

Borough Council of
**King's Lynn &
West Norfolk**



Environment and Community Panel

Agenda

Tuesday, 9th November, 2021
at 4.30 pm

in the

**Assembly Room, Town Hall, Saturday
Market Place, King's Lynn. Also available
to view on [WestNorfolkBC on You Tube](#)**



**King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200**

Monday, 1 November 2021

Dear Member

Environment and Community Panel

You are invited to attend a meeting of the above-mentioned Panel which will be held on **Tuesday, 9th November, 2021 at 4.30 pm** in the **Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ** to discuss the business shown below.

Yours sincerely

Chief Executive

AGENDA

1. Appointment of Vice Chair for the Meeting

2. Apologies for absence

To receive any apologies for absence.

3. Minutes (Pages 5 - 11)

To approve the minutes of the previous meeting.

4. Declarations of interest

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the Member should withdraw from the room whilst the matter is discussed.

Those declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

5. Urgent Business

To consider any business which, by reason of special circumstances, the Chair proposed to accept as urgent under Section 100(b)(4)(b) of the Local Government Act, 1972.

6. Members Present Pursuant to Standing Order 34

Members wishing to speak pursuant to Standing Order 34 should inform the Chair of their intention to do so and what items they wish to be heard before a decision on that item is taken.

7. Chair's Correspondence

If any.

8. Climate Change Update (30 minutes) (Verbal Report)

9. Homelessness and Rough Sleeper Strategy Action Plan (30 minutes) (Pages 12 - 35)

Members of the Homelessness and Housing Delivery Task Group have also been invited to the meeting for this item.

10. Cabinet Report - Clean Neighbourhoods, Fly Tipping and Environmental Enforcement (35 minutes) (Pages 36 - 46)

To consider the report and make any appropriate recommendations to Cabinet.

11. Cabinet Report - Gambling Act Statement of Principles (15 minutes) (Pages 47 - 93)

To consider the report and make any appropriate recommendations to Cabinet.

12. Opposition Members Item - Councillor Ryves - Dog Related Businesses

The Chair will invite Councillor Ryves to present his item (5 minutes).

13. Work Programme and Forward Decision List (Pages 94 - 101)

14. Date of the next meeting

To note that the next meeting of the Environment and Community Panel is scheduled to take place on 4th January 2022 at 4.30pm in the Town Hall, Saturday Market Place, King's Lynn.

To:

Environment and Community Panel: C Bower (Vice-Chair), A Bubb, A Bullen, S Collop, M de Whalley, I Devereux, J Kirk, J Lowe, C Sampson (Chair), S Squire and M Wilkinson

Portfolio Holders:

Councillor Paul Kunes – Portfolio Holder for Environment

Councillor Sam Sandell – Portfolio Holder for People and Communities

Officers

Duncan Hall, Assistant Director, Regeneration, Housing and Place

Martin Chisholm, Assistant Director, Operations and Commercial

Nikki Patton, Housing Strategy Officer

John Greenhalgh, Assistant Director, Community and Partnerships

Marie Malt, Senior Licensing Officer

Dave Robson, Environmental Health Manager

Henry Saunders, Climate Change Officer

Mark Whitmore, Principal Environmental Health Officer

By Invitation:

Members of the Homelessness and Housing Delivery Task Group for Agenda Item 9

Councillor Ryves for Agenda Item 12

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**ENVIRONMENT AND COMMUNITY PANEL**

Minutes from the Meeting of the Environment and Community Panel held on Tuesday, 5th October, 2021 at 4.30 pm in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillors C Bower (Vice Chair in the Chair), A Bubb (Vice Chair), A Bullen, S Collop, M de Whalley, I Devereux, J Lowe, J Rust (substitute for S Squire) and M Wilkinson

PORTFOLIO HOLDERS:

Councillor P Kunes – Portfolio Holder for Environment

Councillor S Sandell – Portfolio Holder for People and Communities

OFFICERS:

Lorraine Gore – Chief Executive

Tommy Goode – Alive West Norfolk

Neil Gromett – Alive West Norfolk

Vicki Hopps – Environmental Health Manager

Martin Chisholm – Assistant Director

EC27: APPOINTMENT OF VICE CHAIR FOR THE MEETING

[Click here to view the recording of this item on You Tube.](#)

RESOLVED: Councillor Bubb was appointed Vice Chair for the meeting.

EC28: APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Sampson, Kirk and Squire.

EC29: MINUTES

RESOLVED: The Minutes from the previous meeting were agreed as a correct record and signed by the Chair.

EC30: DECLARATIONS OF INTEREST

There were no declarations of interest.

EC31: URGENT BUSINESS

There was none.

EC32: MEMBERS PRESENT PURSUANT TO STANDING ORDER 34

There was none.

EC33: CHAIR'S CORRESPONDENCE

There was none.

EC34: RIVER LANE 3G PITCH DEVELOPMENT - CABINET REPORT

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The Chief Executive presented the Cabinet report which set out proposals for creation of a 3G pitch at River Lane. She explained that the summary of funding had changed slightly since the report had been written. An application for CIL funding had been submitted and if successful the funding from the Borough Council included in the report would not be required. It was also highlighted that the project was subject to an application to the Football Foundation and would also be subject to Planning Permission.

Tommy Goode from Alive West Norfolk provided the Panel with detail on the work carried out with Norfolk Football Association and local clubs and it had been highlighted that within local football facilities plans, King's Lynn was low on provision. He highlighted the funding available from the Football Foundation if the application was successful.

Details of the Fields in Trust status was provided, and it was explained that there was a formal process to go through to change the area to a 3G pitch.

Tommy Goode provided detail of the benefits of the 3G pitch which included better facilities, increased capacity and tackling antisocial behaviour.

The Chair thanked officers for their report and invited questions and comments from the Panel, as summarised below.

Councillor Kemp raised concern about the level of public consultation, and it was explained that local Football clubs and users had been consulted on the process. Residents would be consulted as part of the planning application process. Tommy Goode also explained that currently people paid to use the existing pitches, and this was an additional provision to increase capacity.

Councillor Rust commented that she did not see the level of antisocial behaviour in this area that officers were using to justify the proposal.

She also referred to Fields in Trust and that the project would remove space from public use. She was also concerned about noise and light pollution and the increased traffic at Beulah Street. She felt that removing green space was not inclusive and there was a lack of green and amenity space in the area. Councillor Rust also commented that many people would be unable to afford to use the space, which was currently free to use, it wouldn't help the health and wellbeing of local people and it was just a way for the Council to make money. Tommy Goode explained that discount for local residents was being looked at and a lot of free space for things such as recreation and dog walking would be retained. It would only be the 3G pitch area that would be fenced in. He made reference to other work being carried out in North Lynn to support residents and increase activity in the area. He explained that Dutton Pavilion would service the field and staff presence in the area should positively impact antisocial behaviour.

The Chair, Councillor Bower asked for detail on the 3.8 ha mitigation area referred to in the report and it was explained that this included the area to the rear of the car park where the Covid testing centre was currently situated.

Councillor de Whalley raised concerns relating to the 3.8 ha mitigation area and felt that this would be unsuitable for football or sport. He commented that there needed to be additional facilities, not a 3G pitch in place of an existing free to use pitch. He made reference to flooding in the area and the Green Infrastructure Plan which set out how we shouldn't target existing playing fields. He felt that an alternative site should be considered. He also asked if Hunstanton and Downham Market had been considered. Tommy Goode explained that more recreational space would be made available in the area and there were other pitches in the area that would be retained and available for hire, which were currently rarely used. He explained that drainage issues had been investigated and discussions had been held with the Internal Drainage Board.

Councillor Devereux felt that the proposals would improve the offer in the area and attract people to the underused area. He also reminded the Panel that the Norfolk Football Association had identified a lack of provision in the area. He asked what the lifespan of the pitch would be and if any specific drainage improvements would be required. Tommy Goode explained that the lifespan was 10-12 years, LED lights would be installed, and drainage would be looked at. He also explained that there were some Multi Use Games areas around the Borough and work was ongoing with the Purfleet Trust to try and encourage usage.

In response to a question from the Vice Chair, Councillor Bubb, it was explained that lighting would be on until 10pm at the latest and 3G pitches were designed that they could be used in all but severe weather.

Councillor Collop commented that more consultation with residents should take place. She also did not feel that the 3G pitch would last 10-12 years based on the state of the current 3G pitch which had been in situ for approximately three years. Tommy Goode explained that the 10-12 year lifespan was based on the specification from the Football Association.

In response to a question from Councillor Bullen regarding provision in Downham Market, it was explained that options would be looked at after this project.

Councillor Wilkinson asked if the costs of consultation and surveys had been considered and Tommy Goode explained that this would be picked up as part of the planning application process.

In response to a question from Councillor de Whalley it was explained that the 5-a-side pitches in the area were unsuitable for higher level sports and were more appropriate for recreational use or for younger children. Councillor Rust asked if the existing pitch could be upgraded to a 3G pitch instead and Tommy Goode explained that certain activities such as Hockey would not then be able to use it.

The Panel discussed the recommendation to Cabinet and Councillor de Whalley proposed that the Panel recommend to Cabinet that some form of public consultation with residents should be carried out and alternative sites should be looked at. The Panel discussed the proposed recommendation to Cabinet.

After being put to the vote the Panel agreed that the below be recommended to Cabinet.

RESOLVED: The Environment and Community Panel recommend to Cabinet that some form of consultation with residents should be carried out and alternative sites should be investigated for the 3G pitch.

EC35: **COMMERCIAL TEAM SERVICE PLAN CABINET REPORT**

[Click here to view the recording of this item on You Tube.](#)

The Environmental Health Manager presented the report which presented the service plan for the commercial team and highlighted the work of the team. It was noted that Food authorities were required by the Food Standards Agency to set out a scheme for the planning and delivery of food law enforcement and that the service plan had to be formally adopted by the Council.

The Chair thanked the Environmental Health Manager for her report and invited questions and comments from the Panel, as summarised below.

Councillor Rust commended the team on their hard work, especially during the pandemic. The Environmental Health Manager explained that additional staff had now been recruited.

In response to a question from Councillor Devereux, the Environmental Health Manager explained that hospitality and catering had been hit hard by the pandemic, there were problems with staff shortages, and this had sometimes resulted in corners being cut, especially with regard to cleaning and hygiene. Inspections were still being carried out.

The Environmental Health Manager also explained that food hygiene costs were down due to staff vacancies.

In response to a question from Councillor de Whalley it was explained that when dog breeders were identified, the Environmental Health team worked with Planning Control to ensure that all the necessary permissions were in place.

RESOLVED: That the Environment and Community Panel support the recommendations to Cabinet as follows:

That the Council approves the Commercial Team Service Plan.

EC36: **REPORT OF THE URBAN WILDLIFE INFORMAL WORKING GROUP**

[Click here to view the recording of this item on You Tube.](#)

The Chair invited Councillor Bullen, Chair of the Urban Wildlife Informal Working Group to present the report to the Panel. Councillor Bullen provided detail of the work of the Group and their proposals. He highlighted the support from external organisations and that Downham Market had now established a Wildlife Group.

The Chair thanked the Members for their report and invited questions and comments from Members, as summarised below.

Councillor Bubb commented that caution needed to be exercised if nest boxes were being advertised as a trail so that they did not get vandalised or removed. Councillor Bullen explained that the nest boxes were often inaccessible or high up. Councillor Bubb also commented that planting of 'bee friendly' flowers should be promoted on council owned open spaces. Councillor Bower commented that a lot of pollinators were already used, certainly in Hunstanton where there were bee trails in place.

The Panel considered the recommendations put forward by the Informal Working Group and agreed that recommendation two be amended to include encouraging the planting of wildlife seeds in our own communities.

The Panel also noted that the Informal Working Group would like to remain established and offered their support to Cabinet if the recommendations were to be taken forward by the Cabinet.

RESOLVED: That the Environment and Community Panel support the recommendations from the Informal Working Group as set out below and that the recommendations be presented to the Cabinet in the future.

1. Encourage the use of bird boxes, bat boxes, bee highways and hedgehog highways in new and existing Borough Council properties.
2. The Council to investigate providing wildflower seeds for redundant allotments and community orchards/gardens and encourage the planting of wildlife seeds in the community.
3. The Council to encourage bird feeding stations and nest boxes in schools.
4. Support of a Nest Box Trail in King's Lynn.
5. Produce literature advising how residents can help support their urban wildlife and promoting the nest box trail in King's Lynn.
6. Engage with local groups to participate in urban wildlife and the creation of bee highways.
7. Encourage Councillors to promote Urban Wildlife in their Wards and Parishes.

EC37: **PORTFOLIO HOLDER QUESTION AND ANSWER SESSION**

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The Chair invited Members of the Panel to ask questions to the Portfolio Holders which had been submitted in advance of the meeting.

Councillor Bubb asked Councillor Kunes, Portfolio Holder for Environment about the new waste contract and that he thought there was to be normal collections on Bank Holidays, as this was preferred by the operatives. However, this had not appeared on the date lists. Councillor Kunes explained that he was still awaiting a response from officers and would report back as soon as the information was available.

EC38: **NOMINATION TO OUTSIDE BODIES**

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RESOLVED: That the following nominations be presented to Council for approval:

1. Norfolk County Council – Norfolk Countywide Community Safety Partnership Scrutiny Sub-Panel (substitute) – no nomination made by the Panel so the appointment would be made by Full Council.
2. Norfolk Health Overview and Scrutiny Committee – Councillor de Whalley (substitute)

EC39: **WORK PROGRAMME AND FORWARD DECISION LIST**

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Councillor Kemp informed the Panel that she had send some questions to Norfolk Constabulary about measures for the safety of women and girls and of people with learning disabilities in commercial settings. She had also copied Members of the Panel into the questions and would share the response once received.

RESOLVED: The Panel's Work Programme was noted.

EC40: **DATE OF THE NEXT MEETING**

The next meeting of the Environment and Community Panel was scheduled to be held on Tuesday 9th November 2021 at 4.30pm in the Assembly Room, Town Hall, King's Lynn.

