

Council

Agenda

Members of the Council

Mrs J Leggett (Chairman)	Mrs K A Vincent (Vice Chairman)
Mr A D Adams	Miss T E Lodge
Mrs C H Bannock	Mr I J Mackie
Mr D Buck	Mr Andrew M Mallett
Mr P H Carrick	Mrs T M Mancini-Boyle
Ms S J Catchpole	Mr I N Moncur
Mr S M Clancy	Mr G K Nurden
Mrs J K Copplestone	Mr F O'Neill
Mr S Dunn	Mr G Peck
Mr J J Emsell	Mr A J Proctor
Mr G Everett	Mr V Ray-Mortlock
Mr J F Fisher	Mr S Riley
Mr R R Foulger	Mrs B H Rix
Mr R F Grady	Mr D Roper
Mrs S C Gurney	Mr N C Shaw
Mr C Harrison	Mr M D Snowling MBE
Mr D G Harrison	Mr V B Tapp
Mr S L H Hemsall	Mr S A Vincent
Miss J R Keeler	Mr D C Ward
Mr R J Knowles	Mr J M Ward
Mr B S Kular	Mr F Whymark
Mr T W Landamore	Mr D B Willmott
Miss S Lawn	Mr S D Woodbridge
Mr K G Leggett MBE	

Group meetings:

Conservative Group	Trafford Room (6.00pm)
Liberal Democrat Group	John Mack Room (6.00pm)

Date

Thursday 1 November 2018

Time

7.00pm

Place

Council Chamber

Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich

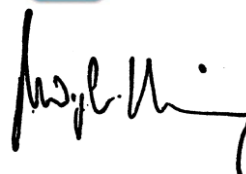
Contact

Dawn Matthews tel (01603) 430404

Broadland District
Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich NR7 0DU



E-mail: dawn.matthews@broadland.gov.uk
@BDCDemServices

24 October 2018

The Openness of Local Government Bodies Regulations 2014

Under the above Regulations, any person may take photographs, film and audio-record the proceedings and report on all public meetings. If you do not wish to be filmed / recorded, please notify an officer prior to the start of the meeting. The Council has a protocol, a copy of which will be displayed outside of each meeting room and is available on request.

**The Chairman will ask if anyone wishes to
film / record this meeting**

A G E N D A

Page No

**1 Greater Anglia – New Trains for East Anglia - Presentation by
Jonathan Denby, Head of Corporate Affairs**

2 To receive declarations of interest under Procedural Rule no 8

3 Apologies for absence

4 Minutes

To consider the Minutes of the meetings held on

(1) [6 September 2018](#)

5 – 11

(2) [4 October 2018](#)

12 - 13

5 Matters Arising (if any)

6 Announcements

To receive announcements from

(1) [The Chairman](#)

14 - 15

(2) The Vice Chairman

(3) The Leader

(4) Members of the Cabinet

(5) Head of Paid Service

7 Questions from the public

To consider any questions received from members of the public in
accordance with Procedural Rule 10.

8 Public Speaking

To consider representation from the members of the public who have
expressed the wish to convey their views on items on this agenda.

In accordance with the Constitution a total period of 15 minutes is allowed
(each speaker may speak for 3 minutes only)

9 Overview and Scrutiny Committee

To receive the non-exempt Minutes of the meetings held on

(1) [11 September 2018](#)

16 – 19

(2)	18 September 2018	20 – 26
(3)	16 October 2018	27 – 33
10	Cabinet	
(1)	To receive the non-exempt Minutes of the meeting held on 25 September 2018	34 – 42
	<i>The following items require consideration by Council:</i>	
	Minute no: 40 - Community Grants Programme Review 2017/18	35
	To consider the recommendations set out at (1) to (4) of the Cabinet Minutes	36
	Minute no: 42 – Houses in Multiple Occupation Licensing	37
	to consider adoption of the standards detailed in ' Amenity and Facility Standards for Licensed Houses in Multiple Occupation ' (copy attached) as part of the Council's House in Multiple Occupancy licensing procedure.	43 – 74
	Minute no: 46 – Footway Lighting Provision	41
	To endorse the decision set out at (1) to (3) of the Cabinet Minutes	41
(2)	To receive the Decisions from the meeting held on 23 October 2018 – the Minutes will follow	75 - 76 138 – 147
	<i>The following item requires consideration by Council:</i>	
	Item 12 – Dog Fouling Public Space Protection Order	76
	to agree to the implementation of a Public Space Protection Order to control dog fouling across the District and to authorise the Head of Democratic Services and Monitoring Officer to amend the Constitution to delegate enforcement powers to relevant officers	
11	Audit Committee	
	To receive the Minutes of the meeting held on 20 September 2018	77 – 81
	<i>The following item requires consideration by Council:</i>	
	Minute no: 17 – Minutes (Minute no:10 - Risk Register)	77
	To consider a recommendation from the Audit Committee that, in the absence of a Risk Register, the Audit Committee receive an updated Performance Report, on a quarterly basis, in order for Members to effectively monitor risks to the Council.	78

12	Licensing and Regulatory Committee	
	To receive the Minutes of the meeting held on 9 October 2018	82 – 84
	<i>The following item requires consideration by Council:</i>	
	Minute no: 22 – Gambling Act 2005 – Statement of Principles (Policy Statement)	82
	To adopt the updated Gambling Act Statement of Principles (Policy Statement) including the table of delegations and, as a consequence, request the Head of Democratic Services and Monitoring Officer to make the relevant amendments to the Constitution	85 - 119
13	Planning Committee	
	To receive the Decisions from the meetings held on	
	(1) 5 September 2018	120
	(2) 3 October 2018	121 - 122
14	Broadland Growth Ltd – Strategic Plan 2019-22	
	To receive and note the Strategic Plan for Broadland Growth Ltd -	123 – 134
15	Joint Scrutiny Committee	
	To consider the establishment of a Joint Scrutiny Committee with South Norfolk Council and:	
	(1) confirm the terms of reference for the Joint Scrutiny Committee – copy attached	135 – 136
	(2) appoint Members to serve on the Committee noting the recommendations made from the Overview and Scrutiny Committee meeting held on 16 October 2018 (min 56 refers)	
	(3) agree that meetings of the Committee be included as an approved duty in the Members’ Allowances Scheme	
	(4) authorise the Head of Democratic Services and Monitoring Officer to make any consequential amendments to the Constitution	
16	Questions from Members	
	To consider questions from Members received in accordance with Procedural Rule 12.4.	
17	Motions	
	To consider any motions received in accordance with Procedural Rule 13.	
18	Changes to Committees/Outside Organisation Appointments	
	To consider any changes proposed by the respective Group Leaders	

P C Kirby
Chief Executive

Minutes of a meeting of the **Council** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Thursday 6 September 2018** at **7.00pm** when there were present:

Mrs J Leggett – Chairman

Mr A D Adams	Mr R R Foulger	Mrs B H Rix
Mrs C H Bannock	Mr R J Knowles	Mr D Roper
Mr D Buck	Miss S Lawn	Mr N C Shaw
Mr P H Carrick	Mr K G Leggett MBE	Mr M D Snowling MBE
Ms S J Catchpole	Mr I J Mackie	Mr V B Tapp
Mr S M Clancy	Mr I N Moncur	Mrs K A Vincent
Mrs J K Copplestone	Mr G K Nurden	Mr S A Vincent
Mr S Dunn	Mr G Peck	Mr D C Ward
Mr J J Emsell	Mr A J Proctor	Mr J M Ward
Mr J F Fisher		

Also in attendance were the Chief Executive, the Deputy Chief Executive, the Head of Democratic Services & Monitoring Officer and the Committee Officer (DM).

Also attending was Faye Haywood – Internal Audit Manager.

44 PRESENTATION ON CRIME PROFILE OVERVIEW

The Chairman welcomed to the meeting Superintendent Harvey, T/Chief Inspector Hornigold and SNT Sergeant Youd who updated Members with an overview of crime in Broadland. The force had witnessed a very busy summer and had been implementing many of the changes reported to Council at their last visit 6 months previous. With regard to constabulary staffing, a total of 10 sergeants and 52 officers were engaged in Response work in Broadland split roughly equally into two areas. Each area was led by an Inspector, a beat manager (Sgt) and included 4 beat managers (PCs) (which included a new beat manager for Brundall / Blofield). Two staff were engaged on the Broads Beat, and a further 6 engaged in the Early Help Hub. A new post of SNT Sergeant had been created and Sgt Youd had been the successful applicant.

With regard to incidents recorded from April to August 2018, these continued at a very similar rate to the previous year. The top 10 incident types, in order, were: suspicious circumstances, domestic abuse, concern for safety, violence and public order, highway disruption, road related incidents, ASB, missing persons, non-injury road collisions and injury collisions. Daily demand for a response was averaging 41 jobs and was growing which could be aligned to the housing growth in the Broadland area. The number of domestic abuse cases was high and was a key priority area. Work was ongoing with the Early Help Hub to make progress with changes to the way this issue was being addressed. Another area of high numbers of incidents was those associated

with roads which put huge demand on resources. There was an apparent drop in ASB across the Country and in Broadland. Burglaries did not feature in the top 10 list of incidents reported and, despite recent press reporting, the Police were continuing to attend all reported burglary incidents.

With regard to current and ongoing projects, large-scale recruitment was continuing which had been challenging in terms of the cultural change, losing long serving members of staff and training new staff with training times having to be reduced. Officers were being issued with tablets and encouraged to avoid returning to the office to complete paper work and instead to complete this on location. This was part of a “park, walk and talk” initiative to enable officers to respond to incidents, talk to the public, park up and update records and then walk around the vicinity to create a presence. Body worn video was proving effective in reducing disruptive behaviour by the public when approached by Police officers wearing the equipment and reducing assaults on officers. Work continued on the Broads Beat to encourage safe use of boats, particularly by stag and hen parties and new staff had been appointed to the Broadland Early Help Hub.

Current challenges included the continued recruitment of new staff, the growth of Norwich, mental health and its impact on policing, access to the 101 service and the impact of drugs on local communities. The 101 service was still being refined and had suffered initially because of software problems. The online reporting facility was also being developed. Following an issue in Taverham when the 101 service / online reporting facilities had not proven particularly effective, measures were being taken to address these. A pilot scheme was being trialed in the Taverham / Drayton area to address a growing concern about low-level drug use and young people.

Forthcoming activity included continued partnership working within the Broadland Early Help Hub, the Moonshot City initiative which involved use of automatic number plate recognition for all vehicles entering the City and work to continue to monitor use of the Broadland Northway. There had been a significant increase in the numbers of collisions associated with the road and its use was being monitored to gain an understanding of the issues and the appropriate means of dealing with these.

The Police representatives then answered questions from Members. They confirmed that recruitment of special constables was continuing with work progressing to ensure best use was made of this valuable resource and that where possible they were allocated to beat managers working in their locality. Broadland benefitted from one of the highest levels of numbers/hours of special constable support.

Concerns were raised by Members about specific cases where there had been a lack of willingness to respond to 101 calls about incidents and the officers undertook to look into these cases. Processes were in place for receiving, prioritising and responding to 101 calls but, having regard to the

volume of calls received, occasionally the process did not deliver and this needed to be investigated.

With regard to anti-social behaviour, and the apparent drop in cases, some Members raised concerns, (particularly in Thorpe St Andrew, Spixworth, and the Taverham / Drayton areas) that there were still a number of incidents of anti-social behaviour occurring. Officers undertook to look into these concerns. There had been a temporary reduced level of beat manager support in Thorpe St Andrew and efforts would be made to provide extra support during this time. A question was raised as to whether the increase in public order offences was related in any way to the drop in ASB offences and it was noted that they were different incidents with public order offences in the main occurring between people known to each other. Superintendent Harvey and T/Chief Inspector Hornigold commented that they regularly reviewed the patterns of incidents being reported to look for any trends or hotspots and aligned resources accordingly. Sgt Youd would also be assisting with this in terms of the reallocation of resources according to demand and any feedback on areas of concern was useful. Officers confirmed that SNAPs would continue to be supported and that beat managers would be in contact with parish / town councils. They undertook to ensure that Thorpe St Andrew received a visit in view of the temporary unavailability of the current beat manager.

With regard to the pressure on the Police arising from growth in the district, it was noted that much of the growth in demand on Police time was in relation to familial or social media related incidents. There was little or no increases in older, more traditional crimes including robbery, ABH, GBH, burglary, motor thefts etc.

The Chairman thanked the officers for attending and for the update and asked for the email address of Sgt Youd to be circulated to all Members.

45 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

None made.

46 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr G Everett, Mr R F Grady, Mrs S C Gurney, Mrs L H Hemsall, Miss J R Keeler, Mrs T M Mancini-Boyle, Mr A M Mallett, Mr V Ray-Mortlock, Mr S Riley, Mr F Whymark and Mr D B Willmott.

47 MINUTES

The Minutes of the meeting held on 12 July 2018 were confirmed as a correct record and signed by the Chairman.

48 ANNOUNCEMENTS

Members noted the civic engagements undertaken by the Chairman and Vice-Chairman of the Council since the last meeting. The Chairman commented that attending the East Coast Truckers 33rd Children's Convoy and the Scouts / Guides Norfolk International Jamboree had been particularly enjoyable. She reminded Members that nominations were being invited for this year's Broadland Community at Heart Awards to reward those in the district going beyond what was expected of them to improve the lives of those around them. Nominations close at 9am on 24 September and the awards ceremony would be held on Tuesday 30 October 2018, where the winners would be revealed.

Referring to the launch of the Heritage Open Days 2018, the Vice Chairman encouraged Members to visit the website <https://www.heritageopendays.org.uk/about> to find out more about the celebrations and to take the opportunity to visit the venues over the two weekends, 6-9 and 13-16 September, many of which would not normally be open to the public.

The Portfolio Holder for Environmental Excellence (Mr Fisher) reported that the millionth tonne of recycling had now been processed at the Materials Recycling Facility at Costessey. He also reported that the first zero omission taxi was now operating in the district, powered totally by electricity from sustainable, green sources.

The Portfolio Holder for Housing and Wellbeing (Mr Foulger) reported that Highway England would be consulting on its latest proposals for the A47 Blofield to North Burlingham road from 10 September to 19 October 2018 and there was continued calls for an early start to the project.

49 QUESTIONS FROM THE PUBLIC

It was noted that there had been no questions received from the public.

50 PUBLIC SPEAKING

It was noted that there had been no requests to speak by the public.

51 OVERVIEW AND SCRUTINY COMMITTEE

The Minutes of the meetings held on 17 July, 24 July and 21 August 2018 were received. Council noted the range of topics considered by the Committee.

52 CABINET REPORTS

The Minutes of the meeting held on 31 July 2018 and the Decisions/Minutes of the meeting held on 28 August 2018 were received.

28 August 2018

Update to Local Development Scheme

The Portfolio Holder for Planning (Mr Moncur) invited Members to endorse the updated Scheme.

RESOLVED:

to approve the updated Local Development Scheme (August 2018) attached at Appendix 1 to the signed copy of these Minutes.

A Case for Change – Business Case for Changing the Governance of Norfolk Fire and Rescue Service

The Leader of the Council (Mr Vincent) invited Members to consider the recommendation from Cabinet regarding the Council's response to the proposal by the Police and Crime Commissioner for the adoption of a new governance model for the Norfolk Fire and Rescue Service. A member of the opposition party stated that he was supportive of the views put forward by Cabinet and felt that there was a strong case for the retention of the current arrangements for governance of the Norfolk Fire and Rescue Service. The Service currently operated with one of the lowest costs per head of population and was one of the highest performing and there was no case for changing the current arrangements. On being put to the vote, it was unanimously

RESOLVED

to submit a negative response to the proposal as it was considered that the funding assumptions in the Business Case were flawed and the appraisals of the options were inappropriate.

53 AUDIT COMMITTEE

The Minutes of the meeting held on 26 July 2018 were received.

Members received a presentation from the Internal Audit Manager on the work of the Audit Committee.

Audit Committees were about the governance, financial reporting and performance of the whole authority. CIPFA stated that “the role of the audit committee was to provide independent assurance that key controls were in place to mitigate key risks and to provide assurance that the authority, including the scrutiny function, was operating effectively.” The Audit Committee was responsible for

- Internal Audit
- External Audit
- Statement of Accounts
- Annual Governance Statement
- Financial Policy
- Risk Management
- Fraud

The Chairman thanked the Internal Audit Manager for the presentation.

54 LICENSING AND REGULATORY COMMITTEE

The Minutes of meetings held on 25 July and 8 August 2018 were received.

55 PLANNING COMMITTEE

The Decisions from the meeting held on 1 August 2018 were received.

56 STANDARDS COMMITTEE – CO-OPTED PARISH AND TOWN COUNCIL REPRESENTATIVES

The Chairman of the Standards Committee invited Council to endorse the appointment of the new co-opted members of the Committee.

RESOLVED:

to note and endorse the appointment of Ruth Goodall of Weston Longville Parish Council and Nigel Brennan of Upton with Fishley Parish Council as the new co-opted members of the Standards Committee.

57 QUESTIONS FROM MEMBERS

It was noted that there had been no questions received from Members.

58 MOTIONS

It was noted that there had been no motions received from Members.

59 CHANGES TO COMMITTEES AND OUTSIDE ORGANISATION APPOINTMENTS

The following changes were noted and endorsed:

- Mrs L Hemsall – appointed to the Planning Committee
- Mr N C Shaw to replace Mr R F Grady on the Licensing and Regulatory Committee

60 CHANGES TO THE CURRENT EXECUTIVE ARRANGEMENTS AND THE CONSTITUTION

The Leader reported that he had, in accordance with Part Three 15.9 of the Constitution, advised the Head of Democratic Services and Monitoring Officer of his decision to make the following changes to the current Executive arrangements:

The title of the Transformation Portfolio had been amended to Transformation and Organisational Development, which had involved the transfer of a number of responsibilities from the Policy Portfolio. The title of the Communities and Housing Portfolio had been amended to Housing and Wellbeing.

As a result, the Head of Democratic Services and Monitoring Officer had exercised his delegated authority under Part Three (14) of the Constitution, to make consequential amendments to the Constitution to reflect the changes.

RESOLVED:

to note and endorse the Leader's decisions and the resultant action taken by the Head of Democratic Services and Monitoring Officer in making consequential amendments to the Constitution.

The meeting closed at 8:10pm

Minutes of an **Extraordinary** meeting of the **Council** held at County Hall, Martineau Lane, Norwich, NR1 2DH on **Thursday 4 October 2018** at **7.00pm** when there were present:

Mrs J Leggett – Chairman

Mr A D Adams,
Mrs C H Bannock
Mr D Buck
Mr P H Carrick
Ms S J Catchpole
Mr S M Clancy
Mr S Dunn
Mr J J Emsell
Mr J F Fisher

Mr R R Foulger
Mr R F Grady
Mr R J Knowles
Mr T W Landamore
Miss S Lawn
Mr K G Leggett MBE
Mrs T M Mancini-Boyle
Mr I N Moncur
Mr G K Nurden

Mr G Peck
Mr A J Proctor
Mr S Riley
Mrs B H Rix
Mr N C Shaw
Mrs K A Vincent
Mr S A Vincent
Mr J M Ward

Also in attendance were the Chief Executive, the Head of Democratic Services & Monitoring Officer and the Committee Officer (DM).

The formal meeting of the Council was preceded by a joint briefing session on the recruitment process for all Members of Broadland and South Norfolk Councils.

61 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

No declarations were made.

62 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs J K Copplestone, Mr G Everett, Mrs S C Gurney, Mrs L H Hemsall, Mr D Roper, Mr V B Tapp, Mr D C Ward and Mr F Whymark.

63 QUESTIONS FROM THE PUBLIC

There were no questions.

64 PUBLIC SPEAKING

There was no public speaking.

