



**AGENDA
for
MEETING OF
THE COUNCIL**

to be held on

Wednesday, 1st December, 2021

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Date: 23rd November 2021

Our Ref: KB

To: All Members of the Borough Council

A MEETING OF THE COUNCIL will be held in the Council Chamber, Town Hall, Nuneaton, on **Wednesday, 1st December 2021 at 6.00 p.m.**

All members of the Council are summoned to attend to determine the business as set out below.

Public and press can follow the decision making online at www.nuneatonandbedworth.gov.uk/virtual-meeting.

Please note that meetings will be recorded for future broadcast.

Yours faithfully,

BRENT DAVIS
Chief Executive

To: All Council Members

AGENDA

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds, please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Virgin Money Bank (formerly the Yorkshire Bank) on the opposite side of the road.

Please exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please make sure all your mobile phones are turned off or set to silent.

2. APOLOGIES - to receive apologies for absence from the meeting.

3. FILMING – all Members are requested to turn on their microphones before speaking, to speak clearly into the microphone in front of them and remember to turn it off when they have finished speaking. A microphone will be provided for members of the public to use who have notified that they wish to speak.

4. MINUTES - to confirm the minutes of the Council Meeting held on 15th September 2021, attached (**Page 8**)

5. DECLARATIONS OF INTEREST - To receive declarations of disclosable pecuniary interests and other interests in matters under consideration pursuant to Council procedure Rule 4A.2(iii).

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 27**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Committee Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Audit and Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

6. ANNOUNCEMENTS - to receive announcements from the Mayor, Leader, Members of the Cabinet or the Chief Executive.
7. PUBLIC PARTICIPATION – (Council Procedure Rule 9) – to hear and answer questions by any resident of the Borough concerning the work of the Council where notice has been given (maximum 20 minutes). A copy of the Procedure Rule 9 is attached **(Page 34)** and this is not subject to debate.
8. QUESTIONS BY MEMBERS - (Council Procedure Rule 10). A copy of Procedure Rule 10 is attached. **(Page 35)** and this is not subject to debate.
9. SPECIAL URGENCY DECISIONS – (Access to Information Procedure Rule)
10. CABINET – report by Leader of the Council, attached **(to follow)**. Members may ask questions on the report and receive answers from the leader or other Cabinet members, and this is not subject to debate.
11. COMMITTEE / PANEL MEMBERSHIP - it may be necessary depending on the outcome of the By-election to review the committee/panel membership. An

addendum following the result of the by-election will be published detailing any alterations to be made.

12. MINUTES OF COUNCIL MEETING – 14TH JULY 2021

At minute number **CL26 b) Arrangement for the Queen’s Platinum Jubilee – Audit and Standards Committee approval**, it states the following under ‘RESOLVED:

ii): the working group comprise of the Leader, Deputy Leader, Leader of the main opposition group, Portfolio holder for Finance & Corporate and Councillor L. Cvetkovic.’

There is an error in this minute in that the Deputy Leader should have been noted as Deputy Mayor as it was stated in the report to Council.

It is therefore **RECOMMENDED that:** The minute CL26 b) ii) of the 14th July 2021 council meeting be amended to include ‘Deputy Mayor’ and ‘Deputy Leader’ be deleted.

13. RECOMMENDATIONS FROM CABINET AND OTHER COMMITTEES

Cabinet – 13th October 2021

a) Cabinet Support Members

At its meeting on the 13th October 2021 the Cabinet recommended the following to Council that: the constitution be amended accordingly (**copy of the Cabinet report is attached page 37**)

Audit and Standards Committee – 9th November 2021

b) Appointment of Electoral Registration Officer (ERO), Deputy ERO, Deputy ERO and Scale of Election Staff Fees

At its meeting on the 9th November 2021, the Audit and Standards Committee recommended the following to Council that (**copy of the Audit and Standards report is attached page 47**):

- i) the Chief Executive is appointed as Electoral Registration Officer;
- ii) the Head of Elections is appointed as Deputy Electoral Registration Officer and Deputy Returning Officer;
- iii) the proposed scale of fees attached at Appendix A of the report is approved; and
- iv) the Chief Executive is given delegated authority to make minor amendments to the attached fees to reflect the National Joint Council Local Government Pay Award.

Cabinet – 10th November 2021

c) Leisure Development – Bedworth Physical Activity Hub (BPAH)

At its meeting on the 10th November 2021, the Cabinet recommended the following to Council (**copy of the Cabinet report attached page 54**):

- i) it be recommended to Council that an additional £500k be added to the capital programme for 2021/22, funded from earmarked reserves, to undertake the works required this financial year per section 9.2 of the report;

Employment Committee – 11th November 2021

d) Pay Policy Statement

At its meeting on 11th November 2021, the Employment Committee recommended the following to Council (**copy of the Employment Committee report attached page 66**):

- i) the Pay Policy be approved and published as required by Section 38 of the Localism Act 2011.

Licensing Committee – 24th November 2021

e) Gambling Act 2005 – Statement of Licensing Policy 2022-25

At the meeting due to be held on Wednesday 24th November 2021 the following recommendation to Council, if approved, will be as follows (**copy of Licensing Committee report attached page 77**):

- i) for adoption of the Statement of Licensing Policy in accordance with the legislative provisions.

NOTE: Points of Order and Personal Explanation can only be raised in accordance with Council Procedure Rules which are set out below:-

Point of order

A Member may raise a point of order at any time. The Mayor will hear them at the end of the speech of the Member speaking at the time the point is raised. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule of law and the way in which he/she considers it has been broken. The Mayor shall consider the Point of Order and, if necessary, take advice on the matter from the Monitoring Officer and, shall then rule on the Point of Order raised. There shall be no discussion or challenge to the advice given or the Mayor's decision in the meeting. If a Member persistently seeks to raise a Point of Order but is unable to identify the procedure rule or legal principle infringed then, after having been warned by the Mayor, any further abuse of this procedure rule shall not be tolerated and the Mayor shall move that the Member not be heard further pursuant to Procedure Rule 4.19.13. The ruling of the Mayor on the matter will be final.

Personal explanation

A Member may make a point of personal explanation at any time. The Mayor will hear them at the end of the speech of the Member speaking at the time the point is raised. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

NUNEATON AND BEDWORTH BOROUGH COUNCIL

COUNCIL

15th September 2021

A Council meeting of Nuneaton and Bedworth Borough Council was held on Wednesday 15th September 2021.

Present

The Mayor (Councillor R. Tromans)

Councillors R. Baxter-Payne, T. Cooper, L. Cvetkovic, L. Downs, K. Evans, C. Golby, J. Gutteridge, B. Hammersley, J. Kennaugh, K. Kondakor, A. Llewellyn-Nash, S. Markham, B. Pandher, N. Phillips, M. Rudkin, J. Sargeant, J. Sheppard, T. Sheppard, J. Singh, R. Smith, M. Tromans, H. Walmsley, and M. Walsh.

Apologies were received from Councillors B. Beetham, D. Brown, J. Clarke, S. Croft, P. Elliot, S. Harbison, L. Hocking, A. Sargeant, C. Watkins and K. Wilson.

CL31 A minutes silence was held in memory of former Councillor and Mayor Brian Hawkes.

CL32 **Minutes**

RESOLVED that the minutes of the meeting held on 14th July 2021 be approved and signed by the Mayor.

CL33 **Declarations of Interests**

As Item 13 related directly to his position Brent Davis informed the Council that he would leave before the item was discussed.

RESOLVED that the Declarations of Interests for this meeting are as set out in the schedule attached to these minutes.

CL34 **Announcements**

The Mayor noted that all of his recent activities as Mayor have been on the appropriate Mayoral Facebook page and Borough Council Social Media and encouraged everyone view these regularly

Councillor Golby advised the Council of an award that NBBC received as a key partner in the Warwickshire Regulatory Partnership Response to the COVID-19 pandemic, at the Association for Public Service Excellence award ceremony for the best collaborative working initiative. Councillor Golby highlighted the national recognition of the excellent job and hard work carried

out by officers and colleagues from other organisations in the county throughout the pandemic.

Additionally, the Councillors gave officers a round of applause and noted their thanks for their continued hard work during the pandemic.

CL35 **Public Participation**

Question 1

Mr S. Margrave asked the following question of the Portfolio Holder for Housing and Communities:

“While we all understand we have a duty to offer safe refuge to small numbers who supported our troops in Afghanistan, many residents are rightly frustrated when they see large families with 7 or more members coming to the UK and being given big houses for refugees, when locally there are 98 families in the borough who need at least a four+ bedroom home (including some who need an extra room for a child with a disability or where families are blended), 800 plus people who would benefit from a bungalow, 97 people in temporary accommodation and more than 450 people in band 1 or above (priority need) including our own veterans. Can the Leader of the Council or Cabinet member assure angry residents that housing used for refugees will not be homes local people on the housing list would have access too, it will be funded by new money from the national Government (redirected from aid), and promise locals the Council will ask it's OSC to look at how the Council (in partnership with others) can increase the supply of 4+ bedroomed social housing for local residents too, so everyone whatever their family size (within reason), has a home that meets their needs and everyone who needs looking after is?”

Councillor Golby responded as follows:

Firstly, a point to make clear in all of this.

The people we are discussing here are not economic migrants who have landed in the UK from France by dinghy. They and their families are part of a UK government scheme for those who have helped our forces in Afghanistan and who are now at risk of almost certain death, or at the very least significant persecution, by the Taliban V2.0, simply by virtue of their service to our country.

We have been working closely with other local government organisations in Warwickshire, to assist with a joint operational response to the appeal for homes for locally employed staff (LES) in Afghanistan

Another point to make clear is that despite the inference of the question, no one will have seen any recent refugees coming to our borough and being given council housing because I took the decision a while ago that this would not happen.

Afghan families will not be rehoused into this Council's own housing, but instead they are and will continue to go into private rented accommodation within the Borough assisted by our officers where necessary.

The LES scheme is funded by Government not this council, and we have already been approached by Private sector Landlords wanting to assist.

I will not publicly go into specific numbers of families or where they will be located as I believe this to be a security risk. Let's not forget we have had counter terrorism arrests made in Nuneaton in recent years.

We also aren't looking at housing great numbers of families. For context it should be no more than you can count on both hands, but I won't be drawn into any further specifics more than what I've given here.

I believe that, overall, this is a fair and balanced approach which does not disadvantage our residents or those who are seeking sanctuary and we have agreed to participate in the resettlement scheme on this basis.

Moving on;

Even before I took over as portfolio holder, I was very aware of the situation with housing waiting lists and the shortage of social or affordable housing in the borough. This is one of the reasons why the decision was made not to use council housing for the LES scheme. I could not reasonably justify to anyone who is on the waiting list why others would be allowed to jump the queue and although I absolutely believe we have a duty to help our Afghan colleagues we also have a duty to our residents.

With regards to social and affordable housing:

As I pointed out at a previous full council, when the Conservative group were in opposition, we proposed an amendment to a labour budget motion to build 257 council properties.

We worked with officers and had a fully costed scheme which would have delivered 76 more homes than the labour administration's proposals did.

That's 76 more families with a place to call home.

This was rejected by the labour councillors who still sit in this chamber today and who voted down our amendment, supporting instead their own proposals to build the lesser amount.

I am currently reviewing how we as a housing authority can better address our residents needs when it comes to social & affordable housing. This includes housing types as well as delivery.

I would also like to take this opportunity to highlight a positive from our housing teams. Currently we have the lowest number of void properties that this council has ever had, in its entire history.

For those at home a void property is empty housing we can't let out to tenants because of refurbishments etc or its accommodation that is on the list to be let out, but tenants simply do not want to live in.

I'd like to take this time to publicly recognise the huge efforts undertaken by our housing teams to achieve this.

And finally, I cannot promise the council overview and scrutiny committees will look at anything as its not for me to do so. The OSC's choose their own agenda and it would be wrong for me to interfere with this. What I will say is that if scrutiny were today to choose to scrutinise the councils housing strategy it would be the housing strategy of the previous Labour administration and not the housing strategy of this Conservative administration, which is still being worked on.

Thank you.

Question 2

Mrs M. Kondakor asked the following question of the Portfolio Holder of Public Services:

"Fly-tipping is a serious problem across the borough and we have seen the council make repeated claims about getting tough on the issue, only to see no significant change. Can the cabinet member confirm if the much delayed CCTV cameras have now all been brought into use, how many incidents of

fly-tipping have been reported by the public, how many fly-tipping prosecutions have occurred and how much has been raised in fines for fly-tipping, since he has taken office?”

Councillor Evans responded as follows:

I cannot accept the claim from Mrs Kondakor that there has been no significant change in Nuneaton and Bedworth when it comes to tackling fly-tipping. Indeed, I believe that by May 2022 Nuneaton and Bedworth Borough Council will be the leading authority in Warwickshire and the sub-region, when it comes to the prevention of fly-tipping.

The CCTV cameras – it is not true to claim that the cameras are not currently operational and to claim otherwise is fake news. The cameras have been operational since January 2021. As a result of the operation we have already taken several people to court for offences, and our legal officers are currently in the process of taking a further two people to court for recent offences.

Mrs Kondakor has asked how many fly-tipping offences have been reported to the Council since May and the approximate figure is 575, as of Monday. However, I will add that some of these offences will not be on Borough Council land.

Fixed penalty notices. This is something that I have personally tried to accelerate since May 2021, and we have been successful. The period May 2020 to September 2020, under the previous socialist administration issued 139. To date this new Conservative Council, and I am proud to say, has accelerated this figure. We haven't just doubled it, we haven't even quadrupled it, we have managed to increase it to 695 fixed penalty notices issued. So when it comes to fly-tipping, this Council is taking the matter extremely seriously.

In terms of income that we generate we of course work alongside our contractor 3GS in issuing the fixed penalty notices, and we have entered a commercial contract with that company. I have taken the decision not to provide Mrs Kondakor with the information about the amount of revenue we generate from the contract because I believe that may have an impact on future contracts in the not too distant future, I feel it would be inappropriate for me to give that figure. However, I am somewhat surprised and miffed that the Green Party has decided to question how much income we generate, because I was always under the impression that the Green Party was an anti-capitalist party.

Question 3

Mr K. Meyer asked the following question of the Portfolio Holder for Public Services:

“I'd like to thank councillor Evans for passing on my concerns regards the disappearing bus stops in Bedworth to the county council. This problem first came to my attention when talking to one of my friends 80 year old mother, with the bus stop being removed especially the seats at Lindley road /

smorrall, herself and her also 80 year old sister in law have nowhere to sit and actually take it in turns to lean up against the post box. I know this has been reported to county, and appreciate with current situations things take time but with winter fast approaching is there anyway things may be sped up so the elderly and other people who use buses can do so in very basic comfort, to get to the Town centre, health centre, market , civic hall etc.”