The meeting closed at 5.45 pm

POLICY REVIEW AND DEVELOPMENT PANEL REPORT

REPORT TO:	Environment and Community Panel		
DATE:	9 November 2021		
TITLE:	Homelessness and Rough Sleeping Strategy Review		
TYPE OF REPORT:	Post Implementation Review Update		
PORTFOLIO(S):	Cllr Sam Sandell		
REPORT AUTHOR:	Duncan Hall		
OPEN	Open	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	No

REPORT SUMMARY/COVER PAGE

PURPOSE OF REPORT/SUMMARY:
<p>In January 2020 a new Homelessness and Rough Sleeping Strategy (2019-2024) and action plan was agreed and published by the Council. The strategy was considered in Autumn 2019 by the Environment and Community Panel. The Strategy was then subject to stakeholder engagement including a well-attended event in December 2019.</p> <p>The purpose of this report and presentation is to update members on progress made on the action plan, as well as how actions and approaches were adapted in the context of the pandemic. It will cover how the council responded rapidly to government initiatives, including new funding opportunities. Finally, it will look at ‘where next’ for the strategy and joint working priorities with partners; as well as what challenges remain, and what new challenges have emerged.</p>
KEY ISSUES:
<p>The strategy set out a bold ambition to eliminate rough sleeping in the area; and a focus on new approaches to reduce homelessness. An ambitious action plan was proposed in the context of a worsening situation, particularly for those rough sleeping, and an understanding that solutions beyond accommodation provision were needed.</p>
OPTIONS CONSIDERED:
<p>As outlined to the panel in 2019, a different approach was required in the context of rising numbers of rough sleepers and increasing numbers of homeless households approaching the council in crisis situations. Key objectives were devised, and alternative approaches considered through stakeholder engagement during 2019.</p>
RECOMMENDATIONS:
<p>To continue to implement the strategy and action plan, as updated, because it has worked - and focus on solutions for those remaining and emerging challenges highlighted in the report. To continue the role of the Homelessness and Housing Supply Task Group to receive more detailed information and updates and monitor progress of the strategy.</p>
REASONS FOR RECOMMENDATIONS:
<p>The Council has specific statutory duties in relation to reducing homelessness. It is required to produce and publish a strategy. The approach has been considered a success by colleagues at Department for Levelling Up Housing and Communities (DLUCH) and local key delivery partners.</p>

REPORT DETAIL

1.Introduction

The original core ambition of the Homelessness and Rough Sleeping Strategy: -

- End rough sleeping and reduce homelessness
- Ensure people have access to appropriate temporary accommodation options, support services
- Improve access to settled housing options

The core key objectives:

- Develop a hierarchy of different types of temporary accommodation, including emergency provision
- Ensure access to housing related support, and provide new outreach services
- Provision of high-quality independent housing debt and advice service
- Devise new measures to reduce homelessness in all household categories
- To provide a new coordinating role to fix a 'shared problem' – bringing partners together in ways that find solutions to rough sleeping and reducing homelessness
- Ensure partners engage at a strategic level that recognises the urgency of tackling the issues
- Improve access to social housing, and the supply of additional private rented sector housing

2. Post implementation progress / update

A table is attached in **appendix A** that provides an update to the original action plan on progress made to date and includes actions outstanding and actions added.

The pandemic response and 'Everyone in'

During the start of the pandemic 35 emergency beds were lost as they were based on dormitory/ shared space arrangements. In directly responding to the pandemic the council needed to meet the need for temporary and emergency accommodation that avoided congregate living situations, dealt with the loss of existing provision, and created opportunity to get every rough sleeper (or those likely to be at risk of rough sleeping) inside accommodation or shelter.

People were accommodated in different ways dependent upon their circumstances - In the early months of the pandemic the council adapted a community centre for living spaces, then subsequently utilised 40 bedspaces in the Travelodge. It engaged partner organisations to provide support and food. Welfare Cabins were deployed for people who would ordinarily avoid hostels to shelter in. These provided a lifeline in the colder months, as well as all the essentials' occupiers had support and security services on hand and food delivered. Colleagues worked with The Winter Night Shelter that initially had to close, and subsequently re-located and created hostel space that could be utilised in the colder months.

Everyone in initially 41, but in total between March 2020 and March 2021 a total of 118 people who had been either rough sleeping or in danger of rough sleeping were accommodated under 'Every-one in'- into emergency accommodation and then the majority re-settled.

Collaboration and a person-centred approach are the key

Recent feedback from partners suggests that having agreed a strategy in advance of the pandemic gave the collective effort a head-start. “It [the strategy] had focused people on the problem and some of the solutions”. The collaborative way organisations worked together with a ‘whatever it takes’ approach led to some very positive outcomes. Firstly, the key goal of ending rough sleeping was achieved. Secondly, there were some very individual successes for some people who had previously been entrenched in sleeping rough or had no settled accommodation for long periods. Many had the opportunity to change behaviours - sometimes away from others, but with the certainty of accommodation or shelter. Levels of engagement with support providers was an unexpected surprise. A piece of work was commissioned (with funding secured from the LGA) with Nesta to capture through a series of case studies the lived experience and some lessons learned. This work will soon be available via the Norfolk Strategic Housing Partnership website

The strategy helped define problems and some responses – however information about individuals at a granular level was needed to inform a more person-centred approach. This meant focussed resources on a council led co-ordinating role amongst partners.

There were many organisations that supported the Councils efforts including Freebridge Community Housing, Broadland Housing Group, and The Purfleet Trust.

Success in using new funding rapidly for new accommodation and support services

During 2020 additional funding for ‘move-on’ accommodation support was made available. The government introduced faster and more certain ways of working with the council to deliver this which was welcome – for example 10 flats were acquired that had just been built on a leasehold basis, and 6 further units followed, following the ‘Housing First’ model; and re-modelling a vacant hostel (7 one bed self-contained flats) gave a total of 23 new units in the first wave of funding. Aligned with this a number of new contracts for support for the support services associated with new accommodation were put in place. Later a new outreach service to those rough sleeping or in danger of rough sleeping was established (including significantly a new in-reach / out-reach service (details in **appendix A**)).

Additional funding has helped deliver some key aspects of the strategy well in advance of original timescales. The key new funding pots were the ‘Next Steps Accommodation programme’ and the ‘Rough Sleeper Initiative’ programme year 1 to year 4– also refer to appendix A were achieved with through collaboration with MHCLG – proposals for funding were effectively co-produced and provided more certainty for the effort that was being made to devise and shape interventions.

What challenges remain

What has not progressed has been some of those matters either difficult to take forward or not a priority in the context of the pandemic needs - for example on taking forward a private sector leasing scheme (although the supply of PRS stock delivered directly by the Council was accelerated last November). Changes to national planning approaches meant that some housing supply policies did not emerge. Questions around longer term funding and sustainability of some of the interventions in the pandemic remain.

Reducing homelessness measures and targets

The strategy document detailed a new set of measures and a new IT platform to capture and present information going forward. The **presentation** will cover some key measures, however, the patterns of homelessness for 2020/21 was quite different from any other year and therefore making comparisons has limited value. The volume of evictions for example (amongst some sub-categories) was low because of the national moratorium. There have

been more domestic abuse cases in line with national trends. Renewed efforts will focus on ensuring measures are captured for the reasons outlined in the strategy document - the need to understand the impact of interventions through data collection and information production and management.

3. Issues for the Panel to Consider

Working with others across Norfolk – ‘No Homelessness in Norfolk’ strategy

A new very close relationship with MHCLG colleagues saw contact on at least a weekly basis through the 2020/2021. In the autumn of 2020, the council (along with other councils in Norfolk) commissioned a strategy identifying some key interventions for the area ‘No Homelessness in Norfolk’ which was endorsed by MHCLG. The strategy seeks to build on the success of the pandemic and acknowledges that there are benefits to doing this jointly. A multi-agency partnership was set up to oversee the delivery – Norfolk Strategic Housing Partnership. Amongst other things the partnership has created a new system to collate data and evidence (including work on lived experience from rough sleepers) that will support funding applications; it has through an event and lobbying created a louder collective voice to be heard by other public funding bodies including Health and Ministry of Justice.

Additional funding opportunities and the case for change

The funding that was received to support the development/ acquisition of additional accommodation and support services has been welcome, but particularly in respect of revenue funding it has only been committed for very short time periods. There is a case for change in respect of more permanent or longer-term funding to enable support providers to plan properly and make investments commitments regarding property/ equipment or staff. The case has been made to local MP James Wild who has engaged departmental representatives - Some of the Rough Sleeper Initiative funding has been extended from 12 months to 3 years.

Newly emerging challenges

There are a number of key emerging challenges; -

- For those with very high support needs, who are deemed by the Care Authority to require residential placement, there is a trend of situations of no placement (in or outside the area) being available leaving individuals homeless or in wholly inappropriate settings. The structural problems affecting the care sector means that some very vulnerable people (including those with dual diagnosis) cannot be placed – particularly if there has been a record of challenging behaviour.
- Concerns over levels of staffing in hostels where providers have contracts with the Care Authority (Social Services housing related support contracts). In these situations, contractual arrangements mean that pay is effectively capped, and skilled staff are being lost to more lucrative supermarket or driving jobs.
- There are a cohort of rough sleepers who are non UK nationals with complex needs and limited eligibility to public funds. This means that the normal routes off the streets to temporary accommodation cannot be funded through normal subsidy mechanisms.

4. Corporate Priorities

The emerging Corporate Business Plan identifies a key ambition of improving social mobility and inclusion, with a commitment to supporting residents to access support and services they need and ‘Reviewing the Homelessness and Rough Sleeping Strategy’.

5. Financial Implications

The immediate pandemic response meant that significant additional resources (not within existing budgets) were committed during 2020/2021. Some of this funding has been recovered. The additional resources were used where costs associated with 'everyone in' could not be met through the Housing Benefit system.

Efforts were made to ensure that this central housing subsidy was used as effectively as possible. Costs were incurred in the provision of support, re-settlement activity, food, and security. Security costs associated with the Welfare Cabins have been significant. Effective support was provided by council owned West Norfolk Housing Company (acting as a landlord for some emergency accommodation), and Alive West Norfolk whose staff supported some of the early emergency accommodation responses.

It is anticipated that there will be no financial resources over and above existing budgets required in 2021/2022.

6. Any other Implications/Risks

Reference to those matters in 'Newly emerging challenges' - Staffing capacity within the organisation, and staffing resources and recruitment challenges particularly amongst housing support providers pose a risk to delivery and threaten the existence of some key services.

7. Equal Opportunity Considerations

The impacts of rough sleeping and homelessness can have a disproportionate impact on those with protected characteristics. In delivering this strategy effectively a positive impact should be delivered for those groups – refer to the original EIA screening report.

8. Environmental Considerations

The deployment of Welfare Cabins was made in the context of emergency powers granted in the pandemic. The relative suitability of the locations of these was considered at the time; however, the locations of the remaining cabins are not sustainable and were never planned as anything more than temporary positions. The use of the cabins is not form part of the long-term strategy of eradicating rough sleeping and reducing homelessness.

9. Consultation

A variety of stakeholder engagement is undertaken as part of the review of the Action Plan, and include:

- Ongoing Discussion with our partners / strategic housing partnership meeting every 4 weeks
- DLUHC engaged and support on-going approach.
- Nesta work undertaken as part of the No Homelessness in Norfolk strategy looking at lived experiences of those in Welfare Cabins in King's Lynn

10. Conclusion

Key lesson learnt is the value of understanding and agreeing as a group of stakeholders a shared problem and a common goal. This was successfully achieved prior to the pandemic. The success of 'Everyone in' and the subsequent sustainment of having no rough sleeping has been achieved by those involved adopting a 'Do what it takes' approach.

11. Background Papers

- Appendix A – action plan update
- No Homelessness in Norfolk – <https://www.hopestead.org/norfolk-strategic-housing-partnership/>
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APPENDIX A

Threats to delivery of the strategy

We have identified actions and opportunities to tackle homelessness and rough sleeping in this document, however there are factors outside of the control of the council that need to be considered in future planning and decision making. Highlighted below are some identified issues that could significantly impact on the council's activities and therefore the delivery of this strategy:

Borough Council of
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Risk	likelihood	impact	mitigation
Future reductions to funding from Norfolk County Council that contribute to the costs of some key borough council commissioned support services			Funding of £114,743 for four years has been agreed by Norfolk County Council for support services in King's Lynn & West Norfolk.
Uncertainty around future central government funding associated with homelessness prevention activities – including Flexible Homelessness Support Grant, Homelessness Prevention Grant, New Burdens funding for the implementation of the Homelessness Reduction Act			Announcement on statutory funding (formally FHSG and Homeless Reduction Grant – which are now rolled up into a single payment) for 2021/22 of £469,977.
Homes England funding to support the delivery of new build affordable/ social housing			Homes England Funding – Affordable Homes Programme 21-26 is open to bids through continuous market engagement and strategic partnerships.
Local Housing Allowance - current freeze ends in April 2020. Uncertainty about the future policy direction and potential impact on private rented housing affordability			Local Housing Allowance rates were increased in March 2020 to the 30 th percentile of market rents. However, rates were frozen for 2021/22 and it is unclear whether there will be any increase in 2022/23. Locally private rents are increasing.
The impact of any future Government's policy decision in connection with the use of section			New legislation has been implemented in relation to section 21 notices through legislation including the Coronavirus Act 2020.

21 notices (1988 Housing Act) given a recent consultation initiative and ministerial statement.			
Changes in housing market activity – including lower demand for market housing, or falling house prices could impact on the council’s plans for direct new delivery of housing			Housing market activity remains strong and the Council has strategies in place to mitigate for changes in market conditions.