65 APPOINTMENT OF JOINT MANAGING DIRECTOR

Council considered the report of the Head of Democratic Services and Monitoring Officer on the appointment of the Joint Managing Director as proposed by the Joint Appointment Panel at its meeting on 28 September 2018. The Minutes of the Joint Appointment Panel meeting were circulated to Members and are attached at Appendix 1 to the signed copy of these Minutes. The Portfolio Holder for Transformation and Organisational Development invited Members to endorse the recommendations contained in the report and from the Joint Appointment Panel. It was then, unanimously

RESOLVED:

- (1) To approve the recommendation of the Joint Appointment Panel, subject to the normal pre-employment checks, including right to work, references and medical clearances, to appoint Mr Trevor Holden as Joint Managing Director and Head of Paid Service for Broadland and South Norfolk Councils at a commencement salary of £160,000.
- (2) That the designated Head of Paid Service be approved as the Proper Officer under S270(3) of the Local Government Act 1972.
- (3) That Broadland District Council, the employer Council, agrees to place the Joint Managing Director at the disposal of South Norfolk Council for the purposes of their functions in accordance with section 113 of the Local Government Act 1972.
- (4) To note that South Norfolk Council, the non-employer Council, will be required agree to receive the services of the Joint Managing Director from Broadland District Council, for the purposes of their functions in accordance with section 113 of the Local Government Act 1972.
- (5) That the Monitoring Officer be given delegated authority to make any required changes to the Council's Constitution resulting from these resolutions.

The meeting closed at 7:05pm

CIVIC ENGAGEMENTS

Date	Event	Attended by
September 2018		
2 nd	Indian Summer Food Fayre hosted by the Vedic Cultural Society of East Anglia at The Hindu Temple, New Acle Road, Halvergate	Vice-Chairman
3 rd	Raising the flag at Thorpe Lodge for Merchant Navy Day	Chairman
10 th	Opening of Battle of Britain week hosted by the Lord Mayor of Norwich at City Hall	Chairman
13 th	Official Opening of The Nest – Phase 1 in Horsford, a new multi-purpose community hub by the Community Sports Foundation	Chairman
14 th	Battle of Britain Commemorative event hosted by the Chairman of Norfolk County Council at County Hall	Chairman & Vice-Chairman
14 th	Thorpe St Andrew School and Sixth Form Awards Evening	Past Chairman
16 th	Battle of Britain Civic Service hosted by the Lord Mayor of Norwich at Norwich Cathedral	Chairman
16 th	Family Culture Day at Catton Park hosted by Broadland Council in conjunction with The Gardens Trust and Catton Park	Chairman
17 th	Norfolk County Scout Council AGM at Northgate High School in Dereham	Chairman
18 th	Reception hosted by the President of the Royal British Legion (Norfolk County) at The Great Hospital in Norwich	Chairman
19 th	Launch of “Bike, Scoot, Walk” campaign at Hemblington Primary School	Chairman
21 st	Civic Reception hosted by the Chairman of North Norfolk District Council at Hoveton Hall & Gardens	Chairman
24 th	Norfolk and Norwich University Hospital AGM held at the	Past Chairman

	hospital in Colney Lane, Norwich	
October 2018		
3 rd	Consultations on the new Bishop of Norwich	Chairman
7 th	Marriott's Way 10k – opening of fun run and the 10k race	Chairman
7 th	Justice Service hosted by the High Sheriff of Norfolk at Norwich Cathedral	Vice-Chairman
21 st	Civic Reception hosted by the Chairman of Breckland Council at Gressenhall Farm and Workhouse	Chairman
22 nd	Anglo Sikh Heritage Trail Event including a wreath laying ceremony for Duleep Singh in Elveden Church and a formal reception at the Carnegie Room / Guildhall in Thetford	Chairman

Minutes of a meeting of the **Overview & Scrutiny Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 11 September 2018** at **10.00 am** when there were present:

Mr A D Adams	Mr D G Harrison – Chairman	
Mrs C H Bannock	Mr G Everett	Mr V B Tapp
Mr D Buck	Mr R F Grady	Mrs K A Vincent
Ms S J Catchpole	Mr G K Nurden	Mr D C Ward
Mr J J Emsell	Mr F O'Neill	
	Mr S Riley	

Mr R Knowles also attended the meeting for its duration.

Also in attendance were the Deputy Chief Executive, Head of Democratic Services and Monitoring Officer, Head of Finance and Revenue Services, Interim Revenue and Benefits Manager, Benefits Team Leader and the Committee Officer (JO).

40 MINUTES

The Minutes of the meeting held on 21 August 2018 were confirmed and signed by the Chairman as a correct record.

Minute no: 39 – A Case for Change – Business Case for Changing the Governance of the Norfolk Fire and Rescue Service.

Members noted that Cabinet had also recommended a negative response to the Police and Crime Commissioner's proposal.

The meeting was advised that South Norfolk Council had not given a corporate response to the proposal, but had left it for individual Members to respond as they saw fit.

41 UNIVERSAL CREDIT

The Committee received a briefing on the impact Universal Credit in the District.

Universal Credit had been introduced for new claimants in a limited number of postcode areas in Broadland in 2016 and in a further five areas since then. A full rollout across the District for new claimants would take place on 17 October 2018. Pensioners would not be moved to Universal Credit and neither would all working age claimants at this stage.

Broadland and South Norfolk would initially each be locating an officer at Norwich Job Centre one day a week, to give advice and support to claimants. This resource might be increased if there was a high demand for it. The Council was also proposing to offer drop-in advice to private sector landlords on Universal Credit at both council offices.

A Universal Credit Action Group comprised of Benefit Officers from Broadland and South Norfolk, the Citizens Advice Bureau and the Job Centre had met last week. The Benefits Team had also received refresher training on budgeting advice and support for claimants. It was proposed to offer advice to claimants at Thorpe Lodge and by home visits if necessary. Staff had also been shadowing colleagues in Great Yarmouth and Waveney, where Universal Credit had already been rolled out, to ensure that officers were aware of any problems already identified.

Following an appropriate period to assess the full rollout of Universal Credit a report would be brought to Members.

The Vice-Chairman noted that Universal Credit could encourage people into work and that locating Council staff at Job Centres could be of significant benefit to claimants.

In response to a number of queries, Members were advised that vulnerable people could arrange for their rent to be paid directly to their landlord and that additional Housing Benefit was now paid for the transition from fortnightly to monthly Universal Credit payments. It was also confirmed that there were exceptions to the Spare Room Subsidy in cases such as disability or age.

It was emphasised that the Council did not administer Universal Credit as the Department of Work and Pensions was responsible for the amount claimants received. The Council could, however, provide support for those in financial hardship through its Discretionary Housing Payments Fund and its Council Tax Relief Scheme, as well as offering debt and budgeting advice.

The Interim Revenue and Benefits Manager informed Members that the Benefits Team were confident that they were as well prepared as they could be for the rollout of Universal Credit.

42 HEALTH SERVICES IN BROADLAND

The Deputy Chief Executive gave a presentation on the two Clinical Commissioning Groups (CCG) in the Broadland area (Norwich CCG and North Norfolk CCG), which sought to address the questions raised by the Committee and identify the issues that were affecting both CCGs.

Responding to winter was one of the main issues facing the CCGs, as colder weather inevitably put an additional strain on the capacity of Accident and Emergency Units, hospitals and GP surgeries, as well as leading to delays in hospital discharges.

Norwich CCG were proposing a New Model of Care through an Alliance Agreement that would integrate services to address these and other pressures. This would be a new way of working in partnership to bring together local GP practices, nurses, community health and mental health services, social care, hospital specialists and voluntary sector organisations and others to provide integrated out of hospital healthcare.

The model proposed 3-4 Integrated Neighbourhood Teams and would strengthen the existing partnership arrangements, such as HomeWard (which supported patients at risk of hospital admission stay in their homes) and Norwich Escalation and Avoidance Team, (a multi-agency response to urgent unplanned health needs). A stronger, collective voice for GPs had also been established with OneNorwich.

Over the next few years and beyond it was likely that there would be some structural changes to the Norfolk CCG with a single senior CCG management structure established in Norfolk. Workforce planning was a Sustainability and Transformation Partnership (STP) wide activity, which covered Norfolk as well as Waveney District Council area.

North Norfolk CCG were doing similar work to Norwich through an Alliance of North Norfolk GP Practices, an Integrated Community Team and a Community Engagement Panel. Broadland was represented on the Panel by the Portfolio Holder for Housing and Wellbeing.

In respect of development and health provision, there was a Planning and Health Protocol and healthcare commissioners were consulted about population increases expected from new housing. The Senior Planning Officer (Spatial Planning) liaised with a number of health bodies including NHS England on this and the process of overseeing provision was carried out through the Norfolk and Waveney STP.

Broadland healthcare activities included delivering Broadly Active (across both CCGs) and membership on both CCG Local Delivery Groups, as well as the Norwich CCG Provider & Service Development Board.

The Health and Wellbeing Board's priorities for the Norfolk districts were Warm & Healthy Homes; work with multi-disciplinary teams and discharge from hospital. A report to the Board in October was likely to endorse these priorities, which were all of interest to the CCGs in alleviating winter pressures.

As collaboration between Broadland and South Norfolk developed there were likely to be further opportunities for both councils to take a greater role in healthcare commissioning and support.

The Vice-Chairman advised the meeting that integrated healthcare provision in Norfolk was to be welcomed, as it was currently too complex and inefficient.

As Members had a number of further questions it was suggested and agreed that Norfolk Healthwatch, the local consumer champion for health and social care, be asked to attend a meeting of the Committee.

43 NORFOLK HEALTH OVERVIEW AND SCRUTINY COMMITTEE UPDATE

The Committee's representative on the Norfolk Health Overview and Scrutiny Committee provided an update on the past two meetings.

The meeting on 6 September 2018 had considered the new model of care for Norwich CCG and had noted the poor attendance at consultation events.

It had been generally agreed that the new model was a good way forward, but it would involve a lot of work and it was noted that a number of social care voluntary groups could close due to a lack of volunteers, which could make delivery difficult.

The Chairman advised the meeting that the children's autism service had improved significantly in Norfolk, with diagnosis times reduced from 52 to 18 weeks. He also noted that the Ambulance Service now had a career progression structure in place, which was making recruitment of staff easier.

At the 12 July 2018 meeting Members were informed about how integrated maternity care across the Norfolk and Waveney STP was working well.

44 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

The following items were added to the Work Programme:

The Manager of Norwich Job Centre to be invited to a future meeting of the Committee to discuss Universal Credit.

Healthwatch to be invited to a meeting to give a presentation on health provision in Broadland. All Members would be invited to attend the meeting.

The meeting closed at 12.22 pm.

Minutes of a meeting of the **Overview & Scrutiny Committee – Review of Cabinet Agenda** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 18 September 2018** at **10.00 am** when there were present:

	Mr D G Harrison – Chairman	
Mrs C H Bannock	Mr G Everett	Mr S Riley
Mr D Buck	Mr R Knowles	Mr V B Tapp
Mr J J Emsell	Mr G K Nurden	Mr D C Ward

Also in attendance were the Head of Planning, Head of Finance and Revenue Services, Economic Development Manager, Private Sector Housing Manager, Environmental Protection Manager (Special Projects), Housing Enabler and the Committee Officer (JO).

45 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Adams, Ms Catchpole, Mr Grady, Mr O'Neill, Mrs Vincent and Mr D Ward.

46 MINUTES

The Minutes of the meeting held on 11 September 2018 were confirmed as a correct record and signed by the Chairman.

CABINET REPORTS

47 COMMUNITY GRANTS PROGRAMME REVIEW 2017/18

The report reviewed the operation of the Community Grants Programme in 2017/18 and proposed options for the future implementation of the programme.

Since October 2017 the Norfolk Community Foundation (NCF) had delivered the Council grants scheme, very effectively. However, it was not proposed that this funding would be added to and it was envisaged that by the end of March 2019 these funds would be mostly allocated to projects. Currently balances being held by the NCF for Community Activities and Small Grants was £37,375 and £27,003 for Community Capital Grants. It was proposed that the scheme remained 'live' with the NCF until all the budgets were spent. Other Service Level Delivery Agreements would continue to be funded, but from a different source.

At South Norfolk Council a scheme operated that allowed Members £1,000 each to allocate to community projects within their Wards. Members had suggested that a similar scheme could be adopted at Broadland.

Should Members wish to proceed with a scheme similar to the South Norfolk scheme, a growth bid would be included in the budgets for the 2019/20 financial year. It was proposed that initially the scheme could start with a sum of £500 per annum per Member. If approved guidelines and criteria for the scheme would be drawn up for consideration at a future meeting.

A Member confirmed his support for the principle of Member allocated grants, but suggested that there should be flexibility, as some Wards had three Members in denser areas, whilst other had widely spread communities over single Member Wards. Allocation should, therefore, reflect population to ensure that funding was fairly distributed, particularly across more rural areas. To meet this requirement the bid for base budget growth should be increased to a maximum of £27,500. Concerns were also expressed about the appropriateness of the scheme being overseen by the Communications and Engagement Manager, instead of an officer from Economic Development.

It was confirmed that the Member Grants Programme could be taken to the Economic Success Panel for consideration as it was developed.

Members requested that recommendation 3 be amended to reflect the Committee's concerns about ensuring a proportionate and fair distribution of funds across all Wards.

RECOMMENDED TO CABINET

Options (1, 2, 3 as amended, and 4)

To recommend to Council

- (1) to note the performance of the Community Grants Programme in 2017/18;
- (2) to allow the NCF to continue to operate a 'live' Community Grants programme until the current budgets are exhausted (likely to be sometime in 2019/20);
- (3) to bid for base budget growth of £27,500 to fund a Members' grants scheme *that would be distributed proportionately across Wards and take account of rural populations*, and implemented from June 2019;
- (4) Subject to (3) above to work in collaboration with South Norfolk Council to provide guidelines and criteria for a Members' grants scheme which will be overseen by the Communications and Engagement Manager.

48 ESTABLISHMENT OF A GROWTH DELIVERY TEAM

The report proposed the establishment of a permanent, dedicated Growth Delivery Team consisting of three officers to work with existing teams, partners and consultants to accelerate and promote quality development in the delivery of strategic sites and add value to the new and existing communities in Broadland and South Norfolk.

Local authorities were now seen as key players in housing delivery and could be rewarded for being proactive with funding opportunities and Government support, whereas less ambitious authorities could face a potential reduction in their regulatory leverage.

The delivery of new jobs was also as important for both councils and three of the strategic sites, which would be the initial focus of the Growth Delivery Team, (Rackheath, Long Stratton and Beeston Park) included a significant amount of employment land. An economic development function would, therefore, be an integral part the Teams role and purpose.

A further core function of the Team would be to secure funding and/or deliver crucial upfront infrastructure costs to support delivery of strategic sites.

The estimated cost of the Team was £150,000 – £200,000, with a consultancy budget of £100,000 per annum; with the cost split initially at 55 percent South Norfolk and 45 percent Broadland. However, a bid of £150,000 to the Norfolk Business Rates Pool might limit this draw in the first year and the Growth Delivery Team should help to bring in additional income to both councils, which could offset the costs in the longer term. Members were advised that the Team could be increased in size at a later date, if its workload increased or its remit broadened.

In response to concerns expressed that the establishment of the team could have a detrimental effect on the Economic Development department, the Head of Planning assured Members that this was not the case as the Growth Delivery Team would have a strategic economic growth role, rather than the operational role carried out by the Economic Development department.

Nevertheless, the Committee recommended to Cabinet that it should be ensured that the establishment of the Growth Delivery Team should not have an adverse effect on the Economic Development department.

RECOMMENDED TO CABINET

Options (1, (i), (ii) and (iii))

(1) to:

- (i) agree to the establishment of the Growth Delivery Team and the appointment of the three new posts; and
- (ii) delegate authority to the respective Chief Executives to agree any interim reporting arrangements; and
- (iii) *ensure that the existing Economic Development Service would be strengthened and enhanced and not diminished by the establishment of the Growth Delivery Team.*

49 HOUSES IN MULTIPLE OCCUPATION LICENSING

The report proposed the adoption of amenity and facility standards for licenced houses in multiple occupation (HMO) in order to meet the Council's statutory duty to licence all HMOs, with five or more people residing in the property, from 1 October 2018.

Broadland District Council currently had one HMO that required a Licence, but the amendment to the definition of an HMO could increase this number to between 50 to 100. To ensure consistency the Private Sector Housing Team had developed standards in respect of room sizes, occupancy levels, fire safety, amenities, facilities, refuse arrangements and the management of a HMO. The standards had been consulted upon with the National Landlords Association, the Eastern Landlords' Association and the Fire Authority and had been amended to reflect their comments. Neighbouring local authorities' standards had also been considered to ensure consistency across district boundaries.

A programme of communication to alert landlords of their responsibility to request an application should their property fit the new requirement would be initiated and licensing would commence from 1 October 2018.

The new licensing procedure would significantly increase the workload on the Private Sector Housing Team, which was currently reduced due to the long-term sickness of an Environmental Health Officer. Therefore, a recruitment procedure had been initiated to appoint an Environmental Health Officer on a one year contract.

RECOMMENDED TO CABINET

Option (1)

to recommend to Council to adopt the standards detailed in Appendix 1 'Amenity and facility standards for Licensed Houses in Multiple Occupation' as part of the Council's House in Multiple Occupancy licensing procedure (attached at Appendix 1 to the signed copy of these Minutes).

50 TREASURY MANAGEMENT PERFORMANCE FOR 2017/18

The report summarised treasury management activity during 2017/18, including the outturn of the Prudential Indicators for the year.

The Council's investments as at 31 March 2018 were as follows:

Counterparty	£(m)	Interest Rates
Investec	10.34	Return varies, dependent on the performance of the underlying fund
Payden & Rygel	3.13	
Public Sector Deposit Fund	1.00	
Certificates of Deposit	2.00	0.47%
Banks	9.00	0.72% to 0.98%
Instant access deposits with banks	7.30	0.35% to 0.40%
Total	32.76	

The Council's Investec funds were invested with an 80:20 split between Short Dated Bonds and Target Dated Funds, however, due to poor performance, the Short Dated Bond had been closed and moved to a Diversified Income Fund.

The Council also had an investment of £1m with the Public Sector Deposit Fund, but would be moving this investment back to bank deposits shortly. These, as well as some other movements from external funds, should increase the investment income of the Council. The situation would be monitored and reviewed regularly.

Actual capital expenditure during the year was £1,181,660, against a revised budget of £2,143,200. The main reason for the reduced total capital expenditure compared to base budget was a zero-spend against a budget of £560,000 for contributions to a Norfolk countywide Broadband improvement initiative.

The Head of Finance and Revenue Services could confirm the Prudential Indicators set for 2017/18 had been complied with in full and that none had reached a level that indicated any cause for concern.

Treasury advisors had submitted options for the Council's investments, which were included as exempt appendices for information only.

RECOMMENDED TO CABINET

Option (1)

to note the outcome in respect of 2017/18 treasury management activities.

51 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

to exclude the Press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 would be disclosed to them.

52 LAND AT SALHOUSE ROAD, PANXWORTH

The report set out the potential options for the use or disposal of Council owned land at Salhouse Road, Panxworth.

The land at Salhouse Road had been in local authority ownership since 1956 and was a small green field site of 0.34ha. The parish was classified as countryside within the Joint Core Strategy and as such had no settlement limit. The site was removed from any larger settlement and some distance from services and therefore would be deemed unsustainable.

Analysis of the current housing list data was unable to demonstrate an established local housing need within the parish and therefore it could not be considered an exceptions site for the delivery of affordable housing. Moreover, Norfolk County Highways had concerns over site access and would be likely to object to any proposed development above three dwellings at the site.

The Council also had a five year housing land supply in rural parishes, which would make it unlikely that an application for open market or custom build housing would be supported. Only very significant material considerations could outweigh planning policy in this case, such as an exceptional design development.

Therefore, in the light of these issues, it was proposed to offer the land for sale as open space or agricultural land.

The Committee disagreed with the recommendation in the report and considered that developing the site for housing would be a far better use for this Council owned asset. It was therefore:

RECOMMENDED TO CABINET

Option (2)

that surveys / investigative reports of the land be carried out to explore the possibility of developing the land for housing (for up to three dwellings).

53 FOOTWAY LIGHTING PROVISION

The report considered the Council's options in respect of footway lighting provision in the District.

The Council had taken legal advice from more than one source regarding its future responsibility for footway lighting and it had been confirmed that a Section 98 (5) Highways Act 1980 Notice could be served on the County Council confirming that Broadland wished to relinquish its responsibility as a lighting authority.