Councillor Evans responded as follows:

I thank Mr Meyer for his question, and I would like to thank him for bringing to my attention the specific case of the bus shelter that was removed on the corner of Smorrall Lane and Lindley Road in Bedworth Heath. I am in the process of communicating with Warwickshire County Council with regards to the removal of this bus stop. I believe that bus shelters are vitally important for local residents in particular our elderly population. It is only right that our elderly population are provided with a seat when waiting for a bus, and when it is raining our residents should be provided with some sort of shelter. If I could just take the opportunity to provide Mr Meyer with some context to the ongoing problem with disappearing bus stops across Bedworth and across the Borough more generally. Prior to May the advertising company JC Decaux owned precisely 58 bus shelters across the borough, and of course they included the metal seating as well. The 58 bus shelters were not owned by Nuneaton and Bedworth Borough Council or Warwickshire County Council, but solely by JC Decaux. The company came to a private decision that it no longer wished to operate these bus shelters allegedly because they were not making enough profits from the advertising boards that were also contained on the shelters. The company approached Nuneaton and Bedworth Borough Council to ask if we would purchase all 58 bus shelters from the company. So following discussions between the Nuneaton and Bedworth Borough Council and Warwickshire County Council we came to the decision that we have the capital and the funding to purchase 39 of the 58 bus shelters. Both councils looked at the data and the stats and prioritised the top 38 most used bus shelters. Whilst it is regrettable that Nuneaton and Bedworth Borough Council was unable to purchase more, or indeed the full 58 bus shelters, I am afraid to say that our financial circumstances are challenging as a result of the previous Labour Council's mishandling of the public purse. Given ongoing discussions within Cabinet with Directors about the February budget, because of the historic decisions made by consecutive Labour Councils, every penny must count. However, should Warwickshire County Council confirm to me that the bus shelter on Smorrall Lane was one of the JC Decaux shelters that was removed, I intend to discuss the matter further with County Councillors Peter Gilbert and Sue Markham, who are the two County Councillors for Smorrall Lane to explore the possibility of their Warwickshire Highways budget being used for a new bus shelter for the good people of Smorrall Lane and Bedworth Heath.

Councillor Kondakor moved that the issue of the removal of bus stops be referred to the appropriate Overview and Scrutiny Panel. This was seconded of Councillor J. Sheppard. A vote was taken, and the motion was passed.

CL36 Questions by Members

Councillor Kondakor asked the following question of the Leader of the Council:

“On Sunday the Nuneaton news reported that the proposed Abbey Street Hotel is “on Track” and quoted you as saying “We remain on schedule for the work that is needed to begin development of the hotel. The next step will be for the council to appoint the contractors who will be doing this work, and then people will begin to see more activity on site very soon after that.”
What is the current schedule for the Hotel opening and how far is the budget off track given the cost pressures from Brexit/Covid supply issues and the new increases in employer National Insurance contributions?”

As Councillor Wilson had sent his apologies Councillor Golby responded as follows:

I thank Councillor Kondakor for his question.
The Abbey Street Hotel is an exciting new chapter in our town’s history and one, I hope, that will kick start the wider regeneration of Nuneaton town centre after years of neglect by the last Labour administration.
It is anticipated that the Council’s contractor to build the hotel will be appointed within the next few weeks or so. The new Hampton by Hilton hotel to be delivered as part of the Abbey Street development and will be completed late 2022/early 2023 with an opening shortly thereafter.
I can confirm that the Council’s competitive procurement process has ensured that the costs of construction of the hotel and enabling works are fixed and the Council is protected from such increases; increased costs are a contractor risk.
The project remains on track and within budget.

Councillor Hammersley asked the following question of Councillor Evans, Portfolio Holder of Public Services:

“Could Councillor Evans please update Council on what work the Council’s Sports Development Team is doing to secure vital investment for the Council’s adopted leisure strategy?”

Councillor Evans responded as follows:

I thank Councillor Hammersley for his question and I welcome him to his first Full Council meeting as well.
Further to the statement I issued at Full Council in June I would like to reiterate that Nuneaton and Bedworth Council has submitted a £15 million funding application to the Ministry for Housing, Communities and Local Government as part of the government’s levelling up fund. Our innovative bid will go towards the construction of a much needed physical activity hub in Bedworth and will kickstart regeneration in Bedworth town centre with a green corridor to improve connectivity between the new leisure centre and the town centre.
For years consecutive Labour Councils ignored Bedworth and ducked the issue of creating a new leisure centre in Bedworth. I am pleased that the first major investment application that this Council has issued was for Bedworth, and it demonstrates the new Conservative Council’s commitment to the good

people of the town. The Labour Council never submitted a funding application to government on this scale for Bedworth. They didn't do anything in 40 years and it took us two months to issue that application.

However, since our application we have gone further. We are just about to issue an expression of interest form to Sports England for funding from the Strategic Facilities Fund. Our application will be for £2 million which will go towards the deliver of the Council's adopted leisure strategy, including the Bedworth Physical Activity Hub and a future facility to replace the Pingles. I would like to put on record my thanks to Marcus Jones, the Member of Parliament for Nuneaton and Bedworth and Craig Tracy Member of Parliament for North Warwickshire, who have both issued letters of support to the Chief Executive at Sports England in favour of our submission, and I understand that you, Mr Mayor, have also issued a similar letter. I hope that our submission is successful.

Councillor Kennaugh asked the following question of Councillor Evans, Portfolio Holder of Public Services:

"With the Bermuda Connectivity Project now moving forward, I have massive concerns about the impact the project will have on residents within Bermuda Village and the wider Stockingford area. Could I please lobby the relevant Cabinet Member to request that the Council's transport fleet does not use Bermuda Road in particular as a cut through to Stockingford and the north of Nuneaton?"

Councillor Evans responded as follows:

Like Councillor Kennaugh I too have concerns about the impact the Bermuda Connectivity Project will have on the roads around Bermuda village, in particular Bermuda Road.

I am pleased to inform Councillor Kennaugh that I have instructed my officers within the refuse department not to drive any vehicle within our transport fleet on Bermuda Road in order to get to Stockingford in the wide northern parts of Nuneaton. As Cabinet member I will still expect our drivers to be using the A444 when using Council vehicles. However, should any refuse trucks need to carry out operations on Bermuda Road or any of the immediate roads off it, like Shillingstone Drive, then I will permit the use of the new bridge for this purpose only. I know that my Cabinet colleague Councillor Golby has made almost identical representation to her heads of departments with respect to the housing repairs fleet.

Whilst I know that the Bermuda Connectivity Project will have an adverse impact on local residents within the village, I hope my decision and that of Councillor Golby may go some way in limiting the impact this project will have on our taxpayers.

Councillor Singh asked the following question to the Portfolio Holder for Public Services:

Can the portfolio Holder for Public Services provide an update on his departments progress in fulfilling our manifesto commitment of tackling crime and grime across Nuneaton, Bedworth and Bulkington?

Councillor Evans responded as follows:

Could I first of all welcome Councillor Singh to the Council and congratulate him on tabling his first question to Council since his election in May. Councillor Singh has been a man of action in Bedworth Heath since May, and I know first-hand that he has been taking a specific interest in fly-tipping, and has been very successful recently with a piece of land off Newcomen Road. As stated in my response to Mrs Kondakor from the Public Gallery, I envisage Nuneaton and Bedworth Borough Council being the leading authority across the county on tackling grime and fly-tipping, and that is my personal mission over the next few months.

I thank him for giving me the opportunity to update Council on the steps we are taking to implement our manifesto commitments. Firstly, as part of the emergency budget that was approved by the new Council in June, we agreed to purchase an additional six CCTV cameras towards our fight against fly-tipping. This is on top of what we have at the moment. My department is about to go to the procurement stage to find a supplier for the six new cameras, and I know that the Head of Refuse, Glen McGrandle, visited a firm in Mansfield last week who have expressed an interest in supplying these for us. Further to this, at the emergency budget Council, it was agreed that there would be a deep clean of Nuneaton town centre, Bedworth town centre and Bulkington village centre twice a year.

With respect to litter bins, subject to approval of our Welcome Back Fund application to MHCLG, which I am pleased to say was actually approved I believe on Monday, we will have £12,000 towards replacing and refurbishing some of the bins in our town centres.

Since May, the new Conservative Council has issued a record number of fly-tipping notices to individuals who have decided to spread litter and commit fly-tipping offences across Nuneaton and Bedworth. At the first Full Council's meeting in June I made it abundantly clear to people that if they decided to fly-tip the Council would catch them and we will prosecute, and we have been doing exactly that.

During the summer our river clearance team met at Gresham Road and conducted a mass clean-up of the River Anker, removing around eight tonnes of rubbish including traffic cones, scaffolding and bicycles. We have much more planned within the river clearance work programme and I have asked officers to include the River Anker within the programme for a second clean up.

As I mentioned in my first response, and I will repeat it as I am very proud of the figure, we have issued 695 fixed penalty notices since May towards tackling fly-tipping. But we have also fixed penalty notices towards things such as urinating in our town centres, we've issued fixed penalty notices to business who have disposed of their commercial waste inappropriately, and we have also issued fixed penalty notices to residents who have decided to use dodgy individuals to collect waste who will then dispose of that waste inappropriately. So, we are going very far in delivering our manifesto commitments. It shows that with a Conservative Council in Nuneaton and Bedworth, we do stick to our promises and we don't lie to our good taxpayers as the last Labour Council did.

Councillor Baxter-Payne asked the following question of the Leader of the Council:

Could the Portfolio holder provide me with an update on the Department of Work and Pensions decision to the move the Jobcentre to the Ropewalk.

As Councillor Wilson had submitted his apologies, Councillor Golby responded on his behalf, as follows:

I thank Councillor Baxter-Payne for his question because it gives me a chance to set the record straight publicly about what is happening with the Job Centre.

I am aware that there has been some discontent, if I can put it that way, online that the Job Centre is moving into Ropewalk and that the Council is responsible for this decision.

I want to use this opportunity to confirm that neither I as Leader nor this Conservative Council have had any involvement in this decision. It is a business decision that has been made by the operators of Ropewalk on a commercial basis and is purely their responsibility. As a Council we have no say over who Ropewalk leases its units to.”

Councillor Walmsley asked the following question of the Portfolio Holder for Finance and Corporate:

Can the portfolio holder outline what he has done to support vital local businesses through the pandemic?

As Councillor Croft had submitted his apologies, Councillor Golby responded on his behalf as follows:

The new Conservative administration has introduced a comprehensive support package for our local businesses in the emergency budget introduced in June.

We have given market traders a rent break scheme, so that regular traders receive free rent and our casual traders receive a 50% discount.

We have introduced a stimulus package to cut car parking charges to 3 hours for a £1 to boost footfall and consumer spending in our town centres. This offer will run until March 2022, and includes two months completely free parking over December and January.

Not only this, the council has paid £3.7 million to businesses of all sizes in direct grants for hardship, business support, shopfitting and relocation costs, etc. In the final weeks of our grant allocation in the summer, we made special care to target payments at those businesses still impacted by the final phase of covid restrictions (wedding firms, travel agents, events, exhibitions etc). This has provided a vital lifeline to keep our businesses afloat during the hardship of the lockdowns.

Due to the excellent work of this administration and our grants team, all of our Additional Restrictions Grant monies were spent by the July 31st deadline.

I can therefore announce tonight that as a result the council has now received £703K of the next round of Additional Restrictions Grant monies from the Conservative government to continue our policies of business support.

Councillor Cvetkovic asked the following question for the Leader of the Council:

The Leader of the Council held a series of meetings with the different town centre business sectors in Nuneaton and Bedworth. Can he give an update on key points raised at these meetings?

As Councillor Wilson had submitted his apologies, Councillor Golby responded on his behalf, as follows:

Thank you, Councillor Cvetkovic, for your question. It gives me an opportunity to update Council how after four months of a new administration we are doing things differently.

6 virtual meetings were held with representatives from each of the main business sectors within our town centres, these been:

- Independent retails
- National retails
- Food and Beverage
- Commercial
- Market traders
- Landlords and Commercial property agents.

In each of these meetings I outlined my desire to improve communication between the business community and Officer and Member of Nuneaton and Bedworth borough Council. The meetings also provided those attending with an update on both the transforming Nuneaton and transforming Bedworth projects, and details of the proposed new Shop front Improvement grant scheme and the plans to introduce a Town centre partnership Group within each town centre.

Those attending the meeting welcome the opportunity to improve dialogue between themselves and the Council and were supportive of the proposal to develop the Town Centre partnerships.

Some of the key points raised by the businesses included:

- The desire for more events, street entertainment and promotion of our town centres post COVID.
- The need to address anti-social behave issue within our town centres and to improve the perception of a safer environment for visitors
- The desire to retain architectural heritage as part of the development plans were ever possible.
- Improve the look of empty shop fronts
- Need to improve publicity and updates relating to the town centre development programmes
- The need to update our parking solution to accept card payments

There was also recognition that the public sector is funding the majority of regeneration at the moment, and we need to bring the private sector on board to deliver the wider regeneration plans. We cannot wait for investors to come to us; we need to go out to them and sell ourselves as a council and a community a lot better so that we can bring more investment into Nuneaton and Bedworth.

A corporate identity was raised as something which we are lacking and that we could be a lot more professional in how we approach things. We need to build a brand for Nuneaton and Bedworth for business to buy into. Based on this feedback, officers and I will be working on all of the feedback provided together with wider plans to improve how we market ourselves moving forwards and how we sell the opportunities in Nuneaton and Bedworth for regeneration. I will also be continuing with plans to establish the Town Centre Partnerships and building a better relationship with the different business sectors within our borough.

CL37 **Cabinet Report**

The Leader of the Council submitted his report on behalf of Cabinet. The report highlighted matters considered at the Cabinet meetings held on 21st July and 8th September and details of reports from the West Midlands Combined Authority Board, which has a direct impact on NBBC.

Several questions were raised to which the Deputy Leader of the Council, or the appropriate Portfolio Holder gave a response.

As Councillor Croft had submitted his apologies Councillor Evans informed Councillor Rudkin that he would pass her question to Councillor Croft who would respond in due course.

RESOLVED that the report be noted.

CL38 **Annual Treasury Management Report 2020/21**

A report of the results of the Council's Treasury Management activities for 2020/21 as required by the Prudential Code.

Councillor Evans moved the recommendations from the report as set out after the table on page 1 Councillor Golby seconded this motion. A vote was taken.

RESOLVED that:

- a) the actual 2020/21 Treasury and Prudential Indicators detailed in the report and summarised in Appendix 1 of the report be approved;
- b) the Annual Treasury Management Report for 2020/21 be noted, and
- c) thanks be given the Craig Pugh and the Financial team for their hard work.

CL39 **Amendments of Coventry & Warwickshire Local Enterprise Partnership (CWLEP) Appointments**

Following discussions with the CWLEP and the Leader and Deputy Leader of the Council, it was suggested that the Leader be the Council's main representative on the CWLEP Board, and the Deputy Leader be his substitute. This would reverse the appointments made at Annual Council.