Action Plan for 2019/2024

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Area of work	Objective	Action	By Who	By When	Progress	Time scale	Comments	RAG Rating
Temporary Accommodation	Develop a hierarchy of different types of temporary accommodation	Encourage partner organisations (including private sector partners as well as social sector) to bid for Government 'Move – on' accommodation fund - in response to the identified need for such accommodation, and the issue of hostel bed blocking.	Strategic Housing Team (SHT)	March 2021 latest for funding requirements	Potential site identified, RP engaged, and bid to Homes England being considered.	Short-Medium	Successful application to the Move on Fund –7 move on flats have been delivered by a registered provider for clients moving on from supported housing. <ul style="list-style-type: none"> Delivered – July 2021 	Complete
							Successful application to the Next Steps Accommodation Programme fund to deliver 10 self contained move on flats with a registered provider for clients moving on from supported housing. <ul style="list-style-type: none"> Delivered – February 2021 	Complete
Temporary Accommodation	Develop a hierarchy of different types of temporary accommodation	Develop temporary accommodation utilising modern modular/ park home style factory built housing units on Council owned land.	SHT & Property Services & Broadland Housing	Spring 2022	Potential site identified, RP engaged and preparing planning application submission	Short-Medium	7 one bed units to be delivered by a registered provider. This provision has been delayed. <ul style="list-style-type: none"> Expected delivery date Spring 2022. 	Underway
Support	Provide	Evaluate 'District	Housing	Ongoing	CCG Executive	Short	District Direct is being	Complete

Needs	appropriate support needs both:- accommodation & non-accommodation based housing related support	Direct West' and make any recommendations for future operation – seek funding from CCG with a view to mainstreaming service	Options Team/ Care & Repair Team		Management Team has now approved funding for the District Direct Service. Time period uncertain.		hosted by Care & Repair. Full time position has been recruited and funding has been secured for future years. <ul style="list-style-type: none"> Delivered June 2018 	
Support Needs	Provide appropriate support needs both:- accommodation & non-accommodation based housing related support	In conjunction with NSFT develop and examine proposals for a Mental Health crisis House provision/ step down accommodation and move-on accommodation. Implementation subject to funding opportunities	SHT	Jan 2022	Early discussions with Mental Health Crisis Board have commenced. Working with NHS Clinical Commissioning Groups to deliver a Mental Health Housing Summit in the New Year	Medium Short-Medium	Revenue funding secured and property has been identified with a registered provider. This property will provide accommodation to people suffering a mental health crisis with 24/7 specialist support for up to 5 days / nights. <p>Tender process for a provider taking place.</p> <ul style="list-style-type: none"> Intended delivery date - Jan 2022. 	Underway
Support Needs	Provide appropriate support needs	Work with Broadland Housing association and any other partners on the potential for the	SHT	June 2022	Successful Next Steps Accommodation Programme funding application made to	Short	Successful MHCLG NSAP funding bid for a Housing First worker and 6 self contained flats have been purchased on the open	Complete

	both:- accommodation & non- accommodation based housing related support.	provision of a Housing First initiative			acquire 6 x self contained flats and 1 FTE housing first worker.		market by a registered provider. A support provider was commissioned in April 2021. 6 x properties have been purchased with clients accommodating the units from June 2021 with the final, sixth property to be ready and occupied by the end of November 2021. <ul style="list-style-type: none"> • Delivery commenced – June 2022. 	
Support Needs	Provide appropriate support needs both:- accommodation & non- accommodation based housing related support	Explore opportunities to assist people with no recourse to public funding and consider whether accommodation or support is required in order to meet the needs of this vulnerable group.	SHT	Ongoing	Norfolk County Council have secured revenue funding to support people who have no recourse to public funds into employment, training and / or to gain settled status, funding available until September 2021.	Short- Medium	2 x 3 bedroom properties leased by a registered provider to Norfolk County Council. Norfolk County Council's Persons From Abroad Team's scheme funding to provide support and housing will end in Dec 21. <ul style="list-style-type: none"> • Delivered March 2021 • End of scheme Dec 2021 	Complete
							Borough council may consider using one of the properties to support clients with no recourse to public funds. <ul style="list-style-type: none"> • Delivery date – Dec 	Underway

							/ Jan 2021.	
Support Needs	Provide appropriate support needs both:- accommodation & non-accommodation based housing related support	Forge closer links with organisations who can provide humanitarian help to people who have no recourse to public funds and improve data monitoring of this group.	SHT	Ongoing	Working relationship with Norfolk County Council's Persons from Abroad Team and the Winter Shelter	Short-Medium	The EU Settlement Scheme grace Period ended on 30 June. Unknown quantity of individuals may come to our attention over the coming months that have failed to apply by the deadline. The Home Office had issued guidance about what a "reasonable excuse" would be for making a late application under EUSS and there is a non-exclusive list of examples of what they would accept. The Persons From Abroad Team have funding to provide support to those individuals until 30 September 2021 from the Home Office under the Persons From Abroad Teams Vulnerable EU Settlement Scheme support programme. <ul style="list-style-type: none"> • Delivery - ongoing. 	Complete
Support Needs	Provide appropriate support needs both:- accommodation & non-	Secure the opportunity for an additional Domestic Violence refuge in the area.	SHT & RP	Ongoing	Proposed completion date – November 2021	Short	A new domestic abuse refuge is being delivered by a domestic abuse provider. The refuge will provide accommodation and support for up to 5 woman and 4 children at any one time. The property consists of 5 bed rooms, a shared	Complete

	accommodation based housing related support						<p>kitchen and utilities, 1 x downstairs toilet, 2 x bathrooms upstairs with toilets and showers over baths and one room is adapted to accommodate women with disabilities and has a separate toilet and a shower.</p> <ul style="list-style-type: none"> • Delivery date – November 2021 	
Support Needs	Provide appropriate support needs both:- accommodation & non-accommodation based housing related support	Work with Partners to secure supported accommodation / accommodation with support for vulnerable care leavers	SHT	Ongoing	Early discussions commenced Sep 2019	Short	Children's Services Leaving Care team now have an agreement with a registered provider for direct offers to be made to care leavers which includes wrap around support.	Complete
Support Needs	Provide appropriate support needs both:- accommodation & non-	Work with providers on a proposal for supported accommodation for young people including those leaving prison, and their transition model for young	SHT	Ongoing	Early discussions commenced Sep 2019	Medium	This has been delayed due to covid. Discussions to take place with providers.	Yet to start

	accommodation based housing related support	peoples shared housing.						
Rough Sleeping	Eradicate Rough Sleeping in the Borough	In conjunction with Norfolk & Suffolk Foundation Trust recruit and establish a mental health nurse outreach post.	Housing Options &SHT	End 2019 To be extended by 12 months.	Post filled in March 2019. In place until Mar 2021	Medium	Mental Health Outreach Nurse recruited to be able to assess rough sleepers and provide specialist mental health support, assistance and referral into statutory mental health services. <ul style="list-style-type: none"> Delivered Mar 2019 – Mar 2020 	Complete
							MHCLG funding has been secured from 1 st July 2021 – 30 th June 2022 for a Mental Health or Adult Social care worker who can assess and refer clients into statutory services.	Yet to start
Rough Sleeping	Promote members of the public to report rough sleepers to the council so that	Promote use of Street- Link to increase public awareness on reporting welfare concerns surrounding rough sleepers	Housing Options & SHT	By April 2020	Ongoing	Short	Media message has been led by Money Advice Hub, Shelter and the council. Message to advise members of the public to report sightings of rough sleepers to Streetlink. Streetlink will then contact the relevant council who will then try to engage and	Complete

	assistance can be provided to them.						assist rough sleepers. <ul style="list-style-type: none"> Delivered December 2020. 	
Rough Sleeping	Eradicate rough sleeping in the borough	Take opportunities to bid for money from the MHCLG Rough Sleeping Task Force – under the Rough Sleeper Initiative funding bidding round	Housing Options & partners	Winter 2020, 21 & 22	Successful submission made for funding in relation to: <ul style="list-style-type: none"> Cold Weather Provision. Protect Plus. RSI Y3. RSI Y4. NSAP. 	Short	RSI Y3 funding secured, and services delivered.	Complete
				Winter 2020, 21 & 22			RSI year 4 funding secured, and services being tendered.	Complete
				2019/20 2020/21			MHCLG funding to Local Authorities is subject to the spending review has been confirmed.	Complete
				2020/21 July 2021			Funding to secure a worker and financial incentives to accommodate ex-offenders in the private sector.	Complete
Rough Sleeping	Eradicate rough sleeping in the borough	Work with HAST, MHCLG, and Housing Justice in connection with funding opportunities for the Night Shelter and work connected with	SHT & Housing Options	Complete for 2019/20 Complete for 2020/21	Early discussions commenced Oct 19	Short	Winter Nightshelter accreditation process completed by Housing Justice and funding secured from MHCLG for 2019/20. Major changes to model	Complete

		it					and number of beds have reduced to 6 due to covid. The Winter Nightshelter opened on the 5 th October for the Winter of 2021/22. The shelter now have 9 self contained rooms that provide accommodation for 9 rough sleepers throughout the day and night with the council having 100% nomination rights.	
Rough Sleeping	Eradicate rough sleeping in the borough	Work with hostels/ housing support providers to ensure there are severe weather emergency beds in addition to the Night Shelter available given assessed demand	SHT & Housing Options, RPs & Night Shelter	Ongoing	Ongoing	Short – Long term	2019/20 – Funding secured from MHCLG and provision secured. 2020/21 – Significant reduction in provision due to Covid. Shelter now has 9 self-contained rooms that rough sleepers can accommodate day and night. 8 welfare cabins have been procured by the council and currently in use to accommodate rough sleepers.	Complete Complete
Rough Sleeping	Eradicate rough sleeping in the borough	Explore the potential to have wrap around shelter including day provision when the Night Shelter is closed.	SHT, Housing Options	Ongoing	Funding bid submitted to government for additional cold weather provision, awaiting outcome.	Short	Winter Shelter are now operating a 24 / 7 shelter because of Covid requirements and there are 9 self-contained rooms. Winter Nightshelter have	Complete

							confirmed that there is no intention to return to night time only provision.	
Temporary Accommodation	Provide additional temporary accommodation for homeless people	Develop temporary accommodation utilising modern modular/ park home style factory-built housing units on Council owned land	SHT & Property Services & Broadland Housing	Ongoing	Site identified, Registered Provider engaged, and planning application submitted and agreed	Short-Medium	Site secured and units to be delivered by a registered provider to provide temporary accommodation for single people, couples and those with children (1 – 2 young children)	Underway
New - Temporary Accommodation	Provide additional temporary accommodation for homeless people	Maximise the effectiveness of local resources by reducing levels of housing benefit subsidy required – Seek to change by agreement the model under which Freebridge Community Housing operate shared houses with The Purfleet Trust.	SHT & Revenue Services, Purfleet Trust & Freebridge Community Housing		All properties leased to Purfleet Trust by Freebridge Community Housing have been returned to Freebridge Community Housing.		The Purfleet Trust rent properties from Freebridge Community Housing to provide HMO style accommodation for single people who require a low level of support. The properties were previously leased to Purfleet Trust however this caused a housing benefit subsidy payment that the council was subject to paying. Freebridge Community Housing now retain the landlord function.	Complete
					Freebridge Community Housing are in discussion with the private landlords who provide		Purfleet Trust also lease two properties from a private landlord and the subsidy issue is the same with these. Discussions between the private	Underway

					accommodation to Purfleet Trust on a lease basis.		landlords and Freebridge Community Housing are ongoing.	
Homelessness Prevention	Introduce new measures to enhance existing homelessness prevention options	In partnership with Shelter and YMCA organise some training for prospective tenants on rights and responsibilities to avoid early tenancy failure. Explore landlord training at the same time.	Housing Options & Housing Standards	April 2020	No progress 27/8/20 – Covid has halted this for the time being.	Short	Not progressed and needs revisiting. However, Children’s Services have commissioned a provider to train care leavers on tenancy rights.	Yet to Start
Homelessness Prevention	Introduce new measures to enhance existing homelessness prevention options	Review commitments under flexible homelessness grant – ensuring that available resources are focussed on the most effective services.	SHT	Ongoing		Short	Commitments identified and funds allocated for 2020/21. Spending review has confirmed funding available for 2021/22 onwards.	Complete
Homelessness Prevention	Introduce new measures to enhance existing homelessness prevention options	In respect of the need to access the private rented sector tenancies trial incentive initiatives – including rent guarantees in circumstances where appropriate tenancy support is put in	Housing Options & SHT	Ongoing		Short	Homelessness Prevention fund allocation to customers has increased from £1000 to £2000 per case. This reflects the increase in the cost of accessing the private sector by assisting clients with rent in advance and / or deposits.	Underway

		place.						
Homelessness Prevention	Introduce new measures to enhance existing homelessness prevention options	Work with internal colleagues & RP Partners to identify measures to monitor the impacts of Universal Credit on housing debt and homelessness	SHT, Revenue Services & RP partners	April 2020	Ongoing	Short-Medium term	Strategic Housing meeting arranged with partners on a monthly basis moving to quarterly given the move into recovery due to covid.	Underway
Access to social housing	Improve access to social housing for those most in need	Ensure Local Plan review encompasses identified policy work in relation to affordable housing and build to rent housing – particularly new opportunities arising from changes to the National Planning Policy Framework	SHT & Planning Policy Team, Local Plan task Group, Homelessness & Housing Delivery Task Group	Jan 2020	Work has commenced. Housing needs assessment commissioned and first draft imminent. Housing Needs assessment published	Short	Local Plan review close to submission including revised affordable housing policies. More detail to be contained within supplementary planning document. <ul style="list-style-type: none"> Further changes to national planning policy present a potential challenge for affordable housing delivery i.e. first homes and replacement of entry level exception sites with first homes exception sites. 	Underway
Access	Improve	Undertake a review	SHT &	April 2020	Borough Councils	Short	Policy drafted for internal	Underway