A requirement of the Section 98 (5) Highways Act was that the Council must give Notice within the first nine months of the calendar year, therefore the Notice would need to come into effect before 30 September 2018. If Members agreed to the proposal it would be necessary to make the decision not subject to the 'call in' period to meet this deadline.

RECOMMENDED TO CABINET

Option (1, a and b)

to recommend to Council to endorse the following decision:

(1)

- (a) to agree to serve a Section 98 (5) Highways Act 1980 Notice on the Highways Authority (NCC) by 30 September 2018 with the intention to cease responsibility for lighting provision from 1 April 2019, including any new lighting installed in the future; and
- (b) agree that the decision is not subject to the normal call in period due to the requirement to serve the Notice within the first nine months of the calendar year.

The meeting closed at 12.05 pm

Minutes of a meeting of the **Overview & Scrutiny Committee – Review of Cabinet Agenda** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 16 October 2018** at **10.00 am** when there were present:

Mr A D Adams	Mr D G Harrison – Chairman	
Mrs C H Bannock	Mr G Everett	Mr M D Snowling MBE
Ms S J Catchpole	Mr G K Nurden	Mrs K A Vincent
Mr J J Emsell	Mr F O'Neill	Mr D C Ward
	Mr S Riley	

Miss T Lodge also attended the meeting for its duration.

The Portfolio Holder for Economic Development (Mrs J Copplestone) was in attendance for item 57 – Economic and Tourism Update.

Also in attendance were the Head of Democratic Services and Monitoring Officer, Head of Economic Development, Interim Head of Housing and Environmental Services, Corporate Finance Manager, Economic Development Manager, Spatial Planning Manager, Environmental Protection Manager, Environmental Protection Manager (Special Projects) and the Committee Officer (JO).

54 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Buck, Mr Grady and Mr Tapp.

55 MINUTES

The Minutes of the meeting held on 18 September 2018 were confirmed and signed by the Chairman as a correct record.

56 APPOINTMENT TO JOINT SCRUTINY COMMITTEE

At a meeting of the Joint Lead Members Group on 1 October 2018 it was proposed to establish a formal Joint Scrutiny Committee, which would monitor the key stages of collaborative working between Broadland District Council and South Norfolk Council.

Appointment to this Committee would be the responsibility of the respective Group Leaders. However, Members of the Committee were invited to indicate whether they would be interested in undertaking this role.

RESOLVED

to advise the respective Group Leaders that following Members would be

interested in serving on the Joint Scrutiny Committee:

Mr J Emsell, Mr D Harrison, Mr G Nurden, Mrs K Vincent, Mr D Ward and (vacancy).

57 ECONOMIC AND TOURISM UPDATE

The Committee received a report on the local economy and the activities of the Council in support of tourism in the district.

Areas highlighted included:

- A reduction in the number of Job Seekers' Allowance claimant's rate to 570 people in the district.
- In April, a Business Breakfast was held at Sprowston Manor Hotel where a guest speaker spoke about designing a business strategy and a speaker from Poultec gave an update on apprenticeships. There were 67 attendees at the meeting representing 53 businesses. In July, a Business Breakfast at the Roarr Dinosaur Adventure in Lenwade, had a tourism theme and was attended by representatives from 44 businesses from a total of 63 attendees. It was emphasised that the breakfasts were very much focused on business and the assistance that Broadland could provide them with. A Business Breakfast had also been held in Thorpe St Andrew last week, where the Leader had spoken about the vision that the Council had for business in the District and Chloe Smith MP had addressed the meeting about Brexit.
- The 'Buy in Broadland' voucher booklet continued to be popular, with over 90 local businesses offering discounts to residents.
- The Choices Programme, which tackled long term unemployment and barriers to work often related to low level Maths and English skills; continued to meet on a weekly basis at Carrowbreck. The Job Centre and other partners were aware of the programme and referred customers to the service.
- Two Broadland businesses had been awarded LEADER funding grants of £40,825 and £4,580. There were also another five Broadland applications totalling £335,132 in the pipeline. It was currently unknown if this European funding would be replaced by Government funding post Brexit.

The Vice-Chairman noted that the Council did not always receive sufficient credit for the support it provided for businesses, especially with accessing

grants and other sorts of funding. Another Member concurred with this view and suggested that the Economic Development support that the Council provided should be more widely advertised; especially to parishes who could benefit from the expertise of the team.

Members were advised that the Tots2Teens service was to be looked at to assess if it was still fit for purpose, as there was a net cost to the Council of £12,684 over the first six months of the year. A report would be presented to the Economic Success Panel and Cabinet in the future to determine the long-term viability of the service.

Broadly Active had secured funding of £42,000 to continue providing GP exercise referrals in Broadland and Norwich. The Council had provided this service for the past 12 years; well ahead of the recent introduction of 'social prescribing' referrals to non-clinical services. It was noted that Broadly Active was a service that could be extended from exercise to other beneficial social activities.

Broadland Council Training Service had delivered 52 courses since the publication of the new training brochure in April 2018, welcoming 268 learners up to mid-September. Of the 52 courses, 39 were paid for courses and 13 were free for Broadland businesses. Income for these courses was £14,303 with costs amounting to £14,599.

The Council was also promoting the Broadland Growth Triangle as an attractive place for business to invest in through a new brochure that would be launched at MIPIM UK on 17-18 October 2018. A joint Broadland/South Norfolk website that promoted the districts as a place to establish businesses had also been recently launched. The Portfolio Holder for Economic Development had also proposed organising a trade delegation towards the end of November, to enable businesses to visit the area and encourage investment in Greater Norwich.

In respect of tourism, Broadland had seen a six percent increase from 2016 with the total number of visitors reaching 2,741,900; total nights stayed were 918,000 and a total visitor spend of £142,782,750.

The total visitors Broadland received in 2017 was up from 2016 by six percent, with an increase in staying visitors of over nine percent and an increase of day visitors of 5.85 percent. This made Broadland's growth from 2016 to 2017 better than the national average.

RESOLVED

to commend the work being carried out by Economic Development and to recommend to Cabinet that greater effort be made to communicate to residents and businesses the valuable services that the department provided

CABINET REPORTS

58 BUDGET LOOK FORWARD 2018-20

The report presented a provisional forward look at the Council's medium term financial position, which was the start of the budget setting process for 2019-2020.

For the purposes of the report the baseline before the New Homes Bonus was paid had been estimated at 0.5 percent, not the current 0.4 percent and similarly the estimated baseline for Business Rates had been modelled for the report and could be revised once the Financial Settlement was announced in the autumn.

The initial draw on general reserves was estimated at £0.823m in 2019-20, totalling £2.724m over the three years to 2022, which would leave reserves at £9.533m.

In respect of Business Rate retention, Members were advised that this was likely to be set at 75 percent (primary legislation was required to introduce 100 percent retention, which the Government was unlikely to do in the near future).

In response to concerns expressed by Members regarding the Special Expense for Footway Lighting, the Committee was informed that this had been included in the Medium Term Financial Plan (MTFP) as the matter had not yet been resolved. Once finalised the budget could be amended accordingly.

The Committee was informed that services were not set cost-saving targets; but put in estimated bids based on their expenditure in the preceding year, plus any growth or savings identified for the following year.

The Vice-Chairman noted that the Council had maintained healthy levels of reserves for at least the last eight years by making efficiencies and savings, and was likely to continue to do so in the future.

An advertisement would be placed in a local paper to meet the statutory requirement to consult with businesses during the budget setting process. There were also various options for consulting with the wider community; ranging from external market research, web based surveys, an in-house internet survey or publication in *Broadland News*. A simple online survey was adopted last year when asking residents about a Council Tax rise, but only 25 residents responded.

Other matters brought to the attention of the Committee were: the NHS was

to stop collecting clinical waste from GPs and pharmacies, which would lead to this duty falling on the Council, with an estimated cost of £60-80,000 and a report would be presented to Cabinet next month on charging for wheeled bins at new properties in the district.

A Member noted that the Cabinet had rejected the Committee's proposal to increase the budget for the Members' Grant Scheme to £27,500 and instead had proposed it be set at £23,500.

Members were asked to note that there were no proposals for a reduction in service level provision in the MTFP.

The budget process would now follow to set an appropriate budget for 2019/20 for Council to consider in February 2019.

RECOMMENDED TO CABINET

Options (1, 2, 3 and 4)

- (1) agree the proposed budget setting timetable for 2019/20 and the format of the meeting with Overview and Scrutiny Committee;
- (2) agree the format for budget consultation, if any; and
- (3) note the need for Portfolio Holders to prepare draft budgets as soon as possible to allow for discussion with the Overview and Scrutiny Committee in December 2018;
- (4) *to take account of the concerns expressed by Members regarding the footway lighting budget.*

59 GREATER NORWICH LOCAL PLAN REG 18 CONSULTATION ON NEW, REVISED AND SMALL SITES AND DRAFT STATEMENT OF CONSULTATION

The report presented proposals for a consultation on new, revised and small sites, which had been submitted for the Greater Norwich Local Plan (GNLP), as well as a first draft of the Statement of Consultation for the GNLP.

The first draft of the Statement of Consultation provided a detailed summary of around 3,000 responses to a consultation between January and March 2018. During the consultation over 200 new sites were put forward for potential allocation in the GNLP. These sites would now be consulted on between 29 October and 14 December 2018.

The Greater Norwich Development Partnership Board had recommended that the Greater Norwich authorities note the content of the Statement of Consultation and agreed the content of the proposed consultation on new, revised and small sites.

Members were advised that the Greater Norwich authorities had a duty to consider any reasonable alternative site submitted up to the conclusion of the Regulation 18 stage, which should be by September/October 2019.

RECOMMENDED TO CABINET

Options (1 and 2)

- (1) to accept the Greater Norwich Development Partnership recommendation to note the initial part of the draft Statement of Consultation on the Greater Norwich Local Plan;
- (2) to accept the Greater Norwich Development Partnership recommendation to agree the content of the proposed consultation on new, revised and small sites.

60 DOG FOULING PUBLIC SPACES PROTECTION ORDER

The report proposed implementing new legislation in respect of dog fouling, which would cover more areas of the district than existing legislation, as well as increasing the level of fixed penalty notice that could be issued to an offender.

Broadland currently used the Dogs (Fouling of Land) Act 1996 to issue owners with a fixed penalty notice of £50, if they failed to clear up after their dog. If taken to Court they could also face a maximum fine of £1,000. However, the legislation contained a number of exemptions for certain types of land (marshland, moorland, heathland, woodland, common land and roads above 40 mph speed restriction), which had prevented action being taken in the past against irresponsible owners in these areas.

It was, therefore, proposed to introduce a Public Spaces Protection Order (PSPO) under the Anti-Social Behaviour Crime and Policing Act 2014. This would then apply to the whole of the district and the level of fine that could be issued would also double from £50 to £100.

In response to a query, Members were advised that if bags containing dogs mess were discarded inappropriately it would become a littering offence and subject to an £80 fine.

RECOMMENDED TO CABINET

Option (1)

to agree to the implementation of a Public Spaces Protection Order to control dog fouling across the district, and to amend the Constitution to delegate enforcement powers to officers.

61 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

to exclude the Press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 would be disclosed to them.

62 GROUNDS MAINTENANCE CONTRACT

The report recommended that a procurement exercise be commenced for the Council's Grounds Maintenance Contract from November 2019 to November 2021.

Following work carried out to look at the future delivery of the service and the legal advice received, it was recommended that a procurement exercise be commenced for the grounds maintenance service and a contract awarded from November 2019 to November 2021, with up to two years extension.

RECOMMENDED TO CABINET

Option (1)

to approve commencement of a grounds maintenance contract for a 2+2 years contract commencing on 3 November 2019.

The meeting closed at 12.26 pm

Minutes of a meeting of the **Cabinet** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 25 September 2018** at **9.00am** when there were present:

Mr S A Vincent – Policy (Chairman)

Portfolio holders:

Mrs J K Copplestone	Economic Development
Mr J F Fisher	Environmental Excellence
Mr R R Foulger	Housing and Wellbeing
Mrs T M Mancini-Boyle	Finance
Mr I N Moncur	Planning
Mr G Peck	Transformation and Organisational Development

Mrs Bannock also attended the meeting for its duration.

Also in attendance were the Chief Executive, Deputy Chief Executive, Head of Planning, Economic Development Manager, Private Sector Housing Manager, Environmental Protection Manager (Special Projects), Housing Enabler and the Committee Officer (JO).

36 MINUTES

The Minutes of the meeting held on 28 August 2018 were confirmed as a correct record and signed by the Chairman.

37 REPRESENTATIONS FROM NON CABINET MEMBERS

The Chairman agreed that, at his discretion, all non-Cabinet Members in attendance be allowed to join the debate at the relevant point of the proceedings on request.

38 OVERVIEW AND SCRUTINY COMMITTEE

Cabinet received the Minutes of the meeting of the Overview and Scrutiny Committee held on 11 September 2018.

39 SERVICE IMPROVEMENT AND EFFICIENCY COMMITTEE

Cabinet received the Minutes of the meeting of the Service Improvement and Efficiency Committee held on 10 September 2018.

40 COMMUNITY GRANTS PROGRAMME REVIEW 2017/18

The report reviewed the operation of the Community Grants Programme in 2017/18 and proposed options for the future implementation of the programme.

The Economic Development Manager drew Members' attention to two errors in the report; a £5,000 grant for Reedham Parish Council in Appendix 2 was incorrectly listed twice. This reduced the number of Community Capital Grants for 2017/18, as detailed in paragraph 3.6, to four at a cost of £15,700.

Since October 2017, the Norfolk Community Foundation (NCF) had delivered the Council grants scheme very effectively. However, it was not proposed that this funding would be added to and it was envisaged that by the end of March 2019 these funds would be mostly allocated to projects. Currently balances being held by the NCF for Community Activities and Small Grants was £37,375 and £27,003 for Community Capital Grants. It was proposed that the scheme remained 'live' with the NCF until all the budgets were spent. Other Service Level Delivery Agreements would continue to be funded, but from different sources.

At South Norfolk Council a scheme operated that allowed Members £1,000 each to allocate to community projects within their Wards. Members had suggested that a similar scheme could be adopted at Broadland. Should Members wish to proceed with a scheme similar to the South Norfolk scheme, a growth bid would be included in the budgets for the 2019/20 financial year. It was proposed that initially the scheme could start with a sum of £500 per annum per Member, which would require a growth bid to the base budget of £23,500. If approved, guidelines and criteria for the scheme would be drawn up for consideration and development through the Economic Success Panel.

It was emphasised that although joint working would be done with South Norfolk, the scheme would be shaped to the requirements of Broadland and its residents.

The scheme would be administered by the Community Project Officer who would ensure that Members received support in promoting community engagement work in their Wards.

RECOMMENDED TO COUNCIL

- (1) to note the performance of the Community Grants Programme in 2017/18;
- (2) to allow the NCF to continue to operate a 'live' Community Grants programme until the current budgets were exhausted (likely to be some time in 2019/20);
- (3) to bid for base budget growth of £23,500 to fund a Members' grants scheme to be implemented from June 2019;
- (4) Subject to (3) above, to work in collaboration with South Norfolk Council to provide guidelines and criteria for a Members' grants scheme which would be overseen by the Communications and Engagement Manager.

Reasons for decision

To establish a Members' Grant scheme.

41 ESTABLISHMENT OF A GROWTH DELIVERY TEAM

The report proposed the establishment of a permanent, dedicated Growth Delivery Team consisting of three officers to work with existing teams, partners and consultants to accelerate and promote quality development in the delivery of strategic sites and add value to the new and existing communities in Broadland and South Norfolk.

Local authorities were now seen as key players in housing delivery and could be rewarded for being proactive with funding opportunities and Government support, whereas less ambitious authorities could face a potential reduction in their regulatory leverage.

The delivery of new jobs was also important for both councils and three of the strategic sites, which would be the initial focus of the Growth Delivery Team, (Rackheath, Long Stratton and Beeston Park) included a significant amount of employment land. An economic development function would, therefore, be an integral part of the team's role and purpose. Other work streams could be passed on to the team as it became established.

A further core function of the team would be to secure funding and/or deliver crucial upfront infrastructure costs to support delivery of strategic sites.

The estimated cost of the team was £150,000 – £200,000, with a consultancy budget of £100,000 per annum; with the cost split initially at 55 percent South Norfolk and 45 percent Broadland.

A bid of £150,000 to the Norfolk Business Rates Pool had been submitted to help fund the first year and the Growth Delivery Team should help to bring in additional income to both councils, which could offset the costs in the longer term.

Members requested that they receive six monthly updates on the activities of the team.

In response to a suggestion, the Head of Planning confirmed that a knowledge of both planning and economic development would be a prerequisite for the team.

RESOLVED

to

- (1) agree to the establishment of the Growth Delivery Team and the appointment of the three new posts; and
- (2) delegate authority to the respective Chief Executives to agree any interim reporting arrangements; and
- (3) to note that in agreeing these arrangements the Chief Executive had consulted the Leader.

Reasons for decision

To accelerate growth in homes and employment in the district.

42 HOUSES IN MULTIPLE OCCUPATION LICENSING

The report proposed the adoption of amenity and facility standards for licenced houses in multiple occupation (HMO) in order to meet the Council's statutory duty to licence all HMOs, with five or more people residing in the property, from 1 October 2018.

Broadland District Council currently had one HMO that required a Licence, but the amendment to the definition of an HMO could increase this number to 50.

To ensure consistency the Private Sector Housing Team had developed standards in respect of room sizes, occupancy levels, fire safety, amenities, facilities, refuse arrangements and the management of a HMO.

The standards had been consulted upon with the National Landlords Association, the Eastern Landlords' Association and the Fire Authority and had been amended to reflect their comments. Neighbouring local authorities' standards had also been considered to ensure consistency across district boundaries.

A programme of communication to alert landlords of their responsibility to request an application should their property fit the new requirement would be initiated and licensing would commence from 1 October 2018.

The new licensing procedure would significantly increase the workload of the Private Sector Housing Team, which was currently reduced due to the long-term sickness of an Environmental Health Officer. Therefore, a recruitment procedure had been initiated to appoint an Environmental Health Officer on a one year contract.

In response to a query, the Private Sector Housing Manager confirmed that a proportionate approach would be taken to enforcement, which would ensure that landlords were given an appropriate period of time to apply for a licence before any action was taken against them.

RECOMMENDED TO COUNCIL

to adopt the standards detailed in 'Amenity and facility standards for Licensed Houses in Multiple Occupation' (attached at Appendix 1 to these Minutes) as part of the Council's House in Multiple Occupancy licensing procedure.

Reasons for decision

To provide a consistent approach to the standards required to obtain a licence for Houses in Multiple Occupation in the district.

43 TREASURY MANAGEMENT PERFORMANCE FOR 2017/18

The report summarised treasury management activity during 2017/18, including the outturn of the Prudential Indicators for the year.

The Council's investments as at 31 March 2018 were as follows:

Counterparty	£(m)	Interest Rates
Investec	10.34	Return varies, dependent on the performance of the underlying fund
Payden & Rygel	3.13	
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Instant access deposits with banks	7.30	0.35% to 0.40%
Total	32.76	

The Council's Investec funds were invested with an 80:20 split between Short Dated Bonds and Target Dated Funds, however, due to poor performance, the Short Dated Bond had been closed and moved to a Diversified Income Fund.

The Council also had an investment of £1m with the Public Sector Deposit Fund, but would be moving this investment back to bank deposits shortly. These, as well as some other movements from external funds, should increase the investment income of the Council. The situation would be monitored and reviewed regularly.

Actual capital expenditure during the year was £1,181,660, against a revised budget of £2,143,200. The main reason for the reduced total capital expenditure compared to base budget was a zero-spend against a budget of £560,000 for contributions to a Norfolk countywide Broadband improvement initiative.

The Portfolio Holder for Economic Development advised the meeting that the Broadband Improvement Initiative was match funded and this money would be required eventually.

The report confirmed that the Prudential Indicators set for 2017/18 had been complied with in full and that none had reached a level that indicated any cause for concern.

Treasury advisors had submitted options for the Council's investments, which were included as exempt appendices for information only.

RESOLVED

to note the outcome in respect of 2017/18 treasury management activities.

Reasons for decision

The report was a factual account.

44 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

to exclude the Press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 would be disclosed to them.

45 LAND AT SALHOUSE ROAD, PANXWORTH

The report set out the potential options for the use or disposal of Council owned land at Salhouse Road, Panxworth.