RESOLVED that the Leader of the Council be appointed as the Council's representative on the Coventry & Warwickshire Local Enterprise Council; and the Deputy Leader be appointed as the substitute.

CL40 **Exclusion of Public and Press**

Under section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item, it being likely that there would be disclosure of exempt information of the description specified in paragraph (i) and (iv) of Part I of Schedule 12A to the Act.

Councillor Tromans moved the recommendations that the meeting moved to a private session and Councillor Walmsley seconded the proposal. A vote was taken, and the motion was carried. As a result, Brent Davis left the meeting.

CL41 **Restructure of Management Team**

A report of the Corporate HR Business Partner, Human Resources, was considered.

Councillor Golby moved the recommendations of the report and Councillor Evans seconded this.

A recorded vote was taken, with the results as follows

FOR: Councillors R. Baxter-Payne, T. Cooper, L. Cvetkovic, L. Downs, K. Evans, C. Golby, J. Gutteridge, B. Hammersley, J. Kennaugh, K. Kondakor, A. Llewellyn-Nash, S. Markham, B. Pandher, N. Phillips, M. Rudkin, J. Sargeant, J. Sheppard, T. Sheppard, J. Singh, R. Smith, M. Tromans, R. Tromans, and M. Walsh.

AGAINST: Councillor H. Walmsley.

RESOLVED that:

- a) the new structure of the Council's Management Team as recommended by the Appointment Committee and as set out at Appendix A of the Report to take effect from 1st October 2021;
- b) the appointment of Brent Davis as Head of Paid Service/Chief Executive and Returning Officer for elections from the 1st October 2021.
- c) to delegate authority to the Returning Officer for elections to appoint a Deputy Returning Officer.

Mayor

Council - Schedule of Declarations of Interests – 2021/2022

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	R. Baxter-Payne	Manager Brinklow Quarry Ltd, Brinklow; County Councillor - WCC	Spouse: Self-employed childminder	
	B. Beetham	Employed at The George Eliot Hospital; Warwickshire County Council – Camp Hill	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Camp Hill Urban Village: Pride in Camp Hill Board • Committee of Management of Hartshill and Nuneaton RecreationGround 	
	D. Brown	Employed by H.M Land Registry	Regional Coordinator, Ragdoll Rescue Charity. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Exhall Education Foundation; • Warwickshire Joint Overview and Scrutiny Committee; • NBBC Biodiversity Champion 	
	J. Clarke	Employed by Marcus Jones MP	County Councillor W.C.C. Nuneaton Conservative Association; Deputy Chairman	
	T. Cooper	None	Member on the following Outside Bodies: <ul style="list-style-type: none"> • Camp Hill Urban Village: Pride in Camp Hill Board 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<ul style="list-style-type: none"> Committee of Management of Hartshill and Nuneaton Recreation Ground 	
	S. Croft	Employed at Holland & Barrett Retail Ltd	Treasurer of the Conservative Association Member of the following Outside Bodies: <ul style="list-style-type: none"> Champion for Safeguarding (Children and Adults) Local Government Superannuation Scheme Consultative Board West Midlands Employers 	
	L. Cvetkovic	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee) Member on the following Outside Bodies: <ul style="list-style-type: none"> Building Control Partnership Steering Group 	
	L. Downs	River Bars Limited; Coventry Plus Beyond the Plane	NBBC representative on the Armed Forces Covenant Meeting	
	P. Elliott	Educator – CW Mind Autism Support Service	Vice-Chair of Governors at Stockingford Nursery; Member of the Interim Steering Committee of Warwickshire Parent Carer Voice	
	K. Evans	Employed by UK Parliament	Sponsorship: Election Expenses – North Warwickshire Conservative Association Membership of Other Bodies: <ul style="list-style-type: none"> Sherbourne Asset Co Shareholder Committee; Nuneaton and Bedworth Sports Forum; Warwickshire Direct Partnership; Warwickshire Waste Partnership; West Midlands Combined Authority Audit Committee. Executive Officer – North Warwickshire Conservative Association; Member of the Conservative	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			and Unionist Party; Member of the Governing Body – Race Leys Infant School	
	C. Golby		Member of Warwickshire County Council Member of the following Outside Bodies: <ul style="list-style-type: none"> • Coventry, Warwickshire and Hinckley and Bosworth Joint Committee • District Leaders • Local Enterprise Partnership • Nuneaton and Bedworth Community Enterprises Ltd. (NABCEL) • Nuneaton and Bedworth Home Improvement Agency • NBBC representative on the George Eliot Hospital NHS Trust – Public/User Board • NBBC representative on George Eliot Hospital NHS Foundation Trust Governors 	
	J. Gutteridge	Joint shareholder in a factory unit on Bayton Road Industrial Estate	Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Warwickshire Health and Wellbeing Board • Age UK (Warwickshire Branch) Member of NABCEL	To speak and vote on any matters involving the Borough Plan related to land at Leyland Road Bulkington
	B. Hammersley	County Councillor – W.C.C.		
	S. Harbison	Employed by Meridian c/o Hello Fresh, 1 St Georges Way, Nuneaton	Member on the following Outside Bodies: <ul style="list-style-type: none"> • Poor's Piece Charity • Astley Charity 	
	L. Hocking	Employed by Openreach	Member of: <ul style="list-style-type: none"> • Unite the Union • Communication Workers Union 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	J. Kennaugh	County Councillor W.C.C. Employed by UK Flooring Direct Ltd.	Member of the W.C.C. Regulatory Committee Member of the Conservative Party Member of UNITE the Union Nuneaton and Bedworth representative for the Equality and Inclusion Partnership NBBC Representative on Warwickshire Race Equality Partnership	
	K.A. Kondakor	Electronic Design Engineer (self-employed semi-retired); Statistical data analyst and expert witness (self employed)	Unpaid director of 100PERCENTRENEWABLEUK LTD	
	A. Llewellyn-Nash	Employee of BMI Healthcare	Treasurer of Exhall Multi-cultural Group Governor at Newdigate Primary and Nursery School, Bedworth Member of the following Outside Bodies: • Hospice Charity	
	S. Markham	County Councillor – W.C.C.	Member of the following Outside Bodies: • Bedworth Neighbourhood Watch	
	B. Pandher		Member of Warwickshire County Council Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group Member of the following Outside Bodies: • Foleshill Charity Trustee – Proffitt's Charity	
	N. Phillips	Employee of DWP	Member of: • Nuneaton Labour CLP • The Fabian Society • The George Eliot Society • The PCS Union • Central Credit Union • Stockingford Sports and Allotment Club	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<ul style="list-style-type: none"> • Haunchwood Sports and Social Club 	
	M. Rudkin	Employee of Coventry City Council	Unite the Union	
	A. Sargeant	Employed by Pertemps	Chairman of The Nook (Nuneaton) Residents Association. Member of Nuneaton Carnival Committee. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Advice Rights 	
	J. Sargeant	Head of Retail – Life Charity		
	J. Sheppard		Partnership member of the Hill Top and Caldwell Big Local. Director of Wembrook Community Centre. Member of the Management Committee at the Mental Health Drop in.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
	T. Sheppard	Employee of Dairy Crest		
	J. Singh			
	R. Smith		Chairman of Volunteer Friends, Bulkington; Trustee of Bulkington Sports and Social Club; Member of the following Outside Bodies: <ul style="list-style-type: none"> • A5 Member Partnership; • Patrol (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • Representative on the Nuneaton and Bedworth Older Peoples Forum 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	M. Tromans	RTC Ltd, Nuneaton; WCC, Warwick	Nuneaton Acorns WI	
	R. Tromans	RTC, Nuneaton AFL, Wellingborough	W.C.C. Warwick Member of the following Outside Bodies: <ul style="list-style-type: none"> • Nuneaton Neighbourhood Watch Committee • Nuneaton Festival of Arts 	
	H. Walmsley	Chief of Staff to Julian Knight MP	Chartered Institute of Public Relations Member on the following Outside Bodies: <ul style="list-style-type: none"> • Friendship Project for Children • West Midlands Combined Authority Audit Group 	Dispensation to speak and vote
	M. Walsh	Employed by MacInnes Tooling Ltd. – UK Sales Manager		
	C.M. Watkins	Landlord of a privately rented property	Representative on the following outside bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Community Enterprises Ltd. (NABCEL) 	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	Nuneaton Conservative Association Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director. Representative on the following: <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP) • West Midlands Combined 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Authority <ul style="list-style-type: none"> • Deputy Chairman – Nuneaton Conservative Association • District Council Network • Local Government Association 	

Council - Schedule of Declarations of Interests – 2021/2022

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	R. Baxter-Payne	Manager Brinklow Quarry Ltd, Brinklow; County Councillor - WCC	Spouse: Self-employed childminder	
	B. Beetham	Employed at The George Eliot Hospital; Warwickshire County Council – Camp Hill	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Camp Hill Urban Village: Pride in Camp Hill Board • Committee of Management of Hartshill and Nuneaton Recreation Ground 	
	D. Brown	Employed by H.M Land Registry	Regional Coordinator, Ragdoll Rescue Charity. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Exhall Education Foundation; • Warwickshire Joint Overview and Scrutiny Committee; • NBBC Biodiversity Champion 	
	J. Clarke	Employed by Marcus Jones MP	County Councillor W.C.C. Nuneaton Conservative Association; Deputy Chairman	
	T. Cooper	None	Member on the following Outside Bodies: <ul style="list-style-type: none"> • Camp Hill Urban Village: Pride in Camp Hill Board 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<ul style="list-style-type: none"> • Committee of Management of Hartshill and Nuneaton Recreation Ground 	
	S. Croft	Employed at Holland & Barrett Retail Ltd	Treasurer of the Conservative Association Member of the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children and Adults) • Local Government Superannuation Scheme Consultative Board • West Midlands Employers 	
	L. Cvetkovic	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee) Member on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group 	
	L. Downs	River Bars Limited; Coventry Plus Beyond the Plane	NBBC representative on the Armed Forces Covenant Meeting	
	K. Evans	Employed by UK Parliament	Sponsorship: Election Expenses – North Warwickshire Conservative Association Membership of Other Bodies: <ul style="list-style-type: none"> • Sherbourne Asset Co Shareholder Committee; • Nuneaton and Bedworth Sports Forum; • Warwickshire Direct Partnership; • Warwickshire Waste Partnership; West Midlands Combined Authority Audit Committee. Executive Officer – North Warwickshire Conservative Association; Member of the Conservative and Unionist Party; Member of the Governing Body – Race Leys Infant School	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	C. Golby		<p>Member of Warwickshire County Council</p> <hr/> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • Coventry, Warwickshire and Hinckley and Bosworth Joint Committee • District Leaders • Local Enterprise Partnership • Nuneaton and Bedworth Community Enterprises Ltd. (NABCEL) • Nuneaton and Bedworth Home Improvement Agency • NBBC representative on the George Eliot Hospital NHS Trust – Public/User Board • NBBC representative on George Eliot Hospital NHS Foundation Trust Governors 	
	J. Gutteridge	Joint shareholder in a factory unit on Bayton Road Industrial Estate	<p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Warwickshire Health and Wellbeing Board • Age UK (Warwickshire Branch) <hr/> <p>Member of NABCEL</p>	To speak and vote on any matters involving the Borough Plan related to land at Leyland Road Bulkington
	B. Hammersley	County Councillor – W.C.C.		
	S. Harbison	Employed by Meridian c/o Hello Fresh, 1 St Georges Way, Nuneaton	<p>Member on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Poor's Piece Charity • Astley Charity 	
	L. Hocking	Employed by Openreach	<p>Member of:</p> <ul style="list-style-type: none"> • Unite the Union • Communication Workers Union 	
	J. Kennaugh	County Councillor W.C.C. Employed by UK	<p>Member of the W.C.C. Regulatory Committee Member of the Conservative Party</p>	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		Flooring Direct Ltd.	Member of UNITE the Union Nuneaton and Bedworth representative for the Equality and Inclusion Partnership NBBC Representative on Warwickshire Race Equality Partnership	
	K.A. Kondakor	Electronic Design Engineer (self-employed semi-retired); Statistical data analyst and expert witness (self employed)	Unpaid director of 100PERCENTRENEWABLEUK LTD	
	A. Llewellyn-Nash	Employee of BMI Healthcare	Treasurer of Exhall Multi-cultural Group Governor at Newdigate Primary and Nursery School, Bedworth Member of the following Outside Bodies: • Hospice Charity	
	S. Markham	County Councillor – W.C.C.	Member of the following Outside Bodies: • Bedworth Neighbourhood Watch • Governor at Ash Green School	
	B. Pandher		Member of Warwickshire County Council Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group Member of the following Outside Bodies: • Foleshill Charity Trustee – Proffitt's Charity	
	N. Phillips	Employee of DWP	Member of: • Nuneaton Labour CLP • The Fabian Society • The George Eliot Society • The PCS Union • Central Credit Union • Stockingford Sports and Allotment Club • Haunchwood Sports and Social Club	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	M. Rudkin	Employee of Coventry City Council	Unite the Union	
	A. Sargeant	Employed by Pertemps	Chairman of The Nook (Nuneaton) Residents Association. Member of Nuneaton Carnival Committee. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Advice Rights 	
	J. Sargeant	Head of Retail – Life Charity		
	J. Sheppard		Partnership member of the Hill Top and Caldwell Big Local. Director of Wembrook Community Centre. Member of the Management Committee at the Mental Health Drop in.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
	T. Sheppard	Employee of Dairy Crest		
	J. Singh			
	R. Smith		Chairman of Volunteer Friends, Bulkington; Trustee of Bulkington Sports and Social Club; Member of the following Outside Bodies: <ul style="list-style-type: none"> • A5 Member Partnership; • Patrol (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • Representative on the Nuneaton and Bedworth Older Peoples Forum • Digital Infrastructure Board 	
	M. Tromans	RTC Ltd, Nuneaton; WCC, Warwick	Nuneaton Acorns WI	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	R. Tromans	RTC, Nuneaton AFL, Wellingborough	W.C.C. Warwick Member of the following Outside Bodies: <ul style="list-style-type: none"> • Nuneaton Neighbourhood Watch Committee • Nuneaton Festival of Arts 	
	H. Walmsley	Chief of Staff to Julian Knight MP	Chartered Institute of Public Relations Member on the following Outside Bodies: <ul style="list-style-type: none"> • Friendship Project for Children • West Midlands Combined Authority Audit Group 	Dispensation to speak and vote
	M. Walsh	Employed by MacInnes Tooling Ltd. – UK Sales Manager		
	C.M. Watkins	Landlord of a privately rented property	Representative on the following outside bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Community Enterprises Ltd. (NABCEL) 	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	Nuneaton Conservative Association Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director. Representative on the following: <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP) • West Midlands Combined Authority • Deputy Chairman – Nuneaton Conservative 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Association <ul style="list-style-type: none"> • District Council Network • Local Government Association 	

AGENDA ITEM No.7

9. PUBLIC PARTICIPATION

9.1 General

At each ordinary meeting of the Council, [20] minutes (which can be extended at the discretion of the Mayor) shall be set aside for questions or statements from the public gallery by any resident of the borough in relation matters in respect of which to which the Council has powers or duties or which affect the Borough.