to social housing	access to social housing for those most in need	of the social housing allocation policy and encourage key partners at the same time to review housing policies and stock profile to ensure social housing is used to benefit those who most need it.	Housing Provider Partners		review of allocation policy commenced Nov 2019. Ongoing dialogue with RPs		discussion and consultation. However, minor amendment made to allow care leavers priority on the housing register. Workplan to commence 2021.	y
Access to social housing	Improve access to social housing for those most in need	As part of the review into the allocations policy, as well as in a wider sense consider the housing needs/ access to housing of young carers and their families.	SHT & Housing Provider Partners	April 2020	Borough Councils review of allocation policy commenced Nov 2019.	Short	Policy is currently being drafted and wider consultation is expected early 2022.	Underway
Private Rented Sector (PRS)	Increase the supply of good quality private rented sector (PRS) housing	Commence delivery of PRS via the Councils major development programme (20% of new housing developed by Council)	SHT, West Norfolk	June 2021	PRS Council Owned Company established in 2018. Business Plan has identified 179 units over next 3-5 years	long term	PRS delivery accelerated with 24 new PRS homes delivered at Lynn sport. Further PRS homes to be delivered in Spring 2022.	Underway
Private Rented Sector	Increase the supply of	Explore and evaluate opportunities to establish a Private	SHT, RP partners	April 2021	No progress	Medium -long term	Not progressed due to Covid. Internal discussions have taken place however,	Yet to start

	good quality private rented sector (PRS) housing	Sector Leasing Scheme.					this piece of work has been put on hold at present due to the changing pressures caused by Covid.	
Coordinating role	Achieve effective collaboration with partners and coordination of services	Establish a Help Hub – a service that assists professionals who are supporting households with complex needs by identifying suitable organisations interventions	Housing Options, OPT, Children’s & Adults Services	Ongoing	Service established in May 2019	Long Term	Successful launch of Hub within excess of 30 partner agencies who have signed the MOU as partners. Meetings have changed to virtual as a result of Covid. <ul style="list-style-type: none"> Delivered – May 19 with official launch in October 2019 	Complete
Coordinating role	Achieve effective collaboration with partners and coordination of services	Work with Genesis Notting Hill to ensure a smooth transfer of their services including Park Road, Merchants Terrace and the rough sleep outreach service to a new provider following their decision to leave East Anglia.	SHT & Genesis & New Provider	Complete	Complete	Short	The services provided by Notting Hill Genesis were successfully transferred to Sanctuary Housing. <ul style="list-style-type: none"> Delivered – April 2020. 	Complete
Coordinating role	Achieve effective collaboration with	Establish and maintain a stakeholder group to help inform the	SHT	Jan 2020 ongoing	Complete	Short	Strategic Housing meetings arranged on a quarterly basis with partners.	Complete

	partners and coordination of services	strategy and update it.						
Coordinating role	Achieve effective collaboration with partners and coordination of services	Establish & maintain collaborative working group with RP partners to respond to the gaps identified.	SHT	Jan 2020 ongoing		Short	Ongoing	Underway
Coordinating role	Achieve effective collaboration with partners and coordination of services	“Work with local support services to develop a “No Wrong Door Policy” in order to ensure that where referrals are made to the wrong service, wherever possible, an appropriate service is identified and the referral is forwarded on”.	SHT	Ongoing	Ongoing	Short - Medium	The council’s partners and commissioned services all work towards the ‘no wrong door’ approach for clients who approach them for advice and assistance. Robust relationships are in place between the partners and the council. A formal policy is yet to be written and agreed by partners.	Underway
Strategic Role	Provide ongoing commitment to engage at a strategic level	Participate in the Homes for Cathy regional working group led by Broadland Housing Group	SHT & RP Partners	Ongoing	FCH board have agreed to review a set of policies including those relating to evictions for arrears and lettings in the context of Home for Cathy commitments	Short	Ongoing. Latest meeting identified a need for accommodation for offenders who are employed upon release from prison. Meetings address / explore different issues, gaps in service or areas of good practice that	Underway

							is shared and acted upon with partners.	
Strategic Role	Provide ongoing commitment to engage at a strategic level	Ongoing monitoring of commissioned services & performance against agreed objectives and targets.	SHT	Ongoing	Quarterly Monitoring commenced for commissioned services	Short-medium	Currently all monitoring of services is being reconsidered with a focus on more detailed information and outcomes. Proposed changes to Homelessness and Housing Delivery Task Group. Terms of reference to include monitoring of new commissioned services.	Complete
Strategic Role	Provide ongoing commitment to engage at a strategic level	Review of strategic relevance of services	SHT	Ongoing	Ongoing	Short-medium	<p>New services commissioned.</p> <ul style="list-style-type: none"> • Housing First Provision. • In reach / Outreach Intensive Support Service. <p>This is ongoing and reactive to the changing needs of clients and identifies gaps in services.</p>	Complete
Strategic Role	Provide ongoing commitment to engage at	Review contractual arrangements for year 3 of the Home group Community support service.	SHT, NCC & internal	Complete	The Homestay tenancy support service has been decommissioned with a new	Short-medium	Homestay tenancy support service has been decommissioned and a new service has been commissioned by Norfolk	Complete

	a strategic level				countywide (except Norwich) service being delivered by Bridges who contract the Benjamin Foundation to provide a similar service.		County Council. Bridges is the new provider are able to access a 35% financial uplift through the Life Chances Fund. Bridges and local councils have commissioned the Benjamin Foundation to provide a local tenancy support service who are able to support single people or families who have low needs to maintain and sustain their accommodation in any sector i.e. private, social or owner occupies accommodation.	
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REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards	Operational	Be entirely within Cabinet's powers to decide		YES	
		Need to be recommendations to Council		NO	
		Is it a Key Decision		NO	
Lead Member: Cllr Paul Kunes E-mail:		Other Cabinet Members consulted:			
		Other Members consulted:			
Lead Officer: John Greenhalgh, Assistant Director Martin Chisholm, Assistant Director E-mail: Direct Dial:		Other Officers consulted: Barry Brandford, Waste & Recycling Manager Nathan Johnson, Public Open Space Manager Mark Whitmore, Environmental Health Manager Becky Box, Assistant Director Stuart Ashworth, Assistant Director			
Financial Implications YES	Policy/ Personnel Implications YES/NO	Statutory Implications NO	Equal Impact Assessment YES If YES: Pre- screening/ Full Assessment	Risk Management Implications YES	Environmental Considerations YES

Date of meeting: 16 November 2021

CLEAN NEIGHBOURHOODS, FLY-TIPPING AND ENVIRONMENTAL ENFORCEMENT.

Summary

Environmental issues, including the illegal dumping of waste on land in West Norfolk is a priority for this council. This report looks to prioritise and improve the response to dumped waste along with improving the education of residents and visitors, supporting community litter-picks and other initiatives to improve their locality, whilst dealing firmly with those who are intent on illegally discarding their waste.

Recommendation

- 1. To commit additional resourcing to address the clean neighbourhood issues and reinforce the council's commitment to dealing with litter, fly-tipping and clean neighbourhood issues to improve the appearance and environment of the borough.**
- 2. Approve the resourcing and expenditure as set out in the report.**
- 3. To approve the vehicle procurement in line with our climate change policy as set out in the report.**

Reason for Decision

The council wishes to reduce the social and environmental impact of fly-tipped waste on communities by increasing and refocussing its resources dedicated to communication and the clearance of small-scale fly-tipping and ultimately to increase its capacity to enforce the law.

1. Background

- 1.1. Fly-Tipping as defined by Defra (The Department for Environment, Food and Rural Affairs), describes the “illegal dumping of liquid or solid waste on land or in water”, the Keep Britain Tidy group further define fly-tipping as “the ‘illegal deposit of any waste onto land that does not have a licence to accept it’.
- 1.2. In the period April 2018 to March 2021 the council received an average of 1300 reports of illegally dumped waste a year. Whilst a significant number this represents a drop from an average of 1900 reports per year in the period April 2014 to March 2018. There has also been a steady decrease in fly tips from 2014 (when the CSNN team took on responsibility for waste enforcement work) with a year on year drop in reported cases to March 2020 and 41% overall drop from 2014 to 2020. In order to build on this success officers have been asked to look at how education and enforcement work can be strengthened further to allow more incidents to be investigated and cleared in a timely and efficient manner.
- 1.3. The council recognises that the majority of these tips occurred on public land and that there is an under reporting of tips on private land. It is expected that with an increased profile and visibility there will be an initial increase in fly-tipping numbers reported in the next few years as the public see the benefit in reporting cases.
- 1.4. Not all fly-tips are large in volume which is the usual perception, many (56%) were a single item of waste or single black-bag in size. A further 29% were equivalent to a car boot volume of materials. Fortunately, at the opposite end, only 4% amounted to a large van or tipper lorry load.
- 1.5. Most waste being dumped is domestic in nature (49%), with the next nearest type classification being tyres (10%). This does not mean that all this waste is being dumped by householders. Domestic waste disposal is often undertaken by third parties who offer to take waste away for a small fee and go on to fly tip.
- 1.6. The above data represents only the cases we are aware of. The council are aware that littering of public open spaces is becoming a greater focus of public attention and annoyance.

2. Education / Communications

- 2.1. The council has participated in a range of educational and promotional work through the #SCRAP campaign, although this work was largely suspended throughout the pandemic. In addition, in hot spot areas education via door knocking and targeted leafleting has taken place. However, it is recognised that a more coherent and structured approach is needed, that goes beyond the SCRAP messaging. It is proposed to develop a package of educational and promotional issues.
- 2.2. Using the 'Love West Norfolk', '#SCRAP' and 'Love Norfolk, Hate Litter' brands as a central theme a programme of communications will be developed which will have four audiences:
 - i. All residents and businesses raising awareness of the impacts of fly-tipping and the ways of reporting incidents
 - ii. Very local neighbourhood focussed communications where fly-tipping leads to a degraded environment
 - iii. Children and young people to enable them to make good environmental choices reinforcing the benefits which reducing waste brings, including recycling.
 - iv. Specific pragmatic information to support those groups which contribute to an improved environment through litter picks, including the acknowledgement of their help.
- 2.3. None of the above brands are owned by the Council and their use will be subject to stakeholder agreement. It is not envisaged that this will be a difficulty as all of the brands are concerned with improving the environment.
- 2.4. The outcome of this work is to reinforce the message that fly-tipping is an unacceptable behaviour due to the harm it creates and the cost to the community of dealing with waste.
- 2.5. This work will be led by the Communications Team to ensure a consistent and cohesive approach. They will be provided with the resources to generate content for presentations and social media as well as local communications. The plan includes resources which can be used either within the team or using external professional producers to ensure that content is impactful and engaging for the audience at which it is focussed.
- 2.6. This work will also highlight the interventions and enforcement activity undertaken by the council to tackle irresponsible behaviour and those flouting the law.
- 2.7. It is proposed that a further review is undertaken during year 3 to identify further priorities and the impact of the work stream and where necessary adjust resources to meet the needs of the community.

- 2.8. The proposal sets out a mixed approach which is intended to make positive interventions to reduce and address the impacts of fly-tipping on land in the borough.

3. Community initiatives

- 3.1. For a number of years the council have supported individuals and community groups undertake initiatives to keep their localities clean and free of litter. Community litter picking kits are available and regularly loaned to groups to support these initiatives. Similarly, there are kits available in Hunstanton, which allow visitors to contribute to keeping the beach and water's edge free of waste. These initiatives and the efforts of residents to protect their local environment is an area of activity to be celebrated, however, much of the littering that groups wish to tackle is on land which the public have access to but is in private ownership. This is an area that traditionally we have not supported, merely signposting the volunteers to the landowner. We wish to improve our involvement in this area by taking the difficulties of coordination and liaising with landowners away, as far as is possible, from the volunteers and undertaking that work ourselves to ensure that the efforts of these valued groups can be maximised.
- 3.2. In preparation for the submission of this report the council has engaged with Norfolk County Council through their Head of Waste to ensure that the most pragmatic approaches to dealing with litter and waste collected can be disposed of safely and in accordance with the law. Norfolk County Council by supporting the disposal of waste are ensuring that resources can be focussed on education and engagement.
- 3.3. Serco, as the council's contractor for waste collections, have made commitments to the three councils in the contract, to support initiatives in the community on environmental improvement. This includes practical logistical support such as collecting bagged waste from litter picks and supporting the increased provision of litter picking equipment.
- 3.4. The council, through the CSNN team, will continue to support owners of private land who are victims of fly-tipping by working with them to identify offenders and undertake enforcement action wherever possible. CSNN will also continue to support the Norfolk Waste Enforcement Group and Rural Crime Network.

4. Options Considered

- 4.1. The following options were considered:
- 4.2. No change
The current resourcing limits the council's ability to target and disrupt small scale fly tipping incidents, with the focus being on investigating more significant fly tips.

- 4.3. Waste which is affecting the environment on the margins of publicly accessible land is left as the responsibility of the landowner to deal with, along with all the associated costs.
- 4.4. Area teams within Public Open Space will clear relevant land¹ of fly-tipped waste and maintain our service standard but this will continue to act as a distraction from scheduled works.
- 4.5. Proposed integration
Providing an integrated response to 'domestic' incidents provides for evidence gathering and follow up to be pursued from the first reports and that waste can be cleared immediately by the investigator and taken for disposal through safe and legitimate routes. The receipt of complaints through investigation and clearance for small scale incidents is dealt with through a single service based within Public Open Space. Public Open Space Operations Managers and their teams will clear larger or more complex incidents from relevant land.
- 4.6. Where there is evidence of organised criminality or the amount of waste is either equivalent or greater than a small van load or hazardous with evidence to suggest lines of enquiry these will be passed to CSNN for specific investigation.
- 4.7. CSNN will also receive and collate intelligence around waste enforcement cases. Where this intelligence indicates that small scale tipping is part of a wider level of organised criminality case investigation will be managed by CSNN.
- 4.8. Outcomes of both CSNN and PoS investigations will be reviewed by Service Managers and recommendations made to Assistant Directors on any changes required to ensure maximum benefit to the community.
- 4.9. The first element of the integration will be for the development of the communications and outreach materials. The Waste and Recycling Manager has worked effectively with the Communications Manager and her team over a number of years. Communication will be the first important step in making the desired step change.
- 4.10. Norfolk County Council has worked with the council in this approach which will mean that where the council takes these steps on education, communication and outreach Norfolk County Council will accept 'household waste' collected by the borough in a highly pragmatic approach. This will be extended to litter picked from public land by residents and collected by the council or Serco will also be freely accepted by the Waste Disposal Authority.