The land at Salhouse Road was a small green field site of 0.34ha that had been in local authority ownership since 1956. The parish was classified as countryside within the Joint Core Strategy and as such had no settlement limit. The site was removed from any larger settlement and some distance from services and therefore would be deemed unsustainable.

Analysis of the current housing list data was unable to demonstrate an established local housing need within the parish and therefore it could not be considered an exceptions site for the delivery of affordable housing. Moreover, Norfolk County Highways had concerns over site access and would be likely to object to any proposed development above three dwellings at the site.

The Council also had a five year housing land supply in rural parishes, which would make it unlikely that an application for open market or custom build housing would be supported. Only very significant material considerations could outweigh planning policy in this case, such as an exceptional design development.

Members recognised that affordable housing was not a viable proposition for the site, but suggested that it could be developed for market housing by Broadland Growth Ltd, if it was of exceptional design, which would maximise the return on this asset for the Council.

RESOLVED

to request that Broadland Growth Ltd explore developing the site to an exceptional design standard for up to three dwellings.

Reasons for decision

To maximise the value of a Council asset.

46 FOOTWAY LIGHTING PROVISION

The report considered the Council's options in respect of footway lighting provision in the district.

The Council had taken legal advice from more than one source regarding its future responsibility for footway lighting and it had been confirmed that a Section 98 (5) Highways Act 1980 Notice could be served on the County Council confirming that Broadland wished to relinquish its responsibility as a lighting authority.

A requirement of the Section 98 (5) Highways Act was that the Council must give Notice within the first nine months of the calendar year, therefore the Notice would need to come into effect before 30 September 2018. If Members agreed to the proposal it would be necessary to make the decision not subject to the 'call in' period to meet this deadline.

RECOMMENDED TO COUNCIL

to endorse the following decision:

- (1) to agree to serve a Section 98 (5) Highways Act 1980 Notice on the Highways Authority (NCC) by 30 September 2018 with the intention to cease responsibility for lighting provision from 1 April 2019, including any new lighting installed in the future; and
- (2) to agree that the decision is not subject to the normal call in period due to the requirement to serve the Notice within the first nine months of the calendar year; and
- (3) if the service of the notice is ineffective, to give approval to extend the current lighting contract for six months to allow for the procurement process.

Reasons for decision

To relinquish the Council's responsibility as a Lighting Authority.

The meeting closed at 9.57am.

DRAFT



Licensing

Amenity and Facility Standards for Licensed Houses in Multiple Occupation



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Introduction

These Standards have been produced by Broadland District Council for Houses in Multiple Occupation (HMO's) which require a licence. It has been written to assist owners, agents and occupiers in relation to the licence application procedure and standards they should expect in such accommodation.

What is an HMO?

A house is a 'House in Multiple Occupation', (HMO), if both of the following apply:

- at least **3 tenants** live there, **forming more than 1 household**; and
- facilities such as a toilet, bathroom or kitchen are shared with other tenants.

A **household** is either a single person or members of the same family who live together. A family includes people who are:

- married or living together - including people in same-sex relationships
- relatives or half-relatives, for example grandparents, aunts, uncles, siblings
- step-parents and step-children.

This includes shared houses and bedsits. An HMO is also a building which has one, or more, non-self-contained units. A non-self-contained unit is where one, or more, of the facilities is not within the occupants room. This applies even if the facility is for exclusive use of the occupant.

An HMO is also a building that has been converted into self-contained flats and less than two-thirds are owner occupied and the conversion does not meet the appropriate Building Regulations.

If the property was converted prior to June 1992, it must meet the 1991 Building Regulations. The property is not an HMO unless it meets the 1991 Building Regulations.

The Licensing requirement:

From 1st October 2018 mandatory licensing will no longer be limited to certain HMO's that are three or more storeys high, but will also include buildings with one or two storeys.

Mandatory licensing of large HMO's, (i.e. those 3 storeys high with at least 5 tenants), came into force in 2006. However, in April 2018 the Government extended the scope of mandatory HMO Licensing by removing the 3-storey rule. **The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018** came into force on 1st April 2018.

This means that a licence is required where HMO's are occupied by **five persons or more forming more than one household, regardless of the number of storeys.**

A licence is also required for any purpose-built flats where there are up to two flats in the block and one or both are occupied as an HMO, including flats above or below shops and other businesses.

A six-month grace period, from April 2018, was given for landlords to comply. A landlord of an HMO subject to the new licensing regime may not be prosecuted for not licensing the property within that period and no rent repayment order may be made in respect of such an HMO. However, during the first phase it is expected landlords will apply for a licence. At the end of the six month grace period landlords who have still not applied for a licence may be prosecuted and can be subject to rent repayment orders being made against them.

Why is licensing needed?

The Government values the private rented sector. It is an important part of our housing market, housing 4.3 million households in England. HMO's form a vital part of the sector, providing often cheaper accommodation for people whose housing options are limited. Some of the occupiers of HMO's are the most vulnerable people in our society.

It is estimated that there are about 500,000 HMO's in England. Many are managed to good standards by reputable landlords, but unfortunately this is not always the case.

The Government wishes to remove that uncertainty by creating a level playing field between landlords, so the rogues cease to be able to operate substandard accommodation for maximum profit. This will help ensure HMO's are not overcrowded and do not pose risks to the health or safety of occupiers or blight the local communities in which they are located.

The objective is to support good private landlords who provide decent well-maintained homes and avoid unnecessary regulation on them

Legal standards in HMO's

The Housing Act 2004 and associated regulations state the minimum standards in HMO's. This document will explain the legal requirements and provide the minimum standards for HMO's adopted by Broadland District Council.

Management Regulations:

All HMO's are subject to the Management Regulations irrespective of their licensable status. Please see attached link;

<http://www.legislation.gov.uk/ukxi/2006/372/contents/made>

What HMO's does this guide cover?

These Standards are for all HMOs covered by the Licensing scheme.

Further guidance is available in the following document;

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15652/HMO_Lic_landlords_guide.pdf



These standards should be used as a guide only; the actual provisions required will be dependent on a risk assessment undertaken by a Council Officer. It does not provide an authoritative interpretation of the law; only the courts can do that.

Sleeping Accommodation - Minimum Room Sizes:

There are mandatory conditions in licences to regulate the size and use of rooms used as sleeping accommodation. The minimum sleeping room sizes are:

- A usable floor area* of **6.51m² – one adult (over 10 years of age)**
- A usable floor area of **10.22m² – two adults (over 10 years of age)**
- A usable floor area of between **4.64m² and 6.5m²** maybe occupied by **a child under the age of ten only if the room is let / occupied in connection with the letting / occupation of a room with a useable floor area of at least 6.51m² to a parent or guardian of the child.**

* usable floor area of a room is where the distance between the lowest part of the floor and the ceiling measures at least **1.5m, (5ft)**. Any area less than 1.5m is to be disregarded.

The minimum room size is simply a standard below which a room cannot be used as sleeping accommodation. It is not intended to be the norm or the lowest common denominator.

A room of less than 6.51m² cannot be occupied as sleeping accommodation by any person aged 10 or over.

Any room less than 4.64 m² may not be used as sleeping accommodation.

Communal space in other parts of the HMO cannot be used to compensate for rooms smaller than the prescribed minimum.

The minimum room sizes reflect those in section 326 of the Housing Act 1985 which is concerned with overcrowding in residential accommodation in England.

Licenses will be granted with a condition stating the maximum number of persons, (adults and children under 10), who may occupy the specified rooms as sleeping accommodation. Any room not specified as suitable for sleeping accommodation is prohibited from use as sleeping accommodation.

Temporary visitors are excluded from the regulations.

Hostels and charities providing temporary accommodation are also excluded from the minimum room size condition.

Transitional arrangements:

No person sleeping in accommodation which was adequate for them to do so at the time of letting, but then becomes by reason of the regulations no longer suitable should be immediately evicted.

Where licensed HMO's do not immediately comply with the maximum occupancy mandatory condition, a reasonable time period, **up to a maximum of 18 months**

from the grant of a licence, will be permitted to enable landlords to regulate the number of occupiers permitted under the licence.

During this period, provided the landlord takes steps to reduce the number of occupiers which exceed the permitted number, no offence of breaching the condition will be committed.

In the event of a pregnant woman living in a single occupancy room and the arrival of the child causing the room to become overcrowded, potential remedies could include securing alternative accommodation in the HMO or elsewhere. Alternatively, and if practicable, the overcrowding might be remedied by the enlargement of the room or the provision of an additional room (of not less than 4.64m²) for use as sleeping accommodation by the child.

However, the offence of breaching the licence condition will be committed if the accommodation becomes deliberately overcrowded after the regulation came into force, e.g. if a tenant moved their partner into a room which was only suitable for one person and the landlord did not take all reasonable action to address the breach.

What are the sanctions for breaching minimum room sizes?

A licence holder commits an offence if, without reasonable excuse, the licence holder breaches the licence by:

- Knowingly permitting the HMO to be occupied by more persons or households than is authorised by the licence; and
- Failing to comply with a condition of the licence such as a prohibition against occupation as sleeping accommodation.

If convicted of such an offence the licence holder is liable to an unlimited fine. A financial penalty of up to £30,000 may be imposed as an alternative to prosecution.



Space Standards:

Legal requirements:

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require kitchens, bathrooms and WC's to be of adequate size, as set by this guide.

Broadland District Council has adopted the following minimum space standards:

HMO's where occupiers share kitchen facilities:

Follow the table from left to right to work out the space requirements in your HMO.

Total number of people in HMO	Minimum kitchen size	1 to 2 storey HMO minimum living space	3+ storey HMO minimum living / dining space
3-5 people	7m ²	11 m ² separate living room; or 18 m ² combined kitchen / living room	Either: 11 m ² separate living room within 1 floor distance of kitchen; or 13 m ² kitchen/diner and 11 m ² living room elsewhere; or 18 m ² combined kitchen/living/dining room.
6-10 people	10 m ²	14 m ² separate living room; or 24 m ² combined kitchen / living room	Either: 14m ² separate living room within 1 floor distance of kitchen; or 16m ² kitchen/diner and 14m ² living room elsewhere; or 24m ² combined kitchen/living/dining room.
<ul style="list-style-type: none"> The minimum kitchen area must be provided in all cases. A living room will be accepted as a dining room and vice versa, provided the minimum space requirements are fulfilled. 			

HMO's with kitchen facilities for the exclusive use of occupants (Bedsits):

1. A bedsit is typically where sleeping, living and cooking amenities are provided for exclusive use by occupants within a single unit of accommodation, (i.e. one room), but where an amenity, i.e. a toilet, personal washing facilities or cooking facilities, are shared with the occupants of other bedsits in the same building.
2. A bedsit can be occupied by a maximum of two persons.
3. Room sizes:
 - 1 person bedroom/sitting room/kitchen: minimum of 13m²
 - 2 person bedroom/sitting room/kitchen: minimum of 20m²

1 or 2 person self-contained flats contained within a licensable HMO:

1. A self-contained flat is typically where all basic amenities are available for the exclusive use of its occupants and no amenities are shared with the occupants of other accommodation in the same building.
2. The bedrooms in self-contained flats must meet the minimum sizes of 6.51m² for one occupant and 10.22m² for two occupants.
3. The kitchen must be of adequate size and layout.

(N.B. If the kitchen is within the same room as the bedroom the minimum room sizes detailed for bedsits above must be met, i.e. 1 person bedroom/sitting room/kitchen: minimum of 14m² and 2 person bedroom/sitting room/kitchen: 18m²).

Notes:

The measured space in any room must be 'usable space'. The room should be able to accommodate the required amount of appropriate furniture easily and still allow space for movement about the room.

Any floor space that has a ceiling height of less than 1.5m (5ft) shall be disregarded for the purpose of measuring the total space in the room.

Heating:

1. Each unit of living accommodation in an HMO must be equipped with adequate means of space heating, capable of maintaining temperatures of 21°C in living rooms and 18°C in bathrooms when the outside temperature is -1°C.

The fixed space-heating appliance may be an adequate central heating system with thermostatic radiator valves (TRVs), or a fixed, hardwired electrical appliance.

Each occupant should be provided with controls to allow them to regulate the temperature and timing settings within their unit of accommodation.

Personal washing facilities:

Legal requirements:

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 set standards for washing facilities as below:

1. Bath/showers shall be provided in the ratio of at least one to every five persons sharing.
2. The bathrooms or shower rooms shall be readily accessible and normally not more than one floor away from the user. Shared facilities shall be accessible from a communal area. Facilities must be inside the building.
3. Bathrooms and shower rooms must be of adequate size and be laid out in such a way as to enable persons to undress, dry and dress themselves in a safe manner.
4. Each bath, shower and wash hand basin shall be provided a continuous and adequate supply of hot and cold running water, designed to ensure reasonable temperature control.
5. Bathrooms and shower rooms must have adequate lighting, heating and ventilation.
6. All baths, toilets and wash hand basins must be fit for the purpose.

To meet the above requirements of adequate size, layout, and fit for purpose, Broadland District Council has adopted the following minimum standards:

1. An efficient and safe fixed space-heating appliance must be provided in the bathroom / personal washing room that can maintain a minimum temperature of 18°C when the outside temperature is -1°C.
The fixed space-heating appliance may be an adequate central heating system with thermostatic radiator valves (TRVs) or a fixed electrical appliance. The heating must be under the control of the occupiers for timings and temperature settings.
2. Bathrooms must have mechanical ventilation to the outside air at a minimum extraction rate of 15 litres/second in addition to any window(s). The system is to be either coupled to the light switch and incorporate a suitable over-run period, or an appropriately set humidistat. This is in addition to any windows.

3. A tiled splash-back shall be provided to all baths and wash hand basins. Shower cubicles shall have fully tiled walls and be provided with a suitable water-resistant curtain or door to the cubicle. Bathrooms and shower rooms shall have smooth, impervious wall and ceiling surfaces, which can be easily cleaned. The flooring should be capable of being easily cleaned and slip-resistant.

4. The following minimum dimensions shall apply:

Item	Dimension
Wash hand basin	500mm X 400mm
Splashback	300mm high
Bath	1700mm X 700mm
Shower	800 X 800mm

5. Bathrooms and shower rooms must be constructed to ensure privacy

Sanitary Conveniences (toilet facilities):

Legal requirements:

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 set standards for sanitary conveniences.

1. Where there are four or fewer occupiers sharing facilities, there must be one toilet which may be situated in the bathroom.
2. Where there are five or more occupiers there must be one separate toilet with wash hand basin with appropriate splash back for every five sharing occupiers.
3. Toilets are to be provided in bathrooms or separate compartments of an adequate size and layout. The rooms shall have smooth, impervious wall and ceiling surfaces, which can be easily cleaned. The flooring should be capable of being easily cleaned and slip-resistant.
4. Toilets shall be readily accessible and normally not more than one floor away from the user. Shared facilities shall be accessible from a communal area. Facilities must be inside the building.
5. A toilet provided in a separate compartment must have a wash hand basin with an appropriate splash-back.

To meet the above requirements for sanitary conveniences, Broadland District Council has adopted the following minimum standards:

1. Separate toilet compartments should be a minimum dimension of 1300mm x 900mm with 750mm in front of the toilet.
2. Each toilet in a separate compartment is required to have a window equivalent to 1/20th of the floor area or mechanical ventilation to the outside air at a minimum extraction rate of six litres/second.
3. An efficient and safe fixed space-heating appliance that can maintain each room at a minimum temperature of 18°C when the outside temperature is – 1°C must be provided. The fixed space-heating appliance may be an adequate central heating system with thermostatic radiator valves (TRVs), or a fixed, hardwired electrical appliance. The heating must be under the control of the occupiers for timings and temperature settings.

4. A wash hand basin must be provided in the same compartment as the toilet.
5. Compartments must be constructed to ensure privacy.

Sharing ratios for bathrooms & sanitary conveniences:

Legal requirements:

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 set standards for the number of bathrooms/showers and toilet facilities in HMOs.

1. Where there are four or fewer occupiers sharing facilities, there must be one bathroom with fixed bath or shower and a toilet (which may be situated in the bathroom).
2. Where there are five or more occupiers sharing facilities, there must be:
 - One separate toilet with wash hand basin for every five sharing occupiers.
 - One bathroom (which may contain a toilet) with a fixed bath or shower for every five sharing occupiers.

The information below explains this requirement in more detail:

Number of people (irrespective of age)	Facilities required (If a child under 10 lives at the property, a bath must be provided)
1 – 4 people	The minimum provision is 1 bathroom containing toilet, bath or shower and wash hand basin. The bathroom and toilet may be in the same room.
5 people	The minimum provision is 1 bathroom with a bath or shower and 1 separate toilet with wash hand basin. The separate toilet may be located in a second bathroom.
6 - 10 people	The minimum provision is: <ul style="list-style-type: none"> • 2 bathrooms containing a bath or shower • 2 toilets with wash hand basins, one of which must be in a separate room.

11 – 15 people	<p>The minimum provision is:</p> <ul style="list-style-type: none"> • 3 bathrooms containing a bath or shower • 3 toilets with wash hand basins, one of which must be in a separate room.
Bedrooms with en-suites	<p>Where a room is provided with a complete en-suite facility (bath/shower, toilet and wash hand basin) for the exclusive use of that occupant then that occupant will be disregarded when considering the provision of sanitary facilities.</p> <p>Six occupants and one occupant had exclusive use of a fully equipped en-suite. The requirement for the remaining occupants would be for five people.</p> <p>If, however, the en-suite only provides one facility (either a bath/shower or a WC) then the occupant will not be disregarded for the missing amenity.</p>

Facilities for the storage, preparation & cooking of food:

Shared kitchens:

Legal requirement:

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require:

1. A kitchen suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities to adequately enable those sharing the facilities to store, prepare and cook food.
2. The kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities:
 - (i) sinks with draining boards;
 - (ii) an adequate supply of cold and constant hot water to each sink supplied;
 - (iii) installations or equipment for the cooking of food;
 - (iv) electrical sockets;
 - (v) worktops for the preparation of food;
 - (vi) cupboards for the storage of food or kitchen and cooking utensils;
 - (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
 - (viii) appropriate refuse disposal facilities; and
 - (ix) appropriate extractor fans, fire blankets and fire doors.

To meet the above requirements, Broadland District Council has adopted the following minimum standards:

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1. Location:

- The kitchen must be contained in the main building and located not more than one floor distant from the bedrooms. If this is not practicable in HMOs of not more than three storeys and not more than 10 persons, communal kitchens may be provided up to two floors distant from some bedrooms.
- All kitchen facilities must be available for use 24 hours a day.

2. Layout:

- The kitchen layout must be safe, convenient and allow good hygienic practices.
- Cookers should be located away from doorways and have enough floor space for items to be safely retrieved from the oven.
- It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each.
- If two sets of facilities are provided the layout must allow them to be used safely at the same time.

Examples of approved and poor layout

This layout is not suitable as neither the cooker nor the sink can be practically or safely used.



This layout meets the minimum requirements as there is adequate worktop to both sides of the cooker and suitably located extraction.



The cooker is in an unsafe location due to its proximity to the door.



This cooker location meets the minimum requirements for a suitably sited cooker with sufficient worktop to both sides of it.

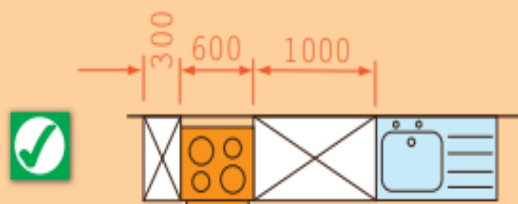


Examples of approved and poor layout



Good practice

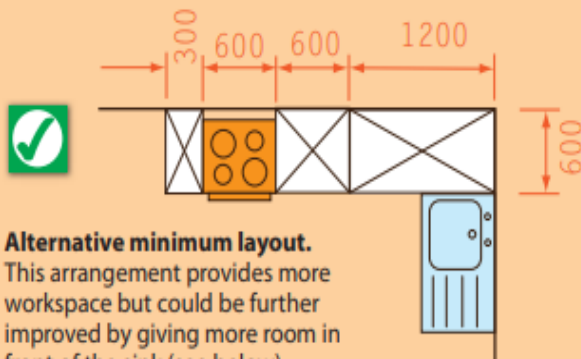
A satisfactory kitchen must be safe, convenient and must allow good hygiene practices. It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each. Worktops must be secure, level and impervious and must be of adequate size. Adjacent walls require splash-backs and power points must be suitably located.