9.2 Notice of questions and statements

No such question shall be asked or statement made unless it shall have been delivered in writing to the Managing Director no later than 12 noon on the day before the meeting of the Council.

9.3 Scope of questions and statements

The Managing Director may reject a question or statement if it:

- is not about a matter for which the Council has a responsibility or which doesn't affect the borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question or statement which has been put at a meeting of the Council in the past six months; or
- requires or involves the disclosure of confidential or exempt information.

9.4 The Mayor will invite the relevant Cabinet Member or Committee Chair to give a reply. Such reply shall not exceed 5 minutes. In the case of a question, on the discretion of the Mayor, a supplementary question may be asked if arising directly from the reply, provided that the original allocation of 5 minutes is not exceeded. The Mayor may reject a supplementary question on any of the grounds detailed in paragraph 9.3 above.

9.5 Time Limit and Number of questions

No question or statement shall exceed 3 minutes. In the event of there being more than one question or statement, the Managing Director will draw lots to determine the order in which the questions shall be asked or statements made. At the expiry of the 20 minute period, or such period as may be agreed by the Mayor, or after the reply to the final question or statement, whichever shall first occur, the Council will proceed to the next business.

4A.10 QUESTIONS BY COUNCILLORS

4.10.1 A Member of the Council may ask the Leader of the Council or the Chair of a Committee any question without notice upon an item of the report of the Cabinet or a Committee (respectively) when that item is being received or under consideration by the Council.

4.10.2 Questions on Notice at Full Council

At each meeting a Member of the Council may ask no more than one question (but see 10.3(b) below) on any matter in relation to which the Council has powers or duties, or which affects the Borough. For questions from Members, Paragraph 4.9.4 shall apply. A Member may choose to ask their permitted question of either:

- a Member of the Cabinet; or
- the Chair of any Committee, Panel or Sub-Committee

4.10.3 No such question under paragraphs 10.2 or 10.3 shall be asked unless: (a) the question has been delivered in writing to the Head of Paid Service and Leader before 12 noon on the day before the meeting of the Council; or (b) where the question relates to urgent matters, they have the consent of the Mayor or the Leader of the Council or the Portfolio Holder to whom the question is to be put or in the case of a Committee, Panel or Sub-Committee, the Chair, and the content of the question is given to the Head of Paid Service at least three hours before the time that the meeting is due to start.

4.10.4 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

4.10.5 Time Limit

The maximum time for Members' questions shall not normally exceed 24 minutes, and the Mayor shall have discretion to limit the questions as he or she shall see fit.

4.10.6 Reference of Question to the Cabinet or a Committee

Any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

4.10.7 Any question or statement which cannot be dealt with because of lack of time will be dealt with in writing in accordance with paragraph 10.5 (c).

4.10.8 Questions on Notice at Committees, Panels or Sub- Committees

A Member of a Committee, Panel or Sub-Committee may, upon giving notice, ask the Chair of it one question on any matter in relation to which the Council has powers or duties, or which affect the Borough and which falls within the Terms of Reference of that Committee, Panel or Sub-Committee



Cabinet

Report Summary Sheet

Date: 13th October 2021

Subject: Cabinet Support Members

Portfolio: Business & Regeneration (Leader)

From: Director – Planning & Regulation

Summary:

To approve changes to Cabinet Procedure Rules for the appointment of Cabinet Support Members by the Leader of the Council.

Recommendations:

- 2.1 That Cabinet Procedure Rules be amended as shown in Appendix A; and
- 2.2 IT BE RECOMMENDED TO COUNCIL THAT the Constitution be amended accordingly.

Options:

- To approve the recommendations; or
- To reject the recommendations.

Reasons:

The role of Cabinet Support Member is specifically recognised in the statutory guidance issued by the Government under the Local Government Act 2000 for local authority executive arrangements. That guidance suggests that such a role might help

provide an effective link between the Cabinet and other Members and also an effective developmental role for the Members involved.

Consultation undertaken with Members/Officers/Stakeholders

Consultation with the Leader & Warwickshire County Council.

Subject to call-in: Yes

Ward relevance: None

Forward plan: N/A

Delivering Our Future Theme: 2

Delivering Our Future Priority: 3

Relevant statutes or policy:

The Local Government Act 2000 (as amended)

Equalities Implications:

None

Human Resources implications:

None

Financial implications:

None

Health Inequalities Implications:

None

Section 17 Crime & Disorder Implications:

None

Risk management implications:

None

Environmental implications:

None

Legal implications:

None

Contact details:

Philip Richardson
Director – Planning & Regulation
Tel: 024 76376233
e-mail: Philip.Richardson@nuneatonandbedworth.gov.uk

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet - (13th October 2021)

From: Director – Planning & Regulation

Subject: Cabinet Support Members

Portfolio: Business & Regeneration (Leader)

Delivering Our Future Theme:

Delivering Our Future Priority:

1. Purpose of Report

To approve changes to Cabinet Procedure Rules for the the appointment of Cabinet Support Members by the Leader of the Council.

2. Recommendations

2.1 That Cabinet Procedure Rules be amended as shown in Appendix A; and

2.2 IT BE RECOMMENDED TO COUNCIL THAT the Constitution be amended accordingly.

3. Background

The role of Cabinet Support Member is specifically recognised in the statutory guidance issued by the Government under the Local Government Act 2000 for local authority executive arrangements. That guidance suggests that such a role might help provide an effective link between the Cabinet and other Members and also an effective developmental role for the Members involved.

4. Purpose of Report

4.1 The Leader has discretion to appoint Cabinet Support Officers, but to clarify their role, it is recommended that the Cabinet Procedure Rules be amended to reflect the new role. The revised Procedure Rules are attached as Appendix A

4.2 The role of a Cabinet Support Member would be to support the Cabinet as a whole or an individual Cabinet Member with his or her portfolio workload including:

- Focus on information gathering and understanding key policy / service delivery areas
- Assist with the development of options and policies for consideration by the Cabinet member taking into account national policies and local circumstances
- Brief and make recommendations to Cabinet members and others on relevant issues in relation to policy development and decision making.
- Represent or deputise for the Cabinet member at meetings or events as necessary.
- Promote and support good governance of the Council and its business;
- Keep other Members of Council informed about their activities; and
- Maintain effective working relationships with Senior Leadership Team officers and other Officers.

5. Other Considerations

To avoid conflicts, it will be necessary for Cabinet Support Officers to avoid membership of any OSP that scrutinises the portfolio that they are supporting. It will not, however, preclude such members being a member of a different OSP.

6. Appendices

Appendix A: Revised Cabinet Procedure Rules

7. Background Papers (if none, state none)

None

4D CABINET PROCEDURE RULES

4D.1 HOW DOES THE CABINET OPERATE?

4.1.1 Who May Make Cabinet Decisions?

The arrangements for the discharge of Cabinet functions are set out in the Executive arrangements adopted by the Council. The arrangements may provide for Executive functions to be discharged by:

- a) the Cabinet as a whole;
- b) an individual Member of the Cabinet;
- c) an officer;
- d) an Area Committee;
- e) joint arrangements; or
- f) another Local Authority.

4.1.2 Delegation by the Leader

At a meeting of the Council (usually the Annual Meeting or when reviewing the Constitution), the Council will note the Council's Scheme of Delegation at Part 3 to this Constitution in connection with Executive functions. This will include the following information about Executive functions in relation to the coming year:

- a) the extent of any Authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- b) the nature and extent of any delegation of Executive functions to Area Committees, any other Authority or any joint arrangements, and the names of those Members appointed to any Joint Committee for the coming year; and
- c) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.
- d) where a function is delegated to Cabinet, a Committee or Sub Committee does not limit their ability to further delegate that function.

4.1.3 Delegation of Executive Functions

- a) Where the Cabinet, or an individual Member of the Cabinet, is responsible for an Executive function, they may delegate further to an Area Committee, joint arrangements, or an officer.
- b) Unless the Council directs otherwise, if the Leader or individual Member of the Cabinet delegates functions to the Cabinet, then

the Cabinet may delegate further to a Cabinet Member(s) or to an officer(s).

- c) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated it.

4.1.4 The Council's Scheme of Delegation and Executive Functions

- a) Subject to (b) below the Council's Scheme of Delegation will be subject to adoption by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- b) If the Leader or individual Member of the Cabinet is able to decide whether to delegate Executive functions, he/she may amend the Scheme of Delegation relating to Executive functions at any time during the year. To do so, the Leader or individual Member must give written notice to the proper officer and to the person, body or Committee concerned. The Notice must set out the extent of the amendment to the Scheme of Delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Cabinet as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- c) Where the Leader or individual Member is required under (b) above to give notice to a Committee, service can be effected on its Chair.

4.1.5 Conflicts of Interest

- a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5A of this Constitution.
- b) If every Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5A of this Constitution.
- c) Where an Executive function has been delegated to an individual Member or an officer, and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5A of this Constitution.

4.1.6 Cabinet Meetings – When and Where?

The Cabinet will meet at least ten times per year at times to be agreed by the Leader. The Cabinet shall meet at the Town Hall, Nuneaton or any other location to be agreed by the Leader.

4.1.7 Public or Private Meetings of the Cabinet?

The meetings of the Cabinet will be held in public save for the consideration of confidential or exempt items.

4.1.8 Quorum

The quorum for a meeting of the Cabinet shall be three.

4.1.9 How are decisions to be taken by the Cabinet?

Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

4D.2 HOW ARE THE CABINET MEETINGS CONDUCTED?

4.2.1 Who Presides?

If the Leader is present he/she will preside. In his/her absence, then a person appointed to do so by those present shall preside.

4.2.2 Who May Attend?

The Cabinet meetings will be held in public except for consideration of matters which are confidential or for which the Cabinet has decided are exempt within Schedule 12A to the Local Government Act 1972. The Leader of the Main opposition group shall be invited to attend Cabinet meetings as an observer and may participate in any debate on an item under discussion (but shall not have voting rights). When the Leader of the main opposition group is unavailable to attend a meeting of Cabinet, the Deputy Leader of the main opposition group shall stand as a substitute, with the same right to speak (but not vote).

Any Member of the Council may attend Cabinet and, at the discretion of the Leader or person presiding, address the Cabinet (but shall not have voting rights).

Any Member of the public may attend Cabinet and, at the discretion of the Leader or person presiding, address the Cabinet for a maximum of three minutes in accordance with Council Procedural Rule 4A.9.

Members of the Council may, at the discretion of the Leader or person presiding, attend during consideration of exempt items where their attendance is necessary to better represent their constituents.

4.2.3 What Business?

At each meeting of the Cabinet the following business will be conducted:

- a) consideration of the minutes of the last meeting;
- b) declarations of interest, if any;
- c) matters referred to the Cabinet (whether by an Overview & Scrutiny Panel or by the Full Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview & Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- d) consideration of reports from Overview & Scrutiny Panels; and
- e) matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

4.2.4 Consultation

All reports to the Cabinet from any Member of the Cabinet or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview & Scrutiny Panel, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

4.2.5 Who Can Put Items on the Cabinet Agenda?

- a) The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, or any Member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.
- b) Any Member of the Cabinet may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the proper officer will comply.

- c) Where the Head of Paid Service, Chief Financial Officer or Monitoring Officer believes that a matter requires a Cabinet decision, he/she may include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

4D.3 CABINET SUPPORT MEMBERS

4.3.1 Appointment

- a) Cabinet Support Members are appointed by the Leader of the Council. Their titles and functions are also agreed by the Leader.
- b) Their primary role is to provide advice and support to their Cabinet Member.

4.3.2 Key Responsibilities

Cabinet Support Members will be allocated specific service areas to lead and advise the Cabinet member. They are not able to take decisions.

They will:

- a) Focus on information gathering and understanding key policy / service delivery areas
- b) Assist with the development of options and policies for consideration by the Cabinet member taking into account national policies and local circumstances
- c) Brief and make recommendations to Cabinet members and others on relevant issues in relation to policy development and decision making.
- d) Represent or deputise for the Cabinet member at meetings or events as necessary.
- e) Promote and support good governance of the Council and its business;
- f) To keep other Members of Council informed about their activities; and
- g) To maintain effective working relationships with Senior Leadership Team officers and other Officers.

COUNCIL AGENDA ITEM NO. 13b

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Audit and Standards Committee - 9th November 2021

From: Director of Finance

Subject: Appointment of Electoral Registration Officer (ERO), Deputy ERO, Deputy ERO and Scale of Election staff fees

Portfolio: Finance and Corporate (Cllr S Croft)

1. Purpose of Report

This report proposes that the Chief Executive be appointed as Electoral Registration Officer for Nuneaton and Bedworth. It also proposed that the Head of Elections be appointed as a Deputy Electoral Registration Officer and Deputy Returning Officer. Finally, this report sets out the proposed scale of fees to be used by election staff, including the Returning Officer at Borough and other elections.

2. Recommendations

1. **That Audit and Standards Committee recommend to Council that:**
 - (a) **The Chief Executive is appointed as Electoral Registration Officer**
 - (b) **That the Head of Elections is appointed as Deputy Electoral Registration Officer and Deputy Returning Officer**
2. **That the proposed scale of fees attached at Appendix A to this report is approved.**
3. **That the Chief Executive is given delegated authority to make minor amendments to the attached fees to reflect the National Joint Council Local Government Pay Award;**

3. Background

The Council must appoint an officer of the Council to the office of Electoral Registration Officer (ERO), to oversee the registration of electors for the Borough and undertake specific duties under the Representation of the People Act 1983. Following the recent change in management structure, it is now necessary to appoint to this role. This role is usually undertaken by the Head of Paid Service, who Council appointed in September 2021.

The Council is required to establish the fees payable to persons employed by the Returning Officer at its elections held every four years and at any by

election held in between. These fees include those paid to Presiding Officers, other polling station staff, count staff and others employed by the Returning officer.

4. Appointment of Electoral Registration Officer

Under S 8 (2). of the Representation of the People Act 1983, Council must appoint an Electoral Registration officer to undertake the following duties:

- Take steps to ensure those who are eligible to be registered to vote are so registered.
- To take steps to ensure those who are not eligible are not registered.
- To act as Acting Returning Officer for the Nuneaton Constituency at UK Parliamentary General Elections.
- To undertake the Annual Canvass yearly.
- To comply with the Electoral Commission's Performance Standards for EROs.

The appointment as ERO is independent of the Council, it is a personal appointment, and the holder is liable to the courts should they fail to exercise their official duties.

In order to manage operational electoral registration matters, it is considered best practice, and recommended by the Electoral Commission that a senior officer (other than the ERO/RO) also be appointed as Deputy ERO and Deputy Returning Officer (DRO) by the Council.