¹ Relevant Land is defined as land that is all of the following:

- open to the air on at least one side
- under the council's direct control
- publicly accessible (with or without payment)

5. Policy Implications

5.1. The proposal supports the following Corporate Priorities:

5.2. Three - Protecting and enhancing the environment including tackling climate change

The objectives are to:

- Develop and implement the council's carbon reduction strategy and encourage our partners, communities and local businesses to reduce their environmental impact
- Improve recycling levels

5.3. Five - Creating and maintaining good quality places that make a positive difference to people's lives

The objectives are to:

- Protect, promote and enhance the borough's natural and built environment
- maintain accessible, clean, pleasant and safe public places and communities

5.4. Enforcement activity will be subject to the councils Enforcement Policy, this document is being reviewed and updated to better reflect the Councils priorities, before being presented for approval.

6. Financial Implications

6.1. These proposed changes will have the costs outlined in the tables below:

6.2. **Capital**

	Cost
2No. Electric Vehicles	£60,000
Ancillary items, ICT Technology	£15,000
CSNN Ancillary Items 1No. vehicle	£7,500 £30,000
Total	£112,500

6.3. **Revenue**

	Cost (pa)
2No. Clean Neighbourhood Officers (*subject to job evaluation)	£73,000 (inc on-cost*)
1No. FTE Administration (*subject to job evaluation)	£31,400 (inc on-cost*)
Vehicle Maintenance / Servicing / internal borrowing	£20,000

Ancillary items, ICT Technology	£10,000
Community Engagement	£5,000
CSNN – Enforcement Intelligence officer / case manager (subject to Job Evaluation)	£42,000 (inc on-cost)
Vehicles	£10,000
Total	£191,400

Notes:

These revenue budgets will need to be revised at the third-year review as there may be a change in prioritisation.

There may be a need for an additional Enviro-Crime officer within the CSNN team, but this is dependent on the workload which as yet cannot be accurately determined at this stage. This will be reviewed at the end of year one.

7. Personnel Implications

- 7.1. The proposals outlined in this report include a recommendation to create four additional fixed term posts (each on a 3 year contract). Three posts will sit within the Clean Up Team and the Intelligence Officer / Case Manager post will sit within the Community Safety and Neighbourhood Nuisance Team. There is also an additional CSNN Enforcement Officer post, the need for which will be reviewed at year one and be subject to a separate bid if required.
- 7.2. This additional resource will directly support the delivery of the high priority work in relation to fly tipping and environmental enforcement. The fixed term contract period will enable the service to review impact and focus after the initial three year period and revise the approach as required at that point in time.
- 7.3. The additional posts will be subject to job evaluation processes prior to advertising the positions and once recruited will be managed within the existing Clean Up and CSNN structures.

8. Environmental Considerations

- 8.1. The removal of waste from land prevents environmental harm and has positive reputational benefits for the council. Land which is initially degraded by waste may be subject to further dumping causing further pollution.

9. Statutory Considerations

- 9.1. The council has a duty to clear waste from relevant land under the Environmental Protection Act 1990. The Waste Disposal Authority (Norfolk County Council) has a duty to dispose of waste collected by the council as household waste. Household waste is a defined term which is subject to some complexity.

10. Equality Impact Assessment (EIA)

(Pre screening report template attached)

- 10.1. The Screening assessment shows no negative impacts but does indicate a positive impact on those on low incomes. This is because fly-tipping is a problem in some areas with high levels of rented homes some of which are also houses in multiple occupation. Part of the problem also appears to be landlord clearance of properties between lets. Additionally, some people will travel to fly-tip waste in these areas because of perceived lack of intervention and the presence of waste.

11. Risk Management Implications

- 11.1. The current arrangements for the collection and disposal fly-tipped waste creates reputational and environmental harms in west Norfolk. The quicker removal of waste from publicly accessible land will reduce those harms.
- 11.2. Encouraging residents to be engaged and supported in clearing small waste items by litter picks on publicly accessible community land reduces environmental harms and increases community engagement and ownership of the local environmental quality.
- 11.3. Enforcement actions against individuals may create risks of perception and reputation but these will be managed through effective communication and compliance with our enforcement policy.
- 11.4. Increasing the scope of the land the council will clear of waste and raising the expectations of the public and interested parties can create performance and reputational risk and this is being addressed by the provision of resources within this report.

12. Declarations of Interest / Dispensations Granted

None

13. Background Papers

(Definition : Unpublished work relied on to a material extent in preparing the report that disclose facts or matters on which the report or an important part of the report is based. A copy of all background papers must be supplied to Democratic Services with the report for publishing with the agenda)

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	Small scale waste enforcement				
Is this a new or existing policy/service/function?	New / Existing (delete as appropriate)				
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>	<p>Provide new additional resources and arrangements to increase the capacity of the council to deal with fly-tipping through education and enforcement.</p> <p>Enforcement of the law on waste is highly constrained. There are complex arrangements relating to collection and disposal of waste on land.</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
	Other (eg low income)	x			

REPORT TO CABINET

Open	Would any decisions proposed :		
Any especially affected Wards	(a) Be entirely within cabinet's powers to decide NO		
	(b) Need to be recommendations to Council YES		
	(c) Be partly for recommendations to Council NO and partly within Cabinets powers –		
Lead Member: Paul Kunes E-mail: paul.kunes@west-norfolk.gov.uk		Other Cabinet Members consulted:	
		Other Members consulted: Licensing Committee	
Lead Officer: Marie Malt E-mail: marie.malt@west-norfolk.gov.uk Direct Dial: 01553 616786		Other Officers consulted: Stuart Ashworth, Geoff Hall, Licensing Team	
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) YES	Risk Management Implications NO
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)			

Date of meeting: 16th November 2021

TITLE: Gambling Act 2005 - Statement of Principles

Summary

The Gambling Act 2005 requires every local authority to agree a Statement of Principles (previously referred to as 'Statement of Licensing Policy') in accordance with the Statutory Guidance issued under the Act. The policy has been drawn up in accordance with the guidelines issued by the Gambling Commission and has been subject to consultation.

Recommendation

That the Council be invited to adopt the Statement of Principles in accordance with the requirements of the Gambling Act 2005.

Reason for Report

It is a Statutory requirement that the Council adopts a Statement of Principles.

1.0 Background

1.1 The Gambling Act 2005 (the 'Act') requires all local authorities to publish a Statement of Principles each three-year period. Our current policy was approved by Full Council on the 29th November 2018.

1.2 Regulations require that the Council has their new statement of principles in place by the 31st January 2022.

2.0 Consultation

2.1 The Guidance to Licensing Authorities issued by the Gambling Commission advises on how the policy is to be formulated and the consultation process to which it will be subjected. The Act requires that the following parties are consulted:

- 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
- 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

2.2 A list of persons we consulted can be found at Annex A to the Draft Statement of Principles (attached). In addition, the consultation has been open to the public on the Borough Council's website.

2.3 The changes proposed are highlighted by tracked changes in the attached document, Appendix 1.

2.4 The proposed changes incorporate amendments to the statutory provisions and the guidance issued by the Gambling Commission. The opportunity has also been taken to provide additional information and update sections in order to provide a policy that will be capable of assisting any one of the wide range of people who may have recourse to it.

2.5 The consultation ended on 19th October 2021 and a summary of comments received can be found at Appendix 2.

3.0 Review

3.1 Regulations issued under the Act require that the statement of principles be formally reviewed every three years although it can be reviewed and changed at any time if required.

4.0 Delegation of Functions

4.1 The Act delegates the Licensing Authority's functions to the same Licensing Committee established under the Licensing Act 2003 with the exception of the Authority's function to publish a three-year statement of principles and the power to resolve not to grant casino licences. These two matters can only be dealt with by Full Council.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications.

6.0 STATUTORY CONSIDERATION

6.1 It is a statutory requirement that we review our statement of principles at least every 3-year period.

7.0 RISK ASSESSMENT

7.1 The risk of not adopting the statement of principles means that the Borough Council will not be able to conduct any of its statutory functions (issue licences and permits and enforcement) under the Gambling Act 2005 after the 31st January 2022.

8.0 EQUALITY IMPLICATIONS

8.1 There are no equality implications.

Attached Papers

Appendix 1 Gambling Act 2005 - Draft Statement of Principles (DRAFT)

Appendix 2 Summary of comments received during consultation period.

Background papers

1. The Gambling Act 2005
2. The Gambling Commission's current Guidance to Licensing Authorities



Gambling Act 2005

Statement of Principles

Approved by Cabinet on: ~~13th November 2018~~2021
Approved by Full Council on: ~~29th November 2018~~2021
Effective from: 31st January ~~2019~~2024

Borough Council of King's Lynn & West Norfolk

<u>Item</u>	<u>Paragraph</u>
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Introduction	2.0
Declaration	3.0
Responsible Authorities	4.0
Interested parties	5.0
Exchange of information	6.0
Inspection & Criminal Proceedings	7.0
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PART A

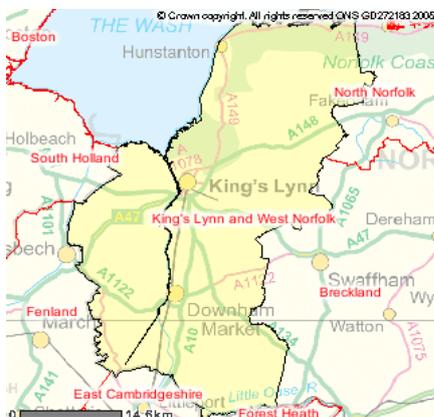
1.0 The Licensing Objectives

- 1.1 In exercising their functions under the Gambling Act 2005, (hereafter referred to as the 'Act') the Borough Council of King's Lynn & West Norfolk (hereafter referred to as the 'Borough Council') must have regard to the licensing objectives as set out in section 1 of the Act. These 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 requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.
- 1.3 The Borough Council is aware that, in accordance with Section 153 of the Act, 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 Borough Council's Statement of Principles.

2.0 Introduction

- 2.1 The Borough Council is situated in the County of Norfolk and has a population of 151,800 (Norfolk Insight 2016). In terms of area it is the largest, covering 1428.76 square kilometres (551 square miles). The area is mainly rural with urban areas of King's Lynn, Downham Market and Hunstanton. These areas are shown in the map below:

Borough Council of King's Lynn & West Norfolk



2.2 The Borough Council is required by the Act to publish a statement of the principles (policy) which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement may also be reviewed from "time to time" and then any amended parts re-consulted upon. The statement must be then re-published.

2.3 The Borough Council will consult widely upon this statement of principles before finalising and publishing. A list of the persons who have been consulted is provided at Annex A.

2.4 The Act requires that the following parties must be consulted:

- 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 Act.

~~2.5 Our consultation took place between the 1st July 2018 and the 1st October 2018 and followed HM Government Consultation Principles (published 2018), which is available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles_1_.pdf~~

~~2.6 The full list of any comments made and the consideration by the Borough Council of these comments will be available by request to the Senior Licensing Officer at the Borough Council.~~

~~2.5 Following consultation, the policy was approved at a meeting of by the Full Council on the 29th November 2018 and was published via on the Borough Council's website on the 21st December 2018.~~

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~~2.8 Should you have any comments as regards this statement of principles please send them via e-mail or letter to:~~

~~———— The Senior Licensing Officer
———— Environmental Health – Licensing
———— Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX
E-mail: ehlicensing@west-norfolk.gov.uk~~

2.6 It should be noted that this statement of 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 Act.

3.0 Declaration

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

4.0 Responsible Authorities

4.1 The Borough Council is required 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 The Borough Council designates the Norfolk Safeguarding Children Board for this purpose. (<http://www.norfolkscb.org/>)

4.3 The contact details of all the Responsible Authorities under the Act are attached to this Statement of Principles at Annex B.

5.0 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 ~~Section 158 of~~ the Act as follows:

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

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- 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 In determining whether someone lives sufficiently close to particular premises so as to be affected, the Borough Council may take into account, amongst other things:

- the size and nature of the premises
- the distance of the premises from the person making the representation
- the nature of the complaint
- the potential impact of the premises.

In determining whether a person has a business interest which could be affected, the Borough Council may consider, amongst other things:

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

The Borough Council will interpret the phrase “business interest” widely and not merely confine the phrase to meaning those engaged in trade and commerce. It may therefore include charities, churches, medical practices, schools and other establishments and institutions.

In determining whether a person is an interested party, the Borough Council will apply the following principles. The first principle is that each case will be decided upon its own merits. The Borough Council will not apply a rigid rule to its decision making and will consider the examples of considerations provided in the Gambling Commission’s Guidance for local authorities. “Business interests” is given the widest possible interpretation and includes partnerships, charities, faith groups and medical practices.

5.3 A wide interpretation will be given to those categories of persons and organisations that represent residents and businesses. These may include residents and tenants’ associations, trade unions and other associations, as well as individuals whose role is to represent the interests of one or more residents or businesses such as a Councillor or Member of Parliament.

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, then without further relevant evidence supporting the representation, the Borough Council would not consider this to be a relevant representation because it relates to “demand” or competition.

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It is for the Borough Council to determine, on a case by case basis, whether or not a person making a representation is an "interested party". The Council may ask for evidence to identify who is being represented and show that they have given consent for representations to be made on their behalf. In cases which are not clear-cut, the benefit of the doubt will usually be exercised in favour of the person making the representation.