This is the minimum provision for a kitchen.

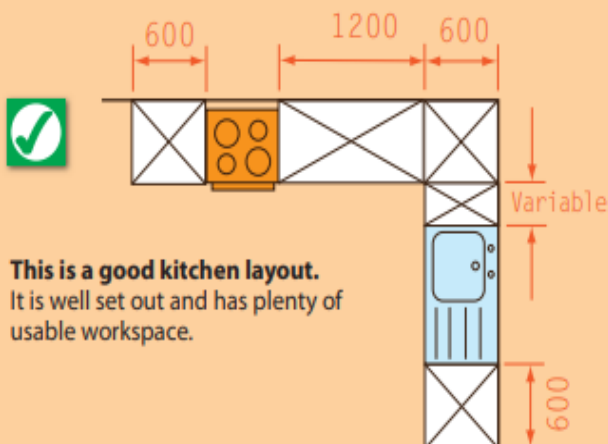
It incorporates worktop on both sides of the cooker and working space both sides of the sinkbowl.

Note 300mm is a minimum width and should be made wider where possible.



Alternative minimum layout.

This arrangement provides more workspace but could be further improved by giving more room in front of the sink (see below).



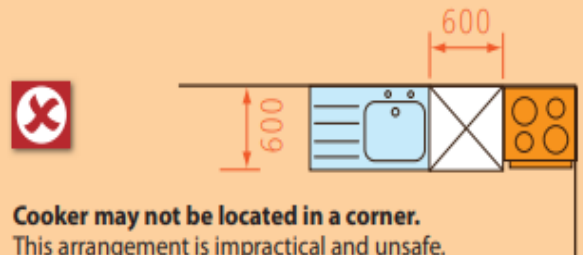
This is a good kitchen layout.

It is well set out and has plenty of usable workspace.



Unacceptable

Cookers cannot be safely used if they are located in corners, do not have adequate worktop on both sides or are too close to sinks. Sinks require space to put dirty utensils on one side and clean on the other.



Cooker may not be located in a corner.

This arrangement is impractical and unsafe.



The sink bowl must not be located in a corner.

This is an impractical arrangement and because there is no worktop next to the bowl and it is impossible to separate clean and dirty utensils, it also creates a hygiene hazard.



Neither cooker nor sink can be practically or safely used with this arrangement.



The cooker is free-standing and improperly located in relation to the sink. Both the cooker and sink also lack worktops.

This arrangement is impractical and unsafe. Adding worktops will still not give a practical and safe kitchen.

3. Size:

- For three to five residents, kitchens shall have a usable floor area of at least 7m².
- For six to ten residents, kitchens shall have a usable floor area of at least 10m².
- The width of the kitchen must be at least 1.8m to allow safe movement of occupants.

4. Quantity of equipment:

- A complete set of kitchen facilities must be provided for every five persons as in the table below.
- No more than two sets of facilities shall be provided in any one kitchen.

Number of people (irrespective of age)	Minimum provision of kitchen facilities
3 – 5 people	<p>A complete set of kitchen facilities consisting of the following:</p> <p>Sink: A stainless steel sink, integral drainer and a tiled splash-back, on a base unit. The sink must have constant supplies of hot and cold running water and be properly connected to the drains. The cold water must come directly from the rising water main. It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each.</p> <p>Cooker: A gas or electric cooker with four ring burners, oven and grill, that are capable of simultaneous use. The cooker is to be located away from doorways with a minimum of 300mm worktop to both sides.</p> <p>Electrical sockets: At least three double 13amp electrical power points (in addition to those used for fixed appliances, such as washing machines).</p> <p>Worktop: A kitchen worktop that is level, secure and impervious. The minimum dimensions are 1000mm length and 600mm width.</p> <p>Storage: A food storage cupboard for each occupant that is at least one 500mm wide base unit or a 1000mm wide wall unit. This may be provided within each occupant's room. (The space in the unit beneath the sink and drainer is not allowable for food storage).</p> <p>Fridge/Freezer: A refrigerator with a minimum capacity of 130 litres plus a freezer with a minimum capacity of 60 litres. If not in the kitchen the fridge/freezer must be freely accessible and adjoining the kitchen.</p>

	<p>Refuse disposal: Appropriate refuse disposal facilities must be provided.</p> <p>Ventilation: Mechanical ventilation to the outside air, in accordance with current Building Regulations. This is in addition to any windows.</p> <p>Fire precautions: Please see fire safety section.</p>
6 – 7 people	<p>Two complete sets of kitchen facilities as above with a 1500mm x 600mm work surface. However;</p> <ul style="list-style-type: none"> • a combination microwave is acceptable as a second cooker • a dishwasher is acceptable as a second sink.
8 – 10 people	<p>Two complete sets of kitchen facilities as above with a 2000mm x 600mm work surface.</p>
11 – 12 people	<p>At least two separate kitchens containing three complete sets of kitchen facilities as above, each kitchen with 2500mm x 600mm of work surface. However;</p> <ul style="list-style-type: none"> • a combination microwave will be acceptable as a third cooker • a dishwasher will be acceptable as a third sink • Two x 130 litre refrigerators with an additional 20 litres capacity of refrigerator space per person over 10 • Two x 60 litre freezer space with an additional 10 litres capacity of freezer space per person over 10.
13 – 15 people	<p>At least two separate kitchens containing three complete sets of kitchen facilities as above, each kitchen with 5000mm x 600mm of work surface.</p>

Kitchens for exclusive use:

Bedsits:

A bedsit is typically where sleeping, living and cooking amenities are provided for exclusive use by occupants within a single unit of accommodation (i.e. one room), but where an amenity, i.e. a toilet, personal washing facilities or cooking facilities, are shared with the occupants of other bedsits in the same building.

Legal requirements:

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 requires rooms without shared amenities to be provided with adequate equipment.

To achieve compliance with the above requirements for adequate size, layout and equipment, Broadland District Council has adopted the following minimum standards:

1. **Cooking:** A gas or electric cooker with a minimum two-ring hob, oven and grill.
2. **Storage:** A 130 litre refrigerator with freezer compartment plus at least one food storage cupboard for each occupant in the bedsit (base units shall be 500mm wide and wall units shall be 1000mm wide). The sink base unit cannot be used for food storage.
3. **Preparation:** Worktop of at least 500mm deep and 1000mm long, comprising a minimum of 300mm both sides of the cooking appliance to enable utensils and pans to be placed down. All worktops must be securely supported, impervious and easy to clean.
4. **Electricity:** Two double 13 amp power sockets suitably positioned at worktop height for use by portable appliances, in addition to sockets used by fixed kitchen appliances, plus two double sockets located elsewhere within the bedsit.
5. **Washing:** A stainless steel sink and integral drainer set on a base unit with constant supplies of hot and cold running water. The sink shall be properly connected to the drainage system. The cold water shall be direct from the mains supply. A tiled splash-back shall be provided behind the sink and drainer.
6. **Ventilation:** Mechanical ventilation to the outside air at a minimum extraction rate of 60 litres/second or 30 litres/second if the fan is sited within 300mm of the centre of the hob. This is in addition to any windows.
7. **Layout:** The same principles of safe layout and design apply in bedsits as for shared kitchens. Cookers must not be located near doorways to avoid collisions.

Notes:

1. Where a gas appliance is provided within a unit of accommodation, a carbon monoxide detector should also be provided.
2. Proprietary micro-style kitchenettes incorporating the above features may be suitable in certain situations, following consultation with a case officer.

Fire Safety:

Legal requirement:

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require appropriate fire precaution facilities and equipment to be provided of such type, number and location as considered necessary.

The Regulatory Reform (Fire Safety) Order 2005 requires all HMOs to have a sufficient risk assessment with regard to fire.

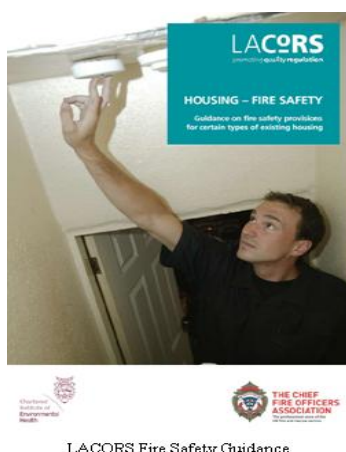
The Management Regulations require firefighting equipment and fire alarms to be maintained in good working order.

Norfolk Fire and Rescue Service enforce fire safety Regulations in communal, (shared), parts of an HMO such as shared kitchens, living rooms, hallways, stairways, etc. Broadland District Council will liaise and work with Norfolk Fire and Rescue Service whenever appropriate to obtain specialist advice and guidance.

Broadland District Council requirements:

Broadland District Council will undertake the inspection of HMO's and determine whether adequate fire precaution facilities and equipment are in place. A joint inspection may be undertaken with Norfolk Fire and Rescue Service where appropriate.

National Guidance on fire safety provisions for certain types of existing housing, published by LACORS, Housing – July 2008 (ISBN978-1-84049-638-3) will be used in the decision making process. Specialist advice may also be sought from Norfolk Fire and Rescue Service in relation to property specific requirements.



This document contains advice for landlords and fire safety enforcement officers in both local housing authorities and fire and rescue authorities on how to ensure adequate fire safety. Please use attached link to the document;

<https://www.rla.org.uk/docs/LACORSFSguideApril62009.PDF>

The information below is summarised from the Fire Safety Guidance document and provided to help landlords understand their responsibilities and the fire safety precautions judged necessary for HMOs.

1. Fire Risk Assessment:

A Fire Risk Assessment is required. A Fire Risk Assessment is an organised and methodical look at the premises, the activities carried on there and the likelihood that a fire could start and cause harm to those in and around the premises. The aims of a Fire Risk Assessment are:

- to identify fire hazards;
- to reduce the risk of those hazards causing harm to as low as reasonably practicable; and
- to decide what physical fire precautions and management arrangements are necessary to ensure the safety of people in the premises if a fire does start.

A landlord or specialist contractor can undertake the risk assessment. Most properties will be relatively small and will have a straightforward and simple layout. Therefore, little fire safety expertise is likely to be required to carry out the risk assessment. In larger buildings or where the building contains different uses, i.e. commercial and residential, then specialist advice may be required.

2. Fire precaution requirements:

The requirements expected by the Council will vary according to the observations and findings arising from any inspection undertaken and will be based on the advice detailed in the LACORS Fire Safety guide.

Landlords should also be aware that where premises are occupied in a manner other than that intended under the original construction, compliance with the Building Regulations at the time of that construction will not necessarily negate the requirement for additional fire safety measures.

Although an exhaustive list of likely requirements cannot be given in this document necessary measures may include: fire doors on high risk rooms, fire separation, a fire blanket in the kitchen and automatic fire detection systems.

Landlords are required to test and maintain fire alarm and emergency lighting systems in accordance with the British Standards.

- Grade D fire alarm systems should be tested on a regular basis, not less than monthly and more frequently whenever circumstances require. All detectors must be cleaned at least annually. Testing and maintenance must be in accordance with the manufacturer's instructions. Landlords can self-certify this has been completed.
- Grade A fire alarm systems should be tested on a regular basis, not less than monthly and more frequently whenever circumstances require. The system must be inspected and serviced at periods not exceeding six months in accordance with the recommendations of Clause 45 of BS 5839-1:2013. An

inspection and servicing certificate of the type contained in H.6 of BS 5839-1:2013 should be issued by a suitably qualified and competent person.

- Emergency lighting systems should be tested regularly and a full system test and service must be completed annually by a competent person in line with BS5266.
- Landlords are required to service firefighting equipment annually.

3. Non-standard layout/Higher risk homes:

If the property is of a non-standard layout or if the occupants present a higher risk due to factors such as drug/alcohol dependency or limited mobility then the risk may increase and additional precautions may need to be taken. This must be factored into your Fire Risk Assessment.

An example of a non-typical layout is 'inner rooms' where the bedroom is located such that the occupant passes through risk rooms (living rooms, kitchens or dining rooms) in order to reach the means of escape. There are various solutions available such as escape windows or water suppression systems; these should be discussed with a case officer before undertaking works.

4. Examples:

The following examples are based on typical properties with a simple layout, i.e. where all bedrooms lead onto the means of escape (i.e. the landing and hallway) and do not have to pass through any other room. These are also based on low risk occupants.

Low risk shared houses:

For properties let on a joint contract with shared access to all areas of the property and shared facilities the following requirements apply:

Area	Item	1-2 Storey Property	3 - 4 Storey property	5 Storey property
Fire doors	Doors to kitchen must be 30 minute fire doors with heat and smoke seals.		✓	✓
	Bedroom doors must be solid and close fitting.	✓	✓	✓
	Bedroom doors must be 30 minute fire			

	doors with heat and smoke seals.		✓	✓
	Fire door to living room with heat and smoke seals.		✓	✓
	Doors to any cellars must be 30 minute fire doors with heat and smoke seals.	✓	✓	✓
Fire alarm system	<p><i>BS 5839-6:2004 Grade D, LD3 fire alarm system with smoke detectors in escape route at all levels and heat alarm in kitchen.</i></p> <p><i>Additional interlinked smoke alarms in any cellar.</i></p> <p><i>Additional smoke interlinked alarm in living room.</i></p> <p><i>Additional smoke alarms to bedrooms – only if smoke seals fitted to bedroom doors</i></p>	<p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
Firefighting equipment	<p>Fire blanket in kitchen</p> <p>Simple multi-purpose fire extinguisher in hallway recommended.</p>	<p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p>	<p>✓</p>
Locks on doors	Final exit doors must have a security lock that can be opened from the inside without a key. Break	✓	✓	✓

	<p>glass boxes are not acceptable.</p> <p>Locks on bedroom doors (where provided) must be provided with a lock that can be opened without a key from the inside.</p>	✓	✓	✓
Protected escape route	<p>Under stairs cupboards must have a ceiling that is 30 minutes fire resistant.</p> <p>Cellars must have a ceiling that is 30 minutes fire resistant.</p> <p>30 minute protected escape route.</p> <p>Escape windows (to current building regulation standard).</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>(Alternative solution)</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

Bedsits:

A bedsit is where tenants rent a room and have shared use of a kitchen or bathroom. The tenants will not always know each other and may have locks on their bedroom doors.

Each property will be risk assessed for individual particular needs.

No more than 2 storeys:

- Mains wired interlinked optical type smoke detectors / alarms in common parts, basement / cellar and in all habitable rooms and a heat detector in the kitchen (BS 5839-6:2004 Grade D, LD2);
- 30 minute fire resisting structure to walls and ceilings separating habitable rooms from other habitable rooms, kitchens and the common escape route.
- Fire doors with 30 minute fire resistance, complete with intumescent smoke seals and an overhead self-closing device (FD30S)
- Emergency lighting to common parts (BS5266) where escape route is long or complex

- Fire escape signage where escape route is long or complex
- Provision of a fire blanket and dry powder fire extinguisher in the kitchen and a 9 litre water extinguisher to each floor level.

Or

- A fire sprinkler system (BS 9251:2005) with relaxations on the above requirements.

3 or 4 storeys:

- Mains wired interlinked optical type smoke detectors / alarms in common parts, basement / cellar and in all habitable rooms and a heat detector in the kitchen (BS 5839-6:2004 Grade A, LD2);
- 30 minute fire resisting structure to walls and ceilings separating habitable rooms from other habitable rooms, kitchens and the common escape route.
- Fire doors with 30 minute fire resistance, complete with intumescent smoke seals and an overhead self-closing device (FD30S)
- Emergency lighting to common parts (BS5266) where escape route is long or complex
- Fire escape signage where escape route is long or complex
- Provision of a fire blanket and dry powder fire extinguisher in the kitchen and a 9 litre water extinguisher to each floor level.

Or

- A fire sprinkler system (BS 9251:2005) with relaxations on the above requirements.

Buildings converted into flats:

Compliance with the 1991 Building Regulations will usually be considered sufficient.

In general:

- 60 minutes fire resistance between flats and any commercial premises.
- 30 minutes fire resistance between flats and common parts and other flats.
- 30 minute fire resisting doors to the flat entrances (FD30S)
- Mains wired interlinked optical type smoke detectors/alarms in common areas, basement/cellar and a heat detector in the room/lobby opening onto the escape route (BS 5839-6:2004 Grade D, LD2).
- Mains wired non-interlinked optical type smoke detectors/alarms in hallway (BS 5839-6:2004 Grade D, LD3).

Management:

The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to all HMO's. Please see attached link to the Regulations;

<http://www.legislation.gov.uk/uksi/2006/372/contents/made>

The Regulations can be accessed in full at www.legislation.gov.uk. Under both sets of Regulations the person in control of or managing the HMO has a number of duties:

- Provision and display of the manager's contact information to the occupiers;
- Maintenance of common parts, fixtures, fitting and appliances;
- Maintenance of living accommodation;
- Safety measures, including fire safety;
- Supply and maintenance of gas and electricity;
- Maintenance of water supply and drainage; and
- Provision of waste disposal facilities.

Fit & proper person?

A licence holder and any manager of an HMO must be a "fit and proper" person. Applicants must declare relevant information and appropriate checks will be undertaken to ensure they are fit and proper to operate an HMO.

A database of rogue landlords and property agents has been introduced which can be used to verify / confirm any previous convictions.

Occupiers:

Occupiers of HMO's have a duty to ensure that they take reasonable care to avoid damage and disrepair to the property, and do not obstruct the manager in complying with any Management Regulation.

Refuse disposal & storage facilities:

HMO licences will require the licence holder to comply with their local authority policy for the provision of facilities for the proper disposal and storage of domestic refuse.

Broadland District Council HMO Policy:

Broadland District Council provides bins for household waste collection to all households in the district who pay Council Tax as follows;

- **A standard set of 240 litre bins to each household (one green bin for general refuse and one grey bin for recycling);**
- **A larger 360 litre green bin to households of 5 or more;**
- **A larger 360 litre grey bin is available to any household with large amounts of extra recycling at each collection;**
- **An extra set of bins may be delivered if there is more than one family residing in a property, or an annexe, and is paying separate Council Tax;**
- **Other arrangements can be put in place where there are exceptional circumstances at a property, e.g. a large number of residents or residents with special needs.**
- **Large communal bins are only provided where there is not space for smaller bins to be provided.**

Broadland District Council operates an alternate weekly collection of refuse and recycling waste.

To comply with the requirements of the licence the landlord must:

- Agree suitable waste storage and collection arrangements with Broadland District Council at the earliest opportunity;
- Store all household waste from the property safely and securely within the boundary of the property;
- Ensure all household waste is contained within bins provided by Broadland District Council and that any other waste is dealt with promptly and legally to prevent any potential nuisance issue;
- Ensure all tenants are aware of the household waste collection arrangements for the property including what can be accepted through the refuse and recycling scheme (details are available on the Council's website or from the Environmental Services Department at Broadland District Council);
- Ensure that all household bins are presented by 07:00 on the day of collection and are returned to the property following collection; and

- Legally dispose of any waste generated in any maintenance of the property, including any DIY and construction and demolition waste. The landlord must be able to provide a Waste Transfer Note upon request for such controlled waste.

Housing Health and Safety Rating System (HHSRS):

The Housing Health and Safety Rating System, (HHSRS), is the legislation which gives minimum standards for all homes, including HMO's. When HMO's are inspected, any defects found as part of this procedure will be subject to HHSRS.

It is a risk- based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in properties. There are 29 hazards detailed within the HHSRS, the most common being:

Damp & mould growth:

Houses should be warm, dry, well-ventilated and maintained free from rising and penetrating damp and condensation. There should be adequate provision for the safe removal of steam / moisture to prevent damp and mould growth.

Excess Cold:

Houses should be adequately insulated to prevent excessive heat loss and have an effective heating system capable of maintaining temperature.

An Energy Performance Certificate, (EPC), is required every time a home is put up for sale or for rent. There are a few exceptions, i.e. for a room that's being rented out by a resident landlord and listed buildings may also be exempt.

Entry by Intruders:

Houses should be capable of being secured against unauthorised entry. Windows and doors must be robust and fitted with adequate security. Externally, the curtilage of the property should be restricted and secure. Sheds and outbuildings should be maintained secure and in good repair.

