of the town.

3.3.3 The Council could choose to defer a decision on this matter. However other key actors in this matter have already declared their position including the local MPs and the leadership of the County Council. Delay is therefore not advised.

3.3.4 It is proposed to seek to move forward on developing proposals for the simplification of local government in Northamptonshire, based on a pattern of unitary and combined arrangements similar to those in Oxfordshire subject to these including a unitary council in Northampton.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

4.1.1 The Council is establishing new policy as outlined in the recommendations to Council.

### **4.2 Resources and Risk**

4.2.1 Initial costs in exploring and developing proposals, consulting the public, and carrying out necessary investigations and discussions can be met from the Council's Improvement Reserve which is there to support the costs of change.

4.2.2 There are no new risks in pursuing this proposal. There would be as many risks in taking no action or position on this matter as in seeking to move forward. Alternative proposals from other parties will also carry major risks

4.2.3 Proposals developed as a result of this proposal will be subject to risks relating to support from partners, risks of implementation, and there will be a full risk register if proposals are fully developed.

### **4.3 Legal**

4.3.1 The recommendations are legally compliant.

### **4.4 Equality**

4.4.1 There are no equality implications to mention in this report.

## **5. Background Papers**

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Local Government Simplification papers held by the Chief Executive

**David Kennedy, Chief Executive x.7726**