~~Interested parties can be persons who are democratically elected such as councillors and members of parliament. No specific evidence of being asked to represent an interested person will be required as long as the councillor / 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.~~

- 5.4 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 Sub-Committee dealing with the licence application. If there are any doubts then please contact the licensing team.

6.0 Exchange of Information

- 6.1 The Borough Council is required to include in ~~our this~~ statement the principles to be applied by the ~~authority Council~~ 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 Borough Council will act in accordance with all the relevant legislation and guidance from the Gambling Commission with regard to data protection and the freedom of information. Additionally, the Borough Council has adopted and will apply the principles of better regulation as detailed in the Regulators' Code.

~~The principle that the Borough Council will apply is that we will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Borough Council will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.~~

7.0 Inspections & Criminal Proceedings

- 7.1 Licensing authorities are required by ~~regulation under~~ the Act 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 The Borough Council's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and its own enforcement ~~police~~ policy 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 The Borough Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 The Borough Council inspection programme will be ~~risk-based~~ and take into account;

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission, ~~in particular at Part 36~~;
- This statement of principles.

7.5 The main enforcement and compliance role for the Borough Council in terms of the Act 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 Borough Council but should be notified to the Gambling Commission.

8.0 Licensing Authority Functions

8.1 The Borough Council, as the Licensing Authority is 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'); and
- maintain registers of the permits and licences that are issued under these functions

8.2 It should be noted that local licensing authorities are not involved in the licensing of remote gambling, which is regulated by the Gambling Commission via operating licences.

PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

9.0 General Principles

9.1 Premises licences are subject to the requirements set-out in the Act 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.

10.0 Decision Making

10.1 The Borough Council 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 principles.

10.2 It is appreciated that, as per-stated in the Gambling Commission's Guidance for local authorities, "moral and ethical objections to gambling are not a valid reason to reject applications for premises licences". ~~(except as~~

~~regards any 'no casino resolution'—see section on Casinos at paragraph 24) and, also,~~ that demand is not a ~~criteria-relevant consideration~~ for a licensing authority.

11.0 Definition of “premises”

- 11.1 In the Act, "premises" is defined as including "any place". ~~Section 152 therefore prevents more than one premises licence applying to any place. But a~~ single building could be subject to more than one premises licence, provided they are for different parts of the building and 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, the Borough Council shall pay particular attention if there are issues about subdivisions of a single building or plot and shall ensure that mandatory conditions relating to access between premises are observed.
- 11.2 ~~The Act requires applicants to submit plans of the premises with their application to ensure that the Borough Council has the necessary information to make an informed judgment about whether the premises are fit for gambling. As the plan forms part of the premises licence, it will also be used by the Borough Council in connection with premises inspection activity. The plans must comply with requirements contained in the regulations made under the Act. The Gambling Commission states in its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”~~
- 11.3 ~~When determining an application for a premises licence or review of a premises licence, regard will be had to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome any concerns, this will be taken into account. This would be expected to be addressed as part of the local risk assessment required to be submitted with all new and variation premises licence applications. The Borough Council takes note of the Gambling Commission’s Guidance to Licensing Authorities which states that:~~

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~~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 named on the premises licence.~~

~~11.4 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:~~

- ~~• Do the premises have a separate registration for business rates?~~
- ~~• Is the premises' neighbouring premises owned by the same person or someone else?~~
- ~~• Can each of the premises be accessed from the street or a public passageway?~~
- ~~• Can the premises only be accessed from any other gambling premises?~~

~~11.5 The Borough Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.~~

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

12.1 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.

12.2 Adult Gaming Centre

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

12.3 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.

12.4 Tracks

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

12.5 Bingo Premises

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

12.6 Family Entertainment Centres

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

~~12.7 The Gambling Commission's Guidance contains further advice on this issue, which the Borough Council will also take into account in its decision-making.~~

13.0 Location

13.1 The Borough Council 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~~The Council 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.

14.0 Local Area Profiling

~~14.1 The Social responsibility Code (10.1.1), came into effect on the 6th April 2016 and requires licensees to assess the local risks to the licensing objectives posed by their gambling operations at each of their premises, and have policies, procedures and control measures to mitigate those risks.~~

14.12 The Borough Council is aware that there is no mandatory requirement to have a local area profile but recognises that that one may offer a number of benefits. Should evidence be obtained to identify local risk areas then

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these will be reflected in a separate document and made available from Environmental Health – Licensing and on the Borough Council's website.

15.0 Local Area Risk Assessment

15.1 It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises. Policies, procedures and control measures must be in place to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

15.2 The LCCP, ~~at Section 10 states that requires~~ licensees ~~must to undertake and~~ review (and update as ~~———— necessary~~) ~~their~~ local risk assessments:

- to take account of any significant changes in local circumstances;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- ~~in any case, undertake a local risk assessment~~ when applying for a new premises licence.

15.3 In undertaking a local risk assessment the Borough Council will expect the operator, as a minimum, to take into account:

- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather
- health information and data relating to gambling related harm

15.4 ~~A single generic risk assessment covering every premises in an operator's estate will not be considered by the Borough Council to be suitable or sufficient. It is also expected that operators will take full account of the local area when compiling their risk assessments, and to reflect this in the control measures which they will implement. The local risk assessment should also show how vulnerable people, including people with gambling dependencies are protected.~~

Risk assessments should be kept at the individual premises to which they relate. All staff should be fully aware of the risk assessment and where it is kept in order that they can work in accordance with any requirements, and it can easily be provided to the Borough Council should they request to see it at any reasonable time.

15.5 The Borough Council also consider the following matters are of importance for ~~————~~ operators to consider in developing their local risk assessments:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under-age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by-etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information.

Such information may be used to inform the decision the Borough Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

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15.6 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

16.0 Public Health & Gambling

16.1 The Borough Council is aware that Norfolk County Council Public Health ("Public Health") supports the ~~national~~ position of the Gambling Commission on the prevention of problem gambling³, which the ~~commission-Commission~~ states should be a ~~Public-public Health-health~~ issue that is tackled in a comprehensive way alongside other public health issues like alcohol, drug misuse, or obesity, addressed by a range of organisations and agencies working co-operatively.

16.2 Public Health's role is to focus on the prevention of harm to vulnerable people within Norfolk, and any health harms that can be caused, or exacerbated by gambling. ~~Our-Their~~ aim is to work with ~~Local-local~~ authorities in Norfolk to support a move towards health harms for individuals and communities being considered in the Gambling licensing process.

16.3 ~~We will~~ Public Health may provide support to the local authorities in the development and review of ~~the-a~~ Statement of ~~principlesPrinciples~~, and, where appropriate, a ~~Local-local~~ profile that identifies the wider health harms relating to gambling that includes ~~Mental-mental~~ health, ~~Housinghousing~~, community welfare, and debt. All these areas are connected to poor health

³ <https://www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-public-health-issue.pdf>

outcomes, not only for an individual, but for the surrounding family and the community.

17.0 Planning Permission & Building Regulations

17.1 In determining applications, the Borough Council will not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

~~17.2 The Borough Council is aware that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, 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. (Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence).~~

18.0 Duplication with other Regulatory Regimes

~~18.1 The Borough Council will not seek to use the Act to resolve matters more readily dealt with under other legislation and will seek to avoid any duplication with other regulatory systems where possible. For example, the Borough Council will not take into account whether the appropriate planning permission or building regulations approval are likely to be granted, nor will it take into account fire or health and safety risks without justification in a particular case. It will, however, carefully consider any concerns about conditions which are not able to be met by applicants or licensees due to planning restrictions, should such a situation arise. The Borough Council will aim 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.~~

19.0 Licensing Objectives

19.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to this, the Borough Council has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

19.2 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.** The Borough Council 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. The Borough Council 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.

19.3 Ensuring that gambling is conducted in a fair and open way. The Borough Council 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. ~~The only exception to this is for tracks which is covered in paragraph 24 below.~~

19.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling. The Borough Council has noted the Gambling Commission's Guidance for local authorities states 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 Borough Council 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.

~~The use of CCTV (in accordance with data protection regulations and any relevant codes of practice) may be insufficient on its own as a measure to prevent access to gaming facilities by children or vulnerable persons (including those who have registered in a self-exclusion scheme).~~

~~At premises such as adult gaming centres, betting shops, bingo halls and family entertainment centres where category B or C gaming machines are operated, the Borough Council will expect that an appropriate number of staff will be present throughout opening hours to ensure that children are not permitted to enter the premises or use age-restricted gaming facilities, as the case may be, and that self-excluded persons are not permitted to gamble.~~

~~The Borough Council is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises such as pubs.~~

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As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and

people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” ~~This licensing authority~~The Borough Council will consider this licensing objective on a case by case basis.

20.0 Conditions

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

- ~~relevant to the aim to permit the use of the premises for need to make the proposed building suitable as a gambling facility;~~
- necessary to promote the licensing objectives;
- 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.

20.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Borough Council 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. The Borough Council will also expect the licence applicant to offer ~~his/her~~their own suggestions as to way in which the licensing objectives can be met effectively.

20.3 The Borough Council 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.

20.4 It is noted that the Borough Council cannot attach conditions to premises licences which:

- makes it impossible to comply with an operating licence condition;
- relate to gaming machine categories, numbers, or method of operation;
- provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); ~~and/or~~
- relate to stakes, fees, winnings or prizes.

20.5 Door Supervisors

If the Borough Council 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.

~~The Act provides that where a person employed as a door supervisor is required to hold a licence issued by the Security Industry Authority (SIA).~~

that requirement will have force as though it were a condition on the premises licence.

The majority of persons employed to work as door supervisors at premises licensed for gambling will need to be licensed by the SIA. There are, however, exceptions to this requirement.

This requirement is relaxed when applied to door supervisors at casino and bingo premises. Where contract staff are employed as door supervisors at casino or bingo premises, such staff will need to be licensed by the SIA. However, in-house employees working as door supervisors at casino and bingo premises are exempt from this requirement.

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21.0 Adult Gaming Centres

- 21.1 Persons operating an adult gaming centre (AGC) are able to make category B, C and D gaming machines available. No-one under the age of 18 is permitted to enter an AGC

The Borough Council will 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~~ Council that there will be sufficient measures to, for example, ensure that children and young persons do not have access to the premises.

- 21.2 The Borough Council 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; and
- 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.

22.0 (Licensed) Family Entertainment Centres (FEC):

- 22.1 Persons operating a licensed Family Entertainment Centre (FEC) must hold a relevant operating licence issued by the Gambling Commission. They will be able to make category C and D gaming machines available.

Children and young persons are permitted to enter an FEC and may use category D machines. They are not permitted to use category C machines and it is a requirement that there must be clear segregation between the two types of machine, so that under-18s do not have access to them.

The Borough Council 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~~Council, for example, that there will be sufficient measures to ensure that under children and young persons do not have access to the adult only gaming machine areas.

22.2 The Borough Council 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; and
- 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.

23.0 Casinos

23.1 There are currently no casinos operating within the ~~borough~~Borough Council's area.

23.2 Casinos are only permitted in certain areas within Great Britain. New casinos under the Gambling Act 2005 are restricted to 16 specific local licensing authority areas. The Borough Council's area is not one of those areas.

Casinos that operated under the Gaming Act 1968 should already have a premises licence from their local licensing authority. The regions in which those casinos operate are based on a historical division that was established under the previous licensing regime by the Gaming Board for Great Britain. The Borough Council's area is not one of those regions. The Borough Council has not passed a 'no casino' resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the Borough Council decide in the future to pass such a resolution, it will update this statement of principles with details of that resolution.

24.0 Bingo premises

24.1 Cash bingo is the main type of bingo played in commercial bingo premises. They can also offer prize bingo, largely as games played in the intervals between main stage games. Premises with a bingo premises licence will be able to offer bingo in all its forms.

The Borough Council will need to be satisfied that bingo can be played in any bingo premises for which a premises licence is sought.

The Act provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available.

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Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

The Borough Council will need to be satisfied that any premises licensed for bingo will operate in a manner which a customer would reasonably be expected to recognise as premises licensed for the purposes of providing facilities for bingo.

The Borough Council may consider measures to meet the licensing objectives such as:

- CCTV
- Proof of age schemes
- Supervision of entrances/machine areas
- Physical separation of areas (if not adult-only)
- Entry control system (if not adult-only)
- 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 children on the premises (if not adult-only)

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

25.0 Betting premises

25.1 Betting premises provide off-course betting which is betting that takes place other than at a track in what was previously known as a licensed betting office. Tracks are considered below.

Children and young persons are not permitted to enter betting premises. The Borough Council will expect applicants and licence holders to take account of the structure and layout of their gambling premises in order to prevent underage gambling.

The holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D.

Betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These self-service betting terminals (SSBTs) are not gaming machines.

The Borough Council may restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the Borough Council, amongst other things, will take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

The Borough Council 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. Betting machines — A 'betting machine' is not a gaming machine and the Borough Council is aware that it can attach a condition to restrict the number of betting machines. The Borough Council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of these machines when considering the number/nature/circumstances of betting machines an operator wants to offer.

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26.0 Tracks

- 26.1 The Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

Examples of other tracks include (this is not an exhaustive list):

- a point-to-point horserace meeting
- football, cricket and rugby grounds
- an athletics stadium
- a golf course
- venues hosting darts, bowls, or snooker tournaments
- premises staging boxing matches
- a section of river hosting a fishing competition
- a motor racing event

There are differences between track premises licences and other premises licences. Tracks admit third-party operators to provide betting facilities, whereas other premises licence holders – for example, betting shops, bingo clubs and casinos – provide the gambling facilities themselves and are subject to the conditions of the operating licence as well as the premises licence.

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Borough Council will especially consider the impact upon the licensing objective "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.

~~The Borough Council 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.~~

- 26.2 Persons under 18 years old are not permitted to enter premises when betting facilities are being provided, other than at tracks. This dispensation allows families to attend premises such as greyhound tracks or racecourses on event days, and children to be permitted into areas where betting facilities are provided, such as the 'betting ring', where betting takes place.