Lighting:

All habitable rooms should have an adequate level of natural lighting. All rooms and circulation areas should have provision for electric lighting.

Electrical Hazards:

The electrical installation should be maintained in a safe condition. There is a legal requirement for the electrical installations in HMO's to be inspected by a competent person every five years.

Flames, hot surfaces, etc.:

Heating and cooking appliances should be maintained in a safe condition and be suitably located so as not to become hazardous. Cooking appliances should be set on an even surface and heating appliances securely fixed in a suitable position within the room.

Falls:

Internally, floors should be even, non-slip and be maintained in a good condition. Stairs should be maintained in good condition and be free from disrepair. Stair coverings should be securely fitted and should not be worn or loose. A securely fixed hand rail should be provided the full length of the stairway. Balconies and basement light wells should have securely fixed guarding.

Externally, paths should be even, properly drained and steps should be maintained in good condition and be free from disrepair.

Personal hygiene, sanitation and drainage:

Bathroom and kitchen surface finishes should be capable of being readily cleaned. The external of the property should be free from disrepair and free from access by pests, such as rats and mice. There should also be suitable provision for the storage of domestic waste inside and adequate receptacles outside the property – see additional section on new licensing requirements for refuse disposal and storage facilities.

Water supply:

An adequate supply of potable drinking water should be available from the kitchen sink. All pipework should be adequately protected from frost damage.

Further information:

Further guidance can be found on the Housing and Safety Rating System via the following link;

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>



Planning:

HMO's with three to six persons:

HMO's occupied by between three and six unrelated persons are defined as Use Class C4 by the Town and Country Planning (Use Classes) Order 1987 (as amended). Dwellings occupied by families or fewer than three unrelated people are defined as Use Class C3.

Planning permission may be required from the Council to change the use of a dwelling to an HMO in Use Class C4.

HMO's with seven or more occupiers:

HMO's with seven or more occupiers require planning permission and owners and managers are recommended to contact the Planning Department to clarify the planning status of the property;

Address: Thorpe Lodge, 1 Yarmouth Road, Thorpe St. Andrew, Norwich, NR7 0DU

Telephone: 01603 430509

Email: planning@broadland.gov.uk

Building Control:

Alteration / improvement works, including those requested by the council such as window replacement, drainage works or alterations to the electrical system, etc. may require Building Regulation or Building Notice approval.

For further information:

Address: CNC Building Control, PO Box 1370, Norwich, NR15 2GX

Telephone: 0808 168 5041

Quotations: quotations@cncbuildingcontrol.gov.uk

General Enquiries: enquiries@cncbuildingcontrol.gov.uk

Technical Advice: technical@cncbuildingcontrol.gov.uk

Applications: applications@cncbuildingcontrol.gov.uk

Further Information:

For further information on the licensing of HMO's please contact the Private Sector Housing Team at Broadland District Council on (01603) 430518.

Applying for an HMO licence:

You can apply for an HMO licence online at our website;

https://www.broadland.gov.uk/info/200128/housing/154/houses_in_multiple_occupati on_hmos

To make a valid HMO licence application you must:

1. Complete the online application form;
2. Sign and return the declaration;
3. Pay the licence fee
4. Submit any required documentation.

HMO Licence Fee:

There is a fee for a five year HMO licence for up to five persons letting. There is a smaller additional fee per extra letting over the initial five lettings. The current fees are detailed on our website. Please use the same link to the website, as above.

Once an application is valid, we will arrange an inspection of the house, before preparing a draft licence called an 'Intention Notice'. The Intention Notice will contain conditions to be applied to the licence.

There is a 14 day consultation period before the final licence is issued. If you disagree with any conditions on the licence, (as detailed in the Intention Notice), you can make representation against the condition. These will be reviewed. We may amend / vary the licence as requested or reject the representation.

The actual licence is then issued. You have the right of appeal to the First Tier Tribunal against conditions on the licence. This must be done within 28 days.

An HMO licence runs for five years from the date of issue.

You must renew your licence before the current licence expires. A valid renewal requires timely submission of the online renewal application form, signed declaration and fee payment.

Renewals received after licence expiry will be rejected and you will be required to submit a full new application and pay a higher fee.

CABINET MEETING – 23 October 2018

Decision List

Resolutions are subject to a 5 working day call-in, recommendations to Council cannot be called-in.

ITEM & HEADING	DECISION
<p>8 WELLBEING PANEL 8 OCTOBER 2018</p> <p>15 - Health And Wellbeing Board – Norfolk And Waveney – Our Joint Health And Wellbeing Strategy 2018–22</p>	<p>RESOLVED</p> <p>to formally sign up to the Norfolk Joint Health and Wellbeing Strategy 2018 – 2022</p>
<p>10 BUDGET FORWARD LOOK 2019-20</p> <p>Head of Finance and Revenue Services</p>	<p>RESOLVED</p> <p>to</p> <ol style="list-style-type: none"> (1) agree the proposed budget setting timetable for 2019/20 and the format of the meeting with Overview and Scrutiny Committee; and (2) agree that a public budget consultation be carried out through <i>Broadland News</i> and the Council's website; and (3) note the need for Portfolio Holders to prepare draft budgets as soon as possible to allow for discussion with the Overview and Scrutiny Committee in December 2018.
<p>11 GREATER NORWICH LOCAL PLAN REG 18 CONSULTATION ON NEW, REVISED AND SMALL SITES AND DRAFT STATEMENT OF CONSULTATION</p> <p>Head of Planning</p>	<p>RESOLVED</p> <p>to</p> <ol style="list-style-type: none"> (1) accept the Greater Norwich Development Partnership recommendation to note the initial part of the draft Statement of Consultation on the Greater Norwich Local Plan; and (2) accept the Greater Norwich Development Partnership recommendation to agree the content of the proposed consultation on new, revised and small sites.

<p>12 DOG FOULING PUBLIC SPACE PROTECTION ORDER</p> <p>Interim Head of Housing and Environmental Services</p>	<p>RECOMMENDED TO COUNCIL</p> <p>to agree to the implementation of a Public Space Protection Order to control dog fouling across the District, and to authorise the Head of Democratic Services and Monitoring Officer to amend the Constitution to delegate enforcement powers to relevant officers.</p>
<p>14 GROUNDS MAINTENANCE CONTRACT</p> <p>Interim Head of Housing and Environmental Services</p>	<p>RESOLVED</p> <p>to approve commencement of a grounds maintenance contract for a 2+up to 2 years contract commencing on 3 November 2019.</p>

Minutes of a meeting of the **Audit Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Thursday 20 September 2018** at **10.00am** when there were present:

Mr N C Shaw – Chairman

Mr P H Carrick

Mrs B H Rix

Mr V B Tapp

Also in attendance were the Head of Finance and Revenue Services, Head of Governance and Monitoring Officer (South Norfolk Council), Internal Audit Manager, ICT and Facilities Manager and the Committee Officer (JO).

Sappho Powell (Ernst and Young) attended the meeting for item 18 – Ey – 2017/18 Annual Audit Letter.

16 APOLOGY FOR ABSENCE

An apology for absence was received from Mrs Vincent.

17 MINUTES

The Minutes of the meeting held on 26 July 2018 were confirmed and signed by the Chairman as a correct record.

Minute no: 10 – Risk Register

The Head of Finance and Revenue Services drew Members' attention to the Council's Risk Strategy; which was tabled along with the most recent Performance Report, which set out the Objectives of the Council and the risks associated with them. She suggested that Members read the papers in advance of the 10 January 2019 meeting, where they could be discussed in conjunction with the most recent Performance Report.

The Chairman advised the meeting that he would still like the Council to have a Risk Register, as this information did not meet the needs of the Committee especially at a strategic level. However, in the interim the Committee would require the risks in the Performance Report updated every three months, in order for Members to effectively fulfil their monitoring role.

The Chairman confirmed he would speak to the Leader regarding this issue.

RECOMMENDED TO COUNCIL

that in the absence of a Risk Register, the Audit Committee receive an updated Performance Report, on a quarterly basis, in order for Members to effectively monitor risks to the Council.

18 EY – 2017/18 ANNUAL AUDIT LETTER

The Committee receives the Annual Audit Letter from External Audit. The Letter gave an unqualified opinion that the financial statements gave a true and fair view of the financial position of the Council as at 31 March 2018 and of its expenditure and income for the year then ended.

The letter also confirmed that the Governance Statement was consistent with External Audit's understanding of the Council and there were no other matters to report in any other areas of External Audit work.

The Committee's attention was drawn to the Data Analytics section of the Letter, which described how analysers were used to capture financial data. Journals had been reviewed by risk based criteria to focus on higher risk transactions, such as journals posted manually and at year-end. The purpose of this approach was to provide a more effective, risk focused approach to auditing the 6,277 journal entries.

The Head of Finance and Revenue Services confirmed that the Council was seeking to increase automated journal entries further to reduce the risk of human error.

The response to a query from the Chairman, Members were advised that IFRS 16 Leases could have a considerable impact on local authority accounting, when introduced in 2019/20. Broadland would need to make an assessment about any measures that might be put in place to mitigate this.

The Committee noted that an additional fee would be levied due to a significant number of disclosure errors and control weaknesses identified by External Audit. The fee had been agreed with management, but was subject to approval by the Public Sector Audit Appointments.

RESOLVED

to note the 2017/18 Annual Audit Letter.

19 PROGRESS REPORT ON INTERNAL AUDIT ACTIVITY

The report reviewed the work performed by Internal Audit in delivering the Annual Internal Audit Plan for 2018/19 during the period 1 April 2018 to 11 September 2018.

Progress to date was in line with expectations with 62 days of programmed work being completed, which equated to 43 percent of the Audit Plan for 2018/19.

During the period covered by the report Internal Audit Services had issued four final reports: Cyber Security; Procurement; Housing Benefits and Local Council Tax Support and Environmental Health.

All audits had concluded in a positive opinion being awarded, indicating a strong and stable control environment to date, with no issues that would need to be considered at year end and included in the Annual Governance Statement.

In response to a query the ICT and Facilities Manager confirmed that the Council had not suffered any incidents of hacking or cybercrime. The Council's ICT systems had an annual health check and had received positive feedback from an ICT penetration testing company. The Council also held user training sessions to promote good ICT security practice and all PCs had scrolling screensavers that reminded staff about the importance of secure passwords.

Similarly, no security problems had arisen through Members' use of ICT. Work was currently being undertaken with the Service Improvement and Efficiency Committee on Members' ICT post the May 2019 District Elections. The indicative figure for Members' ICT, was £49,000, which included data and software, as well as hardware.

Four issues to be addressed had been identified by the Cyber Security Audit. In respect of Monitoring a project had been included in the IT Strategy to implement a system tool for log monitoring,

Quarterly scans had been put in place to monitor vulnerabilities by identifying any PCs that had not been patched, so they could be updated.

A budget had been set aside in the IT Strategy for user training. The Council would also be utilising the Local Government Association to make best use of central Government advice and training.

IT Administrator passwords were currently required to be more complex, but this was a written requirement, rather than a forced condition of access.

Controls were to be put in place to make longer than usual passwords mandatory for IT Administrators. Many systems, such as those in Finance, already had two step access requirements in place as well.

Members were advised that the Internal Audit Follow-Up Report in January would show how the Audit recommendations were being progressed.

In response to a query, the Head of Finance and Revenue Services confirmed that the Council was well prepared for the roll out of Universal Credit on 17 October 2018.

RESOLVED

to note the progress in completing the Internal Audit Plan of work and the outcomes of the completed audits to date for the 2018/19 financial year.

20 AUDIT COMMITTEE SELF-ASSESSMENT EXERCISE

The Audit Committee carried out a self-assessment exercise to ensure full compliance with best practice.

The results of the assessment finalised in 2017 were considered and in particular those areas whereby a partial or no assessment was concluded or whereby action points were recorded. The Committee were requested to assess if progress had been made in the areas noted and make re-assessments as necessary to assure themselves that the outcomes recorded were accurate.

The Committee made the following observations:

Partial assessment: was the role and purpose of the Audit Committee understood and accepted across the authority?

Partially. Although a presentation on the work and remit of the Audit Committee had been made to a recent meeting of Council, it was difficult to engage the wider membership of the Council in the work of the Audit Committee. Member training, post the May 2019 District Elections, would seek to address this issue.

Partial assessment: were the arrangements to hold the Committee to account for its performance operating satisfactorily?

Partially. The Minutes of the Audit Committee were regularly received by Council. Members noted that the Audit Committee had a unique and independent role within the governance structure of the Council.

No assessment: had the Membership of the Committee been assessed against the core knowledge and skills framework and found to be satisfactory?

No. Members were advised that this was not a negative outcome for a local government committee, which was not necessarily expected to have this depth of knowledge. Nevertheless, this was something that could be incorporated in the post May 2019 District Elections audit training.

Partial assessment: had the Committee obtained feedback on its performance from those interacting with the Committee or relying on its work?

Partially. Minutes of the Committee received by Council.

Action Point: Risk implications in reports to be further explored and the Council to look to providing further explanations.

Increased to level 4. Committee satisfied with the risk implications in reports.

Action Point: To consider receiving service reports from Heads of Service at Committee, to bring an insight into the service level risks.

Increased to level 4. Heads of Service had attended meetings of the Committee to update Members on service risks.

Action Point: Financial implications in reports to be further explored and the Council to look to providing fuller explanations.

Remain at level 4. No further action; but Members would maintain a watching brief.

Action Point: To consider a glossary of terms is attached as a standing Agenda item.

Glossary to be incorporated into Audit Committee Agenda.

RESOLVED

to approve the checklist and the associated action points.

21 WORK PROGRAMME

The Risk Register item scheduled for 10 January 2019 was amended to Performance Management and Risk.

The meeting closed at 11.23 am.

Minutes of a meeting of the **Licensing & Regulatory Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 9 October 2018** at **9:30am** when there were present:

Mrs S C Gurney – Chairman

Mrs C H Bannock
Mr K G Leggett MBE

Mr S Dunn
Mr I N Moncur

Mr R J Knowles
Mrs B H Rix

Also in attendance were the Food, Safety and Licensing Team Manager, the Technical Officer (Licensing Enforcement) and the Committee Officer (DM).

20 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs J K Copplestone, Mr N C Shaw, Mr V B Tapp and Mr D B Willmott.

21 MINUTES

The Minutes of the meeting held on 8 August 2018 were confirmed as a correct record and signed by the Chairman.

22 GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES (POLICY STATEMENT)

Members considered the report of the Food, Safety and Licensing Team Manager detailing the outcome of the consultation process in respect of the review of Broadland District Council's Gambling Act Statement of Principles (Policy Statement) and inviting the Committee to recommend the Policy to Council for adoption. The Food, Safety and Licensing Team Manager took Members through the report and explained that 675 letters had been sent out advising groups, organisations, businesses and individuals about the consultation and the Statement had been available in libraries and on the Council's website. Responses had been received from 2 consultees within the consultation period: Gamcare and Gosschalks (on behalf of the Association of British Bookmakers) and 2 further representations received outside the consultation period from Public Health and from Nplaw which Members agreed to have regard to. The representations received from Gamcare, Gosschalks and Public Health were set out in the appendix to the report. The representation from Nplaw was as follows:

- Page 28 of the report (p19 of the Policy) retain the words "by reason only of the fact that"

- Page 22 of the report (p13 of the Policy) add the following paragraph after para 7.58: *“7.59 As the Court has held in a 2008 case, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.”*

Members reviewed the responses to the consultation and gave due weight and consideration to them. The following amendments were then agreed:

- 1 Gamcare – the response was welcome, sensible and practicable but most of the issues were already provided for within the existing Policy or the legislation / guidance. There were only two gambling premises licences in the district and no evidence to suggest this would change. Agreed to make no change to the Policy.
- 2 Gosschalks – the response was welcome, sensible and practicable. Matters relating to mandatory and default conditions were already included within legislation and it was agreed to make no change to the Policy. The matter relating to the evidential basis for the imposition of additional conditions was valid and it was agreed to remove the reference to “a perceived need” on page 24 of the report (page 15 of the Policy). It was also agreed to clarify the number of gaming machines that may be made available on a betting premises (page 28 of the report, page 19 of the Policy).
- 3 Public Health – the support of Public Health was to be welcomed and it was agreed to include their short position statement on Gambling as an appendix to the Policy document.
- 4 Nplaw – it was agreed to retain the words “by reason only of the fact that” on page 28 of the report (p19 of the Policy). It was also agreed to include the following paragraph after para 7.58 on page 22 of the report (p13 of the Policy):

“7.59 As the Court has held in a 2008 case, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles

in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.”

RESOLVED

to agree the amendments to the Policy arising from the appraisal of the responses as set out in paragraphs 1-4 above.

RECOMMENDEND TO COUNCIL

to adopt the updated Gambling Act Statement of Principles (Policy Statement) including the table of delegations and, as a consequence, request the Head of Democratic Services and Monitoring Officer to make the relevant amendments to the Constitution. A copy of the updated Policy Statement is attached at Appendix 1 to the signed copy of these Minutes.

23 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

to exclude the Press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraphs 1, 3 and 7 of Part I of Schedule 12A of the Local Government Act 1972, would be disclosed to them.

24 EXEMPT MINUTES

The exempt Minutes of the meeting held on 8 August 2018 were confirmed as a correct record and signed by the Chairman.

The meeting closed at 10:15 am

Gambling Act 2005

Statement of Principles

Review 2018
(FINAL)

Broadland District Council

Gambling Act 2005

Statement of Principles

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This Statement of Licensing Principles was approved by Broadland District Council on 1 November 2018.

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 5th Edition, published September 2015 (updated September 2016)

PART A

Please note that within this Policy document ‘the Act’ refers to the Gambling Act 2005

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it shall aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission under Section 24;
- in accordance with any relevant guidance issued by the Gambling Commission under Section 25;
- reasonably consistent with the licensing objectives (subject to above) and
- in accordance with the authority’s statement of licensing policy (subject to above).

2. Introduction

2.1 The Local Area Profile

Broadland District Council is a 2nd tier authority in the County of Norfolk which incorporates six other district councils and a county council.

Broadland is located in east/central Norfolk, to the east and north of the City of Norwich. The District covers an area approximately 55,220 hectares, is largely rural in nature but provides a residential dormitory hinterland bordering Norwich. The rural areas are given over to arable and livestock farming and woodlands and plantations.

The District has a population of 124,626 residents (2011 census), located mainly in the nine parishes forming the eastern and northern fringes of Norwich. These expanding and developing suburban areas of the District are predominately residential interspersed with out of town shopping and business parks which are key to the economy of the District together with seasonal tourism, agriculture and agricultural support activities. Population is also centred on the three principal market towns of

Gambling activities within Broadland currently consist of 2 betting shops, 2 unlicensed family entertainment centres and a total of 62 premises with a premises licence authorising the sale of alcohol where gaming machines have been provided by way of notification or permit. There are 15 clubs that hold club machine/gaming permits and there are 167 society lotteries registered (July 2018).

Therefore, any new gambling proposal which seeks to intensify gambling activities will be very carefully considered.

Location of the Broadland area within Norfolk and the British Isles

The map shows the county of Norfolk with the Broadland area highlighted in green. The Broadland area includes the towns of Aylsham, Reepham, Coltham, Wroxham, and Norwich. Other towns marked on the map include Cromer, Holt, North Walsham, Great Yarmouth, Lowestoft, Wymondham, East Dereham, and Acle. Major roads shown are A47, A11, A140, and A146. An inset map in the top right corner shows the location of Norfolk within the British Isles.



Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

Broadland District Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is below.

List of persons this authority consulted:

- Norfolk Constabulary
- Norfolk Fire Service
- Social Services and Trading Standards, Norfolk County Council
- Norfolk Local Safeguarding Children Board
- HM Revenue and Customs
- Maritime Coastguard Agency and The Broads Authority
- The Environment Agency
- Legal Services Department, Norfolk County Council
- Broadland Business Forum and Norfolk Chamber of Commerce and Industry
- Association of British Bookmakers
- BACTA
- British Beer and Pub Association
- British Holiday and Home Parks Association
- Gamblers Anonymous
- Racecourse Association Ltd
- Responsible Gambling Trust t/a Gambleaware
- Gamcare
- Gambling Commission
- National Casino Industry Forum
- The Bingo Association
- Gaming machine suppliers
- Abbotts Leisure Park Ltd
- Head offices of Ladbrokes, Coral, William Hill and Betfred and Local betting shops
- Broadland Councillors, Town & Parish Councils within Broadland
- Broadland District Council Heads of Department, Directors and Chief Executive
- Relevant licence holders in the Broadland district.