This provides additional resilience as well as gives the officers managing the day to day processes the necessary powers to undertake their duties.

It is therefore thought prudent to appoint the Head of Elections as Deputy ERO and DRO to undertake the necessary operational duties.

Review of Scale of Fees for elections staff

The Council must on occasion review the fees that are paid to those staff working at elections. This has not been done at NBBC for some time, and so ahead of the May 2022 elections it is felt prudent to review these fees, as set out in Appendix A to the report.

The scale of fees also sets the fees that the Returning Officer (and any deputies) would receive for their duties. The Returning Officer is personally liable for the conduct of the election, including any subsequent legal challenge. The scale of fees also sets out the amounts paid to polling station and count staff.

These fees have been benchmarked against those set at other Warwickshire Authorities and a similar set of fees was agreed by North Warwickshire Borough Council in September 2021.

5. Conclusion

The Audit and Standards Committee is asked to approve the scale of fees at Appendix A to this report and recommend to Council that the Chief Executive is appointed as ERO and the Head of Elections appointed as Deputy ERO and DRO.

6. Appendices

Appendix A – Scale of fees for elections staff 2021/2022

7. Background Papers (if none, state none)

None

BOROUGH, COUNTY AND OTHER ELECTIONS
SCALE OF ELECTION FEES AND EXPENSES

PART 1 - Returning Officer's Fee

<u>CONTESTED ELECTIONS</u>	<u>FEE</u>
1. BOROUGH COUNCIL ELECTIONS (where election is for Borough Councillor only - for each ward)	
(a) For the first 1000 local government electors in a Ward:	£115
b) For each 500 electors or fraction thereof, above	£24
<u>UNCONTESTED ELECTIONS</u>	<u>FEE</u>
4. BOROUGH ELECTIONS - for each Ward:	£48
DEPUTY RETURNING OFFICER(S)	
Payment of one third of the Returning Officer's fee, as calculated above for contested and uncontested elections	

PART 2 - Disbursements

1. POSTAL VOTES - for the remuneration of persons employed in connection with the issue and the receipt of ballot papers for electors entitled to vote by post:	<u>FEE</u>
(a) CLERK per session for Issue and receipt/opening	£11 per hour
(b) CLERK per session for the issue management of postal voter signature and dates of birth on postal voting statements.	£11 per hour
2. PRESIDING OFFICERS - for each PO (to include all expenses other than travelling expenses)	
(a) BOROUGH/COUNTY election only	£241
(b) Combined BOROUGH and other election:	£267.50
3. POLL CLERK - for each PC (to include all expenses other than travelling expenses)	
(a) BOROUGH/COUNTY Election only	£157
(b) Combined BOROUGH and other election:	£184
4. POLLING STAFF TRAINING FEE - for the remuneration of persons employed as Presiding Officer, Poll Clerk & Polling station Inspectors to attend an official training session prior to election day. (includes all travelling expenses)	£10/15/30 depending on training type
5. POLLING STATION INSPECTOR - for the remuneration of persons employed in visiting and collection of Postal Votes handed in at polling stations by electors (to include all expenses other than travelling expenses)	£265
6. COUNT* - for all remuneration of persons employed in counting the votes	
(b) Count Table Leader:	£120
(c) Counting Assistant -	£90
(d) Ballot Box Runner	£75

* Discretion to Returning Officer to add a supplement if the Count is extremely lengthy.

ADMINISTRATIVE DUTIES	FEE
1. For the Receipt of Nomination Papers for Borough/County/other elections	29.14 for the 1 st contested Election and £14.56 thereafter
2. For the remuneration of persons employed (on each such occasion) in connection with the staffing of the elections office on polling day:	£300
3. For the additional hours undertaken by employees in the administration and preparation for the election:	overtime payment calculated at 1.5x the employees' hourly rate

*records should be kept by persons employed by the Returning Officer on such occasions of the hours worked on Election duties.

5. **TRAVELLING EXPENSES** of Returning Officer, Deputy Returning Officer, clerical and other Assistants, Presiding Officers, Poll Clerks and Count Assistants engaged in the conduct of the election, are to be paid 45p per mile.
6. **MOBILE PHONE CALLS** – staff employed on polling duties (Presiding Officers. Poll Clerks & Polling Station Inspectors) £2.50 is included in fee to cover calls made in connection with Election duties on Election Day.

PART 3 - Actual and Necessary Costs

- Clerical and other assistance employed by the Returning Officer
- Delegating responsibility fees as agreed by the Returning Officer (e.g., for the management of the counting of votes)
- Fees paid to those for the Training of polling and counting staff
- Hire and fitting up of polling stations, expenses of heating, lighting and cleaning any building for such purposes and for making good any damage arising from such use.
- Hire and fitting up of rooms for counting the votes.
- Provision of voting compartments and conveyance thereof to polling stations.
- Printing and providing official poll cards.
- Preparation and issue of official poll cards.
- Printing and providing ballot papers.
- Printing and providing notices, nomination forms and other forms and documents.
- Posting of Notices.
- Stationery and sundries required at each polling station and at the counting of the votes.
- Miscellaneous stationary, postage, telephone calls etc.

Appendix B – Comparison to previous year’s election fees for staff

Area		May 2018	May 2021
1. Postal Votes	Clerk - opening	10	10
	Clerk - scanning	10	10
2. Presiding Officers	Stand-alone	225	250
	Combined Poll	n/a	285
3. Poll Clerk	Stand-alone	130	150
	Combined Poll	n/a	180
4. Polling staff training fee	all elections	30	30
5. Polling Station inspector	all elections	250	285
6. Count			
	Count table leader	125	140
	Counting assistant	90	90
	Ballot Box Runner	50	60
Admin Duties	Nominations	29.14 + 14.56	29.14 + 14.56
	Election admin	285	300

Note:

For May 2021, fees were agreed across Warwickshire ROs to reflect increases in inflation and to provide consistency across the County.

The May 2021 fees were also subject to approval by the County Council, as the Borough Returning Officer held the County elections on their behalf.

Cabinet Report Summary Sheet

Date: Cabinet 10th November 2021

Subject: Leisure Development – Bedworth Physical Activity Hub (BPAH) Update

Portfolio: Public Services (Councillor K. Evans)

From: Director – Public Services

Summary: This report provides Cabinet with its third Leisure Development Update following the appointment of the Project Team and specialist consultants to progress Royal Institute of British Architects (RIBA) Stages 1 to 3 for the BPAH. The project is now at the end of RIBA Stage 3 and this report seeks to provide an update on the development of the scheme and seek approval to continue to RIBA Stage 4A and 4B.

Members may recall that RIBA Stage 1 for the Pingles was also part of this strategic work, and that has now been completed. A further update on the Pingles site will be presented to Cabinet in the future. Given that the Bedworth project has been identified as priority, this report concentrates just on Bedworth at this time.

This report also provides an update on the Phase 1 Cycling Project (mountain bike trails) as part of the Bedworth Physical Activity Hub Miners' Welfare Park development.

Recommendations:

1. That Cabinet notes the update report.
2. That Cabinet notes and approves the final proposed facility mix (section 4.6 below) and general site layout drawings as set out in the RIBA Stage 3 report. (Appendix 1).
3. That Cabinet notes the updated project summary budget in table 8.2 of the report and (Appendix 2, leisure site budget only) plus the funding profile as detailed in section 9.4; and that budget implications are

included within the 2022/23 budget process and Medium-Term Financial Strategy update.

4. That Cabinet recommends to Council that an additional £500k be added to the capital programme for 2021/22, funded from earmarked reserves, to undertake the works required this financial year per section 9.2 of this report.
5. That Cabinet approves commencement of public consultation in advance of a planning application being submitted for the Bedworth Physical Activity Hub.
6. That Cabinet approves the development of the scheme to RIBA Stages 4A and 4B.
7. That delegated authority be given to the Director – Public Services in consultation with the Portfolio Holder – Public Services to prepare and submit a planning application based on the proposals included within this report following public consultation.
8. That delegated authority be given to the Director – Public Services in consultation with the Strategic Creditors and Procurement Manager, and the Portfolio Holder - Public Services to develop, implement and commence the leisure operator procurement process to ensure a smooth transition from the current contract to the new management contract for the new site.
9. That Cabinet notes the progress of the Phase 1 of the Cycling Project - mountain bike trails, Bedworth Miners' Welfare Park.
10. That Cabinet approves further engagement with Sport England to progress funding opportunities for the Bedworth scheme and submission of an "invited applicant" application for capital funding.

Reasons: The work being undertaken to deliver future leisure and green space/active design activities is a key strategic outcome for the Council, supporting residents with opportunities for improvements in their health and well-being.

Options: Approve the recommendations.

Should approval not be granted to proceed with the recommendations, the project will stop at the end of RIBA Stage 3.

Subject to call-in: Yes

Forward plan: Yes

Equal opportunity implications:

No direct equal opportunities implications

Human resources implications:

None

Financial implications:

There are significant financial implications relating to the delivery of this work that will require ongoing planning and modelling to ensure financial viability and sustainability. Additionally, external funding will also be sought either for NBBC directly or through partnership working.

A Council Capital Programme has already been approved for this programme of work for RIBA Stages 1 – 3 for Bedworth PAH.

The total project costs have been identified at £27 million.

A budget of £700k is now required to deliver the next RIBA Stages 4A and 4B which enable a cost price following a tender process with contractors.

An Expression of Interest application has been approved by Sport England and the Authority is now an “Invited applicant” to apply for Capital Investment circa £1.5 million. towards the Bedworth project.

A Levelling Up Fund application was submitted to Government in June and following the announcement on 27th October £14.95 million has been awarded towards the project.

The Authority will need to undertake some Prudential Borrowing and allocate the S.106 developers’ contributions towards the project totalling circa £10.55 million to meet the overall £27 million project costs.

Contract procedures rules will be followed.

Health Inequalities Implications:

The adopted Leisure Facilities Needs Assessment Strategy supports the Council’s Delivering Our Futures Objectives in improving health and well-being by providing opportunities and facilities for residents to access and take part in physical activity at all levels across the Borough.

Section 17 - Crime and Disorder Implications:

The increase or provision of new facilities or different leisure pursuits will give opportunities for more residents to take part in physical activities. This will support improved outcomes for crime and disorder, whereby opportunities are taken up by young people in particular instead of other less desirable activities.

Risk management implications:

There are ongoing risk management issues that will need to be managed with the project and ensure future sustainability, due diligence and best value is provided for the Council. The risk profile of each project is managed during and will be assessed in detail at the end of, each stage of work.

The success of the LUF application reduces the risk implications for the Council by reducing the Prudential borrowing element. Collection of future S.106 will be a risk should all the identified sites in the local plan not be built out and reduce the identified S.106 contributions towards the project.

The Council have been notified that they are an “Invited Applicant” for Sport England capital funding. Whilst this is on an invited applicant basis only, there is no guarantee that the circa £1.5m funding is guaranteed, until Award confirmation.

Environmental implications:

The new build facilities will conform to the latest building regulations and consequently will provide a greener footprint and a more environmentally friendly impact on utilities going forward. The project will meet or better NBBC policy relating to sustainability measures and will be assessed against industry standards such as meeting a BREEAM ‘Very Good’ rating.

Legal implications:

Future procurement in accordance with this strategy, OJEU procurement process and the Council’s Contract procedures Rules (CPR’s) will be followed.

Contact details:

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AGENDA ITEM NO:

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet 10th November 2021

From: Director – Public Services

Subject: Leisure Development – Bedworth Physical Activity Hub (BPAH)

Portfolio: Public Services (Councillor K. Evans)

Delivering Our Future Themes: 1, 2 and 3

Delivering Our Futures Priorities: T1,T2, C1, C2, C3, I1, I2, I4 and I6

1. Purpose of Report

- 1.1 This report provides Cabinet with its third Leisure Development update following the appointment of the Project Management & Design Team and specialist consultants to progress RIBA Stages 1 to 3 for the Bedworth Hub.
- 1.2 Following Cabinet's approval in October 2020 of the Leisure Facility Needs Assessment Strategy (LFNAS) and Strategic Outcomes Planning Guidance (SOPG) the Project Management & Design Team and specialist consultants have been appointed to deliver against the agreed recommendations.

2. Recommendations

- 2.1 That Cabinet notes the update report.
- 2.2 That Cabinet notes and approves the final proposed facility mix (section 4.6 below) and general site layout drawings as set out in the RIBA Stage 3 report. (Appendix 1).
- 2.3 That Cabinet notes the updated project summary budget in table 8.2 of the report and (Appendix 2, leisure site budget only) plus the funding profile as detailed in section 9.4; and that budget implications are included within the 2022/23 budget process and Medium Term Financial Strategy update.
- 2.4 That Cabinet recommends to Council that an additional £500k be added to the capital programme for 2021/22, funded from earmarked reserves, to undertake the works required this financial year per section 9.2 of this report.
- 2.5 That Cabinet approves commencement of public consultation in advance of a planning application being submitted for the Bedworth Physical Activity Hub.
- 2.6 That Cabinet approves the development of the scheme to RIBA Stages 4A and 4B.

- 2.7 That delegated authority be given to the Director – Public Services in consultation with the Portfolio Holder – Public Services to prepare and submit a planning application based on the proposals included within this report following public consultation.
- 2.8 That delegated authority be given to the Director – Public Services in consultation with the Strategic Creditors and Procurement Manager, and the Portfolio Holder - Public Services to develop, implement and commence the leisure operator procurement process to ensure a smooth transition from the current contract to the new management contract for the new site.
- 2.9 That Cabinet notes the progress of the Phase 1 of the Cycling Project - mountain bike trails, Bedworth Miners' Welfare Park.
- 2.10 That Cabinet approves further engagement with Sport England to progress funding opportunities for the Bedworth scheme and submission of an "invited applicant" application for capital funding.

3 Background

- 3.1 On 14th October 2020 Cabinet approved the recommendations to undertake RIBA Stages 1 to 3 for the Bedworth Physical Activity Hub site and Stage 1 for the Pingles Physical Activity Hub site.
- 3.2 The Bedworth site was identified as the priority, due to its age, and limited future life span for the existing facility. Consequently, the action was to complete up to RIBA Stage 3 and provide a financial position for the new build to be fully delivered.
- 3.3 The Pingles Physical Activity Hub Stage 1 work has been concluded and will be dealt with as a separate project once the Council are in a position to be able to advance it.
- 3.4 Cabinet was provided an update in March 2021 setting out work to date and the proposed facility mix under consideration.
- 3.5 In March 2021 NBBC was awarded £154k towards Phase 1 of the Cycling Hub in the Bedworth Miners' Welfare Park. Phase 1 of this project will see construction of the mountain bike trails; these need to be completed by end March 2022 to meet the funding criteria. Work has commenced on site and is scheduled for an 8–10-week contract period, pending weather conditions.