The exemption allowing children access to betting areas on tracks does not extend to areas within a track where category C or above machines are provided, or other premises to which under 18 year olds are specifically not permitted access. For example, where betting facilities are provided through a self-contained betting office on a track which has a separate betting premises licence, the betting operator of the self-contained premises is required to exclude under-18s from their premises.

The Act creates offences relating to gambling by children and young people and operating licence conditions require operators to have policies and

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procedures in place to prevent betting from persons who are under 18 years old. As under-18s are permitted to enter betting areas on tracks on event days, this needs to include policies and procedures to mitigate the likelihood of underage betting occurring. The track premises licence holder is also required to display a notice in a prominent place at every public entrance stating that no person under the age of 18 is permitted to bet on the premises.

The Act prohibits the employment of anyone under 18 years old on tracks. The Borough Council expects a 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.

26.3 The Borough Council 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; and
- 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.

26.4 The Borough Council will consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use their entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

~~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.~~

26.5 Betting operators may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet with a member of staff. These self-service betting terminals (SSBTs) are not gaming machines; they automate the process that can be conducted in person and therefore are not regulated as gaming machines. There is no restriction on

~~the number of SSBTs that may be in use but operators must, by virtue of their operating licence conditions, supervise such terminals to prevent them being used by persons under 18 years of age.~~

~~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.~~

27.0 **Track Applications and plans**

- 27.1 ~~Section 51 of the~~The Act requires applicants to submit plans of the premises with their application, ~~in order~~ to ensure that the ~~licensing authority~~Borough Council has the necessary information to make an informed judgement about whether the premises are fit for gambling.
- 27.2 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.
- 27.3 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.
- 27.4 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 defining the extent of boundaries may be assisted by reference to existing plans already submitted to obtain other permissions.~~betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.~~
- 27.5 The Borough Council 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~~to enable the Borough Council to 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.~~

28.0 **Travelling Fairs**

- 28.1 The Act defines a "fair" as wholly or principally providing amusements on a site that has been used for a fair for no more than 27 days in a calendar

year. In addition, the fair must be provided wholly or principally by persons who travel from place to place for the purpose of providing fairs.

Travelling fairs may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machines operate.

Travelling fairs are also able to offer equal chance prize gaming without a permit, provided that, taken together, the facilities for gambling are an ancillary amusement at the fair.

The Borough Council 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.

28.2 The Borough Council will also consider whether the applicant falls within the statutory definition of a travelling fair.

28.3 ~~It is noted that the~~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. The Borough Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

29.0 Provisional Statements

29.1 Developers and others may wish to apply 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.

29.2 ~~Section 204 of the~~The Act provides for a person to make an application to the ~~licensing authority~~Borough Council for a provisional statement in respect of premises that ~~he or she~~they:

- ~~expects~~ to be constructed;
- ~~expects~~ to be altered; or
- ~~expects~~ to acquire a right to occupy.

29.3 The process for considering an application for a provisional statement is the same as that for a premises licence application in that 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.

29.4 In contrast to the premises licence application ~~(except in the case of a track)~~, 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 need~~ to have a right to occupy the premises in respect of which their provisional ~~statement~~ application is made.

29.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The ~~licensing authority~~ Borough Council will be constrained in the matters it can consider when determining the premises licence application, ~~and in~~ 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.

29.6 In addition, the ~~authority~~ Borough Council may only 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~~ have 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.~~

30.0 Licence Reviews:

30.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, ~~;~~ ~~however,~~ it is for the Borough Council 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 Borough Council's statement of principles.

30.2 The request for the review ~~will~~ may also be ~~subject to the consideration by~~ rejected if the Borough Council ~~as to whether~~ considers that 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.

30.3 The Borough Council can also initiate a review of a particular premises licence, or a particular class of premises licence in the following circumstances:

- in relation to particular premises, the Borough Council may review any matter connected with the use made of the premises if:
 - it has reason to suspect that premises licence conditions are not being observed, or
 - for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.

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- in relation to a class of premises, the Borough Council may review the use made of premises and in particular, the arrangements that premises licence holders have made to comply with licence conditions.

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~~The Borough Council, as 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.~~

30.4 Once a valid application for a review has been received by the ~~licensing authority~~Borough Council, representations can be made by responsible authorities and interested parties during a 28 day consultation period. This period begins 7 days after the application was received by the Borough Council, who will publish notice of the application within 7 days of receipt.

30.5 The Borough Council must carry out the review as soon as ~~possible~~ reasonably practicable after the 28 day period for making representations has passed.

30.6 The purpose of the review will be to determine whether the Borough Council should take any action in relation to the licence. If action is justified, the options open to the Licensing Sub-Committee are:-

- add, remove or amend a licence condition imposed by the ~~licensing authority~~Borough Council;
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- suspend the premises licence for a period not exceeding three months; and
- revoke the premises licence.

30.7 In determining what action, if any, should be taken following a review, the Borough Council must have regard to the principles set out in section 153 of the Act (see 1.3 above), as well as any relevant representations.

30.8 In particular, the Borough Council ~~may take action, acting as the licensing authority may also initiate a review of a premises licence~~ on the grounds that a premises licence holder has not used the licence 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.

- 30.9 ~~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 NOTICE

31.0 Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits - Schedule 10 ~~paragraph 7~~)

- 31.1 Where a proprietor of an FEC premise does not hold a premises licence but wishes to provide only category D gaming machines, ~~it~~ they may apply to the ~~licensing authority~~ Borough Council for a ~~Family family Entertainment entertainment Centre-centre gaming machine~~ permit.

This category of permit provides an alternative to the family entertainment centre premises licence available under the Act (which allows the operation of higher-value gaming machines (Category C) but is subject to more rigorous application procedures).

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)~~.

- 31.2 The Act 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~~ the Borough Council need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.
- 31.3 The Borough Council is aware that it cannot add conditions to this type of permit. There is no limit on the number of category D gaming machines that may be made available at the premises.
- 31.4 An application for a permit may be granted only if the Borough Council is satisfied that the premises will be used as an unlicensed FEC, and the chief officer of police has been consulted on the application.

~~A permit will remain in force for 10 years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act. The Borough Council has adopted the following Statement of Principles, in respect of unlicensed FECs:~~

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- 31.5 The Borough Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Such policies/procedures will be considered on their merits; ~~h~~However, they may include appropriate measures on staff training on how to deal with suspected truancy, how to deal with unsupervised ~~very~~ young children being on the premises and children causing problems around the premises.
- 31.6 The Borough Council will also expect the applicant to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 31.7 The Borough Council will require the following to be submitted in addition to the application form and fee:
- (1) ~~(Where the applicant is an individual) P~~Proof of the applicant's identity and age. Holders of operating licences issued by the Gambling Commission are exempt from this requirement;
 - (2) Proof of the applicant's right to occupy the premises for which the permit is sought;
 - (3) (Where the applicant is an individual) A 'basic' Disclosure & Barring Service (BDS) disclosure dated no earlier than one calendar month on the day the application is received by the Borough Council. Holders of operating licences issued by the Gambling Commission are exempt ~~from~~ this requirement;
 - (4) An insurance certificate (or certified copy) confirming the availability of public liability insurance covering the proposed activity;
 - (5) A plan ~~drawn to an appropriate scale 1:100~~ of the premises showing:
 - a. The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public.
 - b. The location of any fixed structures.
 - c. ~~an indication of the~~The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises.
 - d. The location of any public-customer toilets within the boundary of the premises.
 - e. The location of CCTV cameras.
 - ~~f. The location of any ATM or other cash/change machines.~~
 - ~~g. An indication of the location of the Category 'D' machines.~~
 - ~~h. Details of non-category 'D' machines (e.g. skill with prizes machines).~~

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32.0 (Alcohol) Licensed premises gaming machine permits – (Schedule 13-paragraph 4(1))

32.1 Automatic entitlement: 2 machines

There is provision in the Act for some premises licensed to sell alcohol for consumption on the premises to have an automatic entitlement to provide no more than two gaming machines, of categories C and/or D. The premises must satisfy the conditions contained in the Act, notify the Borough Council of their intention to make the gaming machines available for use and pay the fee. The conditions restrict the entitlement to premises:

- with an on-premises alcohol licence,
- that have a bar at which alcohol is served, and
- without a requirement that alcohol is only served with food.

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.

32.2 The Borough Council 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 Act (i.e. that written notice has been provided to the ~~licensing authority~~Borough Council, 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 Act has been committed on the premises.

32.3 Permit: 3 or more machines

If ~~a premises~~relevant alcohol licensed premises wishes to have more than 2 machines, then the alcohol premises licence holder ~~needs to~~must apply for a licensed premises gaming machine permit for any number of category C and/or D machines. This would replace any automatic entitlement under the Act. and theThe Borough Council must consider ~~that the~~ application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act and ~~such matters as they~~ the Borough Council consider~~think~~ relevant."

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32.4 The Borough Council 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 harmed or being exploited by gambling. ~~The Borough Council and~~ will expect the applicant to satisfy the ~~authority-Council~~ that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines (category 'C' machines).

Measures which will satisfy the ~~authority-Borough Council~~ 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 be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

32.5 It should be noted that the Borough Council 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.

32.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission. A permit may be varied or transferred. An annual fee is payable, but a permit does not require renewal. The permit will lapse if the alcohol premises licence ceases to have effect.

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33.0 Prize Gaming Permits

33.1 Gaming is "prize gaming" if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes are determined by the operator before play commences.

Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

A prize gaming permit is a permit issued by the Borough Council to authorise the provision of facilities for prize gaming on specified premises. The Act 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".

33.2 ~~The Borough Council has prepared a Statement of Principles, in respect of prize gaming permits which is that~~In any application for a prize gaming permit the applicant should set out the types of gaming that ~~he or she is~~they

are intending to offer and ~~that the applicant~~ should also be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in ~~Regulations~~regulations;
- that the gaming offered is within the law; and
- ~~clear policies that outline the steps to~~that appropriate measures will be taken to protect children from harm.

33.3 The Borough Council ~~shall~~will also require (where the applicant is an individual) a 'basic' Disclosure & Barring Service (BDS) disclosure dated no earlier than one calendar month ~~on from~~ the day the application is received by the Borough Council. Holders of operating licences issued by the Gambling Commission are exempt from this requirement.

33.4 In making its decision on an application for this permit the ~~licensing authority~~Borough Council 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))~~

A permit will remain in force for 10 years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act.

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33.5 It should be noted that there are conditions in the Act which the permit holder must comply, but that the Borough Council 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.

34.0 Club Gaming and Club Machines Permits

34.1 The Act creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines three types of club for the purposes of gaming:

- members' clubs
- commercial clubs

- miners' welfare institutes

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

Members clubs, miner's welfare institutes and commercial clubs may apply for a club machine permit. A club machine permit will enable the premises to provide gaming machines (a maximum of three gaming machines of category B, C or D).

A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. The Act states that members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming unless the gaming is restricted to that of a prescribed kind (currently bridge or whist). Members' clubs must be permanent in nature but there is no need for a club to have an alcohol licence. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit.

Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations.

~~Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Machines Permit. The Club Gaming 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 regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).~~

34.2 The Borough Council may only refuse an application for a permit on the grounds that:

- 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;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or

- an objection has been lodged by the Commission or the police.

If the Borough Council is satisfied that the first or second ground applies, it must refuse the application. In exercising its functions in relation to club permits the Council will have regard to any relevant guidance issued by the Commission and (subject to that guidance), the licensing objectives

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34.3 There is 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~~). "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced. Grounds on which an application under this process may be refused are:

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

34.4 There are statutory conditions on club gaming permits that no child or young person 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.

The Borough Council may grant or refuse a permit, but it may not attach conditions to a permit.

A permit will normally remain in force for 10 years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act. However, a permit granted under the "fast track" process does not require renewal, but it will lapse if the club premises certificate ceases to have effect.

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35.0 Temporary Use Notices

35.1 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.

35.2 A temporary use notice can only be given by a person or company holding a relevant operating licence issued by the Gambling Commission (i.e., an operating licence that authorises the type of gambling to be offered)

The types of gambling activities that may be authorised by a temporary use notice are set out in regulations made under the Act. Currently, the only

permitted activity is the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Possible examples of this could include gaming tournaments with such games as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

Temporary use notices are subject to a statutory limit that a set of premises may be used for no more than 21 days in any 12 month period. 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 considering whether a place falls within the definition of "a set of premises", the Borough Council will look at, amongst other things, the ownership/occupation and control of the premises.

The holder of an operating licence must give notice to the Licensing Authority in whose area the premises are situated. A temporary event notice must be given to the Borough Council not less than three months and one day before the day on which the gambling event will begin.

The application must be copied to:

- the Gambling Commission,
- the chief officer of police for the area in which the premises are situated,
- HM Revenue and Customs, and
- if applicable, any other licensing authority in whose area the premises are also situated.

Gaming machines may not be made available under a temporary use notice.

The Borough Council will carry out its functions in relation to temporary use notices by applying the same principles as those applied in determining premises licence applications (see 1.3 above).~~The Borough Council is aware that it 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.~~

36.0 Occasional Use Notices:

- 36.1 Occasional use notices may be used to authorise infrequent betting at tracks (see section 26.1 above), on no more than 8 days in any calendar year. They cannot be used to authorise any other form of gambling activity (e.g., gaming machines). Providing that the 8-day limit is not breached, there is no provision for correctly-served notices to be refused by the Borough Council.

The definition of track premises is not restricted to permanent premises, but can include any premises or land on which a race or sporting event is to take place. Consideration will therefore be given to the nature of the premises specified in a notice, in addition to whether the person giving the

notice is an occupier of the track, or is responsible for the administration of events at the track.

The notice must be given to the Borough Council and the chief officer of police, in writing, before the event starts. No fee is payable.

Occasional use notices allow the giver of the notice to invite operators who hold a General Betting Operating Licence to accept bets on the premises. Such persons must hold a relevant betting operating licence, and comply with the requirements of any conditions attached to that licence.