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

Our consultation took place between 4 May 2018 and 27 July 2018 and we followed the Cabinet Office Guidance on Consultation (updated March 2018), which is available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles_1_.pdf

The full list of comments made and the consideration by the Council of those comments is available by request to: the Licensing Section, Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU and via the Council's website at: www.broadland.gov.uk

The policy was approved at a meeting of the Full Council on 1 November 2018 and was published via our website on 3 January 2018. Copies were placed in the public libraries of the area as well as being available at the Council Offices.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contacts:

Name: Sarah Harris or Claire Norman

Address: Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU

E-mail: licensing@broadland.gov.uk

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence where provision has been made for them to do so, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

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

4. Responsible Authorities

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

The principles are:

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

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at www.broadland.gov.uk.

5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

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

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

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.9 to 8.17.

Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing team (contact details, page 5).

6. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the

provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

Licensing authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed and costs identified and minimised;
- Accountable: regulators must be able to justify decisions and be subject to public scrutiny;
- Consistent: rules and standards must be implemented fairly and consistently;
- 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.

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other

permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department at Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU or licensing@broadland.gov.uk.

8. Licensing Authority functions

Licensing Authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- issue *Provisional Statements*
- regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issue *Club Machine Permits* to *Commercial Clubs*
- grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register *small society lotteries* below prescribed thresholds
- issue *Prize Gaming Permits*
- receive and Endorse *Temporary Use Notices*
- receive *Occasional Use Notices*
- provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- maintain registers of the permits and licences that are issued under these functions

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

PART B

PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

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

Licensing authorities should make decisions on conditions on a case-by-case basis, and in the context of the principles of s.153. They must aim to permit the use of premises for gambling and so should not attach conditions that limit their use except where it is necessary in accordance with the licensing objectives, the Commission's codes of practice and this Guidance, or their own statement of policy.

Conditions imposed by the licensing authority must be proportionate to the circumstances which they are seeking to address. In particular, licensing authorities should ensure that the premises licence conditions are:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises (including the locality and any identified local risks) and the type of licence applied for
- fairly and reasonably related to the scale and type of premises
- reasonable in all other respects.

(i) Decision making

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

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives (subject to the above); and
- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – page 18) and also that unmet demand is not a criterion for a licensing authority.

This licensing authority also notes Gambling Commission guidance on Appropriate Licensing Environment (previously known as primary gambling activity).

It is not permissible for an operator to offer gaming machines on a premises which is licensed for non-remote betting but not to offer sufficient facilities for non-remote betting. A non-remote betting operating licence authorises its holder to 'provide facilities for betting' (s.65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for 'the provision of facilities for betting...' (s.150(1)(e) of the Act).

The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder of a betting premises licence (s.172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.

This authority notes the Commission's view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises.

Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings.

(ii) Definition of "premises"

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

The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

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

- The third licensing objective seeks to protect children from being harmed or

exploited by gambling. In practice that means not only preventing them from taking part in gambling, but also prevents them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

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

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

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

The Gambling Commission’s Guidance as to relevant access provisions for each premises type is reproduced below:

Casinos

- The principal entrance to the premises must be from a “street” (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

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

Betting Shops

- Access must be from a “street” (as per para 7.23 Guidance to Licensing Authorities) or from other premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.

Tracks

(Section 353 of the Act defines a track as a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place)

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

Bingo Premises

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

Family Entertainment Centre

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

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Location

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

(iv) Planning

The Gambling Commission Guidance to Licensing Authorities states:

7.58 - In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not

yet have a right to occupy them. Part 11 of the Guidance gives more information about provisional statements.

7.59 As the Court has held in a 2008 case, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.65 - "When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building."

(v) Duplication with other regulatory regimes

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

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

Local Risk assessments - The Gambling Commission has introduced provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. The introduction, during 2016, of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to

address local issues and concerns.

Licensees must review (and update as necessary) their local risk assessments:

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

Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

It is expected that licensees will refer to the Licensing Authority's Local Area Profile when complying their risk assessments.

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

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

Ensuring that gambling is conducted in a fair and open way - Generally the Commission would not expect licensing authorities to find themselves dealing with issues of fairness and openness frequently. Fairness and openness is likely to be a matter for either the way specific gambling products are provided 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. However, if licensing authorities suspect that gambling is not being conducted in a fair and open way this should be brought to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.

Protecting children and other vulnerable persons from being harmed or exploited

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

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

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

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

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

Decisions upon individual conditions will be made on a case by case basis. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

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

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and

- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18. These considerations will apply to premises including buildings where multiple premises licences are applicable.

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

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

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

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

Where it is decided that supervision of entrances / machines is appropriate for particular cases, a consideration of whether the door supervisors need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33)

2. Adult Gaming Centres

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

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

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas

- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

3. (Licensed) Family Entertainment Centres

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

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

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

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

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

4. Casinos

No Casinos resolution – This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

5. Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

18.5 – “Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.”

This authority also notes that from 13 July 2011 a holder of bingo premises licences may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. A licence variation must be applied for if operators wish to take advantage of this change to the legislation.

18.7 - 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. Social Responsibility (SR) code 3.2.5(3) states that ‘licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises’ in order to prevent underage gambling.

6. Betting premises

The Act contains a single class of licence for betting premises although within this, there are different types of premises which require licensing.

The Act also permits betting intermediaries to operate from premises. S.13 of the Act defines a betting intermediary as a person who provides a service designed to facilitate the making or acceptance of bets between others. Although betting intermediaries usually offer their services via remote communication, such as the internet, a betting intermediary can apply for a betting premises licence to offer intermediary services upon the premises, such as a premises based trading room.

Licensing authorities are responsible for issuing and monitoring premises licences for all betting premises.

Self Service Betting Terminals (SSBTs)

S.235(2)(c) provides that a machine is not a gaming machine by reason only of the fact it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These SSBTs are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. SSBTs merely automate

the process that can be conducted in person and the Act exempts them from regulation as a gaming machine.

However, where a machine is made available to take bets on virtual races (that is, results and / or images generated by computer to resemble races or other events) that machine **is** a gaming machine and counts towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

The Authority notes the Commission's view that the use of SSBTs is a form of remote communication and that a remote licence will be required if SSBTs are used to facilitate the making or accepting of bets by others.

S.181 contains an express power for licensing authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino).

The holder of a betting premises licence may make up to 4 gaming machines (category B,C or D) available for use.

7. Tracks

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

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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

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

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

Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

The Gambling Act 2005 (Premises Licences and Provisional Statements Regulations 2007) require applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises is fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity (see Guidance to Licensing Authorities, para 20.43).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations (see Guidance to Licensing Authorities, para 20.44).

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track.

This Authority will require that the plan provides sufficient information to enable them to assess an application (see Guidance to Licensing Authorities, para 20.46).

8. Travelling Fairs

Travelling fairs may provide an unlimited number of Category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates. Current stakes and prizes can be found at Appendix B of the Gambling Commission guidance.

Higher stake category B and C fruit machines, like those typically played in arcades and pubs, are not permitted. Fairground operators must source their machines from a Commission licensed supplier and employees working with gaming machines must be at least 18 years old.

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit are to be made

available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27 day statutory maximum for the land being used as a fair applies on a per calendar year basis and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

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

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises is constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage; or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence application (or grant it on terms or conditions different to those attached to the provisional statement) only by

reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the applicant's circumstances; or
- where the premises has not been constructed or altered in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews

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

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

More details including time periods can be found in the Gambling Act 2005 (Premises Licences) (Review) Regulations 2007.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

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

In determining what action, if any, should be taken following a review, the licensing authority shall have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on

the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority shall, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

PART C
Permits / Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not benefit from a premises licence but the operator wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

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 to Licensing Authorities also states: "In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group. (24.8)

This Guidance also states: "...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 might wish to consider asking applicants 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 Schedule 7 of the Act); and
- that employees are trained to have a full understanding of the maximum stakes and prizes. (24.9)

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

This licensing authority has adopted the following Statement of Principles, in respect of unlicensed FECs:

Statement of Principles

The licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they

may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

The Licensing Authority will require the following to be submitted in addition to the application form and fee:

- (1) Proof of the applicant's identity and age;
- (2) Proof of the applicant's right to occupy the premises for which the permit is sought;
- (3) (Where the applicant is an individual) a 'basic' criminal records disclosure dated no earlier than one calendar month on the day the application is received by the Licensing Authority. Where the applicant is a partnership the disclosure must be carried out on all partners. Where the applicant is a company the disclosure must be completed for the company secretary and directors, where applicable. Holders of operating licences issued by the Gambling Commission are exempt from this requirement.
- (4) An insurance certificate (or certified copy) confirming the availability of public liability insurance covering the proposed activity.
- (5) A plan of scale 1:100 of the premises showing:
 - a. The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public.
 - b. The location of any fixed or temporary structures.
 - c. The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises.
 - d. The location of any public toilets within the boundary of the premises.
 - e. The location of CCTV cameras.
 - f. The location of any ATM or other cash/change machines.
 - g. The proposed location of the Category 'D' machines.
 - h. Details of non category 'D' machines (e.g. skill with prizes machines).

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

Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically be permitted to have up to 2 gaming machines, of categories C and/or D. The premises licence holder merely needs to notify the licensing authority and pay the prescribed fee.

The licensing authority can remove the automatic authorisation in respect of any

particular premises if:

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

Permit: 3 or more machines

If a premises licence holder wishes to have more than 2 machines, then they need 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 licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

The Licensing Authority may request a plan of the premises indicating the proposed location of any gaming machines.

It is recognised that some alcohol licensed premises licence holders may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with, as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to

consider in determining the suitability of the applicant for a permit”.

Statement of Principles

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

The licensing authority shall also require (where the applicant is an individual) a ‘basic’ criminal records disclosure dated no earlier than one calendar month before the day on which the application is received by the Licensing Authority. Where the applicant is a partnership the disclosure must be carried out on all partners. Where the applicant is a company the disclosure must be completed for the company secretary and directors, where applicable. Holders of operating licences issued by the Gambling Commission are exempt from this requirement.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach further conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

Members Clubs and Miners’ welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

This licensing authority notes that the Gambling Commission’s Guidance states:

25.44 The Licensing Authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit.

In doing so the Licensing Authority will take account a number of matters as outlined in sections 25.45 –25.47 of the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming and ensuring that there are more than 25 members.

The Licensing Authority may conduct a visit of the premises in advance of granting a permit.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) (i) for a club gaming permit: the applicant is not a members' club or miners' welfare institute
- (ii) for a club machine permit: the applicant is not a members' club, miners' welfare institute or commercial club
- (b) the premises are used by children or young persons
- (c) an offence or a breach of a condition of the permit has been committed by an applicant
- (d) a permit held by an applicant has been cancelled during the last ten years
- (e) an objection has been made by the Commission or local chief officer of police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12, paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance to Licensing 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." and "The grounds on which an application under the process may be refused are that:

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

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

5. Temporary Use Notices

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.

The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

The licensing authority will consider whether they wish to give a notice of objection in respect of a Temporary Use Notice. In considering whether to do so, they must have regard to the licensing objectives and if they consider that the gambling should not take place, or only with modifications, they must give a notice of objection to the person who gave the Temporary Use Notice.

6. Occasional Use Notices

Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

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

7. Small Society Lotteries

This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following

list, though not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities & community groups should contact the Licensing Authority for further advice.

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

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

For initial applications and where there is a change of promoter, the licensing authority reserves the right to require the promoter of the lottery to produce a 'basic' criminal records disclosure.

The Licensing Authority may refuse an application for registration if in their opinion:

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

Where the Licensing Authority intends to refuse registration by a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make clear its procedures on how it handles representations.

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

Part D

Committee, Officer Delegation and Contacts

1. Committee decisions and scheme of delegation

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

Licensing Sub-Committees made up of three Councillors from the main Licensing and Regulatory Committee will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

Where a Councillor who is a member of the Licensing and Regulatory Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

The Council's Licensing Officers will deal with all other licensing applications where either no representations have been received, or where representations have been received and it is decided that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will generally be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing and Regulatory Committee or Sub-Committee. Where representations are taken no further, the person making that representation will be given written reasons as to why that is the case. There is no right of appeal against a determination that representations will not be heard.

The table shown at Annex A sets out the agreed delegation of decisions and functions to Licensing and Regulatory Committee, Sub-Committee and Officers.

This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

2. Contacts

Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:

The Licensing Team
Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich
NR7 0DU

Tel: 01603 430580
Fax: 01603 430616
E-mail: licensing@broadland.gov.uk

Information is also available from:

Gambling Commission

4th Floor

Victoria Square House

Birmingham

B2 4BP

Tel: 0121 233 1096

Website: www.gamblingcommission.gov.uk

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE OR PANEL	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			Head of Housing and Environmental Services
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Public Health and Gambling

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

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

We will support the local authority in the development and review of the Statement of principles, and, where appropriate, a Local profile that identifies the wider health harms relating to gambling that includes Mental health, Housing, community welfare, and debt. All these areas are connected to poor health outcomes, not only for an individual, but for the surrounding family and the community.

DECISIONS ON APPLICATIONS – 5 SEPTEMBER 2018

App'n No	Location	Description of Development	Decision
20180504	Land east of Oaks Lane, Postwick	Redevelopment of the site for a new Church Hall (D1), access, car parking and landscaping	Delegated authority to the HoP to APPROVE subject to no new adverse comments being received on revised plans and subject to conditions
20180987	Sharps Hall Farm, Mill Lane, Horsford	Installation of Mobile Telecommunications (retrospective)	APPROVED subject to conditions

HoP = Head of Planning

DECISIONS ON APPLICATIONS – 3 OCTOBER 2018

Agenda item 6 – application 20181177 – details to be approved under Local Development Order Condition 2.20 at Church Lane, Honingham (Scheme of Highways Works) **APPROVED**

App'n No	Location	Description of Development	Decision
20181294	Greater Norwich Food Enterprise Zone, Red Barn Lane, Honingham	Milling tower building and 6 no: storage hopper silos for food processing and production	Authority delegated to the HoP to APPROVE subject to no new material issues being raised before expiry of the consultation period and subject to conditions
20181336	Land west of Blind Lane, Honingham	Infiltration lagoon to serve Food Enterprise Park	(A) APPROVED the details submitted under condition 2.25 of the LDO and (B) Authority delegated to the HoP to APPROVE the planning application subject to no new material issues being raised before the expiration of the consultation period and subject to conditions
20180491	Street Farm, The Street, Oulton	2,200 Tonne Agricultural Box Potato Store with open loading canopy and lean to housing Farm Office, QC, Welfare Facility and General Secure Machinery Store	APPROVED subject to conditions

Planning Committee

20172208	Land adj Mahoney Green, Rackheath	Residential development for up to 205 dwellings and associated works (outline)	Authority delegated to the HoP to APPROVE subject to the completion of a Section 106 Agreement to secure Heads of Terms and subject to conditions
20180950	24 Cromer Road, Hellesdon	Construction of 2 no: two-storey houses on land to the rear fronting Mayfield Avenue (outline)	APPROVED subject to conditions

HoP = Head of Planning

Strategic plan 2019-22

Broadland Growth Ltd



People • Places • Passion

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*A dynamic, independent,
publicly owned
organisation developing
homes, not houses, and
places to live*



Executive summary

“It is our ambition to be the developer of choice for local communities, delivering homes not just houses, and creating a lifestyle choice that’s affordable to all.”



Broadland Growth LTD (BGL) was formed in 2014 with the aim of providing quality designed homes at affordable prices. BGL prides itself in the delivery of market and affordable homes which are truly tenure blind and maximise the tenure mix to provide the best community benefit for all.

For many years the housing market has seen supply coming from 4 main sectors; Volume house builders, SMEs, custom build and self-build. Many SMEs have disappeared from the market and some have merged or been taken over. This leaves a gap in the market which BGL fulfils. BGL provides affordable homes at levels which meet or are above planning policy requirements, whilst maintaining quality build and space standards.

BGL’s unique selling point is the ability to deliver development with a commercial return whilst also supporting the delivery of community objectives and good quality, well planned new developments. This could include a range of different private rent levels to meet different affordability levels, increased provision of affordable housing and a wide range of property type built to good space standards.

In response to meeting economic objectives and plugging gaps in the housing market BGL also focuses on the economic benefits of development through supporting apprenticeships, job creation and promotion of opportunities in the construction industry. It also supports SME’s and their supply chains in the construction industry.

Our first project, Carrowbreck Meadow, achieved 14 national and regional awards so we know we’ve got it right!

BGL blends the resources of its two shareholders, Broadland District Council and NPS Group with the aim of achieving community living with improvements in the built environment that occupiers will enjoy.

About Broadland Growth Ltd

Our purpose

To provide architect designed quality homes at affordable prices that generate outstanding value for our customers



Our role

To intervene in the market and set an example of delivering good quality living spaces on new developments



Our vision

To be the developer of choice for local authorities, communities and registered providers



Our values

- Affordability
- Community
- Quality
- Sustainability



Our aims

1. Achieve sustainable and profitable growth
2. Expand our customer base and meet our partners needs
3. Make a positive impact on communities
4. Always deliver high quality homes
5. To develop energy efficient homes



Why we are different

We achieve impressive commercial success whilst remaining in public sector ownership.



As part of Broadland District Council and NPS Group we can deliver leading quality and value.



Our unique business model for the public sector, provides the opportunity for landowners in the public sector to create quality changes to the communities we serve. We aim to:

- give a positive customer journey through the build, sales process and after sales to the end of defects
- generate financial returns from developments to invest in public services
- deliver community outcomes from development in consultation with the community
- ensure the Parish/Town Council are consulted appropriately during the planning process, and kept informed through the lifetime of the construction process.



A profitable and publicly responsible approach to new developments.

Our business model for the public sector marries efficiency with innovation to deliver outstanding value whilst demonstrating transparency and delivery.

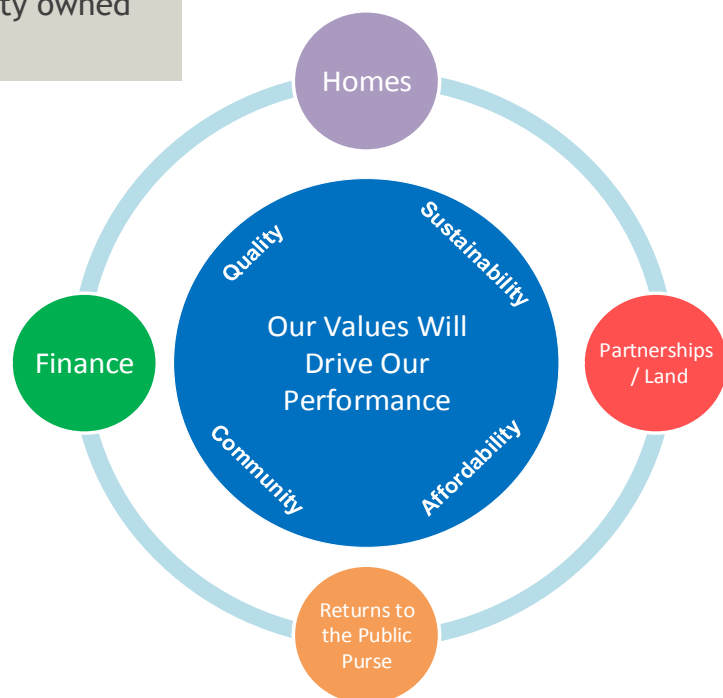
BGL three year plan

We aim to grow the business by 100% over the next three years through:

- acquiring and developing new sites
- increasing our exposure in the public and private sector
- securing new opportunities with the public sector
- actively engaging with communities.

BGL has key objectives over the next five years:

- deliver sustainable and profitable growth
- building balanced tenure blind developments
- increase the return to communities and our shareholders
- maintain the operating margin
- deliver significant returns to the public purse
- explore opportunities of working with local communities to support housing delivery alongside Community Land Trusts and similar community owned bodies.