4 Current Status & Scheme Proposals

- 4.1 Ongoing meetings have been taking place with the appointed project team, Sport England and consultants supporting the Council in developing proposals for the Bedworth Physical Activity Hub, as set out in more detail below.
- 4.2 The project team has been appointed to develop RIBA Stages 1 to 3 for the replacement of the existing Bedworth Leisure Centre and are currently at the end of RIBA Stage 3.
- 4.3 The Facility Mix for the Bedworth Physical Activity Hub has evolved to reflect the requirements of the Sport England Strategic Outcomes Planning Guidance report, and to consider the playing pitch strategy across the borough.
- 4.4 The Miners' Welfare Park site provides a number of challenges given the changes of levels, access routes and potential phased delivery of facilities required for the Bedworth Physical Activity Hub.
- 4.5 The project team previously presented a number of site and scheme options (Stage 2) to the NBBC Project Team which have also been reviewed by key partners such as SLM (existing operator) and Sport England.
- 4.6 The proposed Facility Mix is:

Bedworth Physical Activity Hub

- 8 lane, 25m Main Pool
- Pool viewing
- Learner Pool
- Wet Change
- Main entrance & Café (with Multi-Purpose space)
- Kitchen / servery
- Pool stores
- Plant & ancillary facilities
- Admin / WCs
- Multi-use room
- Dry Change
- 4 court Sports Hall & stores
- 120 station Fitness Suite
- Spin Studio
- 2 Fitness Studios
- Fitness Dry Change

Site Elements

- 9v9 4G pitch
- Access routes / activation spaces
- Learn to Ride facility
- All Wheels Skate Park
- Pump track

- Cycle hub (storage / maintenance)
- Mountain bike trails (Phase 1 of Cycling Hub)
- Parking, coach drop off
- Green Corridor link to Bedworth Town Centre

- 4.7 It is considered that the above Facility Mix is the most appropriate mix to reflect the needs identified in the adopted Strategic Outcomes Planning Guidance (SOPG) whilst maximising the potential revenue for the scheme.
- 4.8 The Site Plan, General Arrangements and are appended to this report as Appendix 1.
- 4.9 The development of the proposals is currently on hold pending final approvals and moving to the next RIBA Stage 4A and 4B.
- 4.10 The proposals have been confirmed as acceptable in principle by Sport England.

5 Delivery Programme

- 5.1 The project is currently at the end of RIBA Stage 3, Spatial Co-ordination. Once the proposals within the Stage 3 Report are approved by the Council, a planning application will be developed in tandem with Stage 4A and 4B being progressed. This work requires a further instruction being placed with the Project Team.
- 5.2 It is anticipated that, should approval be granted in November 2021, a planning application will be submitted in early 2022.
- 5.3 Stage 4A, Technical Design, is intended to progress in tandem with the planning application being determined. The information developed during this detailed design phase is then utilised as the tender documentation. Whilst the procurement strategy has not been finalised, a pre-tender cost estimate (PTE) will be prepared, and it is intended to present the Stage 4A proposals and PTE to Cabinet for approval to proceed with the procurement of the scheme in advance of doing so. This is intended to take place towards the end of Q1 2022
- 5.4 Appointment of a main contractor under a Pre-Contract Services Agreement (PCSA) is anticipated as soon as practical following approval of the Contractor Procurement Strategy and first stage tender, with a second stage tender period to follow once Stage 4A design is complete (should a single stage route be utilised, the project will be tendered at the end of Stage 4A and tenders reviewed, and a preferred contractor presented to Cabinet for approval – there will be no requirement for a PCSA appointment for a single stage route.)
- 5.5 Once the second stage tender is complete, included the conclusion of contract matters, the proposed contract sum (and therefore cost certainty and acknowledged risks) will be presented to Cabinet for approval which is the Stage 4B. A start on site will follow approval to proceed.

5.6 Whilst the construction programme will be provided by the successful contractor, it is assumed that a new centre could open in 2024/25. Once open, the existing leisure centre would be demolished and the final landscaping and parking areas completed.

5.7 Work on site at the MWP will commence this year 21/22, with completion by March 2022 of a mountain bike trail as part of Phase 1 works of the cycling infrastructure. The remainder of the cycling facilities (Learn to Ride, Pump Track and All Wheels Park) will be delivered as part of the main project works.

6 Stakeholder Engagement & Planning Matters

6.1 Significant public consultation was undertaken in February 2020 about the Pingles and Bedworth leisure sites and Park's concept plans. Further consultation with clubs, schools and user groups was followed up again in September/October 2020 as part of finalising the revised Borough Council's Leisure Facilities strategy. The outputs from the leisure survey are a key driver for the project brief for the Bedworth Physical Activity Hub. Members were also invited to attend an on-line presentation and input into the look and feel of what the site should look like as part of consultation.

6.2 In advance of submitting a planning application, and to conclude Stage 3 matters, it is intended to engage with key stakeholders to provide an update on progress and receive feedback on the proposals. This will also help inform a planning application.

6.3 By way of an update for the public, it is intended to include proposals on the Be-Nu website with relevant project information such as timescales and key considerations.

6.4 Sport England have been heavily involved in the development of proposals and, in principle, approve of the scheme as detailed in Appendix 2 to this report. It is important to stress that this scheme and facility mix reflect the Strategic Outcomes Planning Guidance (SOPG) Insight and community consultation undertaken in 2019-2020.

6.5 The Council have submitted an Expression Of Interest (EOI) application to Sport England for capital investment towards the Bedworth project, and recently been advised that we are an Invited Applicant to submit an application.

6.6 Pre-application meetings have been held with Planning Officers and further engagement is envisaged, especially regarding transport, arboricultural and ecological matters in advance of a planning application being submitted.

7 Contractor Procurement Strategy

7.1 During the last reporting period, work has commenced to develop and

determine the Contractor Procurement Strategy for the Bedworth Physical Activity Hub. As the Council may also deliver the Pingles Physical Activity Hub, consideration has also been given to a strategy to award a contract for both schemes, which may provide efficiencies.

- 7.2 An initial workshop was held with the Client Team, Procurement Officers and Sport England and soft market testing has been undertaken with the Crown Commercial Services Framework and Procure Partnerships Framework.
- 7.3 There is significant interest from wet leisure contractors on both frameworks with the majority expressing an interest in tendering for the scheme on both a single stage and two stage procurement process, albeit there is a clear preference for a two stage process.
- 7.4 Timescales for the Pingles Physical Activity Hub remain unclear therefore this may discount a batched procurement approach.
- 7.5 Procurement Officers are closing out further queries arising from procurement workshops to help determine the main contractor procurement strategy.
- 7.6 Whilst the exact procurement route remains under consideration, it is intended to utilise a compliant Framework for both projects.

8 Capital Cost Plan & Funding Considerations

- 8.1 A Capital Cost Plan has been developed for the Bedworth Physical Activity Hub amounting to a total project cost of £27million. This option includes some of the green energy solutions and a green corridor route into the Bedworth Town Centre. This will be subject to funding within the agreed project costs up to the £27M.
- 8.2 The project detailed and breakdown below is based upon the Councils submission to the Governments Levelling Up Fund (LUF).

Description	Total (£)
Leisure Centre Building Works	12,440,000
Site Works & Externals	4,230,000
Solar Panels	170,000
Preliminaries	2,105,000
Main Contractor OH&P	995,000
Green Corridor	2,310,000
Professional Fees	2,075,000
Design Development / Contingency	1,495,000
Inflation (6.53%)	1,180,000
Total Project Costs	27,000,000

- 8.3 The Project Team continue to identify potential value engineering opportunities. Within the project costs above, an allowance is made for photovoltaic panels (which could be considered a cost option, or for which external funding sources

are considered), and the external cycling facilities (which have already attracted some external grant funding included in the above calculations). A number of site risks such as drainage and cut & fill require more detailed work to establish if the allowances made are suitable or if they could be reduced.

- 8.4 Revenue model – the revenue model for the BPAH was approved for the LUF Bid (June 2021).
- 8.5 Operator Matters – a Bidders' Day was organised on 28th October 2021. This set out to the market our proposed approach and partnership expectations and potential operators with the opportunity to view the BPAH site and RIBA Stage 3 proposals. It is also intended to use the day to enable potential operators to input their thoughts and ideas and ask any questions which will be shared with all those bidding for the subsequent operational management contract.

9 Financial Implications

- 9.1 The finances required for RIBA Stages 1 – 3 have previously been approved and included in the Council's Capital Programme and will continue to be reported against as work progresses in delivering the outcomes.
- 9.2 The professional fees for the Project Team led by Faithful+Gould for RIBA Stage 4A amount to £374k. It is recommended that a further budget of £150k (circa £500K budget) is allowed for relating to additional instructions, surveys, and planning application fee. This will be required to be drawn down from December 21 to May 2022.
- 9.3 The professional fees and additional instruction for delivering RIBA Stage 4B amount to £200k and will be drawn down from June to November 2022.
- 9.4 The project costs for the Bedworth PAH submitted as part of the Levelling Up Fund application amounts to £27m as detailed in section 8.2 above. To fund the project costs this will require the £14.95m from the LUF application, (now approved) £1.5m from Sport England (subject to application and award) £5m expected S.106 Developer's contributions over coming years as part of the adopted Leisure Strategy and Local Plan and £5.5m required from Prudential Borrowing by the Council.
- 9.5 The projected S.106 developer's contributions for the Bedworth PAH are based on the adopted Borough Plan (BP), with specific sites identified for contributions in the south of the Borough as detailed in the Infrastructure Delivery plan. If any future refresh of the BP and sites, also considering potential delays for build out of the sites these would have financial implications for funding the project.
- 9.6 Revenue costs associated with the prudential borrowing are estimated to be approximately £50k per £1m of borrowing taken. Furthermore, due to timing of potential funding streams of the S.106 contributions from developers, the Council would be required to borrow and fund this element until such time that the contributions were received and could be applied. The revenue implications

of borrowing would only be chargeable to the General Fund once the asset is operational.

- 9.7 The cost plan appended to the report (Appendix 2) identifies only the building and external works as detailed totalling £24.7m. The additional £2.3m is required to deliver the Green Corridor works as part of the successful LUF application.

KEVIN HOLLIS
Director - Public Services.

Appendices

1. BPAH site layout and design
2. BPAH RIBA Stage 3 Cost Summary Update (Leisure facility only)

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Employment Committee
Date: 11 November 2021
From: Ruth Bartlett, Corporate HR Business Partner
Subject: Pay Policy Statement
Portfolio: Finance and Corporate [Cllr S. Croft]

1. Purpose of Report

1.1 To present and seek approval on the Council's Pay Policy Statement 2021.

2. Recommendation

2.1 That the draft pay policy be approved; and

2.2 Subject to 2,1 above, it be recommended that the Pay Policy be approved and published as required by Section 38 of the Localism Act 2011.

3. Background

3.1 In accordance with Section 38 of the Localism Act 2011, the Council is required to produce and publish a Pay Policy Statement every year relating to the remuneration of all employees.

3.2 Owing to the recent restructure of Management Team, there has been a delay in presentation of this statement.

3.3 This statement satisfies the requirements of the Act and requires approval by Council.

4. Conclusion

4.1 A Pay Policy Statement is required under Section 38 of the Localism Act 2011. This statement will fulfil that requirement.

APPENDICES

Appendix A – Pay Policy Statement 2021

**Nuneaton
&
Bedworth**



United to Achieve

Pay Policy Statement

Issued by Human Resources

April 2021

EMP.35

NUNEATON & BEDWORTH BOROUGH COUNCIL

PAY POLICY STATEMENT

Quality Record

Record No.	Date	Comments	Approved
1.	25 April 2012	Approval by Single Member Decision	Yes
2.	11 July 2012	Approval by Council	Yes
3.	8 April 2013	Approval by Single Member Decision	Yes
4.	10 July 2013	Approval by Council	Yes
5.	29 May 2014	Trade Union Consultation	N/A
6.	July 2014	Equalities Impact Assessment	N/A
7.	5 August 2014	Approval by Single Member Decision	Yes
8.	24 September 2014	Approval by Council	Yes
9.	2015	Trade Union Consultation	N/A
10.	2015	Equalities Impact Assessment	N/A
11.	2015	Approval by Single Member Decision	
12.	2015	Approval by Council	
13.	2016	Approval by Council	
14.	2017	Approval by Council	
15.	2018		
16.	2019	Approval by Council	
17.	2020		
18.	2021		

This document is available in larger print.

Please contact Human Resources for a larger copy

PAY POLICY STATEMENT

1. Introduction and Purpose

1.1 Under section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as the authority thinks fit”. This Pay Policy Statement (the ‘statement’) sets out the Council’s approach to pay in accordance with the requirements of Section 38 of the Localism Act 2011. The purpose of the statement is to provide transparency with regard to the Council’s approach to setting the pay of its employees by identifying the following:-

- the methods by which salaries of all employees are determined;
- the detail and level of remuneration of its most senior staff i.e. ‘chief officers’, as defined by the relevant legislation;
- the Panel responsible for ensuring the provisions set out in this statement are applied consistently throughout the Council and recommending any amendments to full Council.

1.2 This policy statement is subject to review on an annual basis in accordance with the Localism Act 2011.

2. Legislative Framework

2.1 In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation. This includes the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, The Agency Workers Regulations 2010 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations. With regard to the Equal Pay requirements contained within the Equality Act, the Council ensures there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of equality proofed mechanisms which directly relate salaries to the requirements, demands and responsibilities of the role.

3. Pay Structure

3.1 The majority of the workforce is covered by the Council’s local Job Evaluation Methodology that was implemented in March 2012. The Nationally negotiated Salary Pay Spine is used to determine individual Salary Grades. Further details can be obtained from Human Resources. All other pay related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined by Council Policy.

3.2 The Executive Director, Directors and Local Grading positions are determined by the Council’s Remuneration Panel following consideration of a report from an independent adviser.

- 3.3 In determining its grading structure and setting remuneration levels for all posts, the Council takes account of the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who are able to meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times at which those services are required.
- 3.4 New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary to secure the best candidate, in line with the Council's Recruitment and Selection policy. From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the local government sector.

4. Senior Management Remuneration

- 4.1 For the purpose of this statement, senior management means 'chief officers' as defined within S43 of the Localism Act and include:

- a) Executive Director - Operations - Head of Paid Service
- b) Executive Director - Resources – Section 151 Officer [Chief Officer]
- c) Director of Democracy, Planning and Public Protection – Monitoring Officer [Chief Officer]
- d) All other Directors reporting directly to an Executive Director [Chief Officers]
- e) All Managers reporting directly to Executive Director and/or Directors [Deputy Chief Officers]

- 4.2 The salary ranges and number of staff for these positions is as follows:

POSITION	SALARY RANGE	NUMBER OF STAFF
Head of Paid Service	£82,314 - £88,728	1
Section 151 Officer [Chief Officer]	£82,314 - £88,728	1
Monitoring Officer [Chief Officer]	£69,171 - £75,459	1
Director [Chief Officer]	£66,551 - £72,839	1
Director [Chief Officer]	£64,583 - £72,181	1
Managers [Deputy Chief Officer]	£50,630 - £51,653	8
Managers [Deputy Chief Officer]	£47,856 - £48,870	2
Managers [Deputy Chief Officer]	£45,859 - £46,845	2
Managers [Deputy Chief Officer]	£43,857 - £44,863	5
Managers [Deputy Chief Officer]	£41,881 - £42,821	4
Managers [Deputy Chief Officer]	£38,813 - £39,782	3
Managers [Deputy Chief Officer]	£37,890 - £38,890	4
Managers [Deputy Chief Officer]	£35,745 - £36,922	1
Managers [Deputy Chief Officer]	£32,910 - £34,728	1

Managers [Deputy Chief Officer]	£27,741 - £29,577	1
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NOTES

1. FTE Salary as at April 2021
2. Incremental progression is subject to satisfactory performance
3. Increments are paid every two years on 1 April.
4. Managers [Deputy Chief Officers] are those staff that report directly to Directors [Chief Officers]

5. Recruitment of Chief Officers

- 5.1 The Council's policy and procedures with regard to recruitment of chief officers is set out in the Constitution. When recruiting to all posts the Council will take full and proper account of its own Recruitment & Selection, Equal Opportunities, Change Management and Redeployment Policies. The determination of the remuneration to be offered to any newly appointed chief officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment. Where the Council is unable to recruit to a post at the designated grade, it will consider the use of temporary market forces supplements in accordance with its relevant policies.
- 5.2 Where the Council remains unable to recruit chief officers under a contract of employment, or there is a need for interim support to provide cover for a vacant substantive chief officer post, the Council will, where necessary, consider engaging and utilise individuals under 'contracts for service'. These will be sourced through a relevant procurement process ensuring the council is able to demonstrate the maximum value for money benefits from competition in securing the relevant service.

6. Additions to Salary of Chief Officers

- 6.1 The Council does not apply any bonuses or performance related pay to its chief officers
- 6.2 In addition to basic salary, set out below are details of other elements of 'additional pay' which are chargeable to UK Income Tax and do not solely constitute reimbursement of expenses incurred in the fulfillment of duties;
 - Executive Director (Resources) - Fees for Returning Officer Duties paid by Electoral Commission.
 - Executive Director (Operations) - Fees for Deputy Returning Officer Duties paid by the Electoral Commission.

7. Payments on Termination

- 7.1 The Council's approach to statutory and discretionary payments on the termination of employment of chief officers, prior to reaching normal retirement age, is set out within its Discretions Policy Statement in accordance with:

- Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006
- Regulations 12 and 13 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007
- The Local Government Pensions Regulations 2013

A copy of the policy is available from Human Resources.

8. Publication

8.1 Upon approval by the full Council, this statement will be published on the Council's Website. In addition, for posts where the full time equivalent salary is at least £50,000, the Council's Annual Statement of Accounts will include a note setting out the total amount of:

- salary, fees or allowances paid to or receivable by the person in the current and previous year;
- any bonuses paid or receivable by the person in the current and previous year;
- any sums payable by way of expense allowances that are chargeable to UK income tax;
- any compensation for loss of employment and any other payments connected with termination;
- any benefits received that do not fall within the above

9. Lowest Paid Employees

9.1 In April 2014, the Council introduced a minimum salary for all employees that was equivalent to the Living Wage. The Council also adopts pay awards negotiated by the National Joint Council for all of its workers. As at 1 April 2021, the salary for the lowest paid employees is £18,329 per annum (37 hours FTE). This does not include Apprenticeship Schemes.

9.2 The relationship between the rate of pay for the lowest paid and chief officers is determined by the processes used for determining pay and grading structures as set out earlier in this policy statement.

9.3 The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce and that of senior managers, as included within the Hutton 'Review of Fair Pay in the Public Sector' (2010). The Hutton enquiry was asked by Government to explore the case for a fixed limit on dispersion of pay through a requirement that no public sector manager can earn more than 20 times the lowest paid person in the organisation. The report concluded that the relationship to median earnings was a more relevant measure and the Government's Code of Recommended Practice on Data Transparency recommends the publication of the ratio between highest paid salary and the median salary of the whole of the authority's workforce.

- 9.4 The current pay levels within the Council define the multiple between the lowest paid full time equivalent (FTE) employee and the Head of Paid Service/Section 151 Officer as 1:4.6 and; between the lowest paid FTE employee and median salary of Chief Officers as 1:4. The multiple between the median FTE earnings and the Head of Paid Service/Section 151 Officer is 1:4 and; between the median FTE earnings and median salary of Chief Officers is 1:3.
- 9.5 As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the council will use available benchmark information as appropriate.

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Licensing Committee – 24th November 2021

From: Director – Planning and Regulation.

Subject: GAMBLING ACT 2005 – Statement of Licensing Policy 2022-25

Portfolio: Public Services Councillor K. Evans

1. Purpose of Report

To consider a revised Gambling Statement of Licensing Policy following consultation.

2. Recommendation

The revised Statement of Licensing Policy be approved by this Committee and that a recommendation be forwarded to Full Council for adoption of this Policy in accordance with the legislative provisions.

3. Background

- 3.1 A previous report and draft policy was brought before this Committee on the 1st September 2021 requesting that the draft policy be circulated for consultation purposes.

The review of the Gambling Statement of Licensing Policy (Appendix1) has been undertaken in accordance with the requirements of the Gambling Act 2005. This review has been completed in conjunction with all the other Warwickshire Authorities and Coventry City Council with the intention of seeking consistent policies thereby assisting the trade, the public and responsible authorities.

- 3.2 The draft statement was published on the Council's website and consultation letters / e-mails sent to trade representatives and responsible authorities, as required.

- 3.3 The consultation period ended on 29th October 2021. This Authority has received no adverse comments, regarding the Policy and the only comment received was from Warwickshire County Council Safe Guarding Team "We have reviewed the policy, the measures for safeguarding children appear comprehensive and we have no comments to make"

- 3.4 The Statement of Licensing Policy needs to be forwarded to Full Council for ratification / adoption to come into effect on 31st January 2022.

Philip Richardson
DIRECTOR DEMOCRACY, PLANNING AND PUBLIC PROTECTION

**Nuneaton
&
Bedworth**



Gambling Act 2005

**Statement of
Licensing Policy
2022-2025**

**Covering the period
31st January 2022 to 30th January 2025**

Adopted by the Council on

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Supporting documentation

Nuneaton and Bedworth Borough Council, in conjunction with other Warwickshire Authorities and Coventry City Council, and in consultation with the responsible authorities, has devised a generic policy to promote and aid consistency in licensing matters.

Important Note

In producing this Statement of Gambling Policy the Licensing Authority is aware that the Government may amend the Gambling Act 2005, subordinate legislation and statutory guidance.

Any such amendments made in the future will only be incorporated into subsequent Policy Statements and not this policy document and readers of this document are advised to check on the Gambling Commission/Gov.uk websites to ensure they have the latest information.

GAMBLING ACT 2005
GAMBLING POLICY
STATEMENT OF PRINCIPLES

1. Introduction

1.1 Nuneaton and Bedworth Borough Council, as the Licensing Authority (referred to in this Statement as the Authority), makes this Statement of Principles in pursuance of its powers and duties under Section 349 of the Gambling Act 2005 (referred to in this Statement as “the Act”) and sets out the Authority’s approach in dealing with its responsibilities under the Act.

1.2 The Council is situated in the north of Warwickshire, which contains five district councils. The Borough has a population of 130,406 (2020 estimate) making it the third largest in the county in terms of population but it is the smallest in terms of area. The Borough is largely urban in character with three main centres of habitation (Nuneaton, Bedworth and Bulkington). There are narrow areas of countryside between the areas of habitation.

1.3 List of Consultees

The Authority has consulted the following on the content of this Statement of Principles:

- Responsible Authorities
- Holders of existing licences, permits and registrations
- Representatives of businesses
- Representatives of persons carrying on gambling businesses in the area.
- Local bodies representing consumers.
- Local bodies representing vulnerable persons
- Departments within the Council with an interest in the licensing of gambling

1.4 In preparing this statement, the Authority has had regard to the provisions of the Act, the Guidance issued by the Gambling Commission, Regulations made by the Secretary of State and responses to its consultations.

2. Gambling Act 2005

2.1 The Act specifies licensing objectives which are central to the regulatory regime, these are:-

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

2.2 In carrying out the licensing function under the Act the Authority will aim to permit the use of premises for gambling as long as it is considered to be :-

- in accordance with any relevant codes of practice issued by the Gambling Commission
- in accordance with any relevant Guidance issued by the Gambling Commission;

- in accordance with this Statement of Principles, and
- reasonably consistent with the licensing objectives.

2.3 The Act provides for 3 categories of licence:

- operating licences
- personal licences, and
- premises licences

2.4 The Authority will be responsible for issuing premises licences. The Gambling Commission will be responsible for issuing operating and personal licences.

2.5 This statement will come into force on 31st January 2022 and will have effect until 30th January 2025, being kept under review and revised or amended as required following consultation.

3. **Authorised Activities**

3.1 'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery, further defined as follows:

- gaming means playing a game of chance for a prize
- betting means making or accepting a bet on the outcome of a race, competition, or any other event, the likelihood of anything occurring or not occurring; or whether anything is true or not
- a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance

3.2 The main functions of the Licensing Authority are to:

- license premises for gambling activities
- grant permits for gambling and gaming machines in clubs
- regulate gaming and gaming machines in alcohol licensed premises
- grant permits to family entertainment centres for the use of certain lower stake gaming machines
- grant permits for prize gaming
- consider notices given for the temporary use of premises for gaming
- receive occasional use notices for betting at tracks, and
- register small societies lotteries

3.3 Spread betting (see definitions in Appendix 1) is regulated by the Financial Services Authority. Remote Gambling (see definitions in Appendix 1) is dealt with by the Gambling Commission. The National Lottery is regulated by Gambling Commission.

4. **General Statement of Principles**

4.1 The Authority recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs, amusement arcades and racing tracks.

4.2 In carrying out its licensing functions the Authority will have regard to Guidance issued by the Gambling Commission.

- 4.3 The Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation. This Statement of Principles will avoid duplication with other regulatory regimes wherever possible. In considering applications, and taking enforcement action, under the Gambling Act 2005 the Authority will have regard to the provisions of the Human Rights Act 1998.
- 4.4 To ensure the licensing objectives are met the Authority will establish a close working relationship with the police, the Gambling Commission and other responsible authorities.
- 4.5 Premises licences granted must be reasonably consistent with the licensing objectives. Regarding these objectives, this Authority has considered the Gambling Commission's Guidance to local authorities. However, the overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own individual merits.
- 4.6 In its Guidance to Local Authorities the Gambling Commission suggest that Licensing Authorities should adopt a "Local Area Profile". A Local Area Profile is created by gathering information about a locality and any particular areas of concern within that locality. Where evidence is submitted to the Licensing Authority which identifies any areas of concern it is intended to produce a Local Area Profile separate to this Statement. Once adopted, the Local Area Profile would assist the Authority and Operators in identifying specific local risks within the District.
- 5. Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.**
- 5.1 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling or being associated with providing such facilities.
- 5.2 When applying to this Authority for a premises licence the applicant will have to hold an operating licence from the Commission before a licence can be considered and issued and therefore the Council will not be concerned with the suitability of the applicant. Where concerns about a person's suitability arise, the Authority will bring those concerns to the attention of the Commission. The Authority will have to be satisfied that the premises will not adversely affect this licensing objective and is compliant with the Commission's Guidance, codes of practice and this gambling licensing policy.
- 5.3 The Authority will expect the applicant to have a good understanding of the local area in which they either operate or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in this policy and demonstrate that in operating the premises they will have regard to this objective. Operators need to be aware of how the operation of their premises may impact on this objective. The Authority will expect applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out.
- 5.4 To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Authority will apply the following criterion and take into account the following considerations, where relevant, in determining applications and reviews.

Criterion:

Whether the premises make or will make a contribution to the levels of crime and disorder and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with, crime or disorder, or being used to support crime if the application is granted.

Considerations:

- Where an area is known for high levels of crime the Authority will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.
- Whether there is a history of crime or disorder associated with the premises, or its use by those involved in crime to associate or dispose of the proceeds of crime.
- Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
- Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with, crime or disorder, or used to support crime either as a place of association or to avoid being apprehended.
- The Authority will also consider the location of the premises in the context of this licensing objective. If an application is received in relation to premises that are in an area noted for particular problems with organised crime or a premises that has previously been a focus for antisocial behaviour, the Authority will expect applicants to demonstrate that they have sufficient measures in place to prevent or deter people involved from using their premises and will also consider conditions being put on the licence to promote this licensing objective.
- Whilst issues of nuisance are not included specifically in the gambling objectives and cannot be addressed via the Gambling Act, the Council may consider, when making decisions on the applications for premises licences, that extreme instances of public nuisance and/or persistent public nuisance may constitute disorder and/or crime for the purposes of this objective.

6. Ensure Gambling is conducted in a fair and open way

- 6.1 Generally the Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.
- 6.2 In relation to the licensing of tracks the Licensing Authority's role will be different from other premises in that track operators will not necessarily have an operating licence.

In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

Criterion:

Whether the premises will operate measures that will ensure that the gambling activity is conducted in a fair and open way.

Considerations:

- Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
- Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
- Whether the management and operation of the premises is open and transparent.
- Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
- Whether the Commission's codes of practice have been complied with.

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

7.1 The Gambling Commission's Guidance states that one of the aims of this objective is to prevent children from taking part in gambling (as well as restricting advertising so that gambling products are not aimed at, or are particularly attractive to, children).

7.2 Both the Act and Gambling Commission Guidance do not define the term 'vulnerable'. For regulatory purposes the Commission states that it assumes 'vulnerable' persons includes:

- people who gamble more than they want to
- people who are 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 is the definition the Authority will use in its consideration of applications.

7.3 The Authority will pay particular attention to any codes of practice which the Gambling Commission issues in relation to specific premises such as casinos. It will consider this licensing objective on a case-by-case basis, and where necessary add conditions to promote this objective.

7.4 To protect children and other vulnerable persons from being harmed or exploited by gambling, the Authority will apply the following criterion and take into account the following considerations, where relevant, in determining applications and reviews.

Criterion:

Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

Considerations:

- Whether the operator has a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to have regard to this objective to exclude them from the premises or parts of the premises.
- If the premises is an adult-only environment, whether the operator has taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.
- Whether there is provision for self-barring schemes and provision of information leaflets/helpline numbers for organisations such as GamCare
- Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.
- Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.
- The Authority will also consider the location of the premises in the context of this licensing objective. If an application for a gambling premises is received for a location within a sensitive area or in close proximity to what are considered to be sensitive areas the Authority will expect applicants to demonstrate that they have sufficient and suitable control measures in place to promote this licensing objective.

8. Premises Licences

8.1 Section 150 of the Act permits the issue of premises licences authorising the provision of facilities at the following:-:

- casino premises
- bingo premises
- betting premises, including tracks and premises used by betting intermediaries
- adult gaming centres
- family entertainment centres

8.2 Premises can be 'any place' but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one

premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different 'premises'.

- 8.3 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area.
- 8.4 Where the Authority has concerns about the use of premises for gambling it will seek to address this through licence conditions wherever possible.
- 8.5 Other than an application for a betting premises licence in respect of a track, the Authority is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 8.6 When considering applications for premises licences the Authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission being granted.
- 8.7 The Authority will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times.

9. Location

- 9.1 This Authority is aware that demand issues cannot be considered with regard to the location of premises either at Authority-wide or more local scale. However, the Authority will pay particular attention to the suitability of a location for gambling activity in terms of the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 9.2 Applicants will have to clearly show that they have considered the potential impact of their proposed business on the licensing objectives and provide information on how they plan to reduce or remove any likely adverse impact on them. The supporting information may contain the following information:
- how the premises will restrict access to children, young people or other vulnerable persons,
 - whether a proof of age scheme is being used,
 - will the appropriate number of security staff be employed at appropriate times,
 - will opening times be set so that the premises are not open during school start and finish times,
 - what procedures and staff training are in place to identify vulnerable persons such as problem gamblers, those who are inebriated through drink or drugs, etc.

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

- 9.3 The Authority will consider proposals for new gambling premises that are near sensitive areas such as hostels or other accommodation or centres catering for vulnerable people, including those with mental disabilities or learning difficulties, and those with problem gambling or with alcohol or drug abuse problems, in the light of the gambling objectives.

- 9.4 It should be noted that each application will be decided on its own merits, but the onus will be upon the applicant to show how the potential concerns can be overcome. This may be achieved by local risk assessments.

10. Primary Activity

- 10.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. The Authority will take decisions in accordance with the Commission's Guidance and codes of practice on primary gambling activity and will have regard to the advice which it issues from time to time. Applicants are expected to operate premises in line with the Commission's Guidance and conditions on their operator's licence. The Authority will monitor the operation of premises and may report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed.
- 10.2 It should be noted that the Act does not permit a premise to be licensed for more than one gambling activity.

11. Responsible Authorities

- 11.1 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Authority if they are relevant to the licensing objectives.
- 11.2 Section 157 of the Gambling Act 2005 identifies the bodies that are to be treated as responsible authorities. In relation to the Authority's area, these are:
- The Licensing Authority itself
 - The Gambling Commission.
 - The chief officer of police/chief constable for the area in which the premises is wholly or partially situated
 - The fire and rescue authority for the same area
 - The local planning authority.
 - An authority with functions in relation to pollution of the environment or harm to human health
 - A body designated in writing by the Licensing Authority as competent to advise about the protection of children from harm (see paragraphs 11.3 and 11.4 set out below)
 - HM Revenue & Customs, and
 - Any other person prescribed in regulations by the Secretary of State.

Section 211(4) of the Act provides that in relation to a vessel, but no other premises, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is to be used for licensable activities.

- 11.3 The Authority is required to set out the principles to be applied in exercising its powers to designate, in writing, a body which is competent to advise about the protection of children from harm. The principles applied in designating such a body are:
- the body must be responsible for covering the whole of the Authority's area, and

- the body should be answerable to democratically elected persons rather than any particular vested interest groups etc.

11.4 The body designated for protection of children from harm is the Strategic Commissioning People Group. Details of this and all other responsible authorities are available on www.nuneatonandbedworth.gov.uk and in printed form available from the Authority.

12. Interested Parties

12.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence, based on the principles detailed in section 2 of this policy statement.

An interested party is someone who:

- 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 in either of the two groups above

12.2 The principles the Authority will apply to determine whether a person is an interested party are:

- Interested parties could include trade associations and trade unions, and residents' and tenants' associations. This Authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 e.g. lives sufficiently close to the premises or has business interests likely to be affected by the activities being applied for.
- Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Other than these persons, this Authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities.

12.3 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application or in any other way have a personal interest that would preclude them from participating in a licensing hearing. If there are any doubts then please contact Licensing Services for advice.

12.4 It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific licensing objective the prevention of public nuisance. There is however other relevant legislation which deals with public nuisance.

13. Representations

- 13.1 The Authority is obliged to consider representations from 'responsible authorities' and 'interested parties' and must determine whether representations are admissible. A representation is inadmissible if not made by a responsible authority or an interested party.
- 13.2 The only representations likely to be relevant are those that relate to the licensing objectives, or that raise issues under this statement or the Commission's Guidance or codes of practice. The Authority must determine the relevance of the representation.
- 13.3 Any concerns that responsible authorities have in relation to their own functions cannot be considered if they are not relevant to the application for a premises licence and the licensing objectives.
- 13.4 The Authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but before coming to a decision the Authority may consider the following:
- who is making the representation and whether there is a history of making representations that are not relevant
 - whether it raises a 'relevant' issue or not, or
 - whether it raises issues specifically to do with the premises which are the subject of the application.

14. Conditions of Licence

- 14.1 Premise licenses are subject to mandatory and default conditions and that these conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.
- 14.2 Conditions imposed by the Authority may be general in nature by applying to all licences, or those of a particular type, or they may be specific to a particular licence.
- 14.3 The Authority will not generally impose additional conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission's Guidance, any codes of practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.
- 14.4 Any conditions imposed by the Authority will be proportionate to the circumstances they are intended to address. In particular, the Authority will ensure that any conditions are:
- relevant to the need to make the premises suitable as a gambling facility
 - directly related to the premises and the type of licence applied for
 - fairly and reasonably related to the scale and type of premises
 - reasonable in all other respects, and
 - decided on a case-by-case basis.
- 14.5 The Authority will not consider imposing conditions:
- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission
 - relating to gaming machine categories, numbers or method of operation

- which specify that membership of a club or other body is required, and
- in relation to stakes, fees, winnings or prizes.

15. **Casinos**

- 15.1 The Authority has already considered its position under Section 166 of the Gambling Act 2005 regarding the application for a casino and has not passed a 'no casino' resolution.

16. **Gaming Machines in Gaming Premises**

- 16.1 The Authority is aware of its power to restrict the number of gaming machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.
- 16.2 In the event that the Authority considers whether to impose such a condition on any particular licence it may, among other things, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

17. **Bingo**

- 17.1 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licence, for that or those excluded areas.
- 17.2 Section 172(7) of the Act provides that the holder of bingo premises licences may make available for use a number of category B gaming machines for use on the premises.
- 17.3 This authority also notes the Commission's guidance in the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted. It is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.
- 17.4 The playing of bingo specifically in alcohol-licensed premises, clubs and miners' welfare institutes is permissible under the exempt gaming allowances. Where the level of bingo played in these premises, under the exempt gaming allowances, reaches a certain threshold, it will no longer be authorised by these allowances, and a bingo operating licence will be required by the Commission.
- 17.5 The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.
- 17.6 Commercial bingo halls will require a bingo premises licence from the Council
- 17.7 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. Licensing authorities will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where the machines are located
- access to the area where the machines are located is supervised
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and
- at the entrance to, and inside, any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

18. Tracks

- 18.1 Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.
- 18.2 Track operators are not required to hold an operator's licence granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Authority are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 18.3 Although there will, primarily, be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 18.4 When considering whether to exercise its power to restrict the number of betting machines at a track the Authority will consider the circumstances of each individual application and among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

19. Temporary Use Notices

- 19.1 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.
- 19.2 The Licensing Authority can only accept a Temporary Use Notice from a person or company holding a relevant operating licence.
- 19.3 Regulations prescribed by the Secretary of State provide that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming where the gaming is intended to produce a single winner, for example games such as backgammon, cribbage, bingo and poker.
- 19.4 There are several statutory limits as regards Temporary Use Notices. The meaning of premises is defined in Part 8 of the Act and is discussed further in Part 14 of the Gambling Commission Guidance. As with 'premises', the definition of 'a set of premises' will be a question of fact in the particular circumstances of each notice that is given. In the Act 'premises' is defined as including 'any place'. In considering

whether a place falls within the definition of 'a set of premises', licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.

- 19.5 The Authority expects to object to Temporary Use Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission Guidance.

20. Occasional Use Notices

- 20.1 The Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

21. Gaming Machines

- 21.1 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of chance imparted by the action of the machine would cause it to be a gaming machine.
- 21.2 The Authority is aware of its power to restrict the number of gaming machines in certain circumstances. If the Authority considers whether to impose such a restriction on any particular permit it may, among other things, 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 or by vulnerable persons.
- 21.3 The Authority will be unable to issue premises licences to authorise gaming machines in certain types of premises. These generally will be premises to which children and vulnerable people will have unrestricted access and would include take-away premises, taxi offices, supermarkets etc.

22. Unlicensed Family Entertainment Centre (FEC) Gaming Machine Permits

- 22.1 Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 22.2 The Gambling Act 2005 states that a Licensing Authority may "prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit" and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25. The Gambling Commission's Guidance also states that in their three-year licensing policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits and licensing authorities will want to give weight to child protection issues.
- 22.3 Guidance also states that an application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application, licensing authorities may wish to consider asking applications to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs

- That the applicant has no relevant convictions (those that are set out in the Act), and
- That staff are trained to have a full understanding of the maximum stakes and prizes.

22.4 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

22.5 With regard to renewals of these permits, a Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

23. (Alcohol) Licensed Premises Gaming Machine Permits

23.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005 (i.e., that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming, or
- an offence under the Gambling Act 2005 has been committed on the premises

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

This Authority considers that “such matters” will be decided on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that those under 18 years old do not have access to the adult-only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as Gam Care.

23.3 It is recognised that some alcohol-licensed premises may apply for a premises licence for the use of gaming machines in their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with, as an Adult Gaming Centre premises licence.

23.4 It should be noted that the Licensing Authority can decide to grant the permit 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.

23.5 It should also be noted that the holder of a permit must comply with Gaming

Machines in Alcohol Licensed Premises Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).

24. Prize Gaming Permits

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

25. Club Gaming and Club Machine Permits

- 25.1 Members' Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set out in regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (three machines of categories B, C or D).
- 25.2 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 permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.
- 25.3 Licensing authorities may only refuse an application 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

25.4 It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. The Gambling Commission's Guidance for local authorities' states: '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.' The grounds on which an application under the 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."

25.5 There are statutory conditions on Club Gaming Permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

26. **Lotteries**

26.1 In carrying out its functions in relation to lotteries, the Authority will have regard to the Act, any guidance issued by the Commission from time-to-time and any Regulations issued by the Secretary of State.

26.2 The Act makes it illegal to promote lotteries unless they are licensed or within an exempt category. One such exemption relates to registered small society lotteries and the Authority is responsible for registering small society lotteries which are promoted by non-commercial organisations that are established for:

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

27. **Exchange of Information**

27.1 The principle that the Authority will apply in respect of the exchange of information between it and the Gambling Commission and those bodies listed in Schedule 6 of the Act is that it will act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the General Data Protection Regulations will not be contravened. The Authority will also have regard to any guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

28. **Enforcement**

28.1 The Council will liaise with the Gambling Commission and other enforcing authorities on enforcement issues and will look to carry out joint inspections, where applicable and/or appropriate. The targeting of resources towards high-risk premises and activities that require greater attention will provide a more efficient deployment of officer time whilst engaged in enforcing gambling law and inspection of licensed premises. A lighter touch will apply in respect of low-risk premises which are well run.

28.2 The Authority's approach to enforcement will be based on identified risk and will take into account:

- Relevant codes of practice
- Guidance issued by the Gambling Commission
- The licensing objectives
- The principles set out in this statement of gambling policy

28.3 In general, action will only be taken in accordance with the principles of the Regulators' Code, this Authority's Enforcement Policy and the relevant provisions of the Regulatory Enforcement and Sanctions Act 2008. To this end the key principles of consistency, transparency and proportionality will be maintained.

28.4 The Authority will also be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

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

28.5 In accordance with the Gambling Commission Guidance to Licensing Authorities the Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

28.6 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

29. The Licensing Process

29.1 The powers of the Council as a Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or, instead, by one or more Council officers acting under delegated authority. The Council has adopted the following scheme of delegation: -

Matters to be dealt with	Full Council	Committee /Cabinet	Sub Committee	Officers
Three-year Gambling Policy	X			
Policy not to permit casinos	X			
Fee Setting – when appropriate		X		
Application for premises licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a			Where representations have been received and not withdrawn	Where no representations received/representations

licence		have been withdrawn
Application for a transfer of a licence	Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a provisional statement	Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application to review premises licence/club premises certificate	X	
Application for club gaming/club machine permits	Where objections have been made and not withdrawn.	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits	X	
Applications for other permits/registration of small society lotteries		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	
Decision on whether a complaint is irrelevant frivolous vexatious etc		X
Decision as Responsible Authority to call for a Review of a Premises Licence		X

- 29.2 Application forms will be in the format prescribed by regulations. The form will need to contain information that describes the gambling activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the three licensing objectives. From 6th April 2016 applicants should carry out a risk assessment before they apply for a premises licence or to vary a premises licence.
- 29.3 The Council will expect Licencees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies and procedures and control measures to mitigate those risks.
- 29.4 The Council will expect the local risk assessment to consider as a minimum:
- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
 - the demographics of the area in relation to vulnerable groups;
 - whether the premises are in an area subject to high levels of crime and/or disorder.

- 29.5 Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected. Local risk assessments or copies of Local risk assessments must be kept on the premises for inspection by any Proper Officer. In undertaking their risk assessments, they must take into account relevant matters identified in this statement of principles
- 29.6 Applicants are encouraged to fully consult the police and other responsible authorities well in advance of submitting their applications. Application forms and guidance leaflets will be available from Licensing Services including contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.
- 29.7 The Act requires licensing authorities to maintain a register of premises licences issued. The register must be available at any reasonable time to the public, who can request copies of the entries. The register will be located at:

Licensing Section
Nuneaton and Bedworth Borough Council
Town Hall
Coton Rd
Nuneaton
CV11 5AA

Tel: 024 7637 6222 **Email:** licensing@nuneatonandbedworth.gov.uk

Website: www.nuneatonandbedworth.gov.uk

Effective date of reviewed policy: 31st January 2022 Valid until 30th January 2025

Definitions

Spread Betting

A form of betting in which the bettor wins or loses money according to the margin by which the value of a particular outcome varies from the spread of expected values quoted by the bookmaker.

Remote Gambling

Remote gambling is defined by the Gambling Act 2005 as gambling in which persons participate by the use of remote communication including:

- the internet
- telephone
- television
- radio
- any other kind of electronic or other technology for facilitating communication

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