The Borough Council has little discretion as regards occasional use notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

37.0 Small Society Lotteries

- 37.1 Small society lotteries are required to be registered with the local authority in the area where their principal office is located. The Borough council is the licensing authority.

The Act defines a small society lottery by reference to two areas:

- society status - the society in question must be 'non-commercial'
- lottery size - the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values, then they may need to be licensed with the Commission to operate large lotteries instead.

The Borough Council will register and administer smaller non-commercial lotteries and applicants for lottery licences must apply to the licensing authority in the area where their principal office is located.

- 37.2 The Borough Council must be satisfied that the 'society' is established and conducted:

- for charitable purposes (as defined in S2 of the Charities Act 2006);
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural nature activity; or
- for any other non-commercial purpose other than private gain.

In determining whether the Society is non-commercial the Borough Council may require applicants to provide copies of the society's constitution or terms of reference.

- 37.3 For new applications or change of promoter, the Borough Council shall require the promoter of the lottery to produce a statement declaring that they have no relevant convictions that would prevent them from running a lottery. A list of 'relevant' offences is listed at Schedule 7 of the Act.

37.4 The Licensing Authority must refuse an application for registration if, within the past five years, either of the following applies:

- an operating licence held by the applicant for registration has been revoked, or
- an application for an operating licence made by the applicant for registration has been refused

In addition, the Borough Council may refuse an application for registration if, within the past five years, either of the following applies:

- the applicant is not a non-commercial society,
- a person who is or may be connected with the promotion of the lottery has been convicted of a relevant offence (listed in Schedule 7 of the Act) or
- information provided in or with the application for registration is false or misleading.

~~The Borough Council may refuse an application for registration if in their opinion:~~

- ~~• The applicant is not a non-commercial society;~~
- ~~• A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or~~
- ~~• Information provided in or with the application for registration is false or misleading.~~

37.5 Where the Borough Council intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration. It will also supply evidence on which it has reached that preliminary conclusion.

37.6 The Borough Council may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Borough Council will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

PART D COMMITTEE, OFFICER DELEGATION AND CONTACTS

38.0 Committee Decisions & Scheme of Delegation

38.1 The Borough Council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

38.2 Licensing Sub-Committees made up of three Councillors from the main Licensing Committee will sit to hear applications where representations

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have been received from interested parties and/or responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

- 38.3 Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding an an application or a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the application or licence in question.
- 38.4 The Borough Council's Licensing Officers will deal with all other licensing applications where ~~either no representation have has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.~~
- 38.5 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Borough Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons ~~as to why that is the case for the decision.~~ There is no right of appeal against a determination that representations are not ~~admissible~~accepted.
- 38.6 The table shown at Annex C sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.
- 38.7 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

39.0 Contacts

- 39.1 Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:-

Environmental Health – Licensing
Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX

Tel: 01553 616200
E-mail: ehicensing@west-norfolk.gov.uk
www: www.west-norfolk.gov.uk

- 39.2 Information is also available from:-

Gambling Commission

Borough Council of King's Lynn & West Norfolk

4th floor
Victoria Square House
Birmingham
B2 4BP

Tel: 01212 331096

Website: www.gamblingcommission.gov.uk

List of Persons Consulted

Borough Council of King's Lynn & West Norfolk
Gambling Commission
Norfolk Constabulary
Norfolk Fire Service
Norfolk Safeguarding Children Board
Norfolk County Council
HM Revenue & Customs
Norfolk Trading Standards
Association of British Bookmakers
Public Health, Norfolk County Council
Gamcare
British Amusement Catering Trade Association (BACTA)
NORCAS
Housing Associations:
 ◆ Broadland Housing Association
 ◆ Co-Op Homes
 ◆ Cotman Housing Association
 ◆ Freebridge House
 ◆ Granta Housing
 ◆ Guinness Trust
 ◆ Hastoe Housing Association
 ◆ Housing 21
 ◆ Longhurst Housing Association Limited
 ◆ Minster General Housing Association Limited
 ◆ Orbit Housing Association
 ◆ Peddars Way Housing Association
 ◆ Sanctuary Housing Association
 ◆ Victory Housing Trust
 ◆ Wherry Housing Association
Vancouver Quarter Manager
Fairstead Area Neighbourhood Group
Norfolk Chamber of Commerce & Industry
Association of Licensed Multiple Retailers
Gambling Therapy, Gordon Moody Association, Dudley
Parish Clerks / Town Councils
Popleston Allen Solicitors, Nottingham
All holders of Gambling Act 2005 Premises Licences issued by the BCKLWN
All holders of Gambling Act 2005 permits issued by the BCKLWN
All promoters of Small Society Lottery Registrations issued by the BCKLWN

Annex B to the
Borough Council of King's Lynn & West Norfolk
Gambling Act 2005 - Statement of Principles

Responsible Authorities	
<p>The Licensing Authority: Environmental Health - Licensing Borough Council of King's Lynn & West Norfolk King's Court Chapel Street King's Lynn PE30 1EX</p> <p>Tel: 01553 616200 E-mail: EHHlicensing@west-norfolk.gov.uk</p>	<p>The Gambling Commission: 4th floor Victoria Square House Birmingham B2 4BP</p> <p>Telephone: 01212 306576 Fax: 01212 331096</p>
<p>The Chief Officer of Police: Norfolk Constabulary Licensing Team Bethel Street Norwich Norfolk NR2 1NN</p> <p>Tel: 01603 275729 Email: licensingteam@norfolk.pnn.police.uk</p>	<p>The Fire Authority: Fire Safety Office Norfolk Fire Service – Western Area Kilhams Way King's Lynn PE30 2HY</p> <p>Tel: 01603 812261</p>
<p>Planning Authority: Development Services Borough Council of King's Lynn & West Norfolk King's Court Chapel Street King's Lynn PE30 1EX</p> <p>Tel: 01553 616200</p>	<p>Environmental Health: Environmental Health Borough Council of King's Lynn & West Norfolk King's Court Chapel Street King's Lynn PE30 1EX</p> <p>Tel: 01553 616200</p>
<p>Norfolk Safeguarding Children Board: Room 60 Lower Ground Floor County Hall Martineau Lane Norwich NR1 2UG</p>	<p>HM Revenue and Customs: HM Revenue and Customs Excise Processing Teams BX9 1GL HM Revenue and Customs Excise Processing Teams BX9 1GL Email: NRUBetting&Gaming@hmrc.gsi.gov.uk</p>

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Annex C to the
Borough Council of King's Lynn & West Norfolk
Gambling Act 2005 - Statement of Principles

Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Licensing Committee/ Sub-Committee	Officers
Final approval of Statement of Principles	X		
Policy to permit casino	X		
Fee Setting			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	

Borough Council of King's Lynn & West Norfolk

Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination of Small Society Lottery applications			X

Summary of Representations / Correspondence received

Date received	From	Summary	Action
19/07/21	Cllr Devereaux	Error with proposed effective date of policy, should be 2022 not 2021.	Amended
27/07/21	HM Revenues & Customs	Change of address to: HM Revenue and Customs Excise Processing Teams BX9 1GL	Updated
31/07/21	King's Lynn Masonic Centre	Acknowledgement of receipt and change of contact for Small Society Lottery Registration	Updated
16/09/21	South Wootton Parish Council	Confirmation that the Parish Council has read the policy and have no comments to make.	N/A

ENVIRONMENT AND COMMUNITY PANEL WORK PROGRAMME 2021/2022

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER/ ATTENDEE	OBJECTIVES AND DESIRED OUTCOMES
9th June 2021	Appointments to Task Groups and Informal Working Groups	Operational	Democratic Services Officer	
	Urban Wildlife		Alan Gomm	To consider a request from Councillor Bullen
	Update on Housing Standards		Mark Whitmore and Sean Quinn	Requested by the Panel at their meeting in July 20
	Climate Change Strategy and Action Plan	Policy Development	Henry Saunders and Dave Robson	
	Appointments to Outside Bodies	Operational	Democratic Services Officer	
13th July 2021	MEETING CANCELLED			
31st August 2021	Portfolio Holder Q&A Session (if required)			
	Urban Wildlife Informal Working Group	Report from Informal Working Group		
	West Norfolk Community Transport	Outside Body Update		
	Climate Change Strategy and Action Plan	Cabinet Report	Dave Robson	To consider the report and make any appropriate recommendations to Cabinet
5th October 2021	Portfolio Holder Q&A Session (if required)			

	Commercial Team Service Plan	Cabinet Report	Vicki Hopps	To consider the report and make any appropriate recommendations to Cabinet.
	Alive Lynnsport – River Lane 3G Pitch Development	Cabinet Report	Honor Howell	To consider the report and make any appropriate recommendations to Cabinet
	Report from the Urban Wildlife Informal Working Group	IWG Report	IWG Members	To consider the recommendations from the Group
	Nominations to Outside Bodies – following vacancy	Operational		To fill vacancies on scrutiny appointed Outside Bodies
9th November 2021	Portfolio Holder Q&A Session (if required)			
	Gambling Act – Statement of Principles	Cabinet Report	Marie Malt	To consider the report and make any appropriate recommendations to Cabinet
	Homelessness and Rough Sleeper Strategy Action Plan Review	Review	Duncan Hall & Nikki Patton	To consider the Action Plan
	Enforcement Policy on Fly Tipping and Public Nuisance	Cabinet Report		To consider the report and make any appropriate recommendations to Cabinet
	Climate Change Update	Update	Dave Robson and Henry Saunders	To receive an update
	Opposition Members Item – Dog Related Businesses	Opposition Members Item	Cllr Ryves to present his item.	

4th January 2022	Portfolio Holder Q&A Session (if required)			
	Antisocial Behaviour Update	Update requested by the Panel at their meeting in June	John Greenhalgh	To receive an update.
	Hackney Carriage and Private hire Licensing Procedures and Conditions Review	Cabinet Report	Marie Malt	To consider the review and make any appropriate recommendations to Cabinet.
	Alive West Norfolk Update		Neil Gromett	To receive an update.
	eXXpedition presentation – a not for profit organisation researching ocean plastics and plastics pollution.	Information – which was discussed at Single Use Plastics IWG, but considered that the Panel would be interested in the presentation	Cllr Squire – Ambassador of eXXpedition	To receive information.
15th February 2022	Portfolio Holder Q&A Session (if required)			
22nd March 2022	Portfolio Holder Q&A Session (if required)			

To be scheduled

- Contaminated Land Strategy Review

- Gayton Road Cemetery
- Presentation from the IDB on their role and function
- Peat Bogs and CO2 emissions
- Anti Littering Campaign
- Together for Rivers Campaign
- Wild East Nature Recovery Programme
- The Docks
- Update on Youth West Partnership – last update was in Jan 21 – next update requested for Jan 22

Briefing Sessions to be arranged

- Environment Agency Projects Update – Flood Risk Management Plan, Chalk Streams and Future of the Fens
- Prevent and Channel – NCC and the Police

FORWARD DECISIONS LIST

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
16 November 2021	Gambling Act – Statement of Principles	Non	Council	Environment Assistant Director – S Ashworth		Public
	Enforcement Policy on Fly Tipping and Public Nuisance	Non	Council	Environment Assistant Directors – J Greenhalgh and M Chisholm		Public
	Review of Corporate Business Plan	Key	Council	Leader Chief Executive		Public
	Commercial Team Service Plan	Non	Cabinet	Environment Asst Dir – S Ashworth		Public
98	Update to the Major Project Board terms of reference	Non	Cabinet	Leader Asst Dir Property & Projects – M Henry		Public
	CIL Report- application for grant for 3G and Coaching Academy	Non	Cabinet	Regeneration & Development Asst Dir S Ashworth		Public
	Lynnsport - 3G Pitch and coaching academy	Non	Cabinet	People & Communities Asst Dir – N Gromett		Public
	Council's Insurance Tender	Key	Cabinet	Finance Asst Dir – M Drewery		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Request for the review of Parish Council numbers	Non	Council	Leader Chief Executive		Public

	Community Infrastructure Levy (CIL) – Consideration of lessons learnt from the first round of grant applications for CIL funding	Non	Cabinet	Development Asst Dir – S Ashworth		Public
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Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
11 January 2022						
	Hackney Carriage and Private Hire Licensing Procedures and Conditions Review	Non	Council	Environment Assistant Director – S Ashworth		Public
06	Review of Governance of Council Companies	Non	Cabinet	Leader Chief Executive		Public
	Guildhall Future Governance Options	Non	Council	Business, Culture and Heritage – G Middleton Asst Director – D Hall		Public
	Custom and Self Build Site – Stoke Ferry	Non	Cabinet	Regeneration and Development Assistant Director - D Hall		Public
	Members Allowances Independent Review	Non	Council	Finance Chief Executive		Public
	Asset Management – Land and Property Disposals	Key	Cabinet	Property Asst Dir Property and Projects		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Balloon and Lantern Policy	Non	Cabinet	Corporate Services and Environment Asst – M Chisholm		Public

	Corporate Enforcement Policy	Non	Council	Development Asst Dir J Greenhalgh		Public
	Notice of Motion 7-21 – Councillor Kemp – Equalities	Non	Council	Leader Asst Dir B Box		Public
	Review of Legal Services	Key	Council	Chief Executive		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
100 8 February 2022						
	Budget	Key	Council	Leader S151 Officer Asst Dir Resources		Public
	Capital Programme	Key	Council	Leader S151 Officer Asst Dir Resources		Public
	Treasury Management Strategy	Key	Council	Leader S151 Officer Asst Dir Resources		Public
	Capital Strategy	Key	Council	Leader S151 Officer Asst Dir Resources		Public
	Derelict Land & Building Group	Non	Council	Regeneration & Development Asst Director – Duncan Hall & S Ashworth		
	Lynnsport One	Key	Council	Project Delivery Asst Dir Companies & Housing Delivery – D Ousby		Private - Contains exempt Information under

						para 3 – information relating to the business affairs of any person (including the authority)
	Procurement Strategy	Non	Cabinet			

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
15 March 2022						