Economy

Economy - Norfolk has a diverse economy with growing employment sectors including Life Sciences and Biotech at Norwich Research Park and the growth of digital businesses in Norwich. One of the largest growing sectors in Greater Norwich is financial and insurance services, with Greater Norwich being home to one of the largest insurance markets in Europe. Norwich also is home to a significant cluster of global firms and niche markets e.g. specialist insurance companies (NALEP, 2017)

There is a significant farming sector in Norfolk, with a world renowned research based at Norwich Research Park, and home to a Food Enterprise Park at Easton, and important employers in the food and drinks sector. The coast and countryside of Norfolk, including the Broads and Norwich (England's first UNESCO City of Literature) provides lots of great reasons for people to visit Norfolk (NALEP, 2017)

The County is an attractive location for the construction and development industry with the UK's largest urban extension being built in Broadland district. Norfolk has recently secured additional funding from Central Government for infrastructure to open up land for further housing delivery, and secured **funding for delivery on publicly owned land.**

The offer of the New Anglia Local Enterprise Partnership (NALEP) is to attract the highly skilled people needed to work in these sectors including building the right kind of housing and commercial space where it's needed to build communities and places that people want to live in. The economic indicators for achieving this include increasing productivity and GVA, and annual growth of 0.5% in job creation and meeting the objectively assessed housing need of 140,000 new homes by 2036. (NALEP, 2017).



The need for delivery and growth

The delivery of housing has significantly risen up the political agenda over recent years. The Government's white paper 'Fixing our Broken Housing Market' sets out proposals for increasing and speeding up the scale of housing delivery with a number of measures including simplifying plan making, ensuring infrastructure is funded and in the right place to enable homes to be built faster, and diversifying the market. Diversifying the market includes **supporting housing associations and local authorities to build more homes** (CLG, 2017).

Politically the emphasis is on the delivery of housing on the ground, but there is also the issue of housing quality. This relates to the size of homes delivered and the quality of finish, including defects and how these are dealt with by contractors/developers. Also of concern is how development integrates with existing development and the provision of services (particularly health services). This fits in with LAs function of place making.

The **average property price in Norfolk is £236,430** and whilst private sector rents in Norfolk are below the national average, the highest rental levels in Norfolk are seen in Broadland District with the **average monthly rental being £697 per month**. There is a housing affordability issue for households looking to enter the market place, with the **mean annual earnings in Norfolk being £23,514** (2017 figure) with a ratio of house prices to **income above x10** in the districts of Breckland, Broadland, North Norfolk and South Norfolk (National Housing Federation, 2018).

Norfolk's **older population** is projected to increase at a higher rate than the rest of England, with the highest increase in the 75+ age category. The total population in Norfolk is forecasted to increase by 13% by 2036 with 70% of this increase in the 75+ age category, followed by the 65-74 age category (Norfolk County Council, 2018). There is a need to look at housing options that enable older people to live independently in their own homes for longer, and there needs to be good quality, well designed and integrated housing development for older people looking to downsize.

Growth needed:

- more homes built
- well designed housing for those needing to downsize
- affordability, smaller property types for those entering the marketplace
- an emphasis on affordable home ownership products and delivery of Help to Buy
- supported housing schemes for different client groups, housing with care, supported housing for people with mental health issues and learning difficulties
- quality private rented properties for short term tenancies
- quality private rented properties on longer tenancies providing greater security to households
- provision of affordable housing for people whose housing needs cannot be met by the marketplace.

- BGL has returned over £1.2m of cash and assets to the public purse
- Minimum of 10% developers profit
- A unique business model balancing financial returns with the delivery of social/community objectives
- Significant contribution to skills development, training and apprenticeships in the construction sector
- Procurement methodology to support local businesses and trades through development
- Positive and proactive engagement with stakeholders

2019 – 2022 Objectives

Finance

Achieve profitable and sustainable growth

Our 2019-22 objectives

- Effective delivery of projects so that financial and social returns are maximised
- Ensure value for money is maintained through our supply chain
- Achieve profitable growth
- Ensuring timely payments are made to contractors and their supply chain

Customer

Ensure our customer base receives high quality homes whilst sustaining and improving the communities in which we serve

Our 2019-22 objectives

- Maintain and develop further our award winning architect designed homes
- Maintain and improve on the design and space standards of new homes following customer feedback
- Work to build and strengthen Partnerships with the public and private sector

Process

Continue to deliver high quality developments efficiently

Our 2019-22 objectives

Deliver high quality assured services efficiently by:

- reviewing project delivery processes with our stakeholders and supply chain
- reinforcing the current Project Review process
- retain compliance with public sector processes
- maintaining a transparent Risk Register
- having a robust business case approach to projects

People

Become the developer / partner of choice within local authority development industry

Our 2019-22 objectives

- Maintaining a healthy diverse Board of Directors
- Supporting apprenticeships through our supply chain
- To be nominated for award winning development
- Support client partners in their decision making
- Working with communities that are looking into developing Community Land Trusts/Housing Trusts

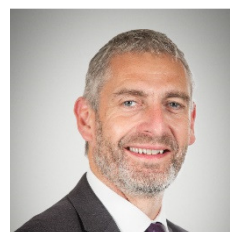
Governance



Andrew Proctor
Director and Chairman



Shaun Vincent
Director



Simon Hersey
Director



Richard Gawthorpe
Director



Phil Kirby
Director



Melvyn Stone
Client Project
Management



Hazel Ellard
Client Project
Management

Governance

The Board meets at least once a quarter and more regularly as projects dictate. Finance and Project Management meetings are held every month.

Business Model

- There is always an element of risk in property development and BGL's business model shares that risk between its shareholders
- BGL utilises more than one source of finance and benchmarks its funding against market rates
- BGL has access to a wealth of experience in design and build construction which has provided award winning results at a fixed price
- Public sector risk management is at the heart of BGL's delivery



- Knowledge and experience of housing need and demand
- Knowledge of Registered Providers and marketing and sales of affordable home ownership products
- Knowledge and experience of Help to Buy
- 'Trust' from customers in BGL as a developer

- Wherever viable we do "Add social value in development" to deliver community objectives
- We actively pursue a Place Making role and ensure developments contribute to this
- We provide joined up service delivery
- We maximise social return from development
- We seek a commercial return to invest in public service delivery
- We provide an after care service and management of communal areas



JOINT SCRUTINY COMMITTEE TERMS OF REFERENCE

1. Meetings

- 1.1 The Joint Scrutiny Committee will meet on an *ad hoc* basis, linked to the key stages of collaborative working between Broadland District Council and South Norfolk Council, as reports are progressed through for Member decision at each authority.

2. Membership

- 2.1 Broadland District Council and South Norfolk District Council shall appoint six members, with a political split of 5:1, of each council as voting members of the Committee, appointed from the political parties in proportion to the number of Council members from each political group.
- 2.2 Named substitutes may attend and vote at meetings of the Committee.
- 2.3 Two joint Chairmen of the Group shall be appointed, to be the Chairman of each Authority's Scrutiny Committee. The role of Chairman shall alternate between Broadland District Council and South Norfolk Council on a meeting by meeting basis, dependent on which Council is hosting the meeting.
- 2.4 In the absence of the host authority Chairman the meeting will be chaired by the non-host Chairman. In the absence of both Chairman the Group will appoint a Chairman for the meeting.

3. Quorum

- 3.1 A minimum of three members of each council (either members or named substitutes) must be present to transact any business of the Committee.

4. Voting

- 4.1 The Chairman for the meeting has the discretion to conduct a vote either by show of hands or, if there is no dissent, by affirmation of the meeting.
- 4.2 If there are equal numbers of votes for and against, the Chairman of the meeting will have a second or casting vote.

5. Venue and Time

- 5.1 Meetings will be held in appropriate locations for the business, as determined by the Committee, at venues that are accessible to the public.
- 5.2 Meetings will commence at a date and time to be agreed by both of the Chairmen.

6. Protocol and Openness

- 6.1 The Chairman of the meeting will be responsible for maintaining order and the effective conduct of business at meetings of the Committee. Members will be required to abide by their respective Council's Code of Conduct.
- 6.2 Any members of either Council may attend and speak at meetings of the Group, but not vote.
- 6.3 At the discretion of the Chairman of the meeting, any member attending the meeting may speak for five minutes in total.
- 6.4 At the commencement of each item of the Committee's business as set out on the agenda for the meeting, the Chairman for the meeting will introduce any witnesses and will ask for any other person who wishes to speak to identify themselves.

7. Terms of Reference

- 7.1 To receive reports on the shared services project as the need arises, making recommendations to respective Cabinets and / or Council.

8 Secretariat

- 8.1 Meetings will be convened and clerked by the host authority where the meeting is held.

9 Public Speaking?

- 9.1 Public speaking will be at the discretion of the Chairman.



COUNCIL

Thursday 1 November 2018

Final Papers

Item	Details	Page No
10 (2)	<u>Cabinet</u>	138 – 147

To receive the Minutes of the meeting held on 23 October 2018

DEMOCRATIC SERVICES

Broadland District Council

Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU

Tel: 01603 430428

Email: cst@broadland.gov.uk

Minutes of a meeting of the **Cabinet** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 23 October 2018** at **9.00 am** when there were present:

Mr S A Vincent – Policy (Chairman)

Portfolio holders:

Mrs J K Copplestone	Economic Development
Mr J F Fisher	Environmental Excellence
Mr R R Foulger	Housing and Wellbeing
Mrs T M Mancini-Boyle	Finance
Mr I N Moncur	Planning
Mr G Peck	Transformation and Organisational Development

Mrs Bannock, Mr Emsell and Mr D Harrison also attended the meeting for its duration.

Also in attendance were the Deputy Chief Executive, Head of Democratic Services and Monitoring Officer, Corporate Finance Manager, Spatial Planning Manager, Environmental Protection Manager, Environmental Protection Manager (Special Projects) and the Committee Officer (JO).

47 MINUTES

The Minutes of the meeting held on 25 September 2018 were confirmed as a correct record and signed by the Chairman.

Minute no: 45 – Land at Salhouse Road, Panxworth

The Chairman advised Members that Broadland Growth Ltd had assessed the site at Panxworth and had not considered that it was a suitable project for the company to develop. This item would therefore be reconsidered at the Cabinet meeting on 20 November 2018.

48 REPRESENTATIONS FROM NON CABINET MEMBERS

The Chairman agreed that, at his discretion, all non-Cabinet Members in attendance be allowed to join the debate at the relevant point of the proceedings on request.

49 OVERVIEW AND SCRUTINY COMMITTEE

The Chairman of the Overview and Scrutiny Committee advised Members on the views expressed by the Committee when it reviewed the Cabinet Agenda on 16 October 2018, as each item was considered.

50 WELLBEING PANEL

Cabinet received the Minutes of the meeting of the Wellbeing Panel held on 8 October 2018.

Minute no. 15 - Health and Wellbeing Board – Norfolk and Waveney – Our Joint Health and Wellbeing Strategy 2018–22

The Wellbeing Panel had received a report from the Health and Wellbeing Board, which requested that Broadland sign up to the Norfolk Joint Health and Wellbeing Strategy 2018 – 2022. This would allow the Council to take on a more active role in the health and wellbeing of the District.

RESOLVED

to formally sign up to the Norfolk Joint Health and Wellbeing Strategy 2018 – 2022.

Minute no. 17 - Transforming Children's Centre Services – Norfolk County Council

The Portfolio Holder for Housing and Wellbeing advised the meeting that a response to the proposals for a new early childhood family service was being drafted and would be submitted shortly.

51 PLACE SHAPING PANEL

Cabinet received the Minutes of the meeting of the Place Shaping Panel held on 9 October 2018.

52 BUDGET LOOK FORWARD 2019-20

The report presented a provisional forward look at the Council's medium term financial position, which was the start of the budget setting process for 2019-2020.

As the Government was consulting on increasing the baseline before the New Homes Bonus was paid, an estimate had been included in the Medium Term Financial Plan (MTFP) at 0.5 percent, instead of the current 0.4 percent.

In order to align more closely with South Norfolk Council, the MTFP set out the budget for the next five years, instead of three years which had been the practice at Broadland for a number of years.

The initial draw on general reserves was estimated at £0.823m in 2019-20, totalling £2.724m over the three years to 2022, which would leave reserves at £9.533m.

An advertisement would be placed in a local paper to meet the statutory requirement to consult with businesses during the budget setting process and Members were requested to consider options for consulting with the wider community. The Portfolio Holder for Finance advised the meeting that it was not proposed to increase Council Tax in 2019/20. However, the Special Expense for footway lighting was set to increase by £5 during this period.

Some specific service charges had already been identified; these included: collecting clinical waste (estimated to cost between £60,000 and £80,000) and the Members' Grant Scheme, which had a budget of £23,500.

The budget process would now follow in order to set an appropriate budget for 2019/20 for Council to consider in February 2019.

Members requested that officers confirm the Council taxbase for 2019/20, as soon as possible, to allow parish and town councils to set accurate precepts.

RESOLVED

to

- (1) agree the proposed budget setting timetable for 2019/20 and the format of the meeting with Overview and Scrutiny Committee;
- (2) agree that a public budget consultation be carried out through *Broadland News* and the Council's website; and
- (3) note the need for Portfolio Holders to prepare draft budgets as soon as possible to allow for discussion with the Overview and Scrutiny Committee in December 2018.

Reasons for decision

The report was a factual account.

53 GREATER NORWICH LOCAL PLAN REG 18 CONSULTATION ON NEW, REVISED AND SMALL SITES AND DRAFT STATEMENT OF CONSULTATION

The report presented proposals for a consultation on new, revised and small sites, which had been submitted for the Greater Norwich Local Plan (GNLP), as well as a first draft of the Statement of Consultation for the GNLP.

The first draft of the Statement of Consultation provided a detailed summary of around 3,000 responses to a consultation held between January and March 2018. During the consultation over 200 new sites had been put forward for potential allocation in the GNLP. These sites would now be consulted on between 29 October and 14 December 2018. The draft Plan would then be consulted upon in September 2019.

The Greater Norwich Development Partnership Board had recommended that the Greater Norwich authorities note the content of the Statement of Consultation and agreed the content of the proposed consultation on new, revised and small sites.

RESOLVED

to

- (1) accept the Greater Norwich Development Partnership recommendation to note the initial part of the draft Statement of Consultation on the Greater Norwich Local Plan (attached at Appendix 1 to the signed copy of these Minutes); and
- (2) accept the Greater Norwich Development Partnership recommendation to agree the content of the proposed consultation on new, revised and small sites (attached at Appendix 2 to the signed copy of these Minutes).

Reasons for decision

To accept the recommendations of the Greater Norwich Development Partnership

54 DOG FOULING PUBLIC SPACES PROTECTION ORDER

The report proposed implementing new legislation in respect of dog fouling, which would cover more areas of the district than existing legislation, as well as increasing the level of fixed penalty notice that could be issued to an offender.

Broadland currently used the Dogs (Fouling of Land) Act 1996 to issue owners with a fixed penalty notice of £50, if they failed to clear up after their dog. If taken to Court they could also face a maximum fine of £1,000. However, the legislation contained a number of exemptions for certain types of land (marshland, moorland, heathland, woodland, common land and roads with a speed restriction above 40 mph), which had prevented action being taken in the past against irresponsible owners in these areas.

It was therefore proposed to introduce a Public Spaces Protection Order (PSPO) under the Anti-Social Behaviour Crime and Policing Act 2014. This would then apply to the whole of the district and the level of fine that could be issued would also double from £50 to £100.

The Portfolio Holder for Environmental Excellence informed the meeting that introducing a PSPO would make enforcement both easier and more effective in the district.

If approved, it was proposed to highlight the legislation as part of a refreshed 'Top Dog' campaign to encourage all dog owners to clear up after their pets.

RECOMMENDED TO COUNCIL

- (1) to agree to the implementation of a Public Space Protection Order (copy attached at Appendix 3 to these Minutes) to control dog fouling across the district and
- (2) to authorise the Head of Democratic Services and Monitoring Officer to amend the Constitution to delegate enforcement powers to relevant officers.

Reasons for decision

To simplify where dog fouling offences could be committed and to cover more areas of the District than current legislation allowed and to raise the level of fine from £50 to £100.

55 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

to exclude the Press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 would be disclosed to them.

56 GROUNDS MAINTENANCE CONTRACT

The report recommended that a procurement exercise be commenced for the Council's grounds maintenance contract from November 2019 to November 2021.

Following work carried out to look at the future delivery of the service and the legal advice received, it was recommended that a procurement exercise be commenced for the grounds maintenance service and a contract awarded from November 2019 to November 2021, with up to two years extension.

RESOLVED

to approve commencement of a grounds maintenance contract for a 2+up to 2 years contract commencing on 3 November 2019.

Reasons for decision

To allow sufficient time to align the contract with the waste and street cleansing contract, so that joint procurement could be considered as a future option.

The meeting closed at 9.31am

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

BROADLAND DISTRICT COUNCIL PUBLIC SPACES PROTECTION ORDER No. 1/2018

1. This Order is made by Broadland District Council ("the Council") under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and this Order may be cited as the Broadland District Council Public Spaces Protection Order No. 1/2018.
2. The Council is satisfied that:
 - (a) Activities being the fouling of land by dogs and the failure to remove dog faeces in the restricted areas as described below in article 5(1) have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the restricted areas and they will have such an effect.
 - (b) The effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature and is, or likely to be, such as to make the activities unreasonable and justifies the restrictions imposed by this Order.
 - (c) The restricted areas in respect of article 5(1) of this Order for the avoidance of doubt include but are not limited to all public highway including footway, verge and footpath, all public parks, pleasure grounds, sports grounds, recreation grounds, playing fields, cemeteries and play areas where these are open to the public as of right or by virtue of express or implied permission.
3. Under section 67 of the Act it is a criminal offence for a person without reasonable excuse to do anything that the person is prohibited from doing by a public spaces protection order, or to fail to comply with a requirement to which the person is subject under a public spaces protection order. A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the local authority did not have the power to include in the public spaces protection order.
4. This Order comes into force at midnight on (insert date) for a period of 3 years unless extended under section 60 of the Act.

5. REQUIREMENTS AND PROHIBITIONS

5(1) FOULING - REQUIREMENT TO REMOVE DOG FAECES

Subject to article 7 below if within the administrative area of the Council a dog defecates at any time on land to which the public or any section of the public has access, on payment or

otherwise, as of right or by virtue of express or implied permission the person who is in charge of the dog at the time shall remove the faeces from the land forthwith.

6. OFFENCE

A person failing to comply with the requirement set out in article 5(1) of this Order shall be guilty of an offence unless:-

- (a) he or she has a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his or her failing to do so.

7. EXEMPTIONS

Nothing in article 5(1) of this Order shall apply to a person who:-

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) has a disability which affects his or her mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which he or she relies for assistance. A registered charity means a charity registered with the Charity Commission for England and Wales

8. FOR THE PURPOSE OF THIS ORDER

- 8(1) A person who habitually has a dog in his or her possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
- 8(2) Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land to satisfy the requirement of article 5(1).
- 8(3) The Council does not consider being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces is a reasonable excuse for failing to remove the faeces as required by article 5(1).

9. **PENALTY**

A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

10. **FIXED PENALTY NOTICE**

10.1 A constable or an authorised officer of the Council or a person authorised by the Council in that regard may issue a fixed penalty notice to anyone who he or she believes has failed without reasonable excuse to comply with the requirement as set out in article 5(1) of this order and thus has committed an offence under section 67 of the Act.

10.2 The level of the fixed penalty shall be £100 save that if the fixed penalty is paid within 10 days following the date of the notice the amount payable is reduced to £80.

10.3 A person who pays the fixed penalty within the period of 14 days following the date of the notice may not be convicted of the offence in respect of which the fixed penalty notice was issued.

Dated.....

The common seal of Broadland District Council was affixed in the presence of

Signature.....

Authorised Officer –

Challenging the Validity of Orders

An interested person may apply to the High Court to question the validity of:-

- a. This Order, or
- b. A future variation of this Order.

“interested person” means an individual who lives in the restricted area or who regularly works or visits that area.

An interested person may apply to the High Court within six weeks from the date in which the Order is made, on the grounds that:

- a. The Council did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied);
- b. A requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the Order or